



**TOWN OF NORTH CASTLE**  
**WESTCHESTER COUNTY**  
**17 Bedford Road**  
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**PLANNING BOARD**  
**Christopher Carthy, Chair**

## **RESOLUTION**

**Action:** Special Use Permit for Accessory Structure and Site Plan, Tree Removal Permit and Wetlands Permit Approvals  
**Application Name:** Farrelly Detached Garage [2020-030]  
**Owner/Applicant:** Stefania and Steven Farrelly  
**Designation:** 102.01-2-9  
**Zone:** R-2A (Residential 2 acre) District  
**Acreage:** 3.89 acres  
**Location:** 6 Pine Ridge Road  
**Date of Approval:** January 25, 2021  
**Expiration Date:** January 25, 2022

WHEREAS, an application dated July 21, 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 "Site Plan," dated July 10, 2020, last revised January 6, 2021, prepared by Alfonzetti Engineering, P.C.
- Plan entitled "Site Details," dated July 10, 2020, prepared by Alfonzetti Engineering, P.C.
- Plan labeled "Sheet 1 of 4," dated November 2, 2020, last revised November 9, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "Sheet 2 of 4," dated November 2, 2020, last revised November 9, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "Sheet 3 of 4," dated November 2, 2020, last revised November 9, 2020, prepared by DeMasi Architects, P.C.
- Plan labeled "Sheet 4 of 4," dated November 2, 2020, last revised November 9, 2020, prepared by DeMasi Architects, P.C.

WHEREAS, the subject site is a 3.89 acre lot in the R-2A Zoning District with an existing single family residence with swimming pool; and

WHEREAS, the Applicant is proposing a new 934 square foot two story detached garage with storage on the second floor; and

WHEREAS, no plumbing is proposed for the structure; and

WHEREAS, the majority of the proposed structure is within the Town-regulated wetland buffer; and

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WHEREAS, Special Use Permit approval is necessary because the Planning Board has jurisdiction over all accessory structures over 800 square feet; and

WHEREAS, Section 355-21 of the Town Code permits private gardenhouses, toolhouses, greenhouses, gatehouses, garages or similar private accessory uses not over 1 story and 15 feet in height and limited to 800 square feet in area, except that the Planning Board may, by special permit, authorize the construction of accessory buildings not over 2 stories or 22 feet in height, provided that any such individual accessory building does not exceed 25% of the floor area of the main building, and further provided that all such accessory buildings meet all required setbacks for main buildings in the district in which they are located and are not located within any front yard; and

WHEREAS, the proposed garage is less than 25% of the floor area of the main dwelling; and

WHEREAS, pursuant to Section 355-21 of the Town Code, garages are limited to 1 story, 15 feet in height and 800 square feet in area; however, the Planning Board may, by special permit, authorize taller and larger structures; 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) since the issuance of a special use permit is required; and

WHEREAS, the required referral was made to the County on August 7, 2020; and

WHEREAS, the site plan depicts the removal of two Town-regulated trees; and

WHEREAS, the site plan does depicts the disturbance of 2,115 square feet of Town-regulated wetland buffer; and

WHEREAS, in an October 27, 2020 memorandum to the Planning Board, the Conservation Board recommended conditional approval of the wetlands permit; and

WHEREAS, the Applicant received Architectural Review Board approval on December 2, 2020; 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

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WHEREAS, a duly advertised public hearing was opened on November 9, 2020 and closed on January 25, 2021 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 Town Attorney, the Consulting Town Engineer and the Town Planner regarding the proposed development; and

NOW, THEREFORE, BE IT RESOLVED, that the applications for special use permit, site plan, tree removal permit and wetlands permit approvals, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; 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.

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.

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.

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 shall be laid out so as to achieve maximum convenience and safety; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the proposed special permit use will not have a significant adverse effect on the environment; and

BE IT FURTHER RESOLVED, pursuant to Section 355-21 of the Town Code, the Planning Board authorizes an accessory building height of 21 feet 10 inches; and

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BE IT FURTHER RESOLVED, that pursuant to Article VII of Chapter 355 of the Town Code, this special use permit and site plan approvals 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. The "Wetland Disturbance Summary" Table on the wetland mitigation plan shall be revised to include the amount of provided mitigation to the satisfaction of the Town Engineer. In addition, the "Wetland Disturbance Summary" Table shall also include the quantity of trees to be removed and planted on the site to the satisfaction of the Town Engineer. Furthermore, the plan should be revised to include the names of all proposed planting to insure all installed plants are native and non-invasive to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 2. The detail for the proposed stormwater mitigation system includes a note stating a plastic liner will be installed beneath any chambers with internal manifolds. It appears this is not applicable for the proposed chamber configuration and should be removed for clarity to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 3. The applicant shall perform deep and soil percolation testing, to be witnessed by the Town Engineer, to demonstrate the availability of suitable soils and adequate depths to bedrock and/or groundwater.
- \_\_\_\_\_ 4. The invert elevation of the stormwater mitigation system shall be clarified to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 5. The plan shall identify the limits of the new driveway curb to be installed to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 6. Payment of all outstanding fees, including professional review fees.

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- \_\_\_\_\_ 7. The applicant shall submit to the Planning Board Secretary two (2) sets of plans (with required signature block 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 Special Counsel.
  
- \_\_\_\_\_ 8. Return of the "Planning Board Notification" sign in reusable condition with stand. If such sign is not returned as previously described a payment of \$25.00 made payable to the Town of North Castle shall be required.

**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 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.
  
- \_\_\_\_\_ 3. 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 submission to the Town Building Inspector of an "As Built" site plan.
  
- \_\_\_\_\_ 2. 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. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.
3. Grading and clearing and other construction-related activities shall take place only within the delineated area of disturbance lines. These area of disturbance lines represent the maximum limits of construction activities. Every attempt shall be made to further reduce grading and clearing activities within the area of disturbance lines by maintaining natural vegetation and topography wherever practicable.
4. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
5. For each phase of construction, soil erosion and sedimentation control measures shown on the plans shall be in place prior to the start of any site work (excluding mechanized tree work) as described in the sequence of construction, to the satisfaction of the Town Engineer. The Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of site work.
6. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.

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7. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
9. The applicant shall provide sedimentation and erosion control measures to the satisfaction of the Town Engineer and in accordance with the measures set forth in the New York State Standards and Specifications for Erosion & Sediment Control.
10. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.

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

\_\_\_\_\_  
Date Stefania Farrelly

\_\_\_\_\_  
Date Steven Farrelly

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

\_\_\_\_\_  
Date Valerie B. 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

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Date Christopher Carthy, Chairman