

**18. Rockledge Farm (348 Whippoorwill Road) (TM#101.10-2-10)**

Council Member Morton moved, seconded by Council Member Katz, to adopt the following resolution:

**WHEREAS**, application was made by Rockledge Farm, LLC (the “Applicant”) to the Town Board of the Town of New Castle (“Town Board”) for a special use permit to allow the farming of crops and raising of livestock pursuant to Section § 60-430(O)(10) of the Code of the Town of New Castle, on the former 34.82 Acre Twin Oaks Swim and Tennis Club, located at 348 Whippoorwill Road (on the east side) and known as Tax Map # 101.10-2-10 in the R-2A Single Family Residential Zoning District in the Town of New Castle; and

**WHEREAS**, the Applicant has proposed to re-purpose the former Twin Oaks Swim and Tennis Club as a farm using organic and regenerative practices; and

**WHEREAS**, Rockledge Farm (the “Farm”) will house chickens, goats, sheep, llamas and bees/beehives; and

**WHEREAS**, the Farm will include the farming of crops such as the growing of seasonable vegetables, fruits and flowers for the production of maple syrup, fresh eggs, honey, wool from farm lambs and fleece from llamas; and

**WHEREAS**, Rockledge Farm is intended to be a private flower, fruit, vegetable, egg and honey farm dedicated to regenerative, minimal-till farming practices. All farm areas are to be linked by existing paved and unpaved roads, as well as grassed and earthen pathways/travelways; and

**WHEREAS**, on February 27, 2020, the Applicant applied to the New Castle Zoning Board for a Special Use Permit to operate the farm; and

**WHEREAS**, after discussion with the New Castle Zoning Board of Appeals and further review by Town Staff, the Applicant reshaped and refined the project and was redirected to submit the application for a Special Use Permit to the Town Board Farming of Crops and/or raising of livestock; and

**WHEREAS**, on November 18, 2020, the Applicant applied to the New Castle Town Board for a Special Use Permit to operate the regenerative farm and submitted the following materials associated with their request for a Special Use Permit for consideration by the Town Board:

- Cover letter from Jeri Barrett, R.L.A., J.D. Barrett & Associates, LLC, dated November 18, 2020;
- Full Environmental Assessment Form, signed February 27, 2020;
- Plan titled “Topographic Survey prepared for 54 Kids, LLC”, prepared by Robert S. Johnson, P.L.S., dated May 4, 2017;
- Plan titled “Topographic Survey of Property Tax Lot 13 and Tax Lot 14”, prepared by Thomas C. Merritts Land Surveyors, P.C., dated June 3, 2015;

- Plan titled “Existing Conditions Plan”, prepared by J.D. Barrett & Associates, LLC, dated March 27, 2020 and last revised October 30, 2020;
- Plan titled “Rockledge Farm Site Photos/Existing Conditions”, prepared by J.D. Barrett & Associates, LLC, dated February 26, 2020 and last revised October 30, 2020;
- Plan titled “Rockledge Farm Location Map (Aerial)”, prepared by J.D. Barrett & Associates, LLC, dated October 30, 2020;
- Plan titled “Rockledge Farm Location Map (Planimetric)”, prepared by J.D. Barrett & Associates, LLC, dated October 30, 2020; and

**WHEREAS**, on May 4, 2021, the Town Board adopted a resolution to refer the application for the Special Use Permit to the Town Planning Board, Town Architectural Review Board and the Westchester County Planning Board for their respective review and report; and

**WHEREAS**, during the course of the Town Board’s review of the Application, the Town Board also received and considered the following correspondence from Town Staff, Town Consultants, and government entities and officials as follows:

- Memorandum to the ZBA from Robert Cioli, P.E., Town Engineer dated May 17, 2020;
- Memorandum to the ZBA from Dennis Corelli, PWS, Environmental Coordinator dated May 18, 2020;
- Memorandum to the ZBA from Sabrina D. Charney Hull, AICP, Director of Planning dated May 19, 2020;
- Memorandum to the Chairman of the ZBA from Sabrina D. Charney Hull, AICP, Director of Planning dated May 19, 2020;
- Memoranda to the Town Board from the Staff of the Development Department dated January 7, 2021 and April 28, 2021;
- Memorandum to the Town Board from Sabrina D. Charney Hull, Director of Planning dated June 17, 2021;
- Memorandum to the Town Board from Thomas Depole III, Building Inspector dated June 21, 2021;
- Letter To the Town Board from Russell Maitland, Chief of the Chappaqua Fire Department dated May 20, 2021;
- Memorandum to the Town Board from Dennis Corelli, PWS, Environmental Coordinator dated June 22, 2021;
- Memorandum to the Town Board from Robert Cioli, P.E. Town Engineer dated June 22, 2021;
- Letter to the New Castle Zoning Board from the Westchester County Planning Board dated November 13, 2020;
- Memo from Robert Kirkwood, Chair of the New Castle Planning Board to the Town Board dated June 1, 2021; and

**WHEREAS**, by letter dated May 17, 2021, the Westchester County Department of Planning determined pursuant to NYS General Municipal Law Sections 239-m & 1 that the proposed special permit application is a matter for local determination; and

**WHEREAS**, the applicant appeared at the Planning Board Meetings of May 18, 2021 and June 1, 2021, and thereafter the Planning Board provided written comments to the Town Board

regarding (a) animal grazing and understory maintenance and (b) stormwater runoff in watershed property; and

**WHEREAS**, the Architectural Review Board reviewed the proposed project at their meeting of May 19, 2021 and had no comment; and

**WHEREAS**, on June 23, 2021, a duly advertised public hearing was held on this matter, at which time all those wishing to be heard on the Application were given such opportunity, and the public hearing was continued to July 13, 2021; and

**WHEREAS**, on June 23, 2021, the Town Board adopted a resolution to declare its intent to be Lead Agency under the State Environmental Quality Review Act ("SEQRA") and directing that notice of the Town Board's declaration of Lead Agency, along with other relevant documents, be circulated to and among the Involved Agency, the Westchester County Department of Health; and

**WHEREAS**, the public notice of the public hearing was printed in the newspaper on June 30, 2021; and

**WHEREAS**, notice of the public hearing was mailed by certified mail to all abutting property owners on June 28, 2021; and

**WHEREAS**, on June 25, 2021 the Westchester County Department of Health indicated that they did not have any objections to the New Castle Town Board acting as Lead Agency for the Environmental Review; and

**WHEREAS**, during the course of the review of the Application, the Applicant has revised and finalized the following materials which note the complete application associated with their request for a Special Use Permit;

- Cover letter from Jeri Barrett, R.L.A., J.D. Barrett & Associates, LLC, dated June 14, 2021;
- Memorandum from Madeline Wachtel, Rockledge Farm regarding Rockledge Farm Regenerative Farming Practices, dated June 14, 2021;
- Full Environmental Assessment Form Part 1, dated June 16, 2021;
- Coverage Calculation Worksheet dated May 3, 2021;
- Document titled "Rockledge Farm Location Map (Aerial)", prepared by J.D. Barrett & Associates, LLC, dated October 30, 2020;
- Document titled "Rockledge Farm Location Map (USGS)", prepared by J.D. Barrett & Associates, LLC, dated October 30, 2020;
- Special Use Permit Application, dated February 27, 2020;
- Full Environmental Assessment Form, signed February 27, 2020 and last revised June 14, 2021;
- Plan titled "Topographic Survey prepared for 54 Kids, LLC", prepared by Robert S. Johnson, P.L.S., dated May 4, 2017;
- Plan titled "Survey of Property Tax Lot 13 and Tax Lot 14", prepared by Thomas C. Merritts Land Surveyors, P.C., dated June 3, 2015;
- Plan titled "Topographic Survey of Property Tax Lot 13 and Tax Lot 14", prepared by Thomas C. Merritts Land Surveyors, P.C., dated June 3, 2015;

- Plan titled “Rockledge Farm Master Plan”, prepared by J.D. Barrett & Associates, LLC, dated October 6, 2020 and last revised June 24, 2021;
- Plan titled “Rockledge Farm Site Photos/Existing Conditions”, prepared by J.D. Barrett & Associates, LLC, dated February 26, 2020 and last revised October 30, 2020;
- Plan titled “Rockledge Farm Site Photos Existing Conditions”, prepared by J.D. Barrett & Associates, LLC, dated March 27, 2020 and last revised October 30, 2020;
- Memorandum from Madeline Wachtel, Rockledge Farm regarding “Rockledge Farm Regenerative Farming Practices”, dated June 14, 2021; and

**WHEREAS**, the Town Board has duly considered these submissions, revisions to these submissions and all other materials and issues raised and submissions made by the public with respect to this application at their meetings of January 12, 2021, May 4, 2021, June 23, 2021, and July 13, 2021; and

**WHEREAS**, the Town Board is fully familiar with the Property, the Project and the pending Application, including materials submitted by the Applicant, Town staff and Town Consultants, involved and interested agencies and the public; and

**WHEREAS**, at the July 13, 2021 Town Board meeting a motion was made, seconded and unanimously adopted to close the public hearing; and

**WHEREAS**, the Town Board has carefully considered the standards and requirements set forth in Sections 60-430 of the Code of the Town of New Castle concerning the farming of crops and raising of livestock; and

**WHEREAS**, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded for the reasons set forth in the annexed Negative Declaration that there will be no significant environmental impact or effect caused or occasioned by the proposed action.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

**BE IT FURTHER RESOLVED**, that with respect to the general special permit standards and in accordance with Section 60-430(B)(1)-(5) of the Town Code of the Town of New Castle, the Town Board finds and determines as follows:

1. The re-purposing of the property as Rockledge Farm will serve a community need and convenience in that the organic farm will gently re-use an otherwise fallow site in an environmentally sensible manner which will benefit local farmers markets and the public through the provision of organic flowers, produce and materials. The Applicant has submitted information as to the care and management of the animals and crops on the property and how the regenerative farming practices will be implemented.

2. The location, and size of the farm, as a private, non-public operation, the nature and intensity of the operations involved with it in relation to the regenerative farming practices and the size of the site in relation to the farming needs, with respect to streets giving access to it, are such that they will be in harmony with the appropriate and orderly development of the district in which it is located.
3. The location, nature and height of buildings, walls and fences are such that the facility will not hinder or discourage the appropriate development and use of adjacent land and buildings. The existing developed area on the property will be repurposed to be in keeping with a farming operation. No other site disturbance is proposed other than repurposing the areas that have been previously disturbed due to the former use of the site as a swim and tennis club and the raising of fences.
4. The operations in connection with Rockledge Farm and the repurposing of the site will not be more objectionable to nearby properties by reason of noise, fumes or other characteristics than would be the operations of every permitted use not requiring a special permit. The special permit includes conditions that will limit and reduce any noise impacts, odor control, traffic impacts and garbage removal related to the farming operation. The Applicant has provided detailed information pertaining to the regenerative farming practices, including the storage and handling of manure, to ensure that the project is not more objectionable to the surrounding properties than what would otherwise be permitted in accordance with the Zoning Code.
5. The existing parking areas have been repurposed for the proposed farm and are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveway will be improved so as to maximize safety; and

**BE IT FURTHER RESOLVED**, that with respect to the specific special permit standards for farming of crops and/or raising of livestock in accordance with Section 60-430(O)(10)(a) through (e) of the Town Code of the Town of New Castle, the Town Board finds and determines as follows:

1. Location. The location of the property is in the R-2A Single Family Residence Zoning District.
2. Minimum Site Size. The subject property at 348 Whippoorwill Road, referred to as Rockledge Farm East, is 34.83 acres in size.
3. Density. The maximum permitted number of animals permitted on the property as determined by the Town Board and specified in this Resolution is eight (8) goats (pygmy), two (2) llamas, eight (8) sheep, and one hundred and twenty (120) chickens.
4. Setbacks. All animal pens that are proposed to be used are located outside of the 250 ft. Animal Pen Setback Line. Other elements of the farming operation are located in previously disturbed areas which are within 45' of the property line.
5. Buffer area. The Applicant will maintain the existing landscaping located within the 250 ft. of the property line. Such landscaping includes existing trees and shrubs.

6. Fencing. The Applicant has demonstrated that they have and or will be providing adequate fencing to prevent the straying of livestock. This fencing will be maintained in a proper and attractive condition at all times.

**BE IT FURTHER RESOLVED**, the application made by Rockledge Farm, 348 Whippoorwill Road, Chappaqua, New York 10514 to the Town Board of the Town of New Castle for a Special Use Permit pursuant to Sections 60-430(O)(1) of the Town Code of the Town of New Castle, for the repurposing of the subject property as an organic farm, located in an R-2A Zoning District, said property being known and designated on the tax maps of New Castle as Section 101.10 Block 2 Lot10, be and the same is hereby [**GRANTED**], subject to the following terms and conditions:

1. The applicant shall maintain the grounds by utilizing regenerative farming practices including best management practices such as rotational grazing in accordance with the Regenerative Farming Practices memorandum dated June 14, 2021 and made part of this approval. To ensure the continuation and proper implementation of the regenerative farming practices, the Applicant shall consult with the Cornell Cooperative Extension or other such entity on a yearly basis to inspect and confirm that these practices are being implemented.
2. The farm is permitted to contain a maximum animal herd consisting of eight (8) goats (pygmy), two (2) llamas, eight (8) sheep, and one hundred and twenty (120) chickens. Animal pens are sized in accordance with guidance provided by Cornell University Cooperative Extension Services. The maximum permitted number of each species of animal shall not increase without Town Board approval. The Applicant shall install fencing and coir logs prior to the animals (goats, sheep, and llamas) being present on the property. The installation of the fencing and core logs shall be inspected and confirmed by the Environmental Coordinator.
3. That the Farm is to be operated by one manager and two employees to manage the day-to day farm activities. Up to five (5) additional staff members will be permitted on site from April through September on an as needed basis. The beehives and honey production will be managed by an additional seasonal employee. Staff will be on site Monday through Friday with weekend work during April-October (the high season).
4. The sale of farm product shall only occur off-site. The site will not be open to the public. Rockledge Farm will utilize one "Sprinter" van for deliveries which will leave the property in the morning three days a week and will return in the early afternoon on those days. The Van will be used for famer's market sales and delivery to restaurants.
5. Rockledge Farm hours of operation will be seasonal. From November through March hours will be approximately Monday-Friday 9:00AM-5:00PM. From April through October, hours will be approximately Monday-Sunday from 5:00AM-8:00PM.
6. All crop planting and harvesting will be done by hand. Limited standard machinery will include one small tractor.
7. Rockledge Farms shall provide no less than twelve (12) parking spots for the daily operation of the farm. The site, operating as the Twin Oaks Swim & Tennis Club, maintained ample parking for the 350+ members. No new parking areas are to be created.

8. The project will be services by an existing municipal water supply and will utilize the existing septic system once it is re-certified for the proposed use.
9. The Applicant acknowledges that the Town of New Castle and other agencies having jurisdiction shall have the right to enter the property at reasonable times and in a reasonable manner for purposes of inspection.
10. The Applicant submitted a Coverage Calculations Worksheet which indicates that the building coverage on the site shall not exceed 34,340 SF and the Rockledge Farm Master Plan provides for the proposed building coverage to be 5, 614 SF.
11. The Applicant submitted a Coverage Calculations Worksheet which indicates that the development coverage on the site shall not exceed 113,203 SF and the Rockledge Farm Master Plan provides for the proposed development coverage to be 109,813 SF.
12. Given the site conditions and slope, the Applicant shall utilize a wetland seed mix adjacent to the sediment trap and it shall include a slopes and berms seed mix designed for basin planting areas in full/partial sun.
13. In regard to water supply for firefighting purposes, the property currently borders the “Wild Cat” road right of way on the north side of the property. In this location there are two existing fire hydrants with direct access to working areas of the farm. Theses existing hydrants shall be tested on a yearly basis to ensure that they are capable of meeting the water supply requirements for firefighting. In addition, the area surrounding these hydrants shall be maintained so that the hydrants can be adequately accessed by fire trucks.
14. The Applicant shall keep the access driveway in clear and traversable good working condition for the entire length of the roadway surface from Whippoorwill Road to the proposed driveway extension for the “Fire Truck” turn around adjacent to the rehabilitated tennis courts as noted on the site plan.
15. The Town Board shall retain continuing jurisdiction over the Special Use Permit.

**Conditions required to be satisfied prior to the Issuance of a Building Permit:**

16. The Site Plan shall be revised to show the following:
  - a) Incorporate conditions no. 1 through 15 as mentioned above in note form.
  - b) Indicate the limits of disturbance created by the proposed activity, in square feet and acres.
  - c) Continue the double coir log row at the southernmost corner of the fence line in the Overflow Pen.
  - d) Eliminate the single row coir log upslope of, and outside of the Overflow and Llama Pens so that flow and volume during precipitation events is not diverted to rear downslope properties located south and southwest of the site.

- e) Show and label the approximate location of the existing utilities including the water service, electric service and sanitary sewer service lines to the on-site wastewater treatment systems (existing and/or proposed).
  - f) Incorporate the Coverage Calculation Worksheets onto the Site Plan, as indicated in condition number 10 and 11 as mentioned above.
17. Due to the traffic volume in and along Whippoorwill Road, and to provide for safe and adequate sight lines of the existing driveway which enters onto Whippoorwill Road, the Applicant shall retain the services of a licensed NYS professional engineer (Traffic Engineer - PTOE) in order to perform a traffic study which shall include the following, as a minimum:
- a) Determine the 85th Percentile Speed in and along Whippoorwill Road.
  - b) Determine the existing Stopping Sight Distances and Intersection Sight Distances at the existing driveways which access onto Whippoorwill Road.
  - c) Determine the minimum required Stopping Sight Distances and Intersection Sight Distances at the two (2) existing driveways which access onto Whippoorwill Road be based upon the 85th Percentile Speed and in accordance with the “**American Association of State Highway Transportation Officials**” (“AASHTO”) which shall consider the existing gradient in and along Whippoorwill Road.
  - d) Provide sight distance profiles regarding the stopping sight distance and intersection sight distances based upon the 85th percentile speed in and along Whippoorwill Road.
  - e) Indicate the areas of vegetation and tree removal that may be required in order to establish the minimum required stopping and intersection sight distances.
18. In order to provide for safe and adequate sight lines in and along the access driveway to Rockledge Farm, the following shall be provided.
- a) Indicate the posted speed limit that will be utilized for the access driveway.
  - b) Provide dynamic stopping sight distances and associated sight line profiles in and along the access driveway based upon the posted speed limit.
  - c) Existing centerline driveway profile, indicating the existing elevations and percent grade at 25’ intervals.
  - d) Indicate the driveway stationing, in which Station 0+00 would be located at the easterly edge of pavement of Whippoorwill Road.
19. The applicant shall provide an engineer’s cost estimate for review to include all the proposed site related improvements in order to establish the requisite performance/maintenance bonding and inspection fee of 3% (in EXCEL Format).
20. Prior to the Issuance of a Certificate of Occupancy, the Applicant shall pay all outstanding review fees in connection with this application.



This Special Use Permit shall be deemed to authorize only the particular use specified herein and shall expire if said use shall cease for more than six months for any reason or if all required improvements are not completed within 18 months from the date of issue. The Town Board may grant a six month extension of this Special Permit provided that a written request for an extension is submitted to the Town Clerk at least 30 days before the special permit expires. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the Special Permit was originally granted have not substantially changed.

VOTE	AYES	NAYS
Acting Supervisor Saland	X	
Council Member Katz	X	
Council Member Levin		ABSENT
Council Member Morton	X	

APPROVED BY  
TOWN BOARD  
July 13, 2021  
Christine Lopez  
Town Clerk