



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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PLANNING BOARD
Christopher Carthy, Chair

RESOLUTION

Action: Special Use Permit for Accessory Structure and Site Plan, Approvals
Application Name: 3 Cowdray Park Drive Pool House [2022-040]
Owner/Applicant: Gary Katcher
Designation: 102.04-1-24
Zone: R-2A (Residential 2 acre) District
Acreage: 12.47 acres
Location: 3 Cowdray Park Drive
Date of Approval: August 7, 2023
Expiration Date: August 7, 2024

WHEREAS, an application 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:

- Sub-basement floor plans dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Floor plans dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Roof plans dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Front Elevation dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Rear Elevation dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Side Elevations dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Perspectives dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Precedent Images dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Site Photos dated October 19, 2022, prepared by Christopher Pagliaro Architects.
- Plan labeled "GFA.1," entitled "Gross Floor Area," dated January 1, 2000, prepared by Christopher Pagliaro Architects.
- Plan labeled "GFA.2," entitled "Gross Floor Area," dated January 1, 2000, prepared by Christopher Pagliaro Architects.
- Plan labeled "GFA.3," entitled "Gross Floor Area," dated January 1, 2000, prepared by Christopher Pagliaro Architects.
- Plan labeled "GFA.4," entitled "Gross Floor Area," dated January 1, 2000, prepared by Christopher Pagliaro Architects.
- Plan labeled "GFA.5," entitled "Gross Floor Area," undated, prepared by Christopher Pagliaro Architects.
- Plan labeled "GFA.6," entitled "Gross Floor Area," undated, prepared by Christopher Pagliaro Architects.

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- Plan labeled “SE1,” entitled “Site Development Plan,” dated March 9, 2023, prepared by McChord Engineering Associates, Inc.
- Plan labeled “DT1,” entitled “Construction Notes and Details,” dated March 9, 2023, prepared by McChord Engineering Associates, Inc.
- Plan labeled “T-1,” entitled “Title & Specifications,” dated December 13, 2022, prepared by Benedek & Ticehurst Landscape Architects & Site Planners, P.C.
- Plan labeled “T-2,” entitled “Title & Specifications,” dated December 13, 2022, prepared by Benedek & Ticehurst Landscape Architects & Site Planners, P.C.
- Plan labeled “P-1,” entitled “Pool/Spa Development Plan,” dated December 13, 2022, prepared by Benedek & Ticehurst Landscape Architects & Site Planners, P.C.
- Plan labeled “P-2,” entitled “Details,” dated December 13, 2022, prepared by Benedek & Ticehurst Landscape Architects & Site Planners, P.C.
- Plan labeled “L-1,” entitled “Planting Plan,” dated June 16, 2022, last revised February 8, 2023, prepared by Benedek & Ticehurst Landscape Architects & Site Planners, P.C.
- Plan labeled “S-1,” entitled “Site Plan,” dated June 16, 2022, last revised July 25, 2022, prepared by Benedek & Ticehurst Landscape Architects & Site Planners, P.C.
- Plan entitled “Zoning Location Survey,” dated February 1, 2023, last revised May 30, 2023, prepared by D’Andrea Engineering and Surveying, P.C.
- Plan entitled “Topographic Survey,” dated February 1, 2023, last revised March 2, 2023, prepared by D’Andrea Engineering and Surveying, P.C.

WHEREAS, the subject site is a 12.47 acre lot in the R-2A Zoning District with an existing single family residence with swimming pool; and

WHEREAS, the Applicant is requesting a Special Permit to construct a 1,598 square foot pool house off the rear of the existing pool terrace which will house a pool bath, living space and a gym work out room on the basement walkout level; and

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

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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 application for special permit approval was referred to the Town's emergency response providers; and

WHEREAS, the Planning Board did not receive any comments from the Town's emergency response providers; and

WHEREAS, the required "notice only" referral was made to the County on September 30, 2022; and

WHEREAS, the Applicant received Architectural Review Board approval on October 19, 2022; 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 August 7, 2023 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 two stories that is up to 22 feet in height; 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 submitted elevations shall be revised to depict building height that does not exceed 22 feet in height measured from average grade to average weighed roof midpoint to the satisfaction of the Planning Department.
- _____ 2. All submitted plans shall contain the seal and signature of the professional preparing the plans to the satisfaction of the Planning Department.

- _____ 3. The depicted wetland boundary shall be confirmed by the Town Wetlands Consultant.
- _____ 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.

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.

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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.

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

Date

Gary Katcher

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

Date

Joseline Huerta, 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