

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 30, 2023



APPLICATION NUMBER - NAME
 #2023-026 – 14 Middle Patent Road, Site Plan
 and Accessory Structure over 800 s.f. special
 use permit Application

SBL
 95.03-1-42

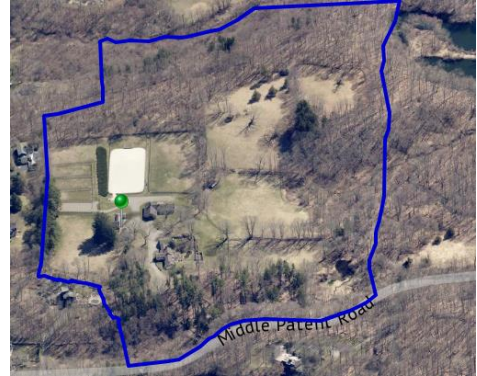
MEETING DATE
 July 10, 2023

PROPERTY ADDRESS/LOCATION
 14 Middle Patent Road

BRIEF SUMMARY OF REQUEST

The 42.23 acre property is improved with an existing equestrian facility for 10 horses (Town Board SUP issued in 2008).

The Applicant is proposing to increase the number of horses on the property from 10 to 26. In addition, the Applicant is proposing a 1,341 s.f. expansion to the existing barn (14 horses), the continued use of a small 2 stall barn (2 horses) and the construction of a new 10 stall stable.



PENDING ACTION: Plan Review Town Board Referral Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-4A One-Family Residence District (4 acre)	Existing lot with home and equestrian facility	Residential	Barn addition, new 10 stall stable.	42.23 acres

PROPERTY HISTORY

2008 and 2009 approvals for a 10 horse equestrian facility from the Town Board and Planning Board.

COMPATIBILITY with the COMPREHENSIVE PLAN

- Continue to protect natural resources and environmentally sensitive areas such as rivers, streams, lakes, ponds, wetlands, flood plains, aquifers, wildlife habitats, steep slopes and forested areas, significant trees, and woodlands, among others, from unnecessary and avoidable impacts.
- Continue strong protection of tree cover through the tree removal permitting process.
- Preserve the current overall development pattern of North Castle and its neighborhoods. Be sure new development responds to environmental constraints, particularly for preservation of the New York City watershed.
- Maintain the quality-of-life created by physical and natural attributes, by structuring development that promotes sound conservation measures.
- The Town should encourage residential development that is compatible in scale, density, and character with its neighborhood and natural environment.

STAFF RECOMMENDATIONS

1. The Applicant should be directed to address the comments identified in this staff report.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> 1. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). 2. The Planning Board will need to provide a recommendation with respect to the requested special use permit to the Town Board. 3. Pursuant to Section 12-18.A of the Town Code, all site development plans submitted to the Planning Board are required to be referred to the Architectural Review Board (ARB) for review and comment. 4. A public hearing regarding the site plan and special use permit will need to be scheduled. 5. Since this lot is in excess of 10 acres, the project should be referred to the Conservation Board, pursuant to Section 239-y.3.a of NY General Municipal Law. 6. The property is located within a Flood Zone. A Floodplain Development Permit must be filed with the Building Department prior to the issuance of a Building Permit. 7. The application for special use permit approval requires referral to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code. 	<p><u>Staff Notes</u></p> <p>The Planning Board should determine whether it wishes to proceed as Lead Agency or whether the Town Board should be Lead Agency.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The Applicant should note whether any new paddock area is proposed to be constructed. If no new paddock areas are proposed, a note stating such should be added to the plans. 2. The site plan should be revised to depict proposed tree removal. If no tree removal is proposed, a note stating such should be added to the plans. 3. All proposed elevations should depict proposed building height (average grade to roof midpoint) and maximum exterior wall height (lowest grade to roof midpoint). 4. The Applicant will need to submit a gross land coverage calculations worksheet and backup exhibit for review. 5. The Applicant will need to submit a gross floor area calculations worksheet and backup exhibit for review. 6. It appears that Town-regulated wetland and wetland buffer disturbance is not proposed as all existing paddock areas within the wetland buffer are outside of the proposed area of disturbance. The Applicant shall confirm that a wetland permit is not required. 7. Pursuant to Section 355-40.D(1) of the Town Code, the facility can't have a commercial component. The Applicant should provide the Town Board and Planning Board with a description of the proposed use of the facility and confirm there will not be a commercial component to the proposed use. The Applicant should specifically address whether any commercial activity will occur (including payment, bartering, etc.) and whether all horses are owned by the Applicant. 8. Pursuant to Section 355-40.D(2) of the Town Code, all buildings and grazing and exercising areas shall be set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district, except that the Town Board may either increase or decrease this setback requirement because of relationships to neighboring properties, topography or the installation of buffer, landscaping and/or fencing. In no case, however, shall the minimum setback from adjacent residential property boundaries be less than 25 feet. <p>The Applicant should provide a plan and narrative regarding compliance with this section of the Town Code.</p>	<p>All architectural plans will need to contain the seal and signature of the professional preparing the plans.</p> <p>If no new grazing/paddock/exercise area are proposed this section is moot.</p>

9. The site plan should be revised to depict all existing and proposed lighting. The lighting plan shall be designed to be residential in nature and not create impacts upon adjacent properties.
10. If proposed, a detail of proposed fencing should be included for review.
11. Pursuant to Section 355-40.D(4) of the Town Code, horses must be fenced and shall not be permitted to graze, exercise or in any way intrude into any areas designated as controlled areas under Chapter 340, Wetlands and Watercourse Protection, of the Town Code.
12. The Applicant should confirm that all existing structures proposed to remain have valid Certificates of Occupancy issued by the Building Department.
13. The proposed new 10 horse stable appears to be in excess of 800 square feet and, therefore, the Applicant must secure a Planning Board special permit for this structure. The plans should note the size of the stable (in s.f.) and the elevations should be revised to demonstrate that the stable does not exceed a height of 22 feet (maximum permitted). The Applicant must also demonstrate that the stable is less than 25% of the gross floor area of the main house and depict the calculations used to demonstrate compliance.
14. The Applicant will need to submit plans to the building department demonstrating that all barns will contain a fire alarm with central station monitoring and fire doors as deemed appropriate by the Town Fire Inspector and the Building Inspector.
15. The Applicant will need to submit plans to the building department demonstrating the installation of a spray system in each of the barns for the control of insects, flies and rodents to the satisfaction of the Building Inspector.
16. The following notes should be added to the site plan:
 - Pursuant to Section 355-40.D(1) of the Town Code, horses shall be solely for the non-commercial use and enjoyment of residents and their guests; no for-profit horse shows shall be permitted. No public lessons, no private lessons, except for guests of family members, or performances shall be permitted.
 - The Applicant shall schedule three inspections of the site with the Town Building Inspector each year (one in the winter, one in the spring and one in the fall). If the Town Building Inspector finds any violations of the special permit or any other law or ordinance of the Town of North Castle during the inspection or at any other time, the Applicant shall immediately correct said violation and shall notify the Town Building Inspector of the correction or the special permit shall be revoked.
 - The bins used for storage of manure and other wastes shall be carted off site a minimum of one time per week, not before 8:00 A.M., nor after 4:00 P.M. weekdays only, and a contract for such service shall be submitted to the Town of its review.
 - Deliveries of hay, feed or other materials and supplies shall only be made and accepted during the hours of 8:00 A.M. to 4:00 P.M. weekdays.
 - The applicant shall comply with Section 355-15(N) of the Zoning Code, which prevents the source of outside lighting from being seen from any adjacent residential property.
 - The maximum number of horses to be on the premises at any one time shall not exceed 26.
 - The applicant shall comply with the submitted plan for the storage of manure and other waste materials on the site. In addition, the applicant shall screen all manure and other waste containers from public view and/or put them in an enclosure.
 - The applicant shall comply with the submitted plan for vermin proof storage areas for the animal feed and for the safe storage of pesticides and herbicides needed for the operation of the stables.

If no new grazing/paddock/exercise area are proposed this section is moot.