



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

PLANNING BOARD
Christopher Carthy, Chair

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

RESOLUTION

Action: Special Use Permit for Accessory Apartment and Accessory Structures and Site Plan Approvals
Application Name: 209 Bedford Banksville Road [2022-051]
Owner/Applicant: Joseph and Celeste Rault
Designation: 95.03-2-35
Zone: R-4A (Residential 4 acre) District
Acreage: 6.02 acres
Location: 209 Bedford Banksville Road
Date of Approval: November 13, 2023
Expiration Date: November 13, 2024

WHEREAS, an application for Special Use Permit approval and site plan approvals relating to a proposed new guest house, pool house, addition, pool and garage was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the proposed accessory apartment, garage and pool house all exceed 800 square feet in size; and

WHEREAS, Planning Board special use permit approval is required for all of the referenced structures/uses; and

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

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

WHEREAS, the application consists of the following plans:

- Plan entitled "G. Lnd. Cvr.," dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled "FAR," dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled "FAR 2," dated January 13, 2023, prepared by Granoff Architects.

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- Plan entitled “Zoning,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “Bldg. Cvr.,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “AS001,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A001,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A002,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A101,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A102,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A300,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A301,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A302,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A303,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A101 Gar,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A301 Gar,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A302 Gar,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A101 GH,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A102 GH,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A301 GH,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A302 GH,” dated January 13, 2023, prepared by Granoff Architects.
- Plan entitled “A101 PH,” dated January 13, 2023, prepared by Granoff Architects.
- Plan labeled “1 of 5,” entitled “Site Plan,” dated November 25, 2022, last revised September 8, 2023, prepared by Site Design Consultants.
- Plan labeled “2 of 5,” entitled “Existing Conditions Plan,” dated November 25, 2022, last revised September 8, 2023, prepared by Site Design Consultants.
- Plan labeled “3 of 5,” entitled “Erosion and Sediment Control Plan,” dated November 25, 2022, last revised September 8, 2023, prepared by Site Design Consultants.
- Plan labeled “4 of 5,” entitled “Drainage and ESC Details,” dated November 25, 2022, last revised September 8, 2023, prepared by Site Design Consultants.
- Plan labeled “1 of 5,” entitled “Site Plan,” dated November 25, 2022, last revised September 8, 2023, prepared by Site Design Consultants.
- Plan labeled “5 of 5,” entitled “Stormwater Details,” dated November 25, 2022, last revised September 8, 2023, prepared by Site Design Consultants.
- Plan labeled “1 of 2,” entitled “OWTS Plan,” dated October 21, 2022, last revised September 8, 2023, prepared by Site Design Consultants.
- Plan labeled “1 of 2,” entitled “OWTS Details,” dated October 21, 2022, last revised September 8, 2023, prepared by Site Design Consultants.
- Document entitled “Stormwater Management Plan,” dated August 2023, prepared by Site Design Consultants.

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WHEREAS, the subject site is a 6.02 acre lot in the R-4A Zoning District with an existing single family residence; and

WHEREAS, the Applicant is proposing a Gross Floor area of 23,957 square feet and a Gross Land Coverage of 40,439 square feet; and

WHEREAS, the maximum permitted amount of Gross Floor Area for the 6.02 acre lot is 16,249 square feet; and

WHEREAS, the maximum permitted amount of Gross Land Coverage for the 6.02 acre lot is 27,469 square feet; and

WHEREAS, the Application is premised upon transferring the permitted gross floor area and land coverage from 191 Bedford Banksville Road to 209 Bedford Banksville Road; and

WHEREAS, the Applicant obtained a Gross Floor Area variance of 7,708 square feet on May 25, 2023; and

WHEREAS, the Applicant obtained a Gross Land Coverage variance of 12,970 square feet on May 25, 2023; and

WHEREAS, the existing shed and garden are proposed to remain at 191 Bedford Road; and

WHEREAS, the Town Attorney at the December 12, 2022 meeting stated that a use variance is not required and that the shed was an existing nonconforming structure; and

WHEREAS, the proposed house will have a total GFA of 11,774 square feet; and

WHEREAS, pursuant to Section 355-21 Permitted Accessory Use 5, accessory structures can't exceed 25% of the gross floor area of the principal building ($11,774 * 0.25 = 2,943$ sq. ft.); and

WHEREAS, the proposed accessory apartment is 3,885 sq ft; and

WHEREAS, the Applicant secured a 942 square foot variance from the Zoning Board of Appeals on May 25, 2023; and

WHEREAS, the proposed garage is 3,230 square feet; and

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WHEREAS, the Applicant obtained a 287 square foot variance from the Zoning Board of Appeals on May 25, 2023; and

WHEREAS, pursuant to Section 355-21 Permitted Accessory Use 5, accessory structures can't exceed a maximum vertical height of 22 feet; and

WHEREAS, the proposed garage is 23 feet 3 inches in height and exceeds the maximum permitted height of 22 feet; and

WHEREAS, the Applicant obtained a variance from the Zoning Board of Appeals on May 25, 2023; and

WHEREAS, the accessory apartment is 29 feet 1 inch in height and exceeds the maximum permitted height of 22 feet; and

WHEREAS, the Applicant obtained a variance from the Zoning Board of Appeals on May 25, 2023; and

WHEREAS, pursuant to Section 355-40.K(4)(a) of the Town Code accessory apartments are not permitted to be located in an accessory structure unless the structure was constructed prior to October 11, 1984; and

WHEREAS, the Applicant obtained a variance from Section 355-40.K(4)(a) of the Town Code from the Zoning Board of Appeals on May 25, 2023; and

WHEREAS, pursuant to Section 355-40.K(11) of the Town Code, 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 and 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; and

WHEREAS, the 3,885 s.f. accessory apartment exceeds the maximum permitted 3,103.5 s.f. apartment size; and

WHEREAS, the Applicant obtained the required variance from the Zoning Board of Appeals on May 25, 2023; and

WHEREAS, the application for special permit approval was referred 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

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WHEREAS, the Planning Board did not receive any comments from Westchester County; and

WHEREAS, the Applicant received Architectural Review Board approval on September 20, 2023; 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 November 13, 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 and site plan 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.

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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, 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. Pursuant to Section 355-40.K(4(b) of the Town Code, the Applicant shall 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 to the satisfaction of the Planning Department.
- _____ 2. The Applicant shall submit, in recordable form, to the satisfaction of the Town Attorney, a deed restriction prohibiting further development at 191 Bedford Banksville Road.
- _____ 3. Pursuant to Section 355-40.K(4(b) of the Town Code, the Applicant shall provide documentation to the satisfaction of the Planning Department that the principal dwelling CO was issued more than four years ago and that the Applicant has owned the property for two years.
- _____ 4. Projects with site disturbance in excess of one (1) acre required conformance with New York State Department of Environmental Conservation (NYSDEC) General Permit GP-0-20-001 for stormwater quality and quantity. A Notice of Intent (NOI) and MS4 Acceptance Form shall be filed with the NYSDEC to the satisfaction of the Town Engineer.

- _____ 5. The precast drain inlet detail shall be modified to include a sump to the satisfaction of the Town Engineer.
- _____ 6. The plans shall detail the methods proposed to collect runoff from the patio areas to the satisfaction of the Town Engineer. Clarify how runoff from the southern portion of patio is proposed to be collected.
- _____ 7. The plans shall be revised to illustrate the location of the proposed pool fence, walls and gates protecting the pool area to the satisfaction of the Town Engineer. Provide details of the protection proposed noting its compliance with the NYS Building Code.
- _____ 8. The applicant is proposing a new septic system and a new domestic well to service the existing and proposed on-site facilities. The applicant shall submit documentation, to the satisfaction of the Town Engineer, confirming Westchester County Department of Health Approval has been obtained for the proposed septic and well.
- _____ 9. Payment of all outstanding fees, including professional review fees.
- _____ 10. 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. 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

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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.

- _____ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 3. The submission of a complete set of building plans for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- _____ 4. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy:

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

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

Other Conditions:

1. All initial pool fillings (after construction or repair) and all subsequent pre-season yearly pool fillings (not including water loss during the season) shall be completed using off-site trucked in water. In no circumstance shall the public water supply or a private well be used for initial pool fillings and/or pre-season yearly pool fillings.
2. The owner of the lot on which the accessory apartment is located is required to occupy either of the dwelling units on the premises. Owner occupancy of one of the units is required to continue for the duration of the special permit. Alternative forms of ownership may include but are not limited to corporate ownership, partnership ownership, an estate or trust ownership, subject to review by the Town Attorney to ensure that the intent of the Town Code are fulfilled.

3. No more than one accessory apartment per lot is permitted.
4. No accessory apartment can be permitted on any lot currently utilized as an office of a professional person or home occupation, as defined in § 355-4 and as regulated in § 355-21.
5. Accessory apartments which have been approved by the Planning Board, following due notice and public hearing, shall be reinspected by the Building Inspector every three years. The purpose of such continuing reinspection of the accessory unit shall be to determine if all required conditions of approval continue to be complied with, and report on such findings to the Planning Board. At the same time of such inspection, the Building Inspector shall also review and report on compliance with off-street parking requirements. If the Building Inspector finds that additional parking is necessary for the lot, he shall report such finding to the Planning Board and recommend the number of additional spaces to be provided. On the recommendation of the Building Inspector, the Planning Board may make a finding that the original conditions of special permit approval continue to be complied with, modify the conditions of special permit approval in accordance with the Building Inspector's recommendations or revoke the accessory apartment special permit approval.
6. Special permit uses for accessory apartments shall terminate upon change of ownership.
7. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
15. 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.
16. 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 Joseph Rault

Date Celeste Rault

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

KSCJ 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

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