



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

**PLANNING BOARD**  
**Christopher Carthy, Chair**

**Telephone: (914) 273-3542**  
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[www.northcastleny.com](http://www.northcastleny.com)

## **RESOLUTION**

**Action:** Special Use Permit for Accessory Structure and Site Plan, Approvals  
**Application Name:** 115 Round Hill Road Detached Garage [2022-002]  
**Owner/Applicant:** Martin and Judith Schwartz  
**Designation:** 109.01-1-36  
**Zone:** R-2A (Residential 2 acre) District  
**Acreage:** 2.03 acres  
**Location:** 115 Round Hill Road  
**Date of Approval:** February 14, 2022  
**Expiration Date:** February 14, 2023

WHEREAS, an application dated January 10, 2022 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 labeled "P-2," entitled "Proposed Conditions Survey," dated May 3, 2021, last revised January 11, 2022, prepared by Sound View engineer & Land Surveyors, LLC.
- Plan labeled "SDP," entitled "Site Development Plat," dated October 25, 2021, last revised January 11, 2022, prepared by Sound View engineer & Land Surveyors, LLC.
- Plan labeled "A-8," entitled "New 2-Level Garage Plans & Elevations," dated January 10, 2022, prepared by Samuel E. Gardner, AIA.
- Plan labeled "A-9," entitled "New 2-Level Garage Plans, Elevations, Sections & Details," dated January 10, 2022, prepared by Samuel E. Gardner, AIA.

WHEREAS, the subject site is a 2.03 acre lot in the R-2A Zoning District with an existing single family residence with swimming pool; and

WHEREAS, on February 4, 2021 the RPRC conditionally approved the conversion of existing garage into new bedroom, expansion of existing home office and a proposed new 1 car detached garage, new gazebo and the removal of 1 tree; and

WHEREAS, the Applicant is proposing to replace the previously approved one-story detached garage with a new two-story (20 feet 6 inches) 810 square foot garage; and

WHEREAS, the garage will be on 2-levels with parking on the 1st level (at grade) and finished storage on the second level; 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, 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 January 27, 2022; and

WHEREAS, the Applicant received Architectural Review Board approval on February 2, 2022; and

WHEREAS, the application was previously reviewed by the Town's Residential Project Review Committee (RPRC) as a one-story structure whereby a full engineering review was conducted by the Town Engineer; 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, a duly advertised public hearing was conducted on February 14, 2022 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

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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 two stories that is 20 feet 6 inches; and

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 Applicant shall submit a Gross Floor Area Calculations Worksheet and backup Information to the satisfaction of the Planning Department.
- \_\_\_\_\_ 2. The Applicant shall submit a Gross Land Coverage Calculations Worksheet and backup information to the satisfaction of the Planning Department.
- \_\_\_\_\_ 3. The Applicant will need to submit an exhibit demonstrating that the detached accessory structure is no more than 25% of the GFA of the principal building to the satisfaction of the Planning Department.
- \_\_\_\_\_ 4. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_ 5. The applicant shall submit to the Planning Board Secretary an electronic PDF set 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 Town Attorney.
- \_\_\_\_\_ 6. 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.
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 Martin Schwartz

\_\_\_\_\_  
Date Judith Schwartz

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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

\_\_\_\_\_  
Date Christopher Carthy, Chairman