

Adam Barnett
66 North Greenwich Road
Armonk, New York 10504
September 21, 2022

Adam Kaufman
Director of Planning
Town of North Castle
Town Hall Annex
17 Bedford Road
Armonk, NY 10504

Dear Adam:

This application relates to the re-instatement of the “accessory apartment” status to the cottage on our property at 66 North Greenwich Road. As background:

- The cottage was designated an “accessory apartment” prior to our purchase of 66 North Greenwich Road in February 2017
- We met with the Planning Board on January 10, 2022 to apply for reinstatement. The Board generally supported our application and instructed us to provide additional information as requested in a December 20, 2021 memo prepared by the Director of Planning..
- This document contains
 - In Attachment 1 the requested additional information that responds to the Director of Planning’s memo
 - In Attachment 2 our original application that was shared with the Planning Board on January 10, 2022.

Our full site plan is included in a separate file that accompanies the transmission of this document.

If you or Valerie have any questions or suggestions about our application, please don’t hesitate to let me know.

Thank you for your help.



Regards

A handwritten signature in black ink, appearing to read "Adam Barnett", with a stylized flourish at the end.

Adam Barnett

Adam & Liz Barnett's Response to the Planning
Department's December 20, 2021 Staff Report

Adam & Liz Barnett's Response to the Planning
Department's December 20, 2021 Staff Report
Adam Kaufman's Original Memo

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT December 20, 2021					
APPLICATION NUMBER - NAME #2021-047 – 66 N. Greenwich Road - Barnett Accessory Apartment Special Permit and Site Plan Approvals		SBL 108.04-1-32			
MEETING DATE January 10, 2022		PROPERTY ADDRESS/LOCATION 66 N. Greenwich Road			
BRIEF SUMMARY OF REQUEST Reapproval of a previously approved detached accessory apartment.					
PENDING ACTION: <input checked="" type="checkbox"/> Plan Review <input type="checkbox"/> Town Board Referral <input type="checkbox"/> Preliminary Discussion					
EXISTING ZONING R-2A One-Family Residence District (2 acre)	EXISTING LAND USE Existing Single- family home	SURROUNDING ZONING & LAND USE Residential	SITE IMPROVEMENTS None	SIZE OF PROPERTY 6.5 acres	
PROPERTY HISTORY Existing Single Family Home with in-ground pool, tennis court and detached garage		COMPATIBILITY with the COMPREHENSIVE PLAN <ul style="list-style-type: none"> Continue to take neighborhood context into account in approving new single-family homes. 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					
<ol style="list-style-type: none"> 1. The Applicant should be directed to address all outstanding staff and consultant's comments. 2. The Planning Board will need to determine whether the project is compatible with the Comprehensive Plan. 					

Adam & Liz Barnett's Response to the Planning
Department's December 20, 2021 Staff Report
Adam Kaufman's Original Memo

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> 1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA). 2. A public hearing regarding the proposed special permit will need to be scheduled. 3. 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 a special permit is being requested. 	
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. Pursuant to Section 355-40.K(2) of the Town Code, the Applicant should submit the floor plans of the proposed accessory apartment for review. 2. The submitted letter to the Planning Board states that the existing detached structure was constructed in 1989. Accessory apartments are not permitted to be located in an accessory structure unless the structure was constructed prior to October 11, 1984. Pursuant to Section 355-40.K(4)(a) of the Town Code, the Applicant should provide documentation demonstrating that the accessory building existed prior to October 11, 1984. 3. The Applicant shall submit an exhibit (or plan note/calculation) demonstrating that the proposed accessory building does not exceed 25% of the floor area (not coverage) of the main building. 4. Pursuant to Section 355-40.K(4)(b) of the Town Code, the Applicant should provide documentation that the principal dwelling CO was issued more than four years ago and that the Applicant has owned the property for two years. 5. The site plan should be revised to depict the location of off-street parking for the principal dwelling (2 spaces) and for the accessory apartment (2 spaces). 6. Pursuant to Section 355-40.K(11) of the Town Code, the Applicant will need to demonstrate that the size of the apartment conforms to the Town Code. Specifically, where the gross floor area of the dwelling is less than or equal to 2,000 square feet, the accessory apartment shall in no case exceed 33% of such area. Where the gross floor area of the dwelling is greater than 2,000 square feet, the permitted maximum size of the accessory apartment may be increased by 25% of the gross floor area in excess of 2,000 square feet. 7. Pursuant to Section 355-40.K(12) of the Town Code, within 30 days of receipt of a completed application which indicates conformance to all dimensional standards, the Building Inspector and the Fire Inspector shall conduct an on-site inspection of the residence and shall report on such inspection to the Planning Board and shall include in these reports the compliance of the proposed accessory unit with the requirements of this subsection, as well as building and fire codes, and other information as may be requested by the Planning Board. 8. Pursuant to Section 355-40.K(14) of the Town Code, prior to the issuance of a building permit for the establishment of an accessory apartment, the existing septic disposal system shall be reviewed by the Westchester County Department of Health, except where public sewer is provided. The Building Inspector shall reject all applications for building permits for accessory apartments in those cases where the Health Department report indicates that the septic system is inadequate for the requested use, or contains recommendations for improvements to the system until such time as such recommended improvements are installed. The applicant shall demonstrate to the Building Inspector that the septic disposal system has been cleaned within one year of the date of application. For properties provided with water supply from an on-site well, the applicant shall also collect a sample of well water for microbiological analysis to determine the presence of the coliform group. Such sample shall be analyzed by a state-approved laboratory, and the results shall be reported to the Building Inspector and Health Department. 	<p>The Applicant shall provide the required analysis for review by the Planning Department.</p> <p>The Applicant shall provide the required analysis for review by the Planning Department.</p>

Adam & Liz Barnett's Response to the Planning
Department's December 20, 2021 Staff Report
Adam Kaufman's Original Memo

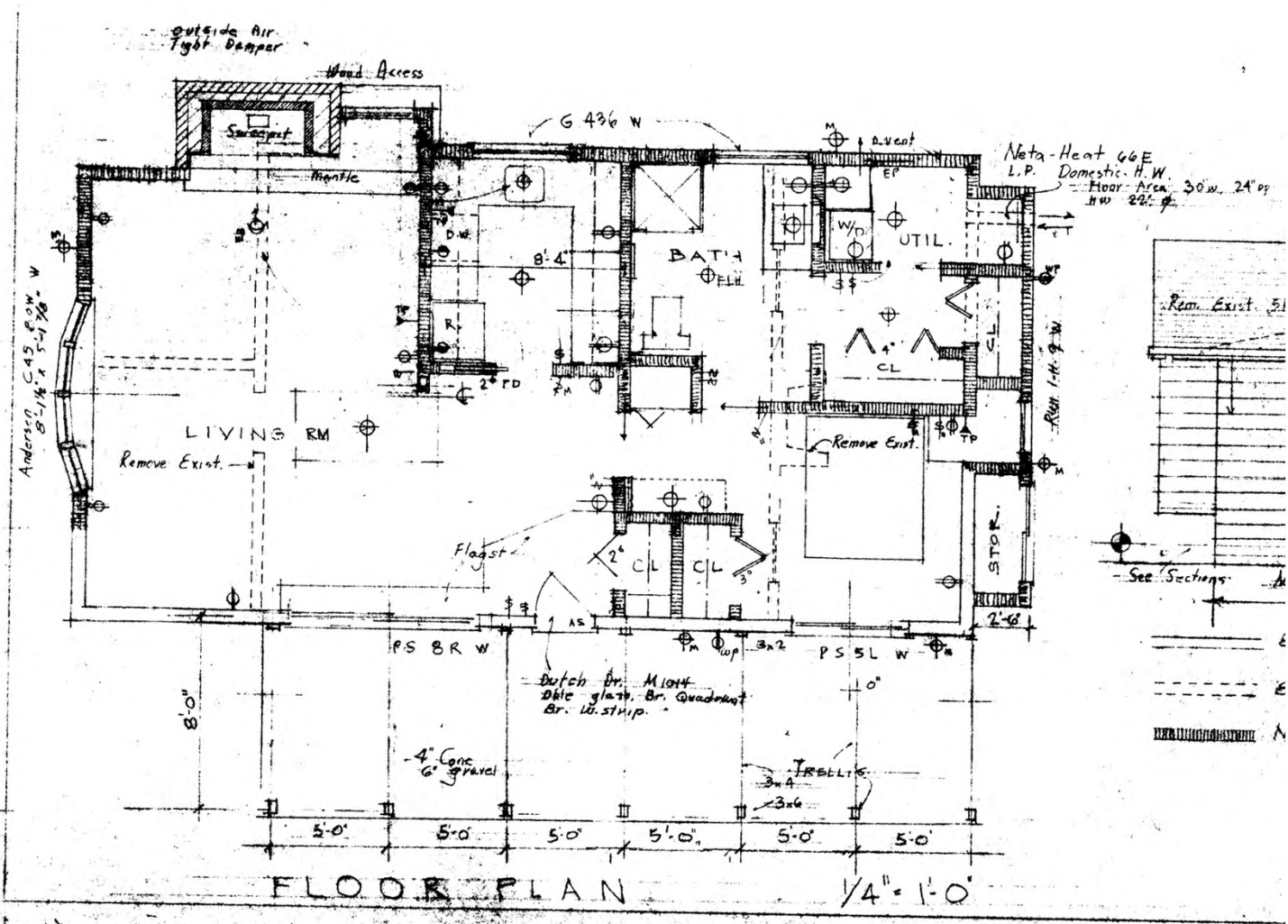
- | | |
|--|--|
| <p>9. Pursuant to Section 355-40.K(15) of the Town Code, accessory apartments which have been approved by the Planning Board, following due notice and public hearing, shall be reinspected by the Building Inspector every three years. The purpose of such continuing reinspection of the 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.</p> <p>10. Pursuant to Section 355-40.K(16) of the Town Code, a special permit uses for accessory apartments shall terminate upon change of ownership.</p> <p>11. Pursuant to Section 355-37 of the Town Code, the Planning Board must determine that:</p> <ul style="list-style-type: none">• 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.• 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.• Operations in connection with any 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.• 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.• Where required, the provisions of the Town Flood Hazard Ordinance.• The Board finds that the proposed special permit use will not have a significant adverse effect on the environment. | |
|--|--|

Adam & Liz Barnett's Response to the Planning Department's December 20, 2021 Staff Report Responses to General Comments: #1

General Comments

- Pursuant to Section 355-40.K(2) of the Town Code, the Applicant should submit the floor plans of the proposed accessory apartment for review.

The accessory apartment's floor plan is shown below. This floor plan was included in the prior owner's 1989 application to the Planning Board (i.e., the application that resulted in the cottage receiving accessory apartment status)



Adam & Liz Barnett's Response to the Planning
Department's December 20, 2021 Staff Report
Responses to General Comments: #2

2. The submitted letter to the Planning Board states that the existing detached structure was constructed in 1989. Accessory apartments are not permitted to be located in an accessory structure unless the structure was constructed prior to October 11, 1984.

Pursuant to Section 355-40.K(4)(a) of the Town Code, the Applicant should provide documentation demonstrating that the accessory building existed prior to October 11, 1984.

Minutes from the May 22, 1989 Planning Board meeting confirm (i.e., based on the comments of the then Building Inspectors, Mr. Palamarczuk) that the cottage had existed prior to October 11, 1984 – likely for a period of “probably over 30 years.”

1

*5/22/89
P.B.*

~~ACCESSORY APARTMENT~~
PUBLIC HEARING

Mr. Palamarczuk, Building Inspector, represented the applicant at this meeting.

Mr. Curry read the affidavit of Public Hearing. Attached to these minutes as Exhibit "B".

Mr. Curry read the list of names for neighbors present. No neighbors were present for this hearing.

Mr. Palamarczuk: We have an accessory building presently located on this 2 acre or more plot on North Greenwich Road. This accessory building was, at one time, used as a residence prior to the main house being constructed. It was then turned over as a garage, carriage house, barn, probably tool shed. Mrs. Porterfield now wishes to convert this back to a housing unit, consisting of a bedroom, bath, and a kitchenette. It has a septic system and it has existed prior to '84. It has existed probably over 30 years, has its own well. It is a non-conforming structure that has a C of O. It needs some extensive work to be reconstructed into an accessory apartment.

Mr. Palamarczuk noted that the basic footprint of the structure will not be changed.

Basically, it meets the intent of our Ordinance for an Accessory Apartment.

The County has tested the septic and it is good.

Mr. Curry noted a report from the Westchester County Board of Health stating that the water had been tested and it was satisfactory.

Miss Alter has written a memorandum stating that she has no problems with this application.

Mrs. Porterfield will have to obtain a building permit for the extensive renovations required to make this structure habitable.

Mr. Cassetta moved to close the hearing. The motion was seconded by Mr. Maltese. The motion was passed unanimously.

Mr. Cassetta moved to approve the application. Mr. Curry seconded the motion. The motion carried unanimously.

Mr. Maltese said he felt that the law mandating this was a mistake and it would cause regrets in time to come.

Adam & Liz Barnett's Response to the Planning Department's December 20, 2021 Staff Report
Responses to General Comments: #3

3. The Applicant shall submit an exhibit (or plan note/calculation) demonstrating that the proposed accessory building does not exceed 25% of the floor area (not coverage) of the main building.

The Applicant shall provide the required analysis for review by the Planning Department.

Square Feet: New First Floor	2,942
+ Square Feet: New Second Floor	1,209
= Total Square Footage - Main Building	4,151
x Maximum Allowable Size (%)	25%
= Maximum Allowable Size (square feet)	1,038

The accessory building's square footage (approximately 700 square feet) does not exceed 25% of the main building's square footage (i.e., 1,038)

If the Planning Board has granted you approval previously, on what dates were you approved? (List B)

~~7815~~ SQ. FT. NEW BASEMENT/CELLAR *(not included in floor area calc)*

2942 SQ. FT. NEW FIRST (1ST) FLOOR

1209 SQ. FT. NEW SECOND (2ND) FLOOR

 SQ. FT. NEW THIRD (3RD) FLOOR

6966 TOTAL SQ. FT. OF ALL NEW CONSTRUCTION

 3 NUMBER OF **BEDROOMS** TO BE CONSTRUCTED, ADDED, RENOVATED OR ALTERED

 3 NUMBER OF **BATHROOMS** TO BE CONSTRUCTED, ADDED, RENOVATED OR ALTERED

ELECTRICAL WORK IS INVOLVED IN THIS PROJECT

PLUMBING WORK IS INVOLVED IN THIS PROJECT

HVAC WORK IS INVOLVED IN THIS PROJECT

YOU MUST SHOW ON THIS APPLICATION THE NUMBER OF BOARD OF HEALTH APPROVED BEDROOMS FOR THIS LOCATION: 3

Adam & Liz Barnett's Response to the Planning Department's December 20, 2021 Staff Report
Responses to General Comments: #4

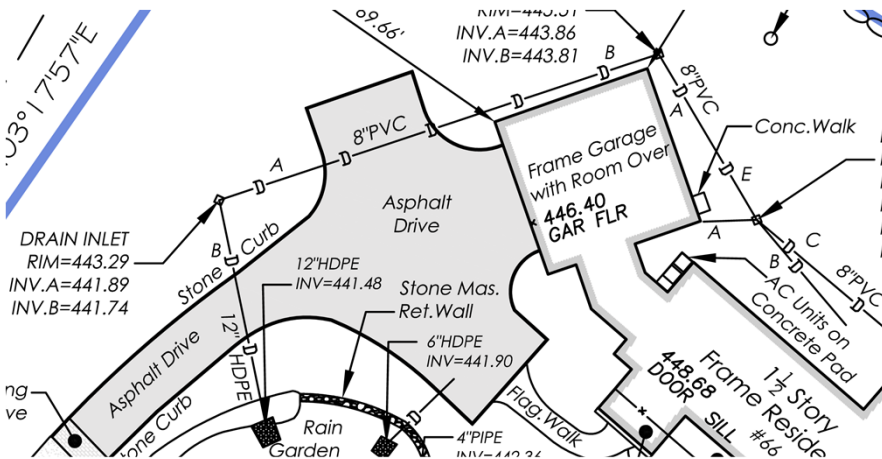
4. Pursuant to Section 355-40.K(4(b) of the Town Code, the Applicant should provide documentation that the principal dwelling CO was issued more than four years ago and that the Applicant has owned the property for two years.

Adam and Liz Barnett have owned the property since early 2017 and have lived at the property since the Certificate of Occupancy was issued in September 2018



Adam & Liz Barnett's Response to the Planning Department's December 20, 2021 Staff Report
Responses to General Comments: #5

5. The site plan should be revised to depict the location of off-street parking for the principal dwelling (2 spaces) and for the accessory apartment (2 spaces).



The site plan (included with this application) shows that two parking spaces are available for the principal residence and an additional two parking spaces are available for the accessory apartment



Adam & Liz Barnett's Response to the Planning Department's December 20, 2021 Staff Report
Responses to General Comments: #6

6. Pursuant to Section 355-40.K(11) of the Town Code, the Applicant will need to demonstrate that the size of the apartment conforms to the Town Code. Specifically, where the gross floor area of the dwelling is less than or equal to 2,000 square feet, the accessory apartment shall in no case exceed 33% of such area. Where the gross floor area of the dwelling is greater than 2,000 square feet, the permitted maximum size of the accessory apartment may be increased by 25% of the gross floor area in excess of 2,000 square feet.

The Applicant shall provide the required analysis for review by the Planning Department.

The accessory building's square footage (i.e., approximately 700 square feet) is significantly smaller than the maximum permitted size (i.e., 1,198 square feet)

First 2,000 Square Feet of Gross Floor Area	2,000 x	33% =
+ Floor Area in Excess of 2,000 Square Feet	2,151 x	25% =
<hr/>	<hr/>	
= Total Square Footage - Main Building	4,151	

Permitted Maximum Size
660
538
<hr/>
1,198

Adam & Liz Barnett's Original Submission to the
Director of Planning (dated October 14, 2021)

Adam Barnett
66 North Greenwich Road
Armonk, New York 10504
October 14, 2021

Adam Kaufman
Director of Planning
Town of North Castle
Town Hall Annex
17 Bedford Road
Armonk, NY 10504

Dear Adam:

As we discussed, my wife, Liz, and I would like to re-instate the “accessory apartment” status to the cottage on our property at 66 North Greenwich Road. As background:

- The cottage was designated an “accessory apartment” prior to our purchase of 66 North Greenwich Road in February 2017 (as indicated in Billy Richardson’s January 26, 1996 letter which is attached in [Attachment 1](#)). Further, we understand that, as a condition of the building permit associated with the construction of our main house at 66 North Greenwich Road, the cottage’s “accessory apartment” status was to be held in abeyance for four years following our February 2017 purchase of 66 North Greenwich Road, at which point we would be eligible to apply for its reinstatement as an accessory apartment
- [Attachment 2](#) shows the cottage’s location on an excerpt from our as-built site survey. The full as-built survey is included in the email transmittal.
- [Attachment 3](#) shows the cottage’s architectural plans.
- [Attachment 4](#) shows pictures of the cottage’s interior and exterior.
- [Attachment 5](#) indicates that the cottage satisfies the requirements of an accessory apartment under each part of Section 355-40.K of North Castle’s Town Code.

I have completed the Special Use Application to the best of my ability (which is also attached) and have included with this letter an as-built survey showing the cottage’s location.

We appreciate your help (and Valerie’s) with our application. If you have any questions or suggestions about it, please don’t hesitate to let me know.

Regards



Adam Barnett

**Letter from William Richardson Indicating that the Cottage
was Formerly Designated an Accessory Apartment**



TOWN OF NORTH CASTLE

17 Bedford Road
Armonk, New York 10504
Established 1786

Anthony Palamareczak
Building Inspector

Telephone: (914) 273-8625

Ms. Margaret Potoerfield
66 North Greenwich Rd.
Armonk N.Y. 10504

January 26, 1996

Section 2, Block 17, Lot 2-A

RE: Reinspection of the Accessory Apartment:

Dear Ms. Potoerfield:

Please be advised that the inspection of the Accessory Apartment was conducted at the above location on January 26, 1996.

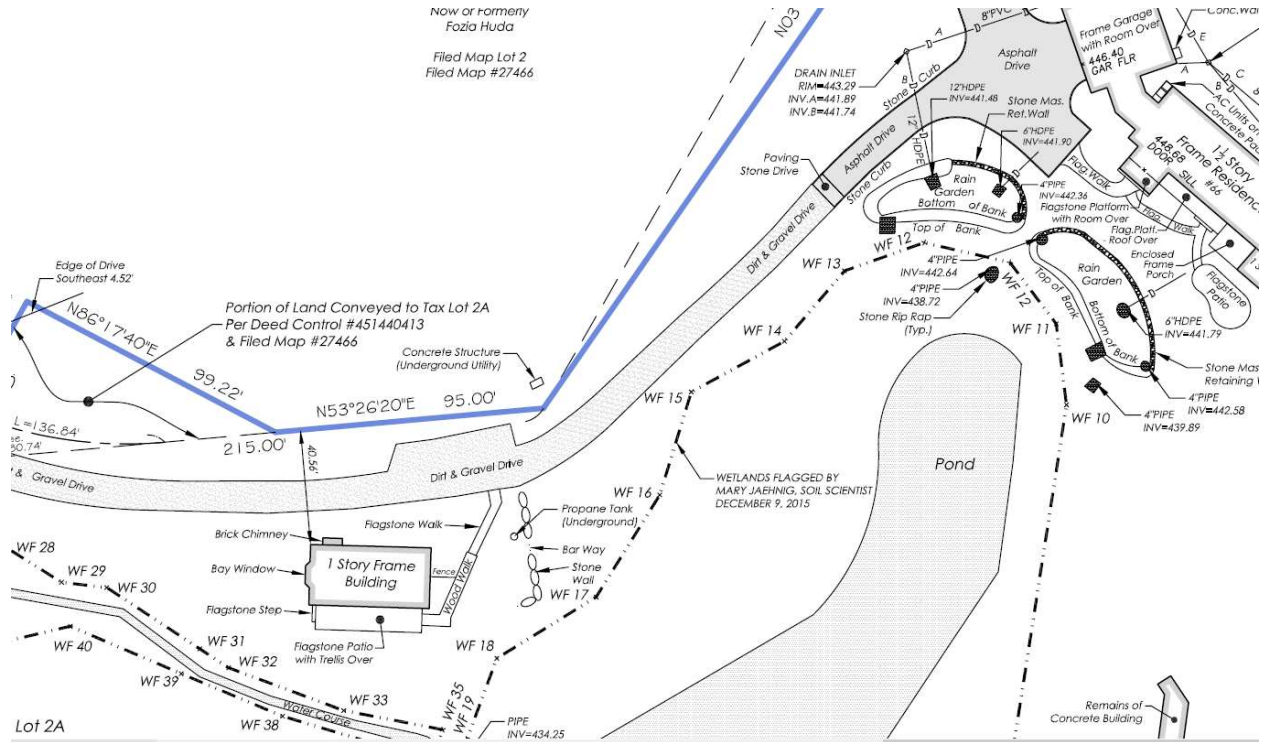
There were no Code Violations noted at that time.

Sincerely,

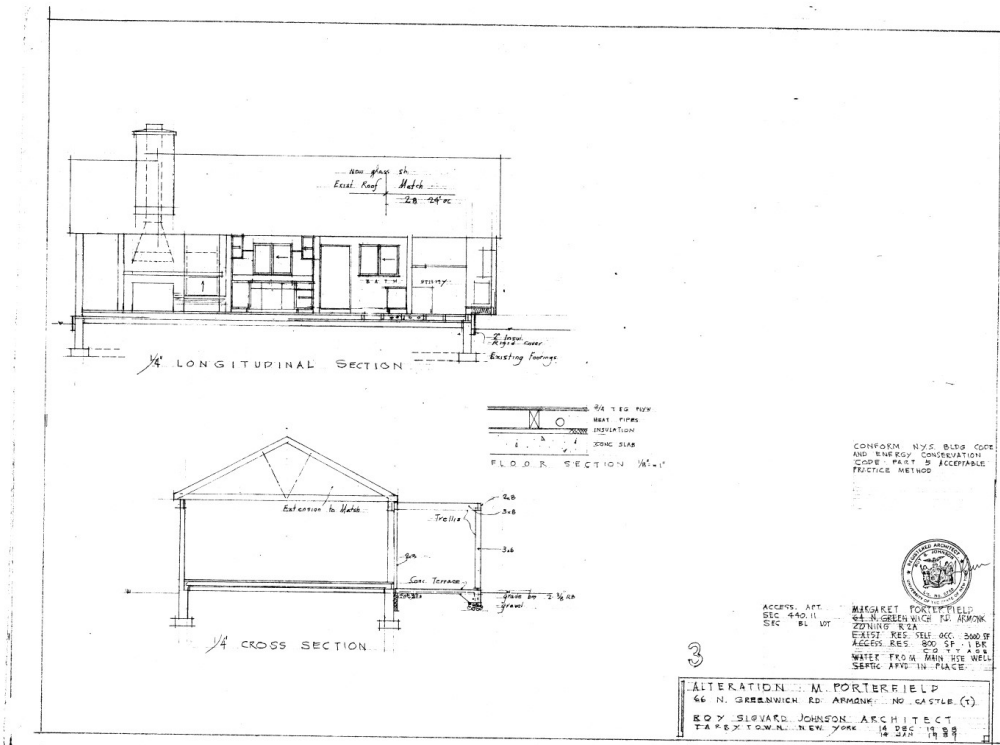
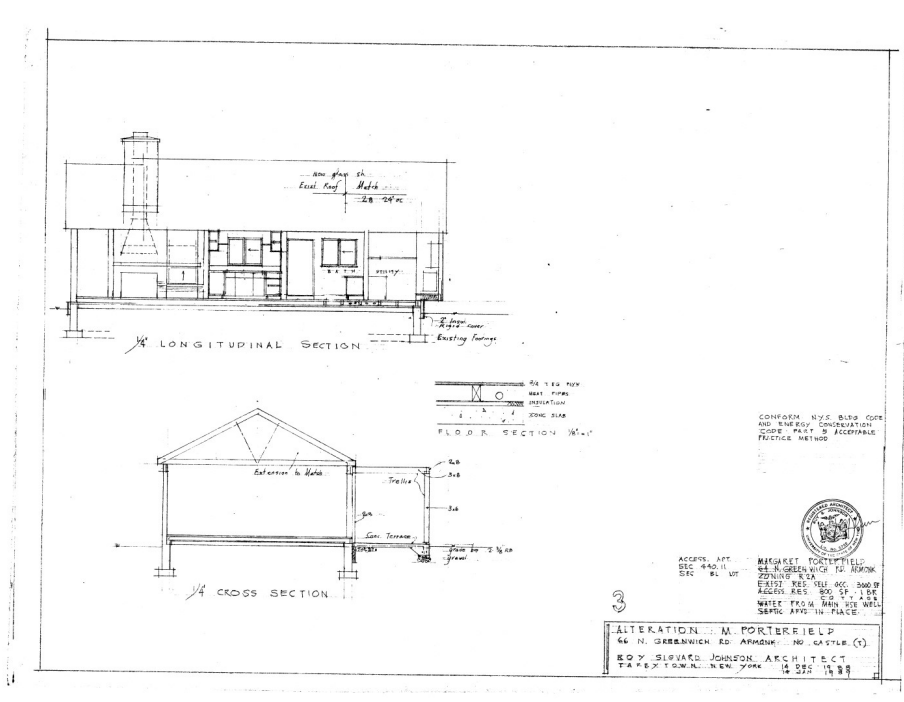
Wm. Richardson
Fire Prevention Inspector

66ngreen.aok

**Excerpt from our As-Built Survey Showing the
Cottage's Location (indicated as 1 Story Frame Building)
The Full As-Built Survey is Included with this Submission**



The Cottage's Architectural Plans



Exterior & Interior Photos of the Cottage



**North Castle Town Code
Section 355-40.K**

(1)

Purposes. It is the specific purpose and intent in allowing accessory apartments in single-family residence districts 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. It is also the purpose and intent of this subsection to 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. Further, it is the purpose and intent of these regulations to assure the maintenance of the single-family character and property values of neighborhoods through resident-owner occupancy of lots and dwellings where an accessory apartment might be located. To help achieve these goals and to promote the other objectives of this subsection, the following specific standards are set forth for such accessory apartment uses.

The Application conforms to the Town Code:

The cottage will be used by either the Applicant's adult children (ages 24 and 26) or as a rental property. Specific plans will be determined once the accessory apartment status is completed (i.e., to avoid putting "carts before horses").

(2)

Application. Application for a special permit for an accessory apartment shall be made to the Planning Board and shall be in the form as required for all special permit uses outlined in § **355-34**. The applicant must be the resident owner of the property. Said plan shall be prepared by a registered architect or licensed and registered engineer and shall contain or be accompanied by the following information: a map showing the applicant's entire property at a scale of from one inch equals 20 feet to one inch equals 100 feet; a location map showing adjacent properties and streets; the location and design of all buildings and structures; the proposed division of the principal dwelling, showing the accessory unit, if appropriate; a detailed plan of the use of floor space by type of use and floor level; existing topography and proposed grade elevations; location of driveway(s) and parking; and a description of the method of water supply and sewage disposal and location of such facilities. Where previous knowledge of a site and the potential accessory apartment location permit, the Planning Board may waive preparation of a site plan, except for interior floor plan descriptions. Upon receipt of a complete application, the Planning Board shall forward one copy to the Building Inspector and copies to other agencies where determined appropriate.

The Application conforms to the Town Code:

The owners are residents on the property. Architectural drawings and a survey showing the cottage's location are included with this application.

(3)

Occupancy. The owner of the lot on which the accessory apartment is located shall occupy either of the dwelling units on the premises. Owner occupancy of one of the units shall 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 this section and this Subsection **K** are fulfilled.

The Application conforms to the Town Code:

The owners are and will continue to be residents on the property.

[Amended 4-22-1993 by L.L. No. 2-1993]

(4)

Location and waiting periods.

(a)

Accessory apartments are only permitted in any of the single-family residence districts. Accessory apartments may be located in a principal residence or in an accessory building, provided that such building existed prior to October 11, 1984, and conforms to the other requirements of this chapter, unless a variance therefor shall have been granted by the Zoning Board of Appeals.

[Amended 7-25-2007 by L.L. No. 15-2007]

The Application conforms to the Town Code:

Liz and Adam Barnett reside at "the main house" on 66 North Greenwich Road. We plan to continue to live on this property.

(b)

No accessory apartment shall be permitted until four years after the issuance of the initial certificate of occupancy for the principal dwelling, and no accessory apartment shall be permitted in a structure until at least two years after the current owner has acquired title to the property, whichever comes later. See also Subsection **K(16)** regarding change of ownership.

[Amended 4-22-1993 by L.L. No. 2-1993]

The Application conforms to the Town Code:

Adam and Liz Barnett purchased this property in early 2017.

(c)

However, the above provision shall not apply if an approved accessory apartment was in existence and was occupied at least six months prior to the change in title to the property.

NA

(d)

In the event that the accessory apartment is subsequently vacated by the holdover occupant, no accessory apartment shall be permitted until at least two years after the current owner has acquired title to the property.

The Application conforms to the Town Code

(e)

All accessory apartment waiting periods identified in this Subsection **K(4)** shall not apply to structures duly designated a landmark pursuant to Chapter **195**, Landmarks Preservation, of the Town Code.

[Added 7-25-2007 by L.L. No. 15-2007]

NA

(5)

Number of accessory apartments per lot. There shall be no more than one accessory apartment per lot.

The Application conforms to the Town Code

(6)

Exclusion from preexisting boardinghouses. No accessory apartment shall be permitted in any dwelling unit utilized as a boardinghouse previously established under the provisions of this chapter.

NA

(7)

Exclusion for professional offices or home occupation uses. No accessory apartment shall 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**.

The Application conforms to the Town Code

The cottage has not and will not be used as a professional office or for home occupation purposes.

(8)

Conformance with other district standards. Any principal or accessory building in which an accessory apartment is proposed shall meet all applicable setback requirements and other standards for the district in which it is located.

The Application conforms to the Town Code

The cottage – in its current form – was built around 1989. No new construction is being planned at this time.

(9)

Off-street parking and location. Off-street parking for accessory apartments in residence districts shall be provided in accordance with the requirements of Article **IX**. Where practicable, the Planning Board shall require that off-street parking for accessory apartments be located in the side or rear yard of the lot and in no case less than 20 feet from a front property line.

The Application conforms to the Town Code

(10)

Exterior appearance. If an accessory apartment is located in the principal dwelling, the entry to the unit and its design shall be such that the appearance of the dwelling shall remain as a single-family residence.

NA

(11)

Apartment size. The minimum size of an accessory apartment within a principal dwelling shall be 300 square feet. Where the gross floor area of the dwelling is less than or equal to 2,000 square feet, the accessory apartment shall in no case exceed 33% of such area. Where the gross floor area of the dwelling is greater than 2,000 square feet, the permitted maximum size of the accessory apartment may be increased by 25% of the gross floor area in excess of 2,000 square feet. In cases of accessory apartments established prior to October 11, 1984, upon recommendation of the Building Inspector, the Planning Board may, at its option, increase these percentages to no more than 35% and 27%, respectively. The minimum size of an accessory apartment located in an accessory building shall be at least 300 gross square feet. There shall be no more than two bedrooms per accessory apartment.

The Application conforms to the Town Code

The cottage is approximately 700 square feet in size.

(12)

Building Inspector review and report. Within 30 days of receipt of a completed application which indicates conformance to all dimensional standards set forth above, the Building Inspector and the Fire Inspector shall conduct an on-site inspection of the residence and shall report on such inspection to the Planning Board and shall include in these reports the compliance of the proposed accessory unit with the requirements of this subsection, as well as building and fire codes, and other information as may be requested by the Planning Board.

(13)

Public hearing and Planning Board action.

(a)

A public hearing shall be held by the Planning Board in accordance with the same requirements as set forth in § **355-49**. The applicant shall be responsible for the publication of notice in official Town newspapers and shall mail to all other required recipients a copy of the public hearing notice by first class mail. Notice of hearing shall be mailed by the applicant at least 10 days before such hearing in official envelopes provided by the Town of North Castle. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a certificate of mailing (PS Form 3817 or 3877). The notice of public hearing shall bear the signed approval of the Building Inspector and shall be maintained as part of Town records of the accessory apartment application. Following approval of the public hearing notice text, the Building Inspector shall be responsible for publication in official Town newspapers. Following the close of such public hearing, the Planning Board shall approve, conditionally approve or disapprove the special permit application,

in accordance with the schedule and requirements of § **355-37**. The applicant may grant extensions of any review period to the Planning Board.

[Amended 2-25-2015 by L.L. No. 2-2015; 11-18-2015 by L.L. No. 9-2015]

(b)

The decision to grant or deny an application for a permit for an accessory apartment under this chapter is entirely discretionary on the part of the Planning Board on a case-by-case basis. Permission granted for any accessory apartment shall not be construed to be a precedent or to be a factor in favor of the grant of an accessory apartment to any other applicant. The Planning Board shall be required to give substantial weight to evidence of the potential cumulative impact on population density, traffic, noise, availability of potable water, wastewater disposal, solid waste disposal and any other potential changes in the single-family character of the neighborhood or street to be affected by the subject application. An applicant's compliance with the minimum standards required by this subsection shall not reduce the responsibility of the Planning Board to exercise its mandate of discretion in order to protect and preserve the basic single-family character of the neighborhood or street in question.

(14)

Utility service. Prior to the issuance of a building permit for the establishment of an accessory apartment, the existing septic disposal system shall be reviewed by the Westchester County Department of Health, except where public sewer is provided. The Building Inspector shall reject all applications for building permits for accessory apartments in those cases where the Health Department report indicates that the septic system is inadequate for the requested use, or contains recommendations for improvements to the system until such time as such recommended improvements are installed. The applicant shall demonstrate to the Building Inspector that the septic disposal system has been cleaned within one year of the date of application. For properties provided with water supply from an on-site well, the applicant shall also collect a sample of well water for microbiological analysis to determine the presence of the coliform group. Such sample shall be analyzed by a state-approved laboratory, and the results shall be reported to the Building Inspector and Health Department.

NA

(15)

Reinspection. 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.

(16)

Change of ownership. Special permit uses for accessory apartments shall terminate upon change of ownership. See also the provisions of Subsection **K(4)** regarding application only after two years after change of title.

(17)

Severability. Subsection **K(14)** shall expire on April 30, 1986, unless affirmed by resolution of the Town Board.



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

PLANNING DEPARTMENT
Adam R. Kaufman, AICP
Director of Planning

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northcastleny.com

Application for Special Use Permit Approval

Application Name

Adam and Elizabeth Barnett



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

PLANNING DEPARTMENT
Adam R. Kaufman, AICP
Director of Planning

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PLANNING BOARD SCHEDULE OF ESCROW ACCOUNT DEPOSITS

<u>Type of Application Deposit*</u>	<u>Amount of Initial Escrow Account</u>
Concept Study	\$500.00
Site Plan Waiver for Change of Use	\$500.00
Site Development Plan for:	
Multifamily Developments	\$3,000.00 plus \$100.00 per proposed dwelling unit
Commercial Developments	\$3,000.00 plus \$50.00 for each required parking space
1 or 2 Family Projects	\$2,000.00
Special Use Permit	\$2,000.00 plus \$50.00 for each required parking space
Subdivision:	
Lot Line Change resulting in no new lots	\$1,500.00
All Others	\$3,000.00 plus \$200.00 per proposed new lot in excess of two (2)
Preparation or Review of Environmental Impact Statement	\$15,000.00

* If a proposed action involves multiple approvals, a single escrow account will be established. The total amount of the initial deposit shall be the sum of the individual amounts indicated. When the balance in such escrow account is reduced to one-third (1/3) of its initial amount, the applicant shall deposit additional funds into such account to restore its balance to the amount of the initial deposit.

Adam Barnett

Applicant Signature

10/5/21
Date:

I. IDENTIFICATION OF PROPERTY OWNER, APPLICANT AND PROFESSIONAL REPRESENTATIVES

Name of Property Owner: <u>Adam and Elizabeth Barnett</u>
Mailing Address: <u>66 North Greenwich Road, Armonk 10504</u>
Telephone: <u>203-249-7001</u> Fax: _____ e-mail <u>adambarnett9011@gmail.com</u>
Name of Applicant (if different): _____
Address of Applicant: _____
Telephone: _____ Fax: _____ e-mail _____
Interest of Applicant, if other than Property Owner: _____
Is the Applicant (if different from the property owner) a Contract Vendee? Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please submit affidavit stating such. If no, application cannot be reviewed by Planning Board
Name of Professional Preparing Site Plan: <u>N/A - application prepared by applicant</u>
Address: _____
Telephone: _____ Fax: _____ e-mail _____
Name of Other Professional: _____
Address: _____
Telephone: _____ Fax: _____ e-mail _____
Name of Attorney (if any): _____
Address: _____
Telephone: _____ Fax: _____ e-mail _____

Applicant Acknowledgement

By making this application, the undersigned Applicant agrees to permit Town officials and their designated representatives to conduct on-site inspections in connection with the review of this application.

The Applicant also agrees to pay all expenses of publication and the giving of public notice as required, and further acknowledges that he/she shall be responsible for reimbursing the Town for the cost of professional review services required for this application.

It is further acknowledged by the Applicant that all bills for the expenses of publication and the giving of public notice as well as professional consultant review services shall be mailed to the Applicant, unless the Town is notified in writing by the Applicant at the time of initial submission of the application that such mailings should be sent to a designated representative instead.

Signature of Applicant: Adam Barnett Date: 10-5-21

Signature of Property Owner: Adam Barnett Date: 10-5-21

MUST HAVE BOTH SIGNATURES

II. IDENTIFICATION OF SUBJECT PROPERTY

Street Address: 66 North Greenwich Road

Location (in relation to nearest intersecting street):
~100 feet (north, south, east or west) of East Lane

Abutting Street(s): _____

Tax Map Designation (NEW): Section 2 Block 17 Lot 2A

Tax Map Designation (OLD): Section 108.04 Block 1 Lot 32

Zoning District: R2A Total Land Area 6.53

Land Area in North Castle Only (if different) _____

Fire District(s) NC FD#2 School District(s) Byram Hills

Is any portion of subject property abutting or located within five hundred (500) feet of the following:

The boundary of any city, town or village?
No ___ Yes (adjacent) X Yes (within 500 feet) _____
If yes, please identify name(s): Border of CT and NY

The boundary of any existing or proposed County or State park or any other recreation area?
No X Yes (adjacent) _____ Yes (within 500 feet) _____

The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway?
No X Yes (adjacent) _____ Yes (within 500 feet) _____

The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines?
No X Yes (adjacent) _____ Yes (within 500 feet) _____

The existing or proposed boundary of any county or State owned land on which a public building or institution is situated?
No X Yes (adjacent) _____ Yes (within 500 feet) _____

The boundary of a farm operation located in an agricultural district?
No X Yes (adjacent) _____ Yes (within 500 feet) _____

Does the Property Owner or Applicant have an interest in any abutting property?
No X Yes _____

If yes, please identify the tax map designation of that property:

III. DESCRIPTION OF PROPOSED DEVELOPMENT

Type of Special Use Permit:

Accessory Apartment

Accessory Structure over 800 square feet _____

Gross Floor Area: Existing _____ S.F. Proposed _____ S.F.

Number of Parking Spaces: Existing _____ Proposed _____

Earthwork Balance: Cut _____ C.Y. Fill _____ C.Y. _____

Will Development on the subject property involve any of the following:

Areas of special flood hazard? No _____ Yes _____

(If yes, application for a Development Permit pursuant to Chapter 177 of the North Castle Town Code may also be required)

Trees with a diameter at breast height (DBH) of 8" or greater?

No _____ Yes _____

(If yes, application for a Tree Removal Permit pursuant to Chapter 308 of the North Castle Town Code may also be required.)

Town-regulated wetlands? No _____ Yes _____

(If yes, application for a Town Wetlands Permit pursuant to Chapter 340 of the North Castle Town Code may also be required.)

State-regulated wetlands? No _____ Yes _____

(If yes, application for a State Wetlands Permit may also be required.)

V. The information to be included on a site development plan shall include:

Legal Data:

Name of the application or other identifying title.

Adam & Elizabeth Barnett: Reinstatement of accessory apartment status for on-site cottage

Name and address of the Property Owner and the Applicant, (if different)

66 North Greenwich Road, Armonk, NY 10504 (tax ID: 108.04-1-32)

Name, address and telephone number of the architect, engineer or other legally qualified professional who prepared the plan.

N/A. No new construction is proposed. Application was prepared by Adam Barnett

Names and locations of all owners of record of properties abutting and directly across any and all adjoining streets from the subject property, including the tax map designation of the subject property and abutting and adjoining properties, as shown on the latest tax records.

<i>Sam & Vera Scavone</i>	<i>56 North Greenwich Rd.</i>	<i>Armonk</i>	<i>108.04-1-34</i>
<i>Fozia Huda</i>	<i>64 North Greenwich Rd.</i>	<i>Armonk</i>	<i>108.04-1-33</i>
<i>Bradley Porterfield</i>	<i>68 North Greenwich Rd.</i>	<i>Armonk</i>	<i>108.03-3-33</i>
<i>Jarryd & Arielle Levine</i>	<i>13 Yale Place</i>	<i>Armonk</i>	<i>108.04-1-31</i>
<i>James & Rosalind Oesterle</i>	<i>14 Yale Place</i>	<i>Armonk</i>	<i>108.04-1-38</i>

Existing zoning, fire, school, special district and municipal boundaries.

Size of the property to be developed, as well as property boundaries showing dimensions and bearings as determined by a current survey; dimensions of yards along all property lines; name and width of existing streets; and lines of existing lots, reservations, easements and areas dedicated to public use.

No new construction is proposed on a ~6+ acre parcel. As built is attached.

Reference to the location and conditions of any covenants, easements or deed restrictions that cover all or any part of the property, as well as identification of the document where such covenants, easements or deed restrictions are legally established.

Schedule of minimum zoning requirements, as well as the plan's proposed compliance with those requirements, including lot area, frontage, lot width, lot depth, lot coverage, yards, offstreet parking, off-street loading and other pertinent requirements.

N/A. No new construction is being proposed.

Locator map, at a convenient scale, showing the Applicant's entire property in relation to surrounding properties, streets, etc., within five hundred (500) feet of the site.

As built survey is attached.

North arrow, written and graphic scales, and the date of the original plan and all revisions, with notation identifying the revisions.

As built survey is attached.

N/A A signature block for Planning Board endorsement of approval.

Existing Conditions Data:

Location use and design of existing buildings, identifying first floor elevation, and other structures.

Plan of existing cottage is attached. Cottage is ~20+ years old.

Location of existing facilities for water supply, sanitary sewage disposal, storm water drainage, and gas and electric service, with pipe sizes, grades, rim and inverts, direction of flow, etc. indicated.

As built survey is attached.

Location of all other existing site improvements, including pavement, walks, curbing, retaining walls and fences.

NA Location, type, direction, power and time of use of existing outdoor lighting.

NA Existing topographical contours with a vertical interval of two (2) feet or less.

NA Location of existing floodplains, wetlands, slopes of 15% or greater, wooded areas, landscaped areas, single trees with a DBH of 8" or greater, rock outcrops, stone walls and any other significant existing natural or cultural features.

Short Environmental Assessment Form

Part 1 - Project Information

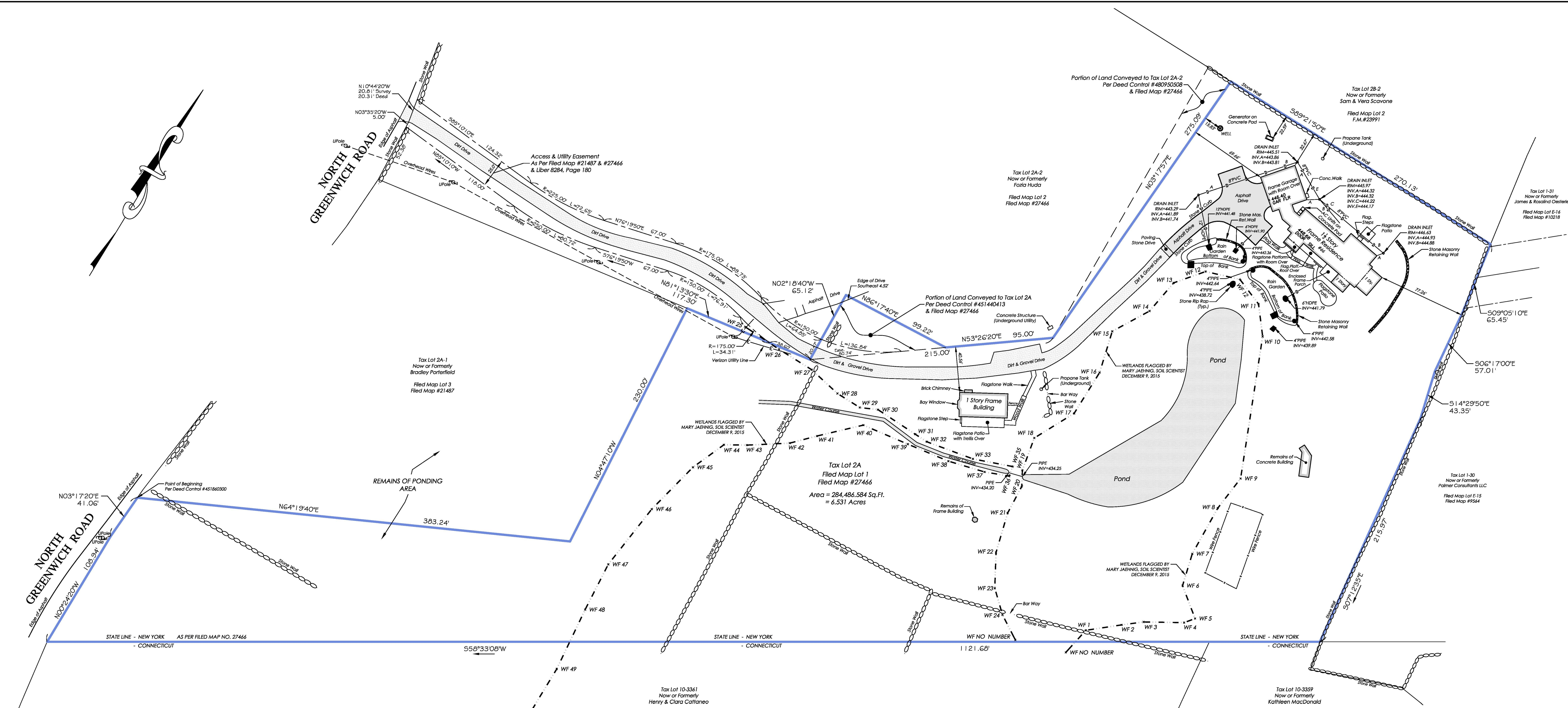
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Adam & Elizabeth Barnett				
Name of Action or Project: Re-instate the accessory apartment status for the cottage on our property at 66 North Greenwich Road				
Project Location (describe, and attach a location map): 66 North Greenwich Road				
Brief Description of Proposed Action: We would like to re-instate/restore the accessory apartment status for the cottage on our property at 66 North Greenwich Road. The cottage had been designated an accessory apartment prior to our purchase of 66 North Greenwich Road and the construction of our "main house"				
Name of Applicant or Sponsor: Adam Barnett		Telephone: 203-249-7001		
		E-Mail: adambarnett9011@gmail.com		
Address: 66 North Greenwich Road				
City/PO: Armonk		State: NY	Zip Code: 10504	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ ~6 acres		
b. Total acreage to be physically disturbed?		_____ 0 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ ~6 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		



Only copies from the original of this survey marked with an original of the Land Surveyors embossed seal shall be considered to be true, valid copies.

Said certifications shall run only to the person for whom this survey is prepared and on his/her behalf to the title company, governmental agency and lending institutions listed hereon. Certifications are not transferable to additional institutions or subsequent owners.

Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyors seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

Possession only where indicated.

Adjacent property lines and easements not surveyed or certified. Access to adjacent rights of way, easements and public or private lands not guaranteed or certified.

Underground utilities shown hereon are approximate and should be verified before excavating. Additional underground utilities are not shown or certified. Encroachments and structures below grade, if any, not shown or certified.

Subject to covenants, easements, restrictions, conditions and agreements of record.

Premises hereon being Lot 1 as shown on a certain map entitled, "Map of Lot Line Change for Lands of Inter Vivos Trust No.2 of Margaret E. Porterfield and Karen P. Clark and Ashad Khan." Said map filed in the Westchester County Clerk's Office, Division of Land Records December 16, 2004 as map number 27466.

Surveyed in accordance with Deed Control Number 451860300, and Deed Control Number 451440413.

Premises shown hereon designated on the Town of North Castle Tax Maps as: Section 2, Block 17, Lot 2A.

State ID - Section 108.04, Block 1, Lot 32.

Property Address: 66 North Greenwich Road
Armonk, NY 10504

**THIS MAP IS FOR BUILDING DEPARTMENT PURPOSES ONLY.
MAP IS NOT TO BE USED FOR TITLE TRANSFER PURPOSES.
MAP MAY NOT BE CERTIFIED TO TITLE COMPANIES AND/OR BANKS.**

**FINAL AS BUILT
PREPARED FOR
ELIZABETH ZUCKER BARNETT**
SITUATE IN THE
TOWN OF NORTH CASTLE
WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 40'
GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

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ALL RIGHTS RESERVED. UNAUTHORIZED DUPLICATION OR
ELECTRONIC TRANSMISSION WITHOUT PRIOR PERMISSION
IS A VIOLATION OF APPLICABLE LAWS.



TC MERRITTS LAND SURVEYORS
394 BEDFORD ROAD • PLEASANTVILLE • NY 10570
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Surveyed: December 10, 2015
Map Prepared: December 17, 2015
Map Revised: August 25, 2017 to show foundation as built
Map Revised: July 31, 2018 to show final as built

By: *Daniel T. Merritt*
New York State Licensed Land Surveyor No.050604

Project: Ref.07-050 15-307	Field Survey By: BC/CR
Drawn By: DA	Checked By: DM