



**TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898**

Telephone: (914) 273-3542

Fax: (914) 273-3554

www.northcastleny.com

**PLANNING BOARD
Christopher Carthy, Chair**

R E S O L U T I O N

Action:	Special Use Permit for Accessory Apartment
Application Name:	6 Sterling Road – Barasch Accessory Apartment [#2020-025]
Owner/Applicant:	Renne Barasch & Lowen Hankin
Designation:	108.02-1-30
Zone:	R-2A (Residential 2 acre) District
Acreage:	3 acres
Location:	6 Sterling Road South
Date of Approval:	October 15, 2020
Expiration Date:	October 15, 2021

WHEREAS, an application dated June 20, 2020 for Special Use Permit approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the application consists of the following plans:

- Plan entitled “Exiting Conditions Plan,” dated May 28, 2020, last revised August 3, 2020, prepared by Nathaniel J. Holt, P.E.
- Plan entitled “Site Plan,” dated May 28, 2020, last revised August 3, 2020, prepared by Nathaniel J. Holt, P.E.
- Plan entitled “Stormwater Mitigation with Erosion Control Plan,” dated May 28, 2020, last revised August 3, 2020, prepared by Nathaniel J. Holt, P.E.
- Plan entitled “Proposed First Floor & 2F Floor Framing Plan (1F Ceiling),” dated May 20, 2020, prepared by Teo Sigüenza Architect.
- Plan entitled “Proposed Second Floor & 2F Floor Framing Plan,” dated May 20, 2020, prepared by Teo Sigüenza Architect.
- Plan entitled “Proposed Roof and Roof Framing Plan,” dated May 20, 2020, prepared by Teo Sigüenza Architect.
- Plan entitled “Proposed Exterior Elevations,” dated May 20, 2020, prepared by Teo Sigüenza Architect.
- Plan entitled “Proposed Exterior Elevations,” dated May 20, 2020, prepared by Teo Sigüenza Architect.
- Plan entitled “Proposed Exterior Elevations,” dated May 20, 2020, prepared by Teo Sigüenza Architect.
- Plan entitled “Main House Floor Plans Floor Area Calculation,” dated July 31, 2020, prepared by Teo Sigüenza Architect.
- Plan entitled “Accessory Structure Floor Plans Floor Area Calculation,” dated July 30, 2020, prepared by Teo Sigüenza Architect.

WHEREAS, the proposal consists of the conversion of an existing four-car garage structure into a guest cottage with two garage bays in the lower level; and

WHEREAS, the existing driveway and access to the site will remain unchanged; and

WHEREAS, the site contains an existing septic 8-bedroom system, therefore, no expansion or other improvements are needed to accommodate the accessory apartment; and

WHEREAS, Special Use Permit approval is necessary because the Planning Board has jurisdiction over all accessory apartments; and

WHEREAS, the site plan does not depict the removal of any Town-regulated trees; and

WHEREAS, the site plan does not depict Town-regulated steep slope disturbance; and

WHEREAS, the site plan does not depict Town-regulated wetland or buffer disturbance; and

WHEREAS, the Town Board created a local law to permit accessory apartments in single-family residence districts in order to provide opportunity and encouragement for the development of small rental housing units designed to meet the special housing needs of persons of low- and moderate-income, especially the young and the old, and of relatives of families living in North Castle; and

WHEREAS, accessory apartments allow the more efficient use of the Town's existing stock of dwellings and accessory buildings, to provide economic support for present families of limited income and thereby promote the protection and preservation of property values; and

WHEREAS, the Architectural Review Board approved the modifications to the accessory structure on September 16, 2020; and

WHEREAS, the current Gross Land Coverage permitted under the Zoning Ordinance exceeds the maximum permitted; and

WHEREAS, the proposed 120 SF expansion of the accessory apartment will increase the non-conformity; and

WHEREAS, the Applicant obtained the required variance for gross land coverage from the Zoning Board of Appeals on October 1, 2020; and

WHEREAS, the Applicant has submitted documentation demonstrating that the proposed accessory building exceeds 25% of the floor area of the main building; and

WHEREAS, the Applicant obtained the required variance from Section 355-21 – Note 5 Permitted Accessory Uses from the Zoning Board of Appeals on October 1, 2020; and

WHEREAS, pursuant to Section 355-21 of the Town Code, accessory structures are limited to 1 story, 15 feet in height and 800 square feet in area; and

WHEREAS, however, the Planning Board may, by special permit, authorize taller and larger structures; and

WHEREAS, the 3-acre property is located in the R-2A district and is designated on the Tax Maps of the Town of North Castle as lot 108.02-1-30; and

WHEREAS, the Building Inspector determined that the existing accessory structure would become an accessory apartment (not garage) and that the proposed apartment meets the requirements of Section 355-21 of the Town Code – Note 7; and

WHEREAS, a short Environmental Assessment Form June 20, 2020, was prepared by the Applicant and submitted to the Planning Board for its review and consideration; and

WHEREAS, the proposed action is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, Type II Actions have been determined not to have a significant impact on the environment do not require any further processing pursuant to SEQRA; and

WHEREAS, the application for special permit approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML); and

WHEREAS, the application was referred to the County Planning Board on July 14, 2020; and

WHEREAS, a duly advertised public hearing was held on October 15, 2020, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and the Town Planner regarding the proposed development; and

NOW, THEREFORE, BE IT RESOLVED, that the application for special use permit, as described herein, be and is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the proposed 20' height of the garage/apartment is acceptable; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings; and

BE IT FURTHER RESOLVED, that the Planning Board finds that operations in connection with the special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

BE IT FURTHER RESOLVED, that the Planning Board finds that parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum convenience and safety; and

BE IT FURTHER RESOLVED, that pursuant to Article VII of Chapter 355 of the Town Code, this special use permit shall be deemed to authorize only the particular use(s) shown on the approved site plan and shall expire if work is not initiated in accordance therewith within one (1) year, or if the use(s) for which site plan approval was granted ceases for more than one (1) year from the date of the issuance of the certificate of occupancy, or if all required improvements are not completed within eighteen (18) months of the date of this approval, or if all such required improvements are not maintained and all conditions and standards of this approval are complied with throughout the duration of the use(s).

Prior to the Signing of the Site Plan:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

_____1. .

_____2. The plan indicates a four (4) inch PVC sanitary connection between the accessory building and the existing septic tank. Invert elevations shall be provided at all

connections to illustrate that there will be adequate cover (currently shown at less than one (1) foot) and pitch on the pipe to the satisfaction of the Town Engineer.

- _____ 3. The proposed water and electric connections to the new building shall be illustrated on the plan to the satisfaction of the Town Engineer.
- _____ 4. The plan shall illustrate the water service connection to the proposed guest cottage, to the satisfaction of the Town Engineer. Provide details.
- _____ 5. The applicant shall confirm the proposed finished floor elevation indicated on the Site Plan and revise the plans, as necessary, to the satisfaction of the Town Engineer.
- _____ 6. The plan shall illustrate roof leader connections from the accessory building to the satisfaction of the Town Engineer. Include the pipe size, slope and material.
- _____ 7. The Applicant shall submit final construction plans for site improvements to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.
- _____ 8. Payment of all outstanding fees, including professional review fees.
- _____ 9. The applicant shall submit to the Planning Board Secretary two sets of plans (with required signature block for endorsement by the planning board chair and consulting town engineer located in the lower right corner of all plan sheets) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.

Prior to the Issuance of a Building Permit:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 2. The Applicant shall submit information satisfactory to the Building Inspector demonstrating that four years have passed since the issuance of the initial certificate of occupancy for the principal dwelling, and/or the Applicant has owned the property for at least two years, whichever comes later.

- _____ 3. The submission of a complete set of building plans for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- _____ 4. The applicant shall demonstrate that all required approvals from the Westchester County Health Department for the existing well and on-site wastewater treatment system have been issued for the house and accessory apartment to the satisfaction of the Town Engineer.
- _____ 5. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. The Town of North Castle Building Department and Fire Prevention Officer shall inspect the apartment for compliance with all North Castle and NYS requirements.
- _____ 2. The submission to the Town Building Inspector of an "As Built" site plan.
- _____ 3. Payment of all outstanding fees, including professional review fees.

Other Conditions:

- 1. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
- 2. The owner of the lot on which the accessory apartment is located is required to occupy either of the dwelling units on the premises. Owner occupancy of one of the units is required to continue for the duration of the special permit. Alternative forms of ownership may include but are not limited to corporate ownership, partnership ownership, an estate or trust ownership, subject to review by the Town Attorney to ensure that the intent of the Town Code are fulfilled.
- 3. No more than one accessory apartment per lot is permitted.
- 4. No accessory apartment can be permitted on any lot currently utilized as an office of a professional person or home occupation, as defined in § 355-4 and as regulated in § 355-21.

5. Accessory apartments which have been approved by the Planning Board, following due notice and public hearing, shall be reinspected by the Building Inspector every three years. The purpose of such continuing reinspection of the accessory unit shall be to determine if all required conditions of approval continue to be complied with, and report on such findings to the Planning Board. At the same time of such inspection, the Building Inspector shall also review and report on compliance with off-street parking requirements. If the Building Inspector finds that additional parking is necessary for the lot, he shall report such finding to the Planning Board and recommend the number of additional spaces to be provided. On the recommendation of the Building Inspector, the Planning Board may make a finding that the original conditions of special permit approval continue to be complied with, modify the conditions of special permit approval in accordance with the Building Inspector's recommendations or revoke the accessory apartment special permit approval.
6. Special permit uses for accessory apartments shall terminate upon change of ownership.

Applicant, agreed and understood as to contents and conditions, including expiration, contained herein

Date

Renne Barasch

Date

Lowen Hankin

NORTH CASTLE PLANNING OFFICE, as to approval by the North
Castle Planning Board

Date

Valerie Desimone, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

Date

Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

Date

Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

Date

Christopher Carthy, Chair