



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Taylor M. Palmer
tpalmer@cuddyfeder.com

January 30, 2023

VIA E-MAIL

Chairman Christopher Carthy
and Member of the Planning Board
Town of North Castle
17 Bedford Road
Armonk, New York 10504

Re: Special Permit Application – Existing Accessory Apartment
Premises: 38 Creemer Road, Armonk, New York 10504 (SBL: 108.04-2-15)

Dear Chairman Carthy and Members of the Planning Board:

This letter is respectfully submitted on behalf of our client, Mr. James Dempsey (the “Applicant”), the owner of the above-referenced Premises, in connection with a request for the issuance of a Special Permit for an existing “accessory apartment”¹ on the Premises in accordance with Zoning Code § 355-40(K) & §355-34. This application is submitted in conjunction with the Applicant’s repair and restoration work to their existing detached accessory apartment structure (the “Existing Accessory Building” or “Existing Accessory Structure”) – which work was being done to ensure the existing non-conforming structure will be in sound condition.

The Applicant purchased the Premises back in 1996 and the existing accessory apartment was previously approved by the Town of North Castle Planning Board on February 26, 1996 and again on December 12, 2016 (the “Prior Special Permit Approvals”). See **Exhibit D**. Recently, the Applicant performed repairs and restorations to the Existing Accessory Building as is more fully detailed herein. Upon determination by the Town of North Castle Building Department by email dated January 19, 2023 (See **Exhibit E** the “Building Inspector’s Determination”) that the repairs and restoration result in a “new” building,² the Applicant requests approval of its Special Permit for the accessory apartment.

¹ The Zoning Code Defines an “accessory apartment” as: “[a] dwelling unit which is incidental and subordinate to a permitted principal single-family dwelling and located on the same lot therewith.”

² The Applicant reserves all rights to appeal this determination, including but not limited to seeking an interpretation that the repair and restoration work described herein constitutes “maintenance and repair work as is required to keep a nonconforming building or structure in sound condition...” as is permitted by Zoning Code Section 335-66(B).



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BACKGROUND – THE EXISTING ACCESSORY BUILDING & REPAIR/RESTORATION WORK:

The Premises is situated on the north side of Creemer Road, west of Green Valley Road, and is classified in the R-2A Zoning District in the Town of North Castle. The Premises is comprised of approximately 2.00 acres. The Premises is currently improved with an existing single-family residence and a modest two-bedroom accessory apartment that has existed on the Premises for decades and has been inspected every three (3) years by the Building Department in accordance with the Prior Special Permit Approval. The Premises is adjacent to similar single-family residential developments on similarly-sized lots with dense, forested vegetation.

The Existing Accessory Building has been in its current location for centuries and there is an existing Special Permit Approval for the detached accessory apartment in the Existing Accessory Building.³ See **Exhibit F** - Building Permit #2493, and Certificate of Occupancy #1925 from the Town of North Castle, dated November 20, 1964. Due to the age of the Existing Accessory Building, including the nearly disintegrated horizontal beams that the structure was resting on, in October 2021, the Applicants submitted Applications for a Residential Building Permit, Floodplain Development, and Plumbing approvals (collectively the “Building Permit Application”) to the Building Department. See **Exhibit G** – Images of Disintegrated Beams and Structure. The Building Permit Application specifically sought to use a house lifter to lift the building off its foundation to perform maintenance and repair work in an attempt to keep the Existing Accessory Building in sound condition. The repair work that was involved in restoring the damaged building and to keep it in sound condition included: lifting the structure; replacing the foundation and floor and any structural components in disrepair in-kind; replacing the siding and windows; installing insulation; installing new fixtures; replacing the roof; and replacing the chimney to match the existing weathered and aged materials (the “Repair Work”). Given the deterioration of this very old structure, the extensive Repair Work was estimated to cost around \$282,000 and the work was designed to be in-kind for the existing conditions. Building Permit No. 2022-0196 for the Repair Work was issued by the Town of North Castle Building Department on March 7, 2022, together with the Floodplain Development Permit No. 2022-1095, which was also issued on March 7, 2022 (collectively the “Permits”), denoting among other details the “full restoration of barn” and calling for among many other inspections, inspections of framing work.

To perform the necessary Repair Work, the Applicants hired an experienced contractor, THP Consulting, who has decades of experience working with older and historic structures. The Existing Accessory Structure was first lifted off the foundation using the house lifter in June 2022. Before it

³ The Applicants have owned the Premises for almost 30 years and have been working since to restore and maintain the aging structures on the property.



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was lifted, the contractor also needed to install an exoskeleton to support the building because when it was initially lifted, the signs of the decaying structure were visually apparent. Once the building had been lifted and moved to allow the contractor to complete the new foundation and associated approved improvements pursuant to the Permits, the contractor completed the basement slab work, which was inspected by the Building Department on or about August 1, 2022.

After completion of the approved block foundation, including waterproofing, the contractor then initiated deck framing and scheduled a framing inspection for the week of August 8th. During the week of August 15, 2022, the contractor again met with the Building Department on site to review proposed changes to the foundation plan and to provide revised plans given the conditions of the building. During that meeting on site, we understand that the unsafe conditions of the existing rotted timber, as well as the deteriorated rafters, floor joist timbers and related materials was discussed. On August 17, 2022, the Building Department then completed a waterproofing inspection. *See Exhibit H.*

The following week (of August 22nd), the Existing Accessory structure was moved back to its original location and place over the new decking (but it was not lowered at that time), and rotted wood beams and material were shored up, repaired, and replaced in-kind as required to keep the nonconforming building in sound condition. The Existing Accessory Building was the lowered onto the new deck the week of September 12th. The Applicant provides detailed photos and video recording of the repair and restoration process, which demonstrates the lengths gone to preserve the existing structure to the greatest extent possible and to ensure that any replacement would be in-kind and only what is necessary for safe and sound habitation. *See Exhibit I.* A detailed project timeline with photos of the unsafe materials is also provided. *See Exhibit J.* The Repair Work continued pursuant to the issued Permits, and we understand that as a result of a complaint from a neighbor, a Stop Work Order was issued on October 28th, at which time the maintenance and Repair Work required to keep the nonconforming building in sound condition was halted.

APPLICATION FOR SPECIAL PERMIT APPROVAL FOR ACCESSORY APARTMENT:

Pursuant to the Building Inspector's Determination, the instant application is before this Board due to the extent of the repair and maintenance work that was required to the Existing Accessory Building to ensure that it is in sound condition. We also understand that the size, footprint, or shape of the Existing Accessory Building has not been changed since the Prior Special Permit Approvals were granted. On the exterior, the repaired and maintained building will look the same as the Existing Accessory Building as looked and in the same location it has for centuries. Accordingly, it is respectfully submitted that the accessory apartment satisfies the Special Use Permit standards set forth in Zoning Code Sections 355-34 and 355-40(K).



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Furthermore, the Existing Accessory Building a repaired serves to implement the purpose of the individual standards and regulations provided in the Zoning Code for accessory apartments. Zoning Code §355-40(K)(1), provides in relevant part that:

...allowing accessory apartments in single-family residence districts... provide[s] 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.

Zoning Code §355-40(K)(1).

As indicated above, the principal structure on the premises is occupied by the Applicant. Before the above repairs and renovations were performed, the Existing Accessory Structure was rented to a local professional, with family living in the Town of North Castle. Accordingly, it is respectfully submitted that the rental of the existing accessory apartment by the Applicant allows efficient use of the Town's existing stock of dwellings and preserves the neighborhood character and property values, consistent with the intent of the foregoing provision.

Interior floor plans prepared by the Applicant's architect Aryeh Seigel Architect, are enclosed in support of the instant application.⁴ As identified in the Interior Floor Plans, the existing accessory apartment consists of a two-bedroom accessory structure, with a small kitchen and living area. While the footprint of the existing accessory apartment is approximately 670 +/- square feet, the accessory structure has a total gross floor area of 1,157 +/- square feet. The first floor is comprised of approximately 670 +/- square feet, and the second floor comprised of approximately 487 square feet. There is an existing 274 +/- square feet one-story porch.

⁴ Note: Pursuant to our discussions with Building Inspector, updated Construction Drawings showing the in-kind repair and maintenance work, will be submitted to his office after our review with the Planning Board regarding the instant application. We also enclose a copy of the previously approved special permit plan entitled "Floor Plan Site Plan", prepared by LR Lerner Architecture PC, last dated December 20, 2016, showing the parking area at the site.



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The existing accessory apartment is located to the northwest portion of the Premises, and is screened by existing plantings between the Premises and the adjacent property. This Application is consistent with existing lots in the area both with respect to size and layout, and fits within the character of the neighborhood. *See Exhibit G* – Tax Map Aerial/Google Maps. Thus, this application will simply maintain the Premises’ conformity with the neighborhood and preserve what everyone has thought and understood for years. As described above, neighboring properties will not be adversely impacted by the continued existence of the accessory apartment. Further, we understand that no violations or renter issues have existed to date for the current owners. This existing accessory apartment is the only accessory apartment on the Premises, and has ample off-street parking.

As is detailed herein and as discussed at our meeting with the Building Department on November 9, 2022, the Applicants and their consultants made great efforts – which came at great expense – to maintain, repair and restore the Existing Accessory Building. The approved Repair Work was reviewed by the Building Department during the construction, and we understand revised drawings were readied to address the deteriorated condition of the structure. As was determined in the field by the contractor in performing the Repair Work, maintenance and repair work was necessary to keep the building in sound condition. This work primarily included replacing rotted and dilapidated materials in-kind with new framing and materials – leaving the building in safe and sound condition.

SEQRA REVIEW – TYPE II ACTION:

The requested Special Permit for the existing accessory apartment will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The requested Special Permit will not adversely impact the environment but will rather maintain the status-quo as has existed at the Premises for centuries, though now in safer and more habitable conditions.

The request for issuance of a Special Permit before this Board constitutes an action exempt from the State Environmental Quality Review Act (“SEQRA”) because this is a Type II Action. *See* 6 NYCRR § 617.5(c)(11), (12), and (32) (SEQRA Regulations). Notwithstanding, a Short Environmental Assessment Form (“EAF”) has been included in this application.



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CONCLUSION:

It is respectfully submitted that the Applicant's Existing Accessory Building and the accessory apartment complies with the applicable criteria, that it will have no adverse impacts on the neighborhood, and that it has not had an impact on the neighborhood for more than two (2) decades. Indeed, the restoration of the Existing Accessory Building was necessary to maintain and repair the aging structure and to keep it in sound condition. The Applicant is simply seeking to have the Special Permit reissued for the existing accessory apartment in accordance with the Zoning Code following the determination by the Building Inspector that the completion of the herein described Repair Work constitutes a "new" building. Moreover, it is respectfully submitted that the Special Permit Application for an existing accessory apartment is a Type II action under the SEQRA Regulations Section 617.5(c)(11), (12), and (32) requiring no further environmental review.

For the reasons set forth above, and as will be further discussed at the public hearing on this matter, the Applicant respectfully requests that the aforementioned Special Permit be granted for the existing accessory apartment on the Premises. The maintenance and repairs were needed to ensure a safe, habitable structure and were performed in-kind and in the same location as the structure has always been. Because of this, and on account of the Board's previous knowledge of the Premises, we respectfully request that the Planning Board exercise its authority pursuant to Zoning Code Section 355-40(K)(2) and waive the requirement for preparation of a complete site plan for review.

In support of this application, please find the following documents enclosed with the instant letter:

- Exhibit A:** Signed Town of North Castle Special Permit Application Packet;
- Exhibit B:** Short Environmental Assessment Form;
- Exhibit C:** Bargain and Sale Deed between Ann Watson Walsh, and James E. Dempsey and Cheryl L. Dempsey, dated March 28, 1996 and filed in the Office of the Westchester County Clerk on April 10, 1996 at Liber 11397, Page 247;
- Exhibit D:** Prior Special Permit Approval Resolution, dated February 26, 1996 and December 12, 2016;
- Exhibit E:** Email Determination by the Town of North Castle Building Department dated January 19, 2023;
- Exhibit F:** Building Permit #2493, and Certificate of Occupancy #1925 from the Town of North Castle dated November 20, 1964;
- Exhibit G:** Images of the Disintegrated Beams and Framing of the Existing Accessory Structure;
- Exhibit H:** Town of New Castle Building Department Inspection Report dated August 17, 2022;



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- Exhibit I:** Video Footage and Images of the Existing Accessory Structure Being Moved Using House Mover;⁵
- Exhibit J:** Detailed Project Timeline and Additional Images of Rotted-out and Unsafe Materials in Existing Accessory Structure, and of the Repair Work in process to the Existing Accessory Building; and
- Exhibit K:** Google Map & Tax Map Aerials of the Premises and Existing Screening.

In further support of this Application, we respectfully submit the previously approved special permit plan entitled “Floor Plan Site Plan”, prepared by LR Lerner Architecture PC, last dated December 20, 2016, together with the Architectural Plans prepared by Aryeh Siegel, Architect dated August 20, 2021 (last revised January 30, 2023) including elevations and floor plans showing the repairs and maintenance work involved herein.

Under separate cover, the Applicant submits a check made payable to the Town of North Castle in the amount of \$250 (representing the Special Permit Application Fee and the SEQRA Short EAF Application Fee) and a check made payable to the Town of North Castle in the amount of \$2,000 (representing the initial Planning Board escrow deposit).

Should the Planning Board or Town Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me. We look forward to the opportunity to appear before this Board on February 13, 2023 to respond to any comments at that time.

Thank you for your attention to and consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'TP', is written over a horizontal line.

Taylor M. Palmer

Enclosures

- cc: Adam R. Kaufman, AICP, Director of Planning
- Robert Mellilo, Building/Fire Inspector
- Roland A. Baroni, Esq., Town Counsel
- Jim Dempsey
- Daniel Patrick, Esq.

⁵ Note: The video is included in the link to the submission folder which shows the house mover being used to move and then relocate the Existing Accessory Structure back to its original location.

Exhibit A



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

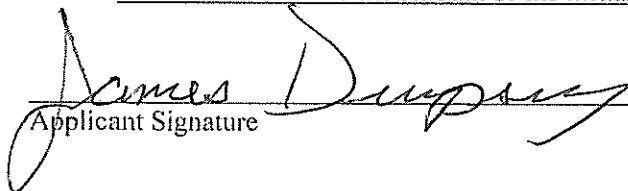
PLANNING DEPARTMENT
Adam R. Kaufman, AICP
Director of Planning

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

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.


Applicant Signature

Date: 1/27/23

I. IDENTIFICATION OF PROPERTY OWNER, APPLICANT AND PROFESSIONAL REPRESENTATIVES

Name of Property Owner: <u>James Dempsey</u>
Mailing Address: <u>38 Creemer Road, Armonk, NY 10504</u>
Telephone: <u>914-273-2487</u> Fax: _____ e-mail <u>creemer38@aol.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 checked="" 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>Larry Lerner, R.A., AIA</u>
Address: <u>LR Lerner Architecture P.C., 69 Harney Rd., Scarsdale, NY 10583</u>
Telephone: <u>914-723-3655</u> Fax: _____ e-mail <u>larrylerner@gmail.com</u>
Name of Other Professional: _____
Address: _____
Telephone: _____ Fax: _____ e-mail _____
Name of Attorney (if any): <u>Taylor Palmer, Esq. - Cuddy + Feder LLP</u>
Address: <u>445 Hamilton Ave., 14th Floor, White Plains, NY 10601</u>
Telephone: <u>914-761-1300</u> Fax: <u>914-761-5372</u> e-mail <u>tpalmer@cuddyfeder.com</u>

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: James Dwyer Date: 1/27/23
Signature of Property Owner: James Dwyer Date: 1/27/23

MUST HAVE BOTH SIGNATURES

III. DESCRIPTION OF PROPOSED DEVELOPMENT

Type of Special Use Permit:

Accessory Apartment X

Accessory Structure over 800 square feet _____

Gross Floor Area: Existing 1,157 S.F. Proposed 1,157 S.F.

Number of Parking Spaces: Existing 6 Proposed 0

Earthwork Balance: Cut N/A C.Y. Fill N/A C.Y. N/A

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

Areas of special flood hazard? No X 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 X 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 X 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 X Yes _____

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

IV. SUBMISSION REQUIREMENTS

The special use permit application package shall include all materials submitted in support of the application, including but not limited to the application form, plans, reports, letters and SEQR Environmental Assessment Form. **Submission of the following shall be required:**

- One (1) PDF set of the special use permit application package in a single PDF file.
- A check for the required application fee and a check for the required Escrow Account, both made payable to "Town of North Castle" in the amount specified on the "Schedule of Application Fees."

(continued next page)

V. INFORMATION TO BE INCLUDED ON SPECIAL USE PERMIT SITE PLAN

The following checklist is provided to enable the Applicant to determine if he/she has provided enough information on the special use permit plan for the Planning Board to review his/her proposal. Applicants are advised to review Chapter 355 Article VII of the North Castle Town Code for a complete enumeration of pertinent requirements and standards prior to making application for special use permit approval.

The application for special use permit approval will not be accepted for Planning Board review unless all items identified below are supplied and **so indicated with a check mark in the blank line provided**. If a particular item is not relevant to the subject property or the development proposal, **the letters "NA" should be entered instead**.

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

Legal Data: *Not applicable as per zoning code Section 355-40(k)(2)

N/A Name of the application or other identifying title.

N/A Name and address of the Property Owner and the Applicant, (if different).

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

N/A 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.

N/A Existing zoning, fire, school, special district and municipal boundaries.

N/A 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.

N/A 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.

N/A 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, off-street parking, off-street loading and other pertinent requirements.

N/A 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.

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

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

Existing Conditions Data:

- N/A Location use and design of existing buildings, identifying first floor elevation, and other structures.
- N/A 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.
- N/A Location of all other existing site improvements, including pavement, walks, curbing, retaining walls and fences.
- N/A Location, type, direction, power and time of use of existing outdoor lighting.
- N/A Existing topographical contours with a vertical interval of two (2) feet or less.
- N/A 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.

Proposed Development Data:

- N/A Proposed location of lots, streets, and public areas, and property to be affected by proposed easements, deed restrictions and covenants.
- N/A Proposed location, use and architectural design of all buildings, including proposed floor plans and elevations.
- N/A Proposed means of vehicular and pedestrian access to and egress from the site onto adjacent streets.
- N/A Proposed sight distance at all points of vehicular access.
- N/A Proposed streets, with profiles indicating grading and cross-sections showing the width of the roadway; the location and width of sidewalks; and the location and size of utility lines.
- N/A Proposed location and design of any pedestrian circulation on the site and off-street parking and loading areas, including handicapped parking and ramps, and including details of construction, surface materials, pavement markings and directional signage.
- N/A Proposed location and design of 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.
- N/A Proposed location of all structures and other uses of land, such as walks, retaining walls, fences, designated open space and/or recreation areas and including details of design and construction.
- N/A Location, type, direction, power and time of use of proposed outdoor lighting.

- N/A Location of proposed landscaping and buffer screening areas, including the type (scientific and common names), size and amount of plantings.
- N/A The proposed location, size, design and use of all temporary structures and storage areas to be used during the course of construction.
- N/A Proposed grade elevations, clearly indicating how such grades will meet existing grades of adjacent properties or the street.
- N/A Proposed soil erosion and sedimentation control measures.
- N/A For all proposed plans containing land within an area of special flood hazard, the data required to ensure compliance with Chapter 177 of the North Castle Town Code.
- N/A For all proposed plans involving clearing or removal of trees with a DBH of 8" or greater, the data required to ensure compliance with Chapter 308 of the North Castle Town Code.
- N/A For all proposed plans involving disturbance to Town-regulated wetlands, the data required to ensure compliance with Chapter 340 of the North Castle Town Code.

The special use permit application package shall also include a narrative document that demonstrates compliance with the following: * **Please see attached narrative.**

- X 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 and that it complies with all special requirements for such use.
- X 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.
- X 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.
- X 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.
- X Where required, The provisions of the Town Flood Hazard Ordinance shall be met.
- X The proposed special permit use will not have a significant adverse effect on the environment.

Exhibit B

Short Environmental Assessment Form

Part 1 - Project Information

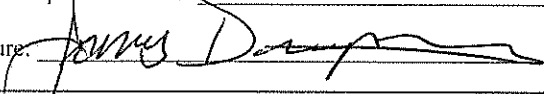
Instructions for Completing

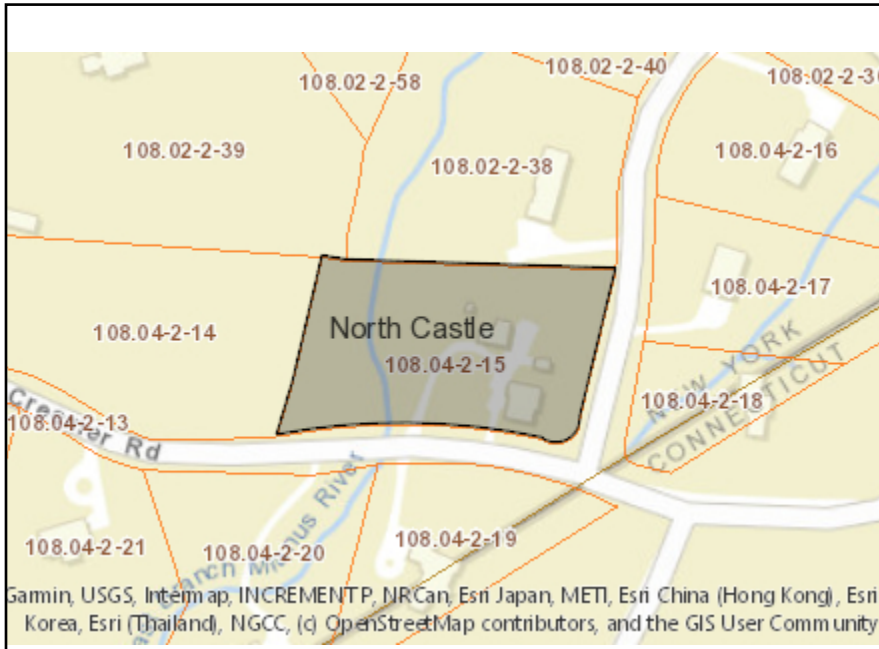
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Name of Action or Project: Special Permit Application - Existing Accessory Apartment			
Project Location (describe, and attach a location map): 38 Creemer Road, Armonk, NY 10504			
Brief Description of Proposed Action: Application for a Special Use Permit to the Town of North Castle Planning Board for an existing accessory apartment located on the premises.			
Name of Applicant or Sponsor: James Dempsey		Telephone: 914-273-2487	
		E-Mail: creemer38@aol.com	
Address: 38 Creemer 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 <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Board - Special Use Permit and Zoning Board of Appeals - Area Varance			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2 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? _____ 2.0 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Existing on-site septic. _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>James E. Dempsey</u> Date: <u>1/27/23</u> Signature: <u></u> Title: <u>Applicant</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Garmin, USGS, Intermap, INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Garmin, USGS, Intermap, INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Exhibit C



P03496101



DED2



*** DO NOT REMOVE ***

WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT DED-DEED FEE PAGE 4 TOTAL PAGES 4
(SEE CODES FOR DEFINITIONS)

STAT'Y CHARGE 5.25
REC'ING CHARGE 12.00
RECMGT FUND 4.75
EA 5217 25.00
TP-584 6.00
CROSS-REF. 0.00
MISC. _____

MORTGE. DATE _____
MORTGE. AMT _____
EXEMPT YES _____ NO _____

LIBER: 11397
PAGE : 247

REC'D TAX ON ABOVE MTGE:
YONKERS \$ _____
BASIC \$ _____
ADDITIONAL \$ _____
SUBTOTAL \$ _____
MTA \$ _____
SPECIAL \$ _____
TOTAL PAID \$ _____
=====

THE PROPERTY IS SITUATED
IN WESTCHESTER COUNTY,
NEW YORK IN THE:
TOWN OF NORTH CASTLE

TOTAL PAID
53.00

\$ 475000.00
CONSIDERATION

SERIAL NO. _____
DWELLING 1-6 OVER

RECEIVED:
TAX AMOUNT \$ 1900.00
TRANSFER TAX# 0011651

DUAL TOWN
 DUAL COUNTY/STATE
 HELD
 NOT HELD _____

TITLE COMPANY NUMBER: _____

EXAMINED BY SSG4

TERMINAL CTRL# 96101P034

DATE RETURNED _____

WITNESS MY HAND AND OFFICIAL SEAL

LEONARD N. SPARD
WESTCHESTER COUNTY CLERK

000163000 09/10/96CPA/DE 53.00

THIS INDENTURE, made the 28th day of MARCH, 19 96

BETWEEN ANN WATSON WALSH,

RESIDING AT 825 FIFTH AVENUE, APT. 2C, NEW YORK, NEW YORK 10021

party of the first part, and JAMES E. DEMPSEY AND CHERYL L. DEMPSEY, HIS WIFE
RESIDING AT

party of the second part.

WITNESSETH, that the party of the first part, in consideration of FOUR HUNDRED SEVENTY FIVE THOUSAND AND-----00/100 (\$475,000.00) dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

- SEE SCHEDULE A ANNEXED HERETO AND MADE A PART HEREOF -

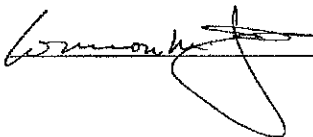
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

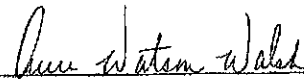
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:




ANN WATSON WALSH

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

On the 28th day of MARCH 19 96, before me personally came ANN WATSON WALSH

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

Kimberly A. Satriale
NOTARY PUBLIC KIMBERLY A. SATRIALE
Notary Public, State of New York
Qualified in Westchester County
No. 015A5027333
Commission Expires 05/09/96

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at

; that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

BARGAIN AND SALE DEED

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. 95-13611165-W

ANN WATSON WALSH

TO

JAMES E. DEMPSEY AND
CHERYL L. DEMPSEY, HIS WIFE



SECTION 1
BLOCK 9
LOT 20-1
COUNTY OR TOWN WESTCHESTER
STREET ADDRESS 38 CREEMER ROAD
ARMONK, NEW YORK 10504

Recorded at Request of
COMMONWEALTH LAND
TITLE INSURANCE COMPANY

RETURN BY MAIL TO

SAC, TITLE & ABSTRACT
38 CREEMER ROAD
ARMONK, NEW YORK 10504
POB 403
TOMKINS Cove NY 10986

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings improvements thereon erected, situate, lying and being in the Town of North Castle, County of Westchester and State of New York, known as Lot No. 2, as shown on a certain map entitled "Map of Subdivision of Ann W. Walsh" filed October 24, 1983 in the Westchester County Clerk's Office as Map No. 21360, which lot is more particularly bounded and described as follows:

Beginning at a point on the northerly side of Creemer Road where the same is intersected by the easterly line of land now or formerly of Lawrence & Diane Robbins;

Running thence along said line; 1) North 28 degrees 40' 00" East 74.70 feet and; 2) North 25 degrees 15' 00" East 167.21 feet to a point;

Thence south 68 degrees 33' 50" East 31.47 feet to the division line between Lots 1 and 2 as shown on the above mentiled filed map;

Thence along said division line south 77 degrees 24' 40" East 348.27 feet to the westerly side of Green Valley Road;

Thence along same in a general southerly direction, along a curve bearing to the right with a radius of 500 feet for a distance of 115.13 feet;

Thence still along said westerly side of Green Valley Road south 26 degrees 30' 00" West 101.27 feet to a curve which connects said westerly side of Green Valley road with the northerly side of Creemer Road;

Thence along said curve bearing to the right with a radius of 25 feet for a distance of 30.47 feet to the northerly side of Creemer Road;

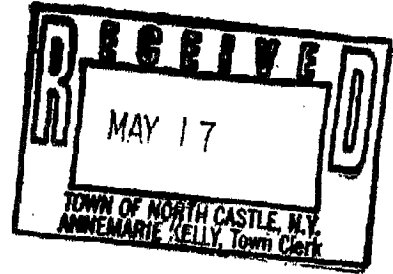
Thence along said northerly side of Creemer road, the following eight (8) courses and distances:

- 1) North 83 degrees 40' 00" West 13.75 feet;
- 2) North 69 degrees 35' 00" West 80.77 feet;
- 3) North 75 degrees 18' 00" West 13.77 feet;
- 4) North 74 degrees 53' 00" West 79.73 feet;
- 5) North 72 degrees 37' 00" West 38.04 feet;
- 6) North 86 degrees 21' 00" West 83.54 feet;
- 7) North 79 degrees 16' 00" West 48.72 feet; and
- 8) North 80 degrees 39' 00" West 20.00 feet to the point or place of beginning.

Exhibit D



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



PLANNING BOARD
Piers L. Curry, Chairman

Telephone (914) 273-3542
Fax (914) 273-3554

R E S O L U T I O N

Action: Accessory Apartment Approval
Owner/Applicant: Ann Walsh
Designation: Section 1, Block 9, Lot 20-1
Location: 38 Creemer Road, Armonk
Acreage: 2.0
Zoning: R-2A
Approval Date: February 26, 1996
Expiration Date: Inspection Every Three Years by Building Inspector

WHEREAS, a formal application dated June 29, 1987 and resigned and redated on January 23, 1996 for an accessory apartment prepared by Francis O'Neill, Esq., Attorney for the applicant, was submitted to the Planning Board and an application fee was paid; and

WHEREAS, the subject property is approximately 2.0 acres in area and is designated on the Tax Maps of the Town of North Castle as Section 1, Block 9, Lot 20-1 and is zoned R-2A (Minimum Lot Size Two Acres Residential); and

WHEREAS, the subject property is located on the northeast corner of Creemer Road and with ingress/egress from Creemer Road; and

WHEREAS, a site plan prepared by Fred Rucker, Architect, entitled "Accessory Apartment Walsh Residence," dated 2/4/96 and last revised 2/23/96 was submitted to the Town Board and the Planning Board; and

WHEREAS, the Planning Board and their professional consultants have received and reviewed the following additional information and drawings:

A First Floor Plan entitled "Walsh Residence" A-1, dated 3/4/96;
Second Floor Plan, entitled "Accessory Building - First Floor" A-

Accessory Apartment
Resolution of Approval
for Ann Walsh
February 26, 1996

2, dated 3/4/96 both prepared by Fred Rucker; the filed subdivision map prepared by Ralph MacDonald Company, dated 9/28/83; and

WHEREAS, the application is for a two (2) bedroom accessory apartment which also consists of two baths, kitchen, living room, and a screened in porch; and

WHEREAS, according to the plans prepared by Fred Rucker, entitled Walsh Residence, Sheets A-1 and A-2, the proposed apartment contains a total of approximately 1184 square feet of living space and the main residence contains a total of approximately 2810 square feet of living space; and

WHEREAS, in accordance with § 213-33 of the Zoning Ordinance the proposed accessory apartment was inspected by the Building Inspector and found to be in full compliance with current New York State Building Codes and with the intent of the accessory apartment requirements of the Zoning Ordinance; and

WHEREAS, no variance is required with respect to the size of the accessory building and the main dwelling, as required under Section 213-33 of the Zoning Ordinance; and

WHEREAS, the Planning Board has inspected the site and are familiar with the nature of the site, the surrounding area; and

WHEREAS, the Planning Board held a Public Hearing on this application on February 5, 1996 when all persons attending the Public Hearing were given the opportunity to be heard and the Public Hearing was adjourned on that date; and

The Public Hearing was reopened on February 26, 1996 when all persons attending were again given the opportunity to be heard and the Public Hearing was closed on the same date; and

WHEREAS, in accordance with Article 8 of the State Environmental Quality Review Law and 6 NYCRR Part 617 and the North Castle Town

Accessory Apartment
Resolution of Approval
for Ann Walsh
February 26, 1996

Environmental Quality Review Law, the Planning Board has made a determination that the proposed action is an Unlisted Action; and

WHEREAS, the Planning Board has requested, received and considered comments from the Town Attorney, the Town Engineer, the Building Inspector and the Planning Director regarding the proposed action; and

WHEREAS, the requirements of the Land Subdivision Regulations, Zoning Ordinances and the Town Development Plan of the Town of North Castle have been met by said application and plan except as noted below; and

NOW, THEREFORE BE IT RESOLVED that in accordance with Article 8 of the State Environmental Quality Review Law and 6 NYCRR and the North Castle Town Environmental Quality Review Law, the Planning Board hereby makes a determination that the proposed development will not have a significant impact on the environment and any such impacts will be minimized or avoided through the design of the project as proposed and at the incorporation as conditions attached to the project approval those mitigating measures that have been identified; and

NOW, THEREFORE BE IT FURTHER RESOLVED that approval of an accessory apartment is hereby granted, subject to the following conditions:

The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the conditions have been met:

Prior to a Certificate of Occupancy:

- _____ 1. The application shall be submitted to the Westchester County Department of Health for review and approval.
- _____ 2. The submission to the Town Building Inspector of an "as built" site plan, if required.

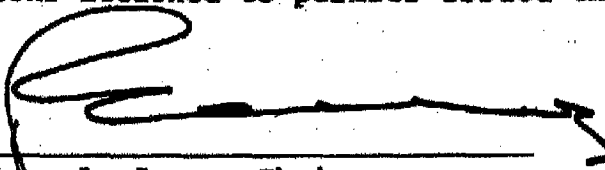
Accessory Apartment
Resolution of Approval
for Ann Walsh
February 26, 1996

- _____ 3. Payment of all applicable fees, including any consulting fees.
- _____ 4. The applicant shall furnish the necessary documentation that all taxes assessed against the property have been paid.

Other Conditions:


- _____ 1. The applicant must remove the screened in porch.
- _____ 2. The wood burning stove must be removed and the chimney sealed.
- _____ 3. No commercial vehicles can be parked or garaged overnight on the premises.
- _____ 4. Compliance with all applicable local laws and ordinances of the Town North Castle and any conditions attached to permits issued thereunder.

5/17/96
Dated



Piers L. Curry, Chairman

5/8/96
Dated




Joan Vetare, Secretary
Certified as Approved by the North Castle
Planning Board

Accessory Apartment
Resolution of Approval
for Ann Walsh
February 26, 1996

KELLARD AND FEDERICO

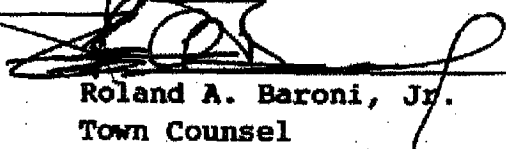
5/11/96
Dated



John Kellard, Town Engineer
Certified as Approved by the North Castle
Planning Board as to Drainage and Engineering
Details

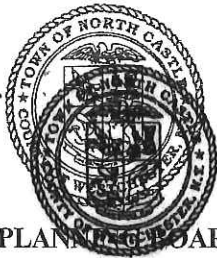
STEPHENS BARONI REILLY & LEWIS
As to Form and Sufficiency

5/14/96
Dated



Roland A. Baroni, Jr.
Town Counsel

f:\p\resolut\accessapt.wal



PLANNING BOARD
 John Delano, Chairman
 PLANNING BOARD
 John P. Delano, Chair

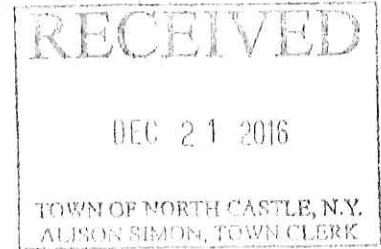
TOWN OF NORTH CASTLE
 WESTCHESTER COUNTY
 17 Bedford Road
 WESTCHESTER COUNTY
 Armonk, New York 10504-1898
 17 Bedford Road
 Armonk, New York 10504-1898

Checklist

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

RESOLUTION

Action: Special Use Permit for Accessory Apartment Approval
Application Name: Dempsey Accessory Apartment
Owner/Applicant: James Dempsey
Designation: 108.04-2-15
Zone: R-2A (Residential 2 acre) District
Acreage: 2 acres
Location: 38 Creemer Road
Date of Approval: December 12, 2016
Expiration Date: December 12, 2017



WHEREAS, an application dated November 4, 2016 for Accessory Apartment 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:

- Package of Materials with Exhibits prepared by Cuddy and Feder dated November 3, 2016.
- Plan labeled "A1," entitled "Floor Plan/Site Plan," prepared by LR Lerner Architecture PC, dated November 3, 2016.

WHEREAS, the proposed apartment contains a total of approximately 1,184 square feet of living space and the main residence contains a total of approximately 2,810 square feet of living space; and

WHEREAS, the subject property is located on the northeast corner of Creemer Road and with ingress/egress from Creemer Road; and

WHEREAS, this accessory apartment was previously approved by the Planning Board in 1996 for the previous owner; and

WHEREAS, the application does not involve any proposed construction and the existing accessory apartment has not been changed since the Prior Special Permit Approval was granted; and

WHEREAS, pursuant to Section 355-40.K(16) of the Town Code, special permit uses for accessory apartments shall terminate upon change of ownership; and

WHEREAS, the Applicant is seeking to secure reapproval of the special use permit to utilize the previously approved accessory apartment; and



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

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

Dempsey Accessory Apartment
PLANNING BOARD
Special Use Permit for Accessory Apartment Approval
John Delano, Chairman
December 12, 2016

Page 2 of 7

WHEREAS, no variance is required with respect to the size of the accessory building and the main dwelling, as required under Section 355-40.K(11) of the Zoning Ordinance; and

WHEREAS, Special Use Permit approval is necessary because the Planning Board has jurisdiction over all accessory apartments; and

WHEREAS, the site plan does not depict the removal of any Town-regulated trees; and

WHEREAS, the site plan does not depict Town-regulated steep slope disturbance; and

WHEREAS, the site plan does not depict Town-regulated wetland or buffer disturbance; 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 2-acre property is located in the R-2A district and is designated on the Tax Maps of the Town of North Castle as lot 108.04-2-15; and

WHEREAS, a short Environmental Assessment Form submitted November 3, 2016, was prepared by the Applicant and submitted to the Planning Board for its review and consideration; 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, 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); and

WHEREAS, the application was referred to the County Planning Board on November 14, 2016; and

WHEREAS, the apartment was most recently inspected by the Building Department on October 18, 2016 and the Building Department noted that there were no violations of the Zoning Code; and

Dempsey Accessory Apartment
Special Use Permit for Accessory Apartment Approval
December 12, 2016
Page 3 of 7

WHEREAS, a duly advertised public hearing was opened on November 21, 2016 and closed on December 12, 2016, 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 the Town Attorney, the Consulting Town Engineer and the Town Planner regarding the proposed development; and

NOW, THEREFORE, BE IT RESOLVED, that the application for special use permit approval as shown within the package of materials with exhibits prepared by Cuddy and Feder dated November 3, 2016 and plan labeled "A1," entitled "Floor Plan/Site Plan," prepared by LR Lerner Architecture PC, dated November 3, 2016, as described herein, be and 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 pursuant to Article VII of Chapter 355 of the Town Code, this special use permit approval 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.)

T.E. 1/29/17

The applicant shall demonstrate that all required approvals from the Westchester County Health Department for the existing drilled well and on-site wastewater treatment system have been issued for the existing house and accessory apartment to the satisfaction of the Town Engineer."

A.K. 12/27/16

2. The site plan shall be revised to incorporate all plantings depicted on the Fred Rucker plan dated January 30, 1996, to the satisfaction of the Town Planner.

A.K. 12/27/16

3. The site plan shall be revised to depict a minimum of four off-street parking spaces to the satisfaction of the Town Planner. Each parking space shall be at least nine feet wide and 18 feet long. No parking spaces shall block access to another parking space.

WAD 1/31/17 # 563.20

4. Payment of all outstanding fees, including professional review fees.

WAD 12/22/16

5. The applicant shall submit to the Planning Board Secretary six (6) sets of plans (with required signature block located in the lower right corner of all plan sheets) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney".

12/15/16
ARK

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 Applicant shall submit information satisfactory to the Building Inspector demonstrating that four years have passed since the issuance of the initial certificate of occupancy for the principal dwelling, and/or the Applicant has owned the property for at least two years, whichever comes later.

Dempsey Accessory Apartment
Special Use Permit for Accessory Apartment Approval
December 12, 2016
Page 5 of 7

- _____ 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 new 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. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
- 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.

Dempsey Accessory Apartment
Special Use Permit for Accessory Apartment Approval
December 12, 2016
Page 6 of 7

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.

Dempsey Accessory Apartment
Special Use Permit for Accessory Apartment Approval
December 12, 2016
Page 7 of 7

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

Date

James Dempsey

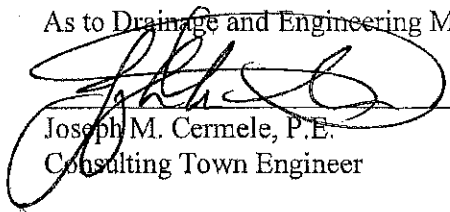
NORTH CASTLE PLANNING OFFICE, as to approval by the North Castle Planning Board

Date

Valerie Desimone, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING P.C.
As to Drainage and Engineering Matters

12/21/16
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

John P. Delano, Chair

Exhibit E

Patrick, Daniel

Subject: FW: 38 Creemer - Request for Confirmation/Determination

From: Robert Melillo <rmelillo@northcastleny.com>

Sent: Thursday, January 19, 2023 4:23 PM

To: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>

Cc: baroni roland <rbaroni@sbrllaw.com>; Adam Kaufman <akaufman@northcastleny.com>; 'greilly@sbrllaw.com' <greilly@sbrllaw.com>

Subject: RE: 38 Creemer - Request for Confirmation/Determination

Good afternoon Taylor,

I have reviewed the documentation with the Town attorney and Town Planner and we all agree that since this is not the same 300 year old +- building, that it is a new building that the property owner will need to apply to the Planning Board to get a new accessory apartment permit. Please make sure that you amend your current building permit to include the change in description and provide full code compliant building plans. If you do not agree with my determination, feel free to file an appeal to the Zoning board. You can contact Lori, the Zoning board secretary and she can provide you with the application.

If you have any questions or concerns, feel free to contact me anytime.

Regards,

Rob Melillo

Building/ Fire Inspector

Town of North Castle

914-273-3000 ext. 44

From: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>

Sent: Thursday, January 5, 2023 10:51 AM

To: Robert Melillo <rmelillo@northcastleny.com>

Subject: RE: 38 Creemer - Request for Confirmation/Determination

Rob,

Thanks for your quick reply. I appreciate the update here.

Taylor

From: Robert Melillo <rmelillo@northcastleny.com>

Sent: Thursday, January 5, 2023 10:39 AM

To: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>

Subject: RE: 38 Creemer - Request for Confirmation/Determination

Hi Taylor,

I should have some answers for you in the next 2 weeks.

Rob

From: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>
Sent: Wednesday, January 4, 2023 6:45 PM
To: Robert Melillo <rmelillo@northcastleny.com>
Subject: RE: 38 Creemer - Request for Confirmation/Determination

Hey Rob,

I hope you had a great holiday and a Happy New Year.

I know our letter and your site visit was just before the holiday, and I'm by no means trying to rush anything here – but I just wanted to check-in when you have a minute to see if there is anything else that you need in connection with this matter.

Thanks in advance, and again, no rush in getting back to me on this.

Best,

Taylor

From: Robert Melillo <rmelillo@northcastleny.com>
Sent: Thursday, December 22, 2022 9:07 AM
To: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>
Subject: RE: 38 Creemer - Request for Confirmation/Determination

Hi Taylor,

I can stop out there before 12, but I do not want to meet anyone out there. I am gathering information and not looking to discuss anything with anyone.

If you have any questions or concerns, feel free to contact me anytime.

Regards,

Rob Melillo

Building/ Fire Inspector
Town of North Castle
914-273-3000 ext. 44

From: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>
Sent: Wednesday, December 21, 2022 11:01 AM
To: Robert Melillo <rmelillo@northcastleny.com>
Subject: RE: 38 Creemer - Request for Confirmation/Determination

Hey Rob,

Thanks – yes, that's not a problem at all.

The weather looks pretty sketchy after noon/1pm tomorrow (Thursday). Is there any chance you'd be able to stop by in the morning (and is there a timeframe/window that you'd be able to stop by)?

My client's daughter, Caitlin Dempsey, would like to be there if that's alright. I believe the contractor, Paolo (who I understand you have met before), will also be there tomorrow to secure the tarp with the incoming storm.

Please let me know what time you think you'd be able to be onsite, and I'll make sure Caitlin and Paolo are there as well.

Thanks,

Taylor

From: Robert Melillo <rmelillo@northcastleny.com>
Sent: Tuesday, December 20, 2022 4:43 PM
To: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>
Subject: RE: 38 Creemer - Request for Confirmation/Determination

Hi Taylor,
Hope all is well. I would like to stop out on site on Thursday at some point to take a look at the building. No need to meet anyone out there. This is for my own information.

If you have any questions or concerns, feel free to contact me anytime.

Regards,

Rob Melillo

Building/ Fire Inspector
Town of North Castle
914-273-3000 ext. 44

From: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>
Sent: Tuesday, December 20, 2022 11:58 AM
To: Robert Melillo <rmelillo@northcastleny.com>; Persico, Moira <MPersico@cuddyfeder.com>
Cc: Valerie Desimone <vdesimone@northcastleny.com>
Subject: RE: 38 Creemer - Request for Confirmation/Determination

Thank you, Rob. The hard copies and flash drive should arrive today by FedEx.

Happy holidays.

Taylor

From: Robert Melillo <rmelillo@northcastleny.com>
Sent: Tuesday, December 20, 2022 9:08 AM
To: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>; Persico, Moira <MPersico@cuddyfeder.com>
Cc: Valerie Desimone <vdesimone@northcastleny.com>
Subject: RE: 38 Creemer - Request for Confirmation/Determination

Hi Taylor,
Thanks for the information. I will review it with staff and get back to you with a direction. Have a nice holiday.

If you have any questions or concerns, feel free to contact me anytime.

Regards,

Rob Melillo

Building/ Fire Inspector
Town of North Castle
914-273-3000 ext. 44

From: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>

Sent: Monday, December 19, 2022 5:12 PM

To: Persico, Moira <MPersico@cuddyfeder.com>; Robert Melillo <rmelillo@northcastleny.com>

Cc: Valerie Desimone <vdesimone@northcastleny.com>

Subject: RE: 38 Creemer - Request for Confirmation/Determination

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rob & Valerie,

My original e-mail to you was rejected due to file size. Accordingly, I'm resending my e-mail to you incorporating the link from Moira's e-mail. As noted, instructions for access to the link are provided in Moira's e-mail below:

Hey Rob,

I hope you are enjoying the Holiday Season.

Following up on our meeting together with Adam Kaufman in your office on November 9, 2022, on behalf of Jim & Cheryl Dempsey, the owners of the above-referenced Premises, we respectfully submit this Statement of Use letter together with the referenced enclosures in connection with the Applicants' request for confirmation from your office that the Applicants' repair and restoration work to their existing detached accessory apartment structure – which work was being done to ensure the existing non-conforming structure will be in sound condition – may be completed at this time without requiring additional discretionary approvals.

Due to file size, our letter and the referenced enclosures can be accessed at the following link: [38 Creemer Road - Submission to Building Inspector](#). Instructions are provided in my colleague's below e-mail.

Additionally, as noted in the letter, a flash drive with the referenced enclosures, including the video footage of the house mover moving the Existing Accessory Building, will be included in the package that we sent by Federal Express to your attention today. If you require additional hard copies (or additional flash drives) for review, please just let us know and we will forward same.

Thank you for your consideration, and please let me know if you require any additional information at this time.

Thanks,

Taylor



Taylor M. Palmer, Esq.
Partner
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300 | F 914 761 5372 | M 914 574 7585
TPalmer@cuddyfeder.com
www.cuddyfeder.com

NOTE: The information in this e-mail message and any attachments thereto have been sent by an attorney or his/her agent, and is or are intended to be confidential and for the use of only the individual or entity named above. The information may be protected by attorney/client privilege, work product immunity or other legal rules. If the reader of this message and any attachments thereto is not the intended recipient, you are notified that retention, dissemination, distribution or copying of this e-mail message and any attachments is strictly prohibited. Although this e-mail message (and any attachments) is believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, the intended recipient is responsible to ensure that it is virus free. The sender and Cuddy & Feder LLP shall not have any responsibility for any loss occasioned in any manner by the receipt and use of this e-mail message and any attachments.

Pursuant to Treasury Regulations, any U.S. federal tax advice contained in this communication, unless otherwise stated, is not intended and cannot be used for the purpose of avoiding tax-related penalties.

From: Persico, Moira <MPersico@cuddyfeder.com>
Sent: Monday, December 19, 2022 5:08 PM
To: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>; rmelillo@northcastleny.com
Cc: Valerie Desimone <vdesimone@northcastleny.com>
Subject: RE: 38 Creemer - Request for Confirmation/Determination

Hi Rob,

As per Taylor's email below, due to file size, please see below IManage File Share link containing an electronic copy of our Submission, including the referenced exhibits/videos. This is the secured file share program our office uses.

[38 Creemer Road - Submission to Building Inspector](#)

With respect to the File Share Link, you should receive 2 emails from the following email address: IManage Share <no-reply@imanageshare.com> (Note: the emails may go to your Junk/Spam folder so you may need to check there if they do not arrive in your inbox soon).

The first email will be an invite to create an account with IManage Share. You will need to click Accept and Activate. From there it will prompt you to create a username and password. Once you create an account with IManage Share you will need to save the login credentials as they will be the same ones to use going forward on this or future IManage Share links sent to you by our office. If you have already created an IManage Share account for our firm in the past you will not get this first email to register and will only receive the 2nd email referenced below.

The 2nd email will contain a link to the submission. You will need to enter your login credentials (username and password). Once logged in, it should bring you to the shared folder containing a copy of the submission. If it does not, there is a Cuddy Feder icon on the left side of the screen, click that and it will allow you to navigate any and all IManage Share folders our office has sent to you.

If you have any questions or trouble accessing the emails, registering, etc. please let me know.

Thank you,
Moira

From: Palmer, Taylor M. <TPalmer@CUDDYFEDER.COM>

Sent: Monday, December 19, 2022 5:00 PM

To: rmelillo@northcastleny.com

Cc: Persico, Moira <MPersico@cuddyfeder.com>; Valerie Desimone <vdesimone@northcastleny.com>

Subject: 38 Creemer - Request for Confirmation/Determination

Hey Rob,

I hope you are enjoying the Holiday Season.

Following up on our meeting together with Adam Kaufman in your office on November 9, 2022, on behalf of Jim & Cheryl Dempsey, the owners of the above-referenced Premises, we respectfully submit this Statement of Use letter together with the referenced enclosures in connection with the Applicants' request for confirmation from your office that the Applicants' repair and restoration work to their existing detached accessory apartment structure – which work was being done to ensure the existing non-conforming structure will be in sound condition – may be completed at this time without requiring additional discretionary approvals.

Additionally, as noted in the letter, a flash drive with the referenced enclosures, including the video footage of the house mover moving the Existing Accessory Building, will be included in the package that we sent by Federal Express to your attention today. If you require additional hard copies (or additional flash drives) for review, please just let us know and we will forward same. Also, please note that due to file size, the video that is referenced in the letter will be sent (with the enclosures) in a follow-up e-mail to a file share link where all files can be accessed.

Thank you for your consideration, and please let me know if you require any additional information at this time.

Thanks,

Taylor

Exhibit F

1-A-1M-9-59

CERTIFICATE OF OCCUPANCY
DEPARTMENT OF ZONING AND BUILDING
TOWN OF NORTH CASTLE, N. Y.

No 1925

To Thomas DeWitt Walsh Owner

Address 44 Creemer Rd. Date Nov. 20, 1964

This is to certify that the Frame building located at Creemer Rd.
(Type of construction)

Completed

Town of North Castle, N. Y., Section 1 Block 9 Lot 20-1

conforms to the requirements of the Zoning ordinance and Building Code. The building is to be used

and occupied as Studio & guest house in a Res.

district under the zoning ordinance subject to all the privileges, requirements, limitations and conditions prescribed by law.

This certificate does not in any way relieve the owners or any other person or persons in possession or control of the building or any part thereof, from obtaining such other permits or licenses as may be prescribed by law for the uses or purposes for which the building is designed or intended; nor from complying with any lawful order issued with the object of maintaining the building in a safe or lawful condition.

Permit No. 2493

Approved Ray Johnson
Building Inspector

BUILDING PERMIT

TOWN OF NORTH CASTLE, N. Y.

No 2493

Date Nov. 20, 1944

Fee \$ 25.00

Thomas DeWitt Walsh is hereby authorized
and granted a permit to erect the following Studio & Guest House

containing 1800 sq. ft. livable floor area, at an estimated cost of \$ 8,000

on property designated on the Town of North Castle Tax Maps as:

Section 1 Block 9 Lot 20-1 Zone Area

and located at 44 Creeper Rd.

Such structure is to conform to plans and specifications submitted and filed with the Building Inspector, as approved, and to all provisions of the Zoning Ordinance, Building and Plumbing Codes of the Town of North Castle, N. Y. and amendments thereto.

NAME AND ADDRESS OF OWNER

Thomas DeWitt Walsh
44 Creeper Rd.
Armonk, N.Y.

NAME AND ADDRESS OF BUILDER

Hert Swinson
Greenwich, Conn.

*NOTE: It is unlawful to occupy the
above building until a certifi-
cate of occupancy is obtained
from the Building Inspector.*


Building Inspector, Armonk, N. Y.

APPROVED
 DATE
 ARCHITECTURAL
 BOARD OF REVIEW
 TOWN OF NORTH CASTLE
 SIGNED

TOWN OF NORTH CASTLE
 Armonk, New York

CO# 1925

Application for a Building Permit

RAY JOHNSON, BUILDING INSPECTOR

Permit Number 2493
 Issued Nov. 20 1964
 Building Permit Fee \$ 25.00
 Certificate of Occupancy..... \$ 2.00
 Total \$ 27.00

Fees: Less than \$200.00 \$2.00
 \$200 or over and does not exceed the sum of \$500.00... \$3.00
 \$501 or over and does not exceed the sum of \$1,000.00 \$4.00
 In excess of \$1,000.00 an additional fee of \$3.00
 per \$1,000.00 or fraction thereof of such excess
 cost, will be made and required.

I hereby make application to the Building Inspector of the Town of North Castle for the approval of the plans and specifications herewith submitted, and for a permit to erect a building in accordance therewith. It is understood and agreed that any permit issued pursuant hereto is on the express condition that all provisions of the Building Code and Zoning Ordinance of the Town, and amendments thereto, shall apply and be complied with whether specified herein or not.

APPROVED
 DATE 11/16/64
 ARCHITECTURAL
 BOARD OF REVIEW
 TOWN OF NORTH CASTLE
 SIGNED CJ

Mail Building Permit to -

NAME THOMAS DEWITT WALSH
 STREET CREEMER ROAD
 TOWN & STATE ARMONK, N.Y.
 TELEPHONE (Important) AR 3-3430

Location of Property—Street and Number 44 CREEMER RD
 Nearest Cross-Street ROUTE 22
 Tax Map Location—Section 1 Block 9 Lot Number 20-1 Zone Area
 Owner of Land ANN WATSON WALSH (WIFE)
 Owner's Address CREEMER RD, ARMONK, N.Y.
 Owner of the Proposed Building ANN WATSON WALSH
 Proposed Owner's Address CREEMER RD, ARMONK, N.Y.
 Name of Architect GEORGE DAVID
 Address of Architect PHILADELPHIA, PENN.
 Name of Contractor NEWY SAINSON
 Address of Contractor GREENWICH, CONN.
 Size of Lot 4 ACRES Fronting on CREEMER RD.
 Square Foot Floor Area of Proposed Building
 Square Foot Floor Area of Living Space — Less Boiler or Utility Rooms, Breezeway, Open Porches or Garage
 Value of Proposed Building or Improvement WHEN IMPROVED - ABOUT \$8000.00
 Number of Feet Front of Building Number of Feet Deep
 Distance of Building from Front Street or Lot Line OVER 40 FEET feet.
 Distance of Proposed Building from Rear Lot Line OVER 80 FEET feet.
 Distance from Side Lot Lines OVER 80 FEET feet.
 Height of Building feet; Number of Stories 2
 Number of Stories 2nd Number of Families 1 Number of Rooms 3
 Classification of Use and Purpose STUDIO BARN + GUEST HOUSE FOR OWNER.
 Type of Construction — Frame Brick Concrete Stone Veneer
 Whether Roof will be Flat, Pitch, Mansard or Hip PITCH
 Material of Roofing WOODEN
 Exterior Walls to be Finished with WOOD - AS ORIGINAL

(OVER)

(300)

FOUNDATION

Size and Depth of Excavation

Size of Footing Area of Footing

Materials to be Used in Footing

Parts of Stone Parts of Sand

Parts of Cement Parts Other Materials

Whether Piers Are to be Used Size No. of Rows

Depth of Footing Below Curb or Surface Area

Depth of Foundation Wall Below Curb or Surface

Thickness of Foundation Wall Below Grade or Curb

Thickness of Foundation Wall Above Grade or Curb

Materials of Foundation Wall Above Grade or Curb

Materials Below Grade or Curb

Height from Curb or Surface of Ground to First Floor

Upon What Kind of Soil Will Foundation be Laid

Give Composition of Mortar

MISCELLANEOUS

Work to be Commenced SOONEST Completed 8 WEEKS

How is Building to be Heated — Hot Water Steam Vapor Oil Coal

Will Fire Escapes be Provided

Water Supply — Municipal Dug Well Artesian Well Spring

Water Pipe — Iron Galvanized Brass Copper

FILL IN INSURANCE BLANK BELOW TO COMPLY WITH NEW YORK STATE LABOR LAWS.

KIND OF INSURANCE	POLICY NO.	EXPIRATION
Workmen's Compensation <input checked="" type="checkbox"/>		
Public Liability <input checked="" type="checkbox"/>		
Contractors' Protective Liability		
Name of Assured	<u>OWNER</u>	
Name of Insurance Company	<u>ANETA</u>	<u>3 YEARS</u>

ATTACHED TO AND MADE A PART OF THIS APPLICATION, I SUBMIT THE FOLLOWING:

- One set of drawings with complete specifications including:
- a ground and typical floor plan of buildings with all necessary measurements, showing size of timbers and all sheathing,
 - a longitudinal section with heights marked thereon, and also a front elevation.

STATE OF NEW YORK }
 COUNTY OF WESTCHESTER } ss.:
New York

I swear that to the best of my knowledge, information and belief, the statements contained in this application, including the accompanying plans and specifications and amendments thereto, are a true and complete statement of all proposed work and construction to be done on the above described premises and property, and that all provisions of the Building Code and Zoning Ordinance shall be complied with in all respects.

Dated Nov 12, 1964

Sworn to before me this 17
 month day of November 1964

Thomas David Walsh
 Applicant

CORNER RUD AENST N-9-
 Mailing Address

Notary Public
~~Michael Cougle~~
 MICHAEL
 NOTARY PUBLIC, State of New York
 No. 31-4107650
 Qualified in New York County
 Cert. filed with N. Y. Co. Clk. & Reg. Off.
 Term Expires March 30, 1965

Exhibit G

















Exhibit H



Town of North Castle Building Department

17 Bedford Road

Armonk, New York 10504-1898

Telephone: (914) 273-3000 ext. 44 Fax: (914) 273-3554

www.northcastleny.com

Inspection Report

Inspector: Rob Inspection Date: 8/17/22
Inspection type: foundation & waterproofing Scheduled Time: 1pm-4pm
Inspection Location: 38 Greener Rd.
Requested By: Paolo Contact Number: 631-903-0357
Permit Number: 2022-0196 Parcel ID: _____

Results of Inspection:

OK
Revised Plans
Required

Status: Pass Fail Incomplete

Inspectors Signature: Rob M Date: 8/17

Exhibit I









































299D3

CAT

RIDGID

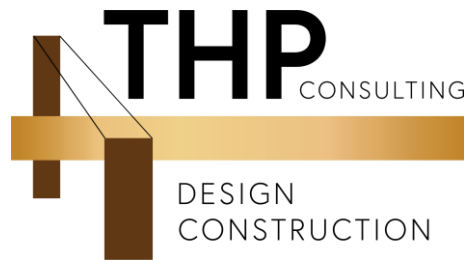






RIDGID

Exhibit J



89 Mason Circle #114
Beacon, NY 12508
ted@thpcllc.com
917-288-4226

December 16, 2022

Construction Timeline for Repair Work of Existing Accessory Building

- **Week of October 12, 2021** – Applications for Residential Building Permit, Floodplain Development and Plumbing Approvals were submitted to the Building Department.
- **Week of March 7, 2022** – Building Permit No. 2022-0196 and Floodplain Development Permit No. 2022-1095 were both issued on March 7, 2022.
- **Week of June 13, 2022** – After a detailed review with the house lifter, it was determined that the bottom horizontal beams the building was resting on were near completely disintegrated. An exoskeleton frame will be needed to properly support the building for lifting.
- **Week of June 20, 2022** – Building Lifted and moved from area to excavate for foundation – large cut outs in walls needed to thread steel support beams through the building. Benchmark set for elevation of existing foundation to insure correct building height. Setback stakes positioned to ensure original location of building.
- **Week of June 27, 2022** – Demolition of existing foundation – portions of the foundation were turning to powder while loaded into container. Complete excavation prep for mason and foundation footings.
- **Week of July 4, 2022** – No work at site.
- **Week of July 11, 2022** – Form footings for foundation – prep for inspection.
- **Week of July 18, 2022** – Footing inspection completed and approved. Pour footings. Install footing drains. Apply poly barrier for basement slab. Inspection of footing drains Approved – backfill trench with gravel.
- **Week of July 25, 2022** – Trench for footing drains to open air. Begin block work on foundation. Architect completed revised drawings to show change from poured concrete foundation to concrete block.
- **Week of August 1, 2022** – Complete basement slab, inspection done, approved. Continue block foundation. Contractor has brief discussion with Building Inspector regarding a silt fence needed and general poor/deteriorated condition of the aged building.

- **Week of August 8, 2022** – Complete block foundation, framing material for new first floor deck delivered. Waterproof foundation. Begin/complete deck framing. Scheduled framing inspection.
- **Week of August 15, 2022** – Waterproof inspection done and approved. Discussed house condition with Building Inspector while handing off revised plans for the foundation. Showed condition of building to Building Inspector, and discussion involved Building Inspector's question regarding why the building was lifted given its dilapidated and poor/unsound structural condition. Contractor indicated that the homeowner wants to restore the building to make every effort to save/use all that contractor could in the Repair Work. Contractor was advised to complete Repair Work and submit all changes at one time.
- **Week of August 22, 2022** – Move house back over the new deck – not lowered. Additional removal of rotted material needed to shore up building to place onto deck. New framing required.
- **Week of August 29, 2022** – Pour concrete slab for porch. Begin stonework at foundation. Continue to remove rotted timber; replace with new framing in-kind. Building still on cribbing above the new deck.
- **Week of September 5, 2022** – Continue stonework at foundation. Frame offset walls to support building being lowered to the deck. Continue to remove rotted material, replace with new framing in-kind.
- **Week of September 12, 2022** – Lower building onto new deck. Remove exoskeleton from building; continue removing rotted material and replace with new framing in-kind.
- **Week of September 19, 2022** – Remove rotted 2nd floor beams/replace with new headers around perimeter of building – still attempting to save the 2nd floor joists – large timbers.
- **Week of September 26, 2022** – The floor joist timbers needed to be removed from the building and replaced with framing in-kind. The joist in some cases were rotted from the outside edge 18” into the core of the timber. Complete framing 2nd floor.
- **Week of October 3, 2022** – Building fully lowered, all cribbing removed. Removed rotted material to roof framing – existing rafters were rotted from the fascia up into the rafter beams – extensive rot to top plates. Replaced all with new framing in-kind. Continue removal/rebuild 2nd floor joist. Install steel @ stone wall for rafter plate.
- **Week of October 10, 2022** – Continue 2nd floor framing, stairway opening established.
- **Week of October 17, 2022** - Complete 2nd floor framing; window and door openings established – continue 2nd floor framing.
- **Week of October 24, 2022** – Complete rafter install – partial install of sheathing. **STOP WORK ORDER issued 10/28.**
- **Week of November 9, 2022** – Meeting with Building Inspector and Town Planner to review Stop Work Order and recommendation to submit request for determination and confirmation to proceed with and complete Repair Work.









Exhibit K

Exhibit K

BING Maps - Street View From Creemer Road
West of Intersection with Green Valley Road

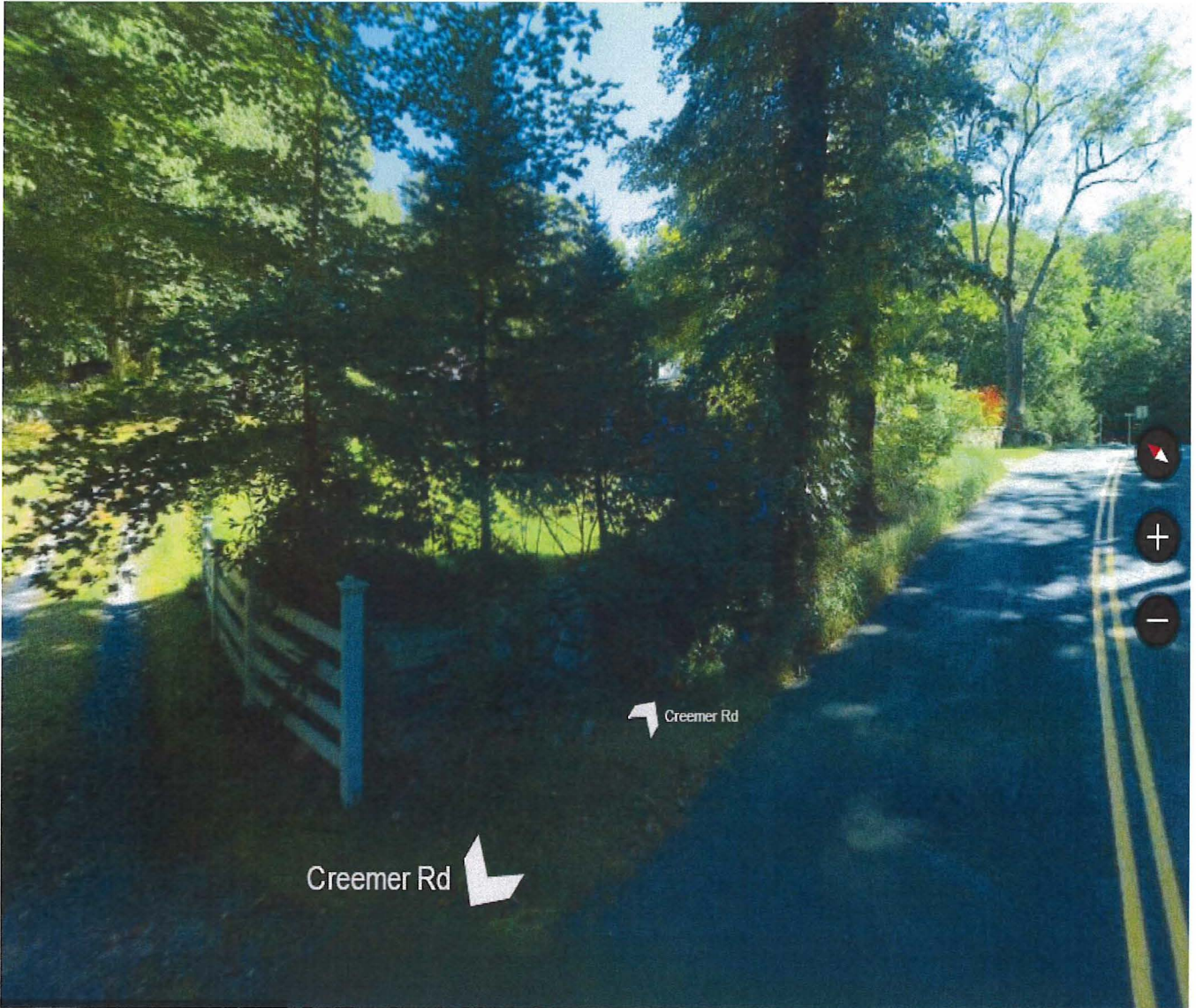


Exhibit K (Cont.)

BING Maps - Street View From Creemer Road

West of Intersection with Green Valley Road



Exhibit K (Cont.)

BING Maps - Street View From Green Valley Road

North of Creemer Road



Exhibit K (Cont.)

Google Maps Aerial - 38 Cremer Road

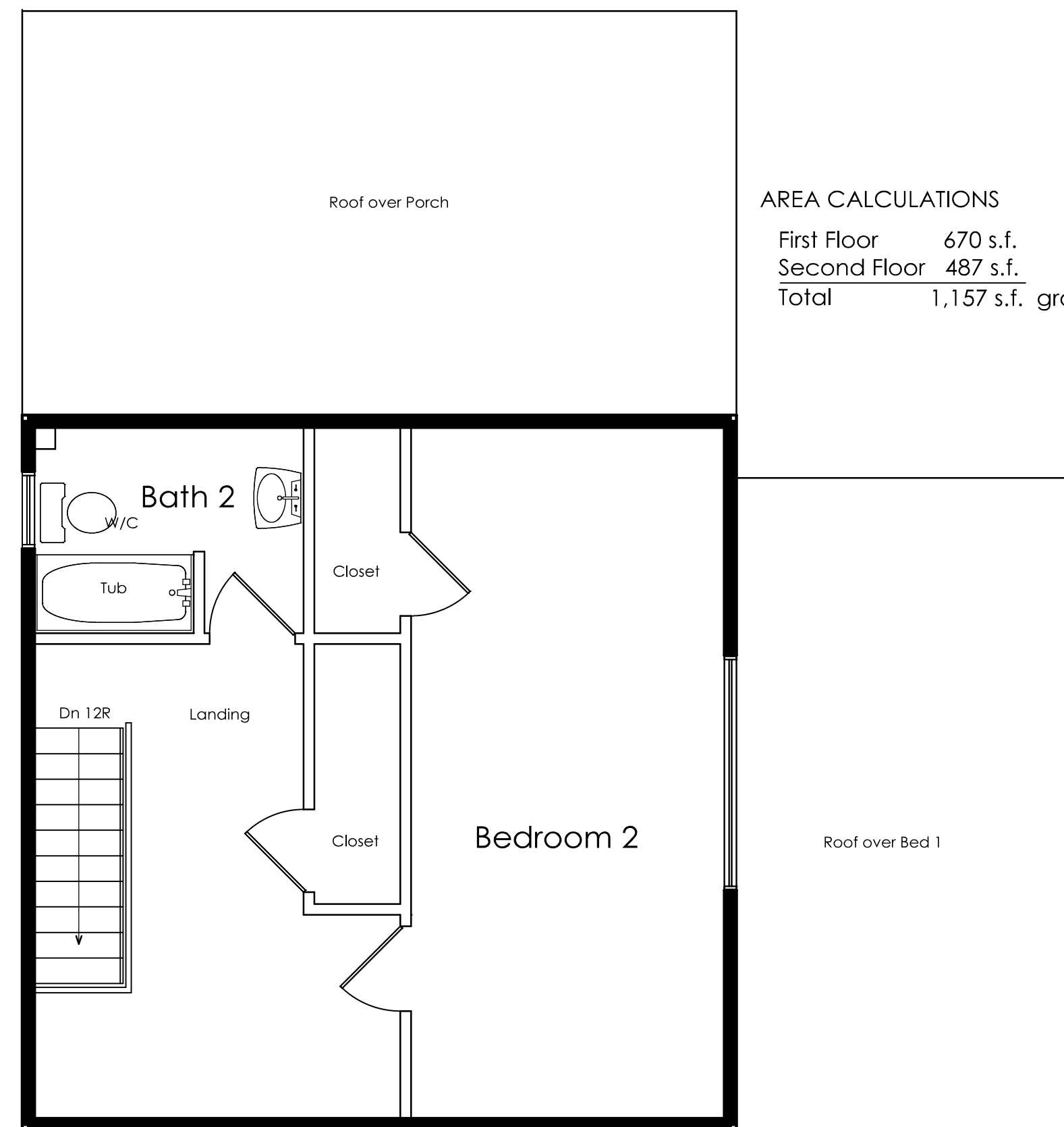
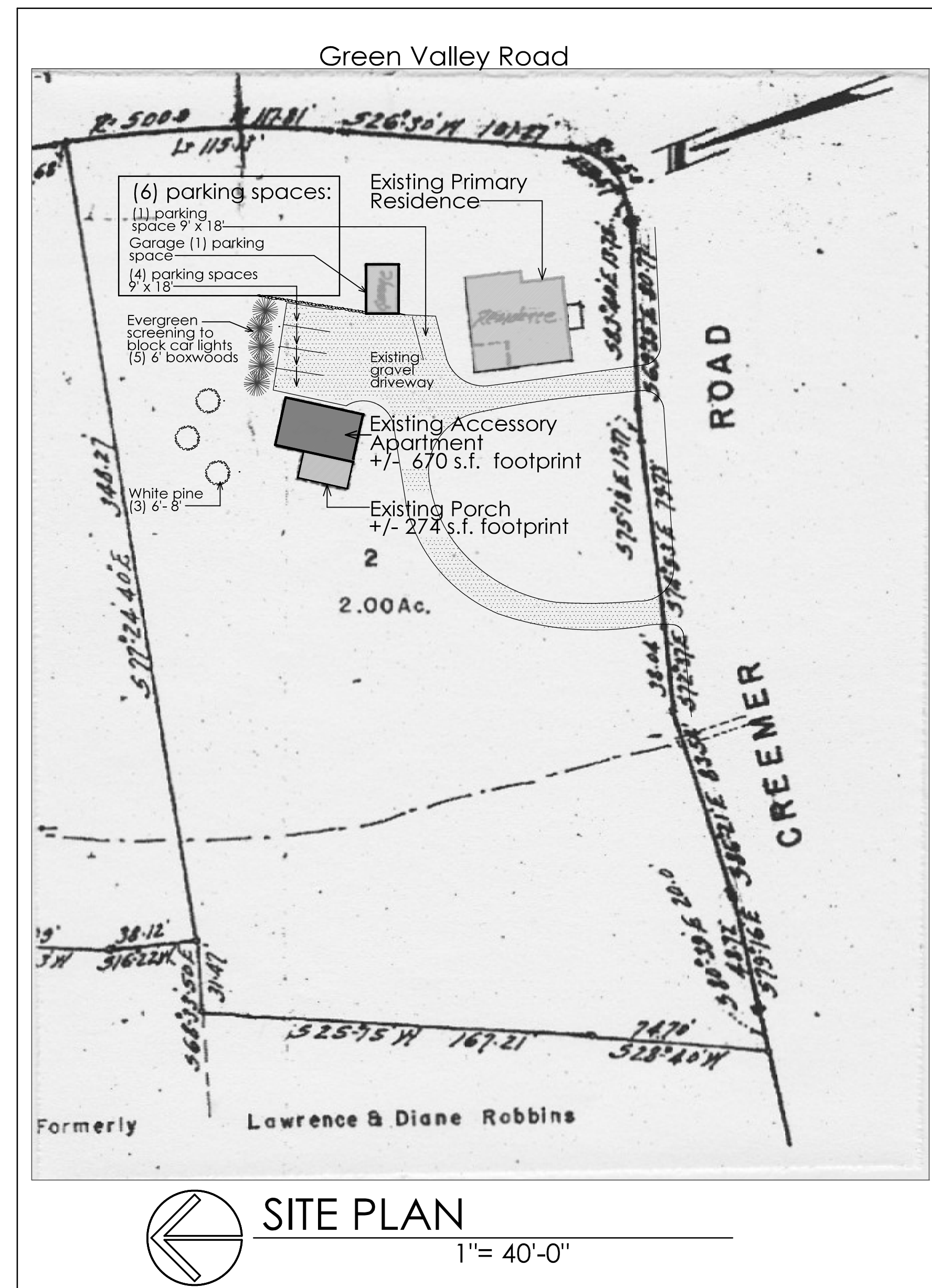


Exhibit K (Cont.)

Google Maps Aerial - 38 Creemer Road



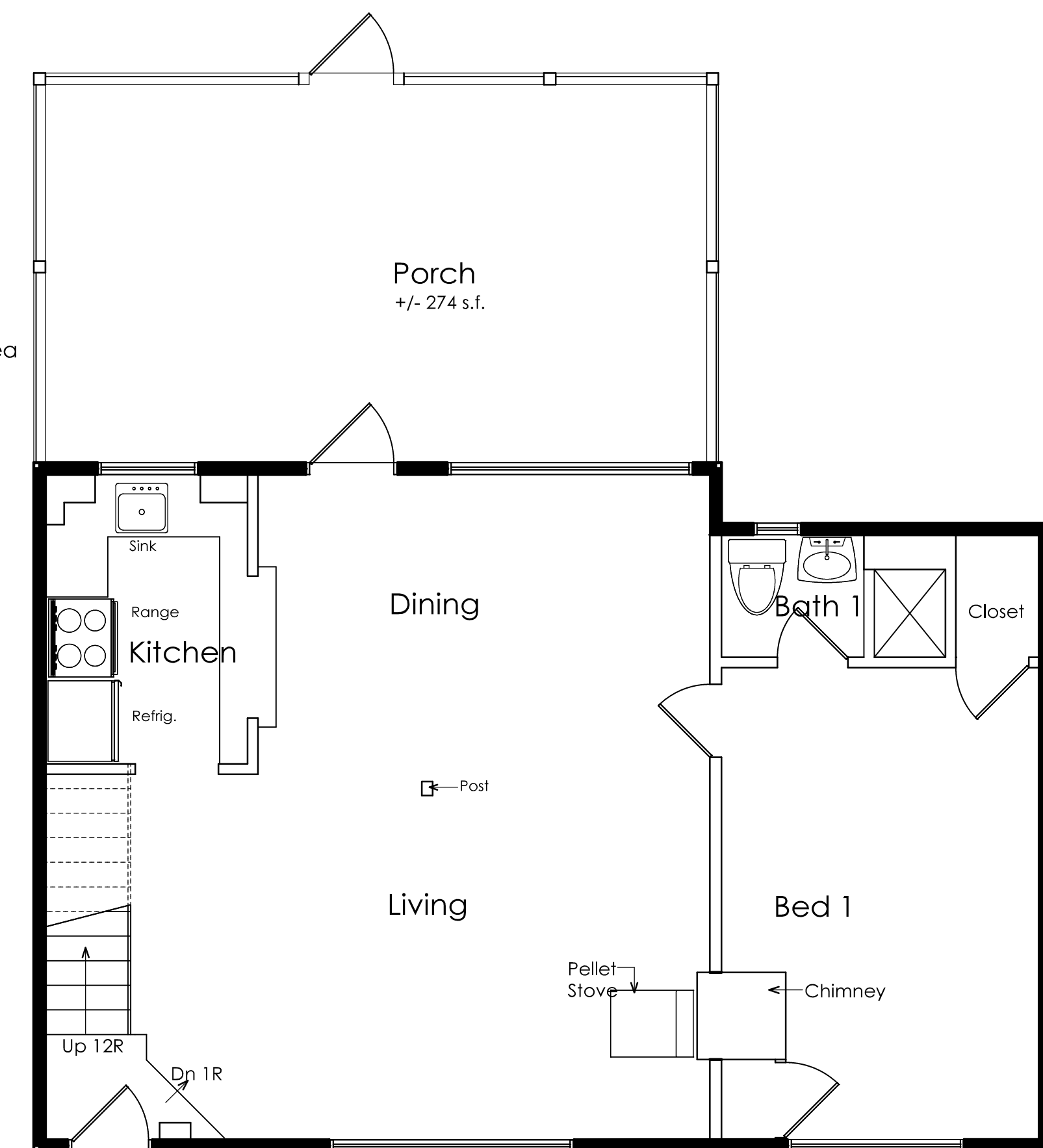
Site Plans



Second Floor Plan

+/- 487 s.f. 1/4" = 1'-0"

AREA CALCULATIONS
 First Floor 670 s.f.
 Second Floor 487 s.f.
 Total 1,157 s.f. gross floor area



First Floor Plan

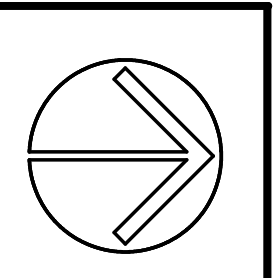
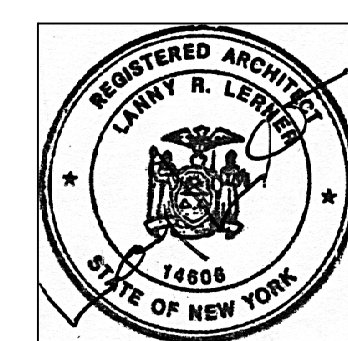
+/- 670 s.f. 1/4" = 1'-0"

APPROVED BY TOWN OF NORTH CASTLE
 PLANNING BOARD RESOLUTION, DATED
 DECEMBER 12, 2016

John P. DeLano, Chairman
 Town of North Castle Planning Board Date

ARCHITECT DRAWING PLANS REVIEWED
 BY TOWN CONSULTING ENGINEER

Joseph Carmello, PE
 Julliard Sessions, PC
 Consulting Town Engineers Date



L.R. LERNER ARCHITECTURE PC
 SCARSDALE, NY 10583
 69 HARKNEY ROAD
 REG. N.Y. #14806 N.Y. #223
 914.223.3625

DATE	NO.	REVISION

DATE: 12-20-16
 REVISION:

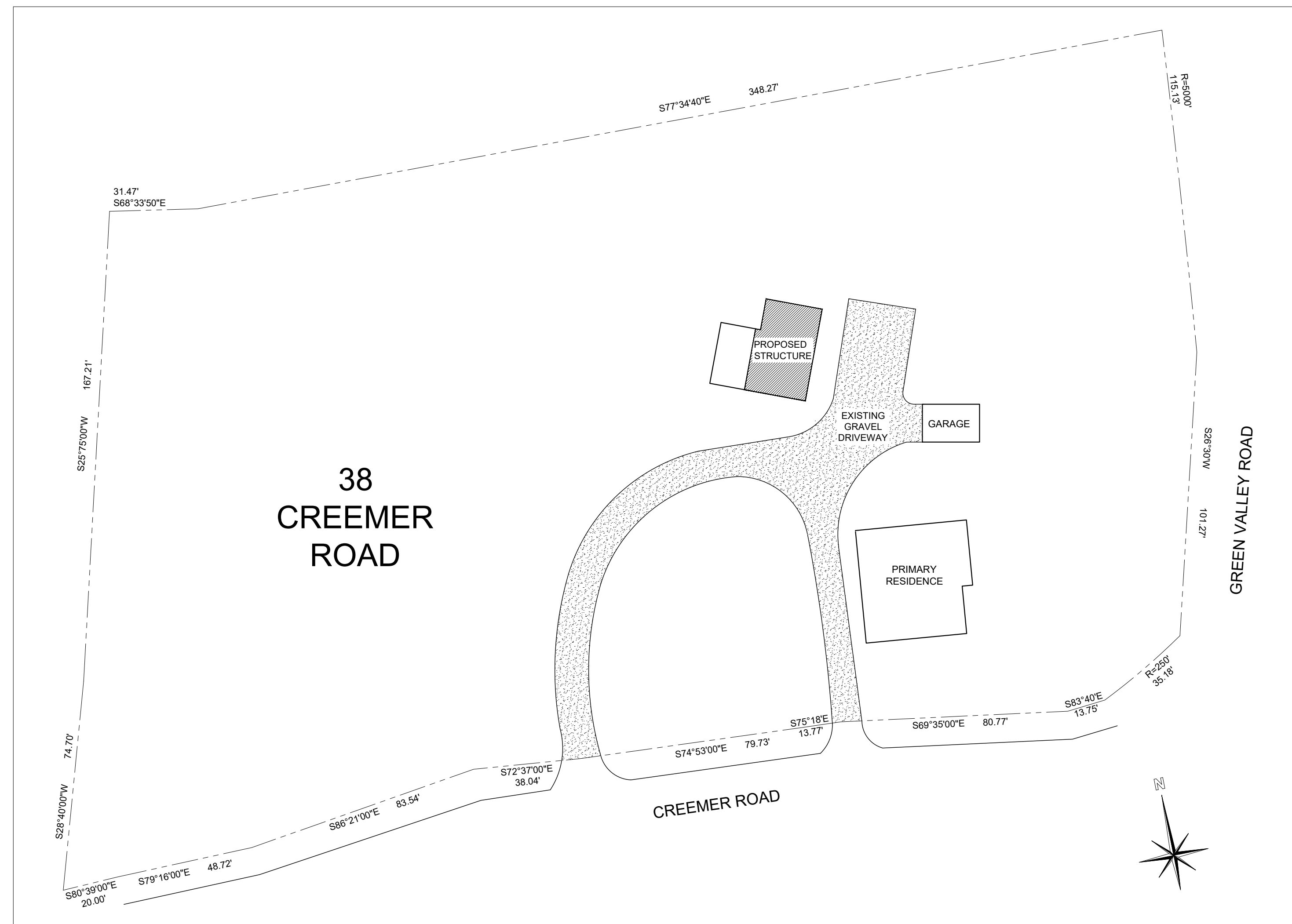
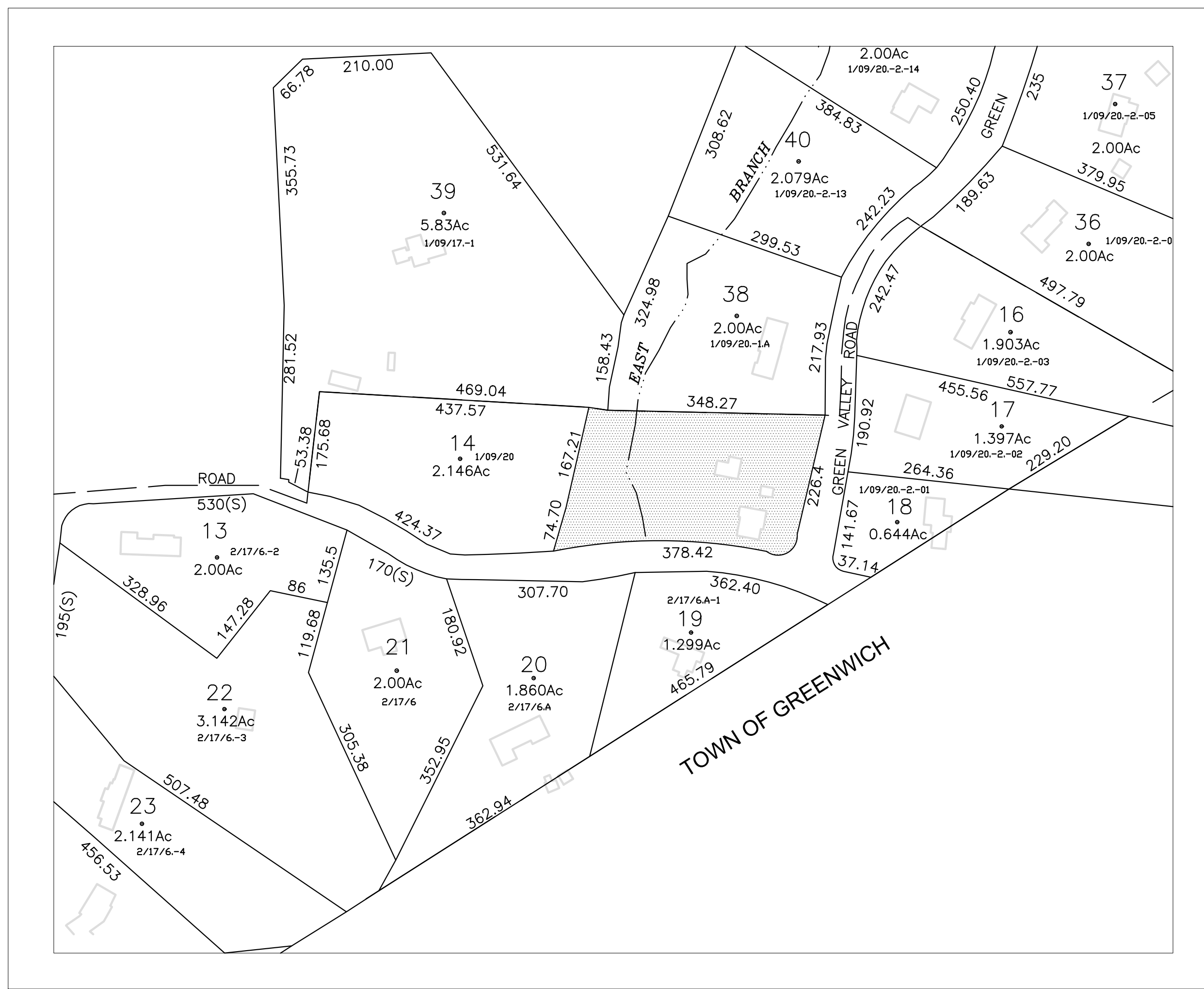
TITLE: **FLOOR PLANS**
SITE PLAN
 SCALE: NOTED
 DRAWN BY: CUB-LRL

PROJECT: **DEMPOSEY RESIDENCE**
EXISTING ACCESSORY APARTMENT
 38 CREEMER ROAD, ARMONK
 SECTION 10804, BLOCK 2, LOT 15

AI

38 Creemer Road

Armonk, New York



Number	Date	Revision
7	01/30/22	Revised Per Owner
6	08/09/22	CMU Foundation
5	04/28/22	HVAC Plans & Load Calculations
4	02/08/22	HVAC Plans & Load Calculations
3	11/15/21	Building Permit Review
2	11/09/21	Client Review
1	10/12/21	Client Review

Location Plan

NTS

Plot Plan

Scale: 1" = 30'

General Notes

- It is the responsibility of the Contractor to coordinate the work of all trades, (including those trades that may be under separate contract), scheduling, and overall cleanup.
- The Construction Documents are supplied to illustrate the design and general type of construction desired and are intended to imply the finest quality of construction, materials and workmanship throughout.
- The Contractor, upon acceptance of the Construction Documents, assumes full responsibility for the construction, materials, and workmanship of the work described therein; and shall execute the work of the contract to comply with the spirit as well as the letter in which it was written. In order to discover and resolve any lack of definition or conflicts which might create construction problems, the Contractor shall thoroughly examine the Construction Documents and the existing conditions of the job site and submit a written report to the Architect within 15 days after receipt of the documents. Beginning of work indicates acceptance of the documents.
- The Contractor shall maintain a current and complete set of construction documents during all phases for use by all trades, and will remove superseded documents from the job site.
- The Contractor is responsible to provide, as required to do the work, all temporary utilities, temporary enclosures to protect the work, tree and plant protection, barricades, security, and special protection such as dust control and noise control.
- Upon completion, all work shall be cleaned by the Contractor and will include removal of all spots, stains, and paint drippings, etc.
- No extras will be permitted unless submitted in writing by the Contractor and approved in writing by the Owner and the Architect.
- The General Contractor shall be responsible for complying with all building codes, ordinances and regulation governing the work of this project.
- The General Contractor and all Sub-contractors hereby indemnify and agree to defend and hold the Owner and Architect harmless from and against any and all suits, claims, actions, loss, cost or expense arising out of the contract work.
- All Contractors shall be held responsible to have verified all dimensions and existing conditions before proceeding with the work. Any errors, omissions, discrepancies, or questionable items in the contract documents shall be immediately brought to the attention of the Architect either before or during construction.
- In no instance shall working dimensions be scaled from drawings. Figures on drawings govern, and larger scale drawings govern smaller scale drawings. In case of discrepancies between drawings and Specifications, the Specifications shall govern.
- The A.I.A. General Conditions, latest edition (Document A201) shall be binding on this contract as if it were reproduced here in full.
- The General Contractor shall provide sanitary facilities for workers use. No access will be permitted to the existing residence by the General Contractor, his Sub-Contractors and their forces beyond that which is required by the work of this contract. Access to the premises required by the work will be coordinated with the Owner and given with the Owner's permission.
- The General Contractor shall be responsible for protecting, patching, and repairing all existing areas and work adjacent to his work or damaged as a result of his work at his own expense and at no additional cost to the Owner.
- All material shall be new and delivered to the site in its original packaging.
- The Architect shall have access to the job site at all times, and to the factory or shop of any of the Sub-contractors. Any inferior material or workmanship shall be removed upon demand and work shall be reconstructed as approved by the Architect at the Contractor's sole expense.

General Notes

- The Contractor shall perform all demolition and removal and related work described in the Contract Documents, and reasonably inferred as necessary to complete the work.
- The General Contractor shall maintain existing utilities in operation during the performance of his work.
- The Contractor shall provide centrally located benchmarks for use by all trades.
- Drawing dimension are to finished walls, joint centerlines, or structural centerlines unless specifically noted otherwise.
- The General Contractor shall be responsible for obtaining soil bearing testing performed by a licensed engineer, and shall report the findings to the Architect prior to foundation work.

Abbreviations

AFF	ABOVE FINISHED FLOOR
B.O.	BOTTOM OF
CAB	CABINET
CT	CERAMIC TILE
CL/CLOS	CLOSET
CLG	CEILING
CMU	CONCRETE MASONRY UNIT
CONC	CONCRETE
CONT	CONTINUOUS
DIM	DIMENSION
DWG	DRAWING
EL/ELEV	ELEVATION
EQ	EQUAL
EQUIP	EQUIPMENT
EXTG	EXISTING
FIN	FINISHED
FLR	FLOOR
GC	GENERAL CONTRACTOR
GWB	GYPSUM WALL BOARD
INSUL	INSULATION
INT	INTERIOR
LAV	LAVATORY
MC	MEDICINE CABINET
MIN	MINIMUM
MTD	MOUNTED
MTL	METAL
NIC	NOT IN CONTRACT
OC	ON CENTER
PL LAM	PLASTIC LAMINATE
PTD	PAINTED
R/RAD	RADIATOR
RAS	ROD & SHELF
REQ'D	REQUIRED
RO	ROUGH OPENING
SIM	SIMILAR
T.O.P	TOP OF PLATE
T.O.S.	TOP OF SLAB
TYP	TYPICAL
VIF	VERIFY IN FIELD
WD	WOOD

Materials / Symbols

	Existing Masonry Wall
	New Partition
	Concrete
	Concrete Masonry Unit
	Welded Wire Mesh
	Plywood
	Finish Wood
	Closed Cell Foam Insulation
	Rigid Insulation
	Section
	Detail
	Interior Elevation
	Door Number
	Window Number
	Centerline

Project Data

Project Address: 38 Creemer Road
North Castle, New York

Architect: Aryeh Siegel, Architect
84 Mason Circle,
Beacon, New York 12508

Compliance: 2020 New York State Residential Building Code
2020 New York State Energy Code

Tax Map No.: 108.04-2-15

Drawing List

CS-100	Cover Sheet
A-100	Foundation Plan, 1st Floor Framing Plan
A-101	1st & 2nd Floor Plans
A-200	Elevations
A-300	Building Section
M-100	HVAC Plans & Equipment Specifications
M-101	1st Floor HVAC Load Calculations
M-102	2nd Floor HVAC Load Calculations
RCP-100	Reflected Ceiling Plans

ARYEH SIEGEL

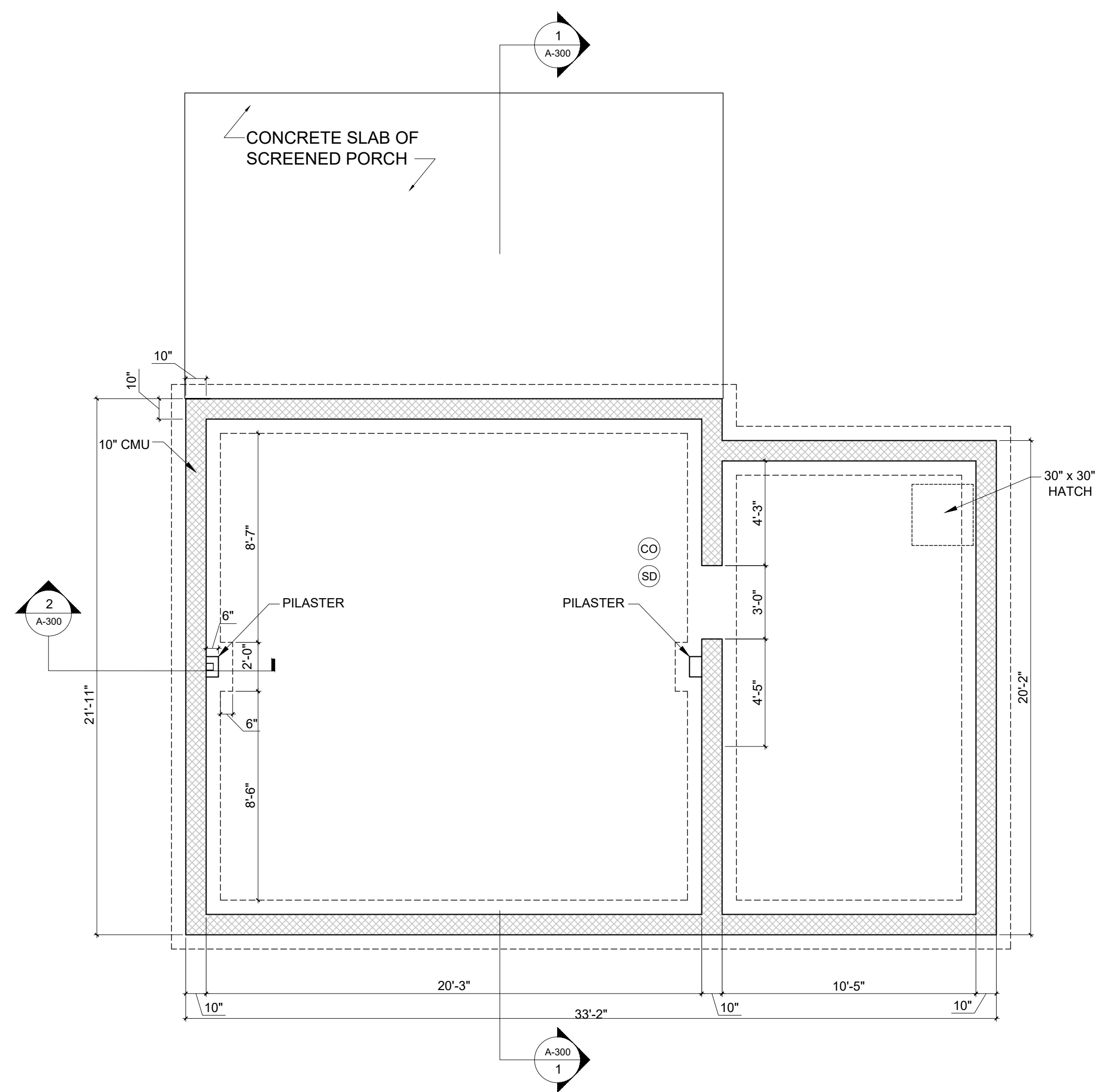
ARCHITECT

84 Mason Circle
Beacon, New York 12508
845 838 2490
Website: www.ajsarch.com

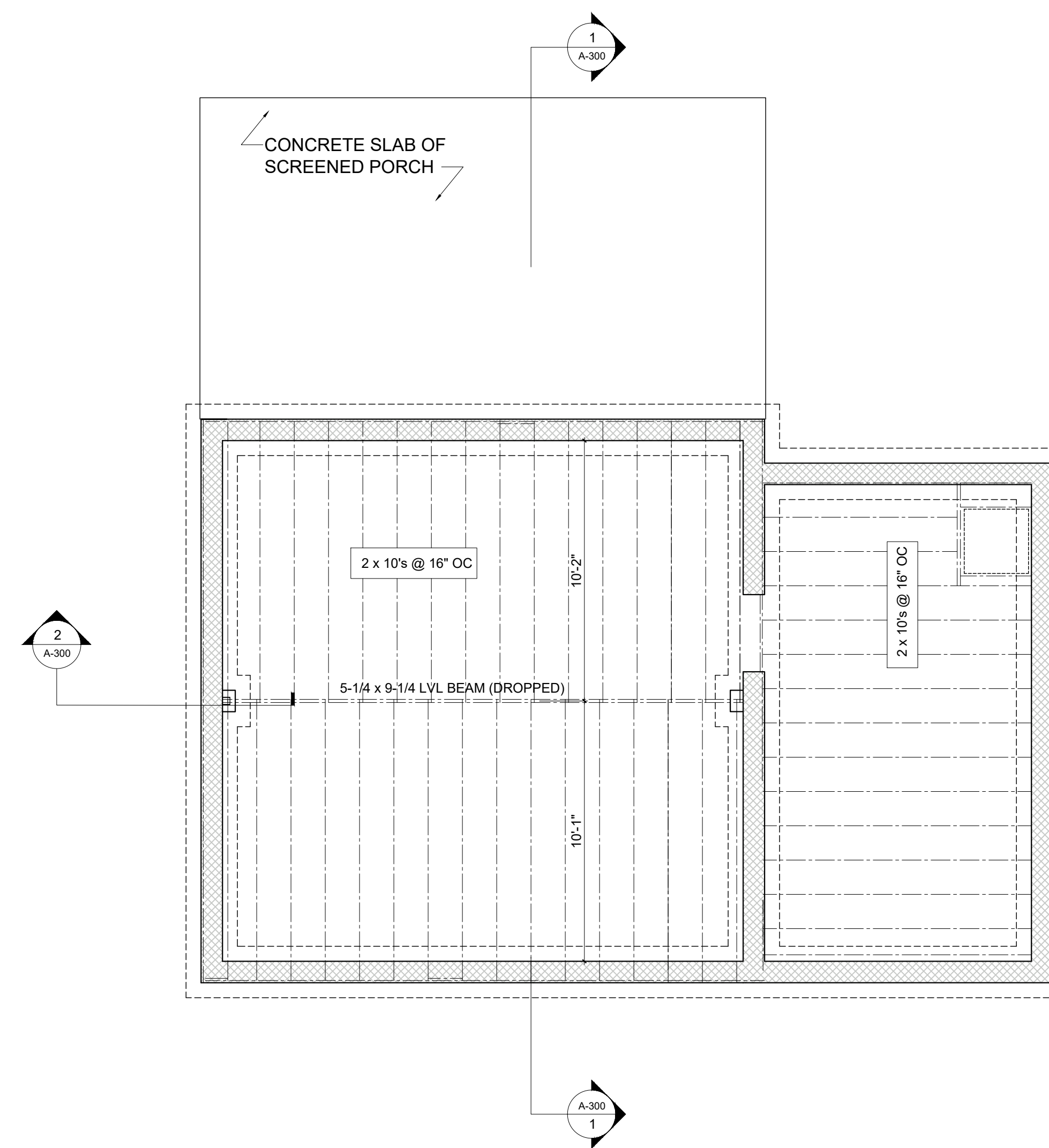
Cover Sheet

Date: August 20, 2021

Scale: AS NOTED Drawing Number: **CS-100**



1 Proposed Foundation
SCALE: 1/4" = 1'-0"



2 Proposed 1st Floor Framing
SCALE: 1/4" = 1'-0"

Number	Date	Revision
7	01/30/22	Revised Per Owner
6	08/09/22	CMU Foundation
5	04/26/22	HVAC Plans & Load Calculations
4	02/08/22	HVAC Plans & Load Calculations
3	11/15/21	Building Permit Review
2	11/09/21	Client Review
1	10/12/21	Client Review

ARYEH SIEGEL
ARCHITECT

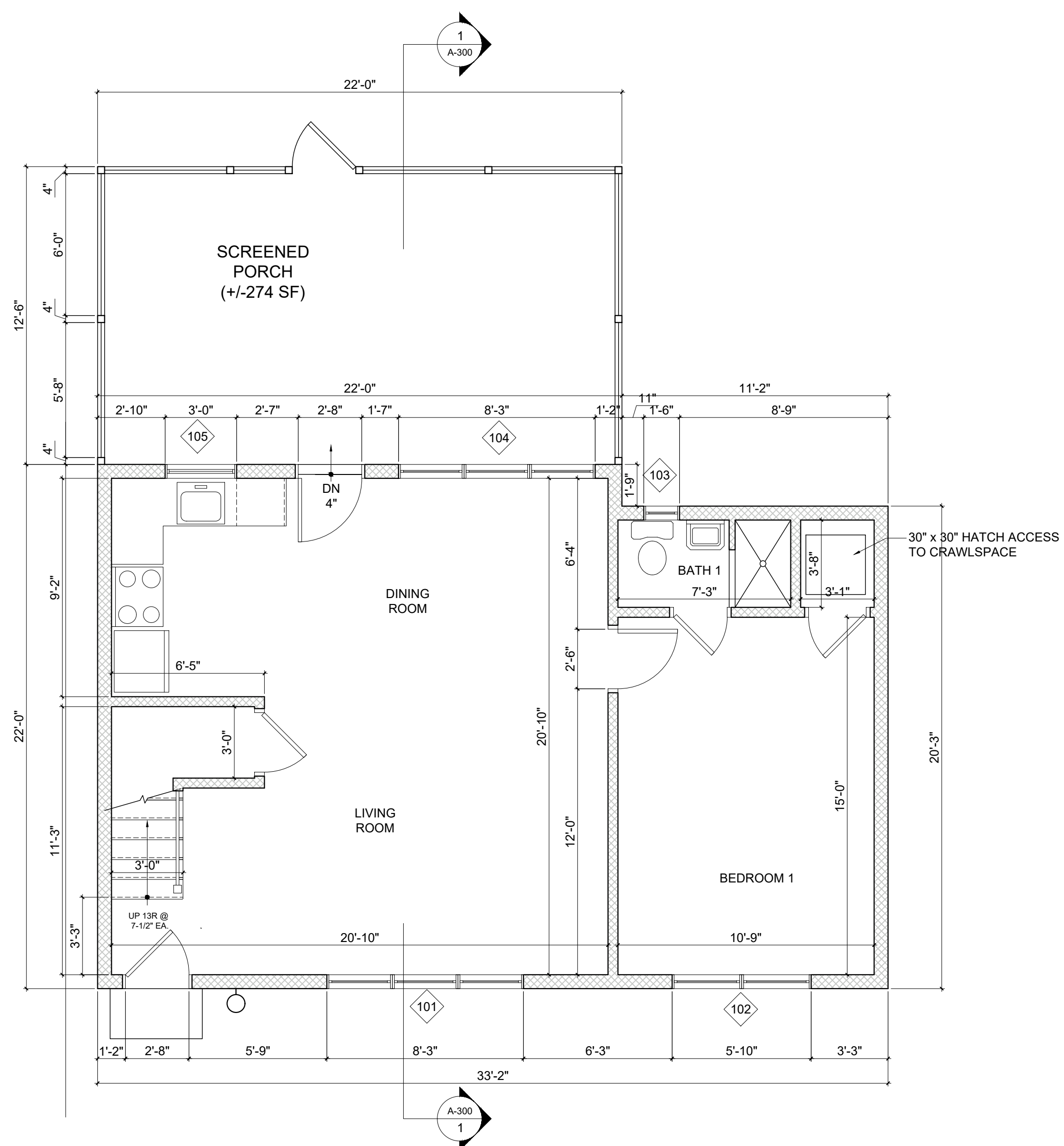
84 Mason Circle
Beacon, New York 12508
845 838 2490
Website: www.ajsarch.com

Proposed Foundation
and 1st Floor
Framing Plans

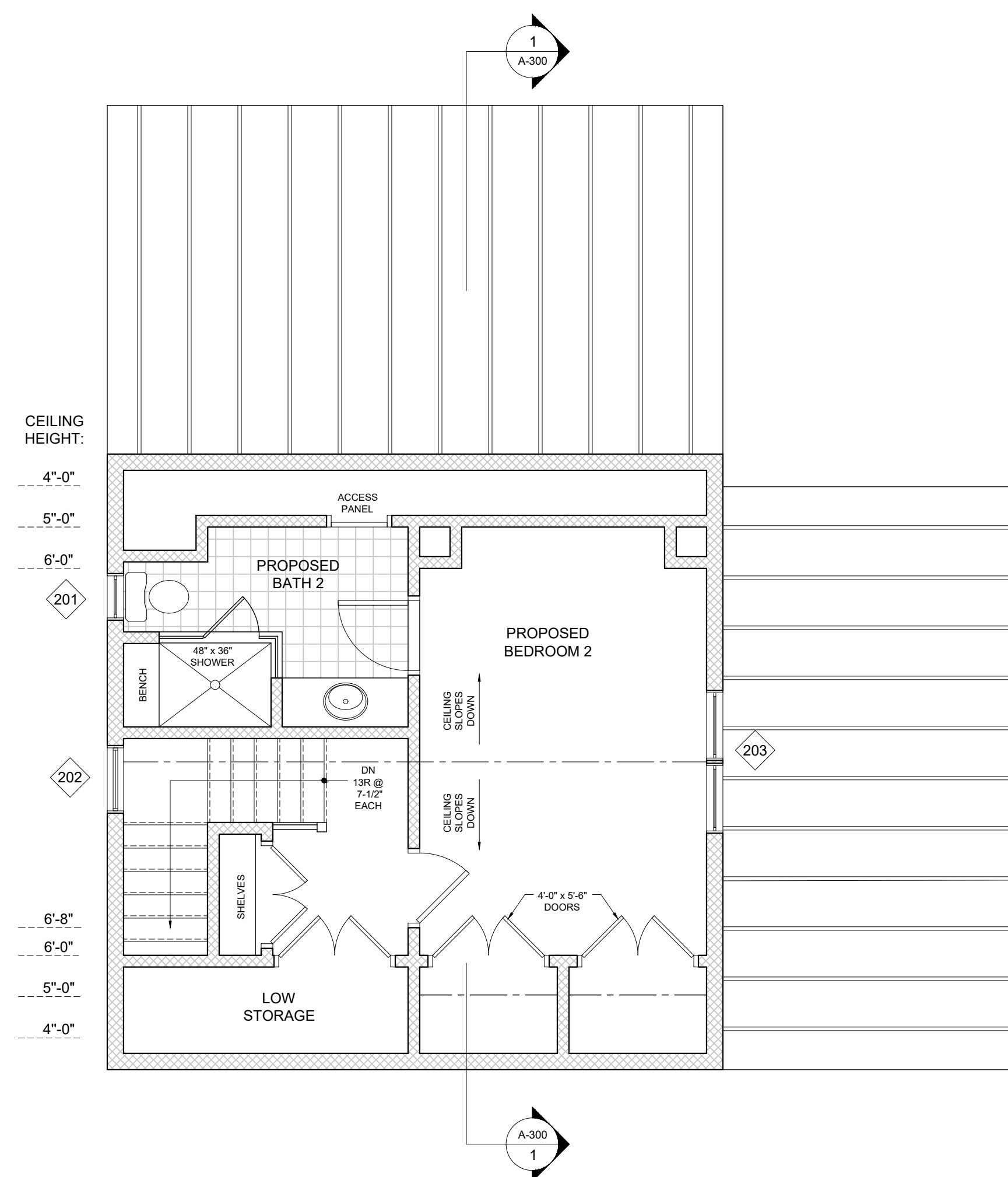
WINDOW SCHEDULE

MARK	WIDTH	HEIGHT	MANUFACTURER	MODEL	TYPE	U-VALUE	NOTES
101	8'-3"	3'-6"	LINCOLN	(3) 3342	CASEMENT	0.29	MULLED TOGETHER
102	5'-10"	3'-6"	LINCOLN	(2) 3542	CASEMENT	0.29	MULLED TOGETHER, EER
103	1'-6"	2'-0"	LINCOLN	1824	CASEMENT	0.29	TEMPERED
104	8'-3"	3'-6"	LINCOLN	(3) 3342	CASEMENT	0.29	MULLED TOGETHER
105	3'-0"	2'-0"	LINCOLN	3624	AWNING	0.30	-
201	1'-6"	2'-0"	LINCOLN	1824	CASEMENT	0.29	TEMPERED
202	2'-3"	3'-8"	LINCOLN	29-318x 44-1/2	DOUBLE-HUNG	0.30	TEMPERED
203	5'-10"	3'-6"	LINCOLN	(2) 3542	CASEMENT	0.29	MULLED TOGETHER, EER

NOTE:
ALL WINDOWS TO HAVE CLEAR INSULATED GLASS WITH LOW-E 180 ARGON.



1 1st Floor Plan (+/- 670 SF)
SCALE: 1/4" = 1'-0"



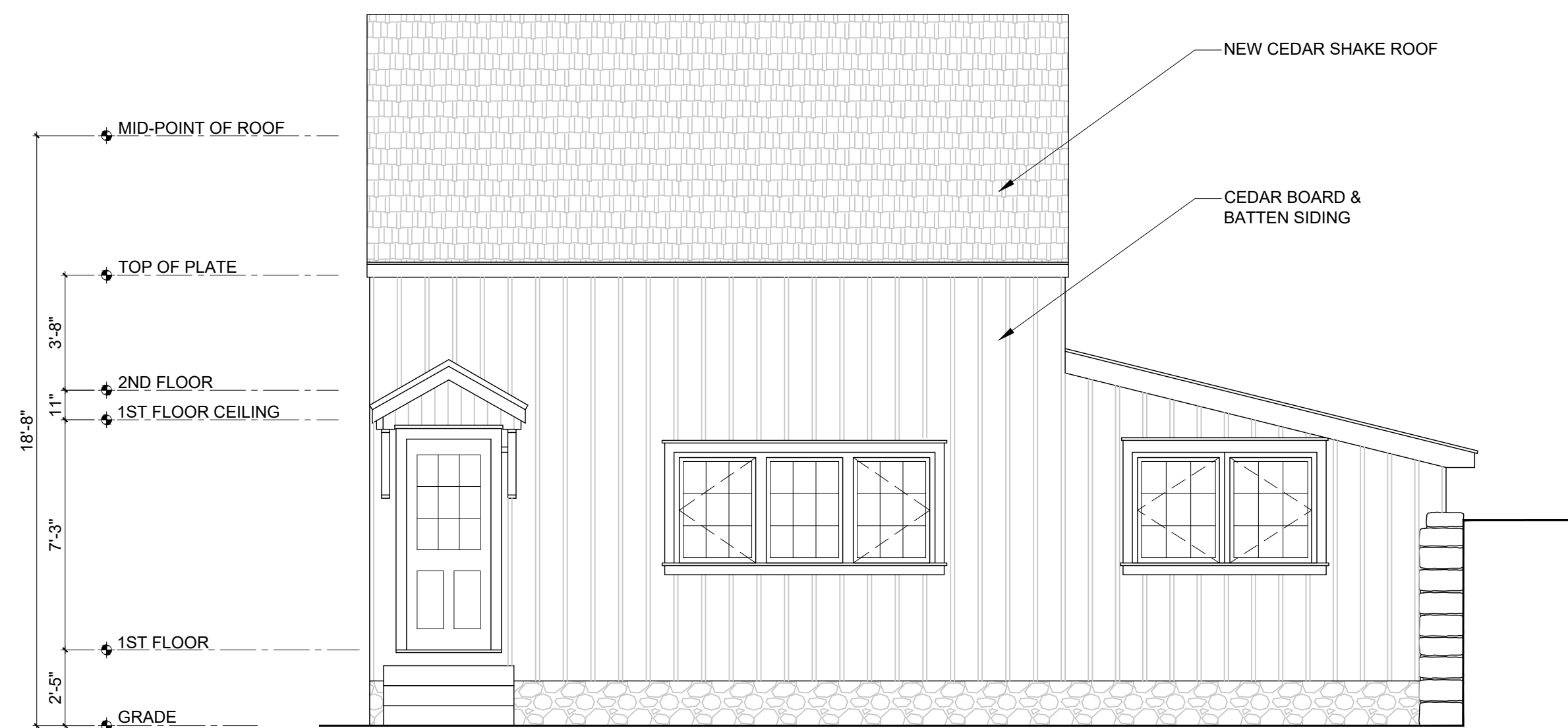
2 2nd Floor Plan (+/- 487 SF)
SCALE: 1/4" = 1'-0"

Number	Date	Revision
7	01/30/23	Revised Per Owner
6	08/09/22	CMU Foundation
5	04/26/22	HVAC Plans & Load Calculations
4	02/08/22	HVAC Plans & Load Calculations
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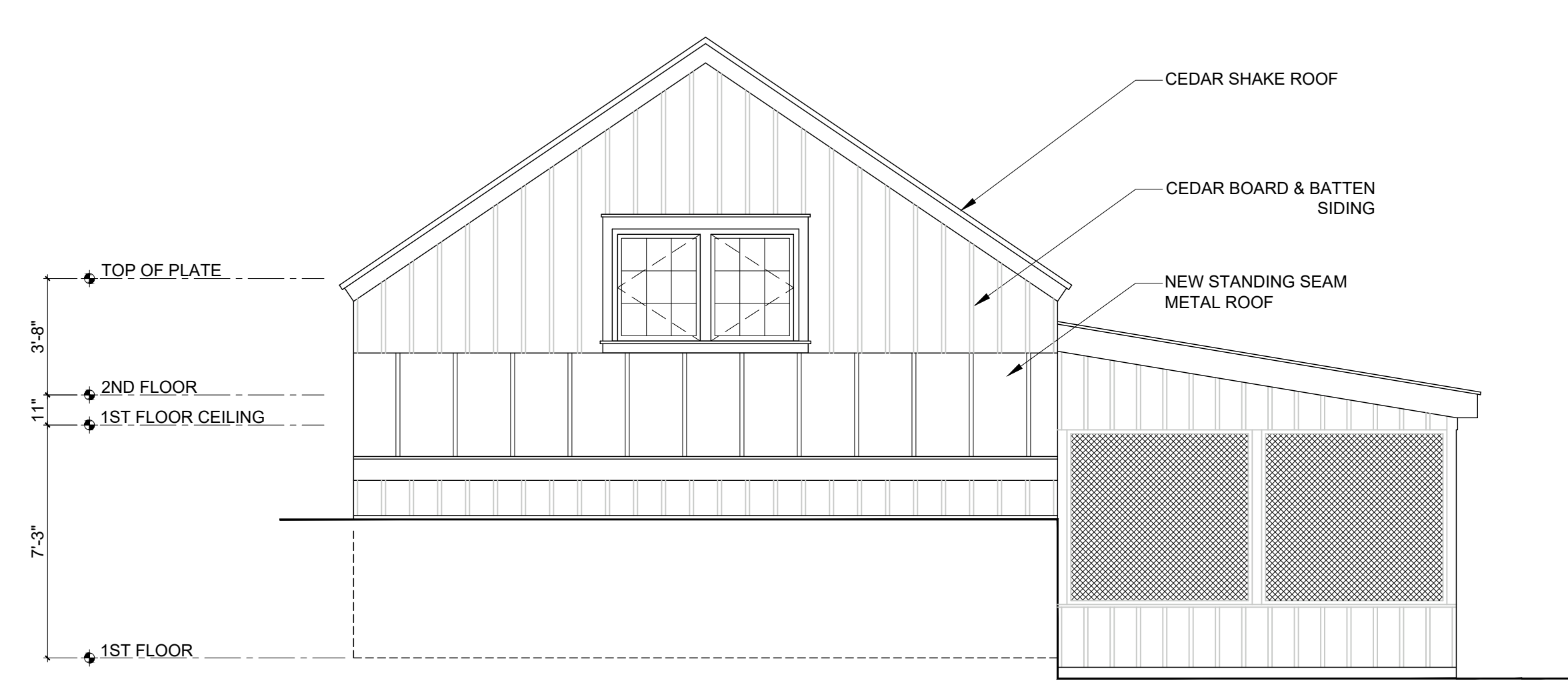
ARYEH SIEGEL
ARCHITECT

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845 838 2490
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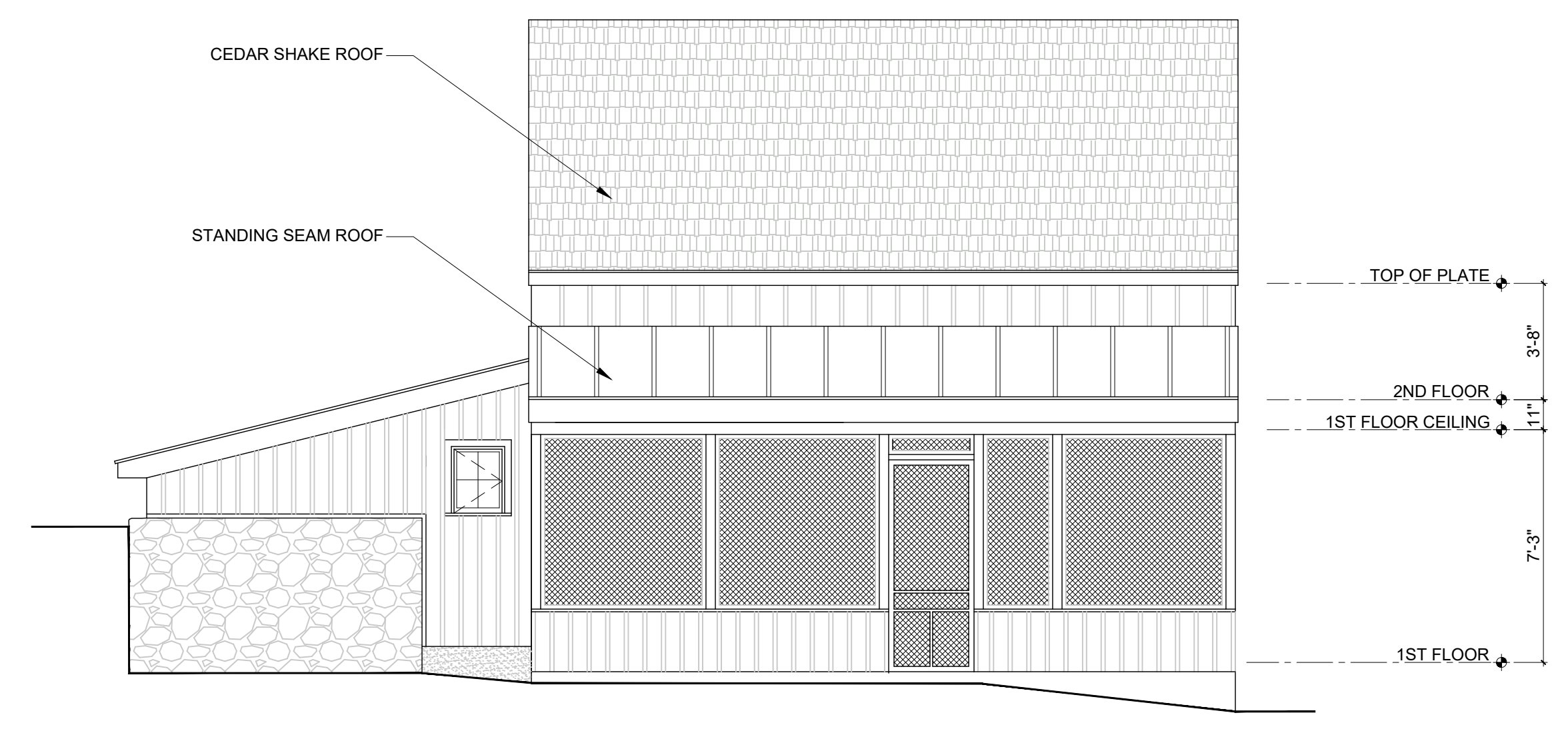
**1st & 2nd
Floor Plans**



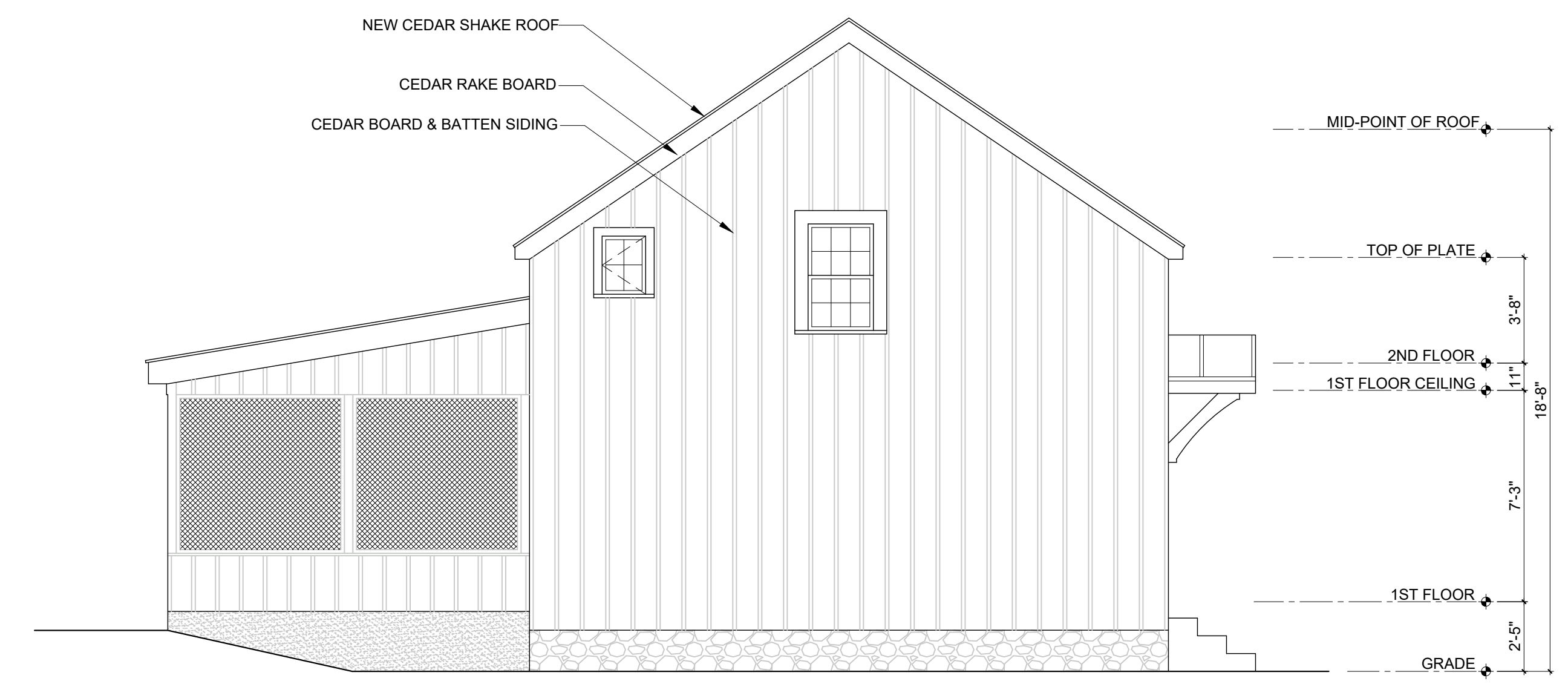
1 Proposed Front Elevation
SCALE: 1/4" = 1'-0"



2 Proposed Right Side Elevation
SCALE: 1/4" = 1'-0"



3 Proposed Rear Elevation
SCALE: 1/4" = 1'-0"



4 Proposed Left Side Elevation
SCALE: 1/4" = 1'-0"

Number	Date	Revision
7	01/30/23	Revised Per Owner
6	08/09/22	CMU Foundation
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ARYEH SIEGEL
ARCHITECT
84 Mason Circle
Beacon, New York 12508
845 838 2490
Website: www.ajsarch.com

Proposed Elevations



Project Name: THP Armonk
 Address: 38 Creemer Road, Armonk, NY

OUTDOOR DESIGN CONDITIONS

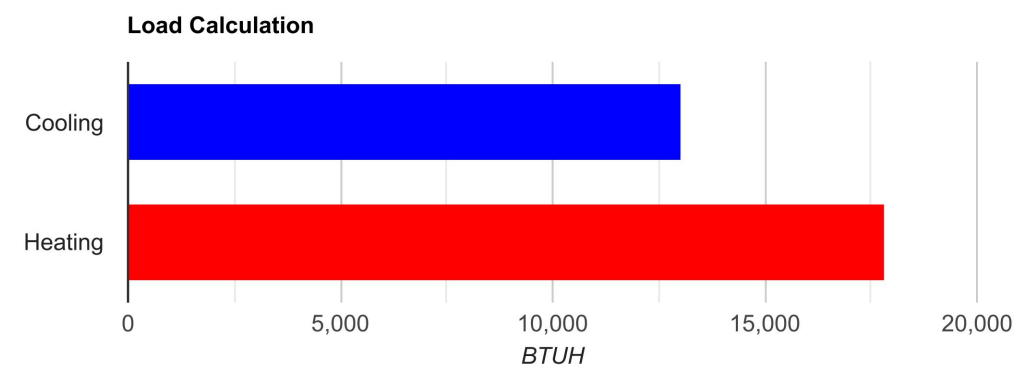
Weather station: White Plains, Westchester Co. AP

Summer Outdoor F: 87 Summer Indoor F: 75 Design Grains: 33 Daily Range: Medium
 Winter Outdoor F: 12 Winter Indoor F: 70 Cooling RH: 50 Elevation (Ft): 397

LOAD CALCULATION TOTALS

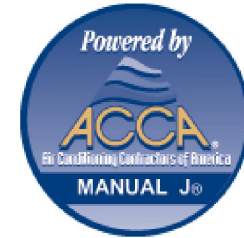
HVAC System: LG HP First Floor

Heated square footage: 683 Heating BTUH: 17,792
 Cooled square footage: 683 Cooling BTUH: 13,029
 Heated volume (above grade CF): 5,467 CFM: 565
 Cooled volume (above grade CF): 5,467 Sensible cooling: 1,824
 Exposed wall area (SF): 965 Latent cooling: 1,824
 SHR: 0.88



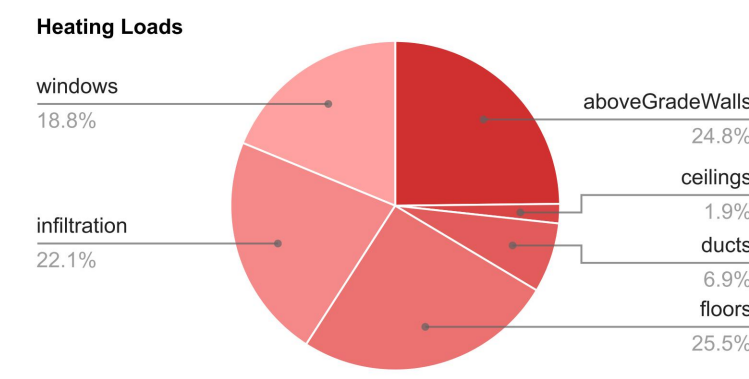
Approved ACCA MJ8 Calculations

Calculations are based on the ACCA Manual J 8th Edition and are approved by ACCA. All computed calculations are estimates on building use, weather data, and inputted values such as R-Values, window types, duct loss, etc. Equipment selections should meet both the latent and sensible gain as well as building heat loss.

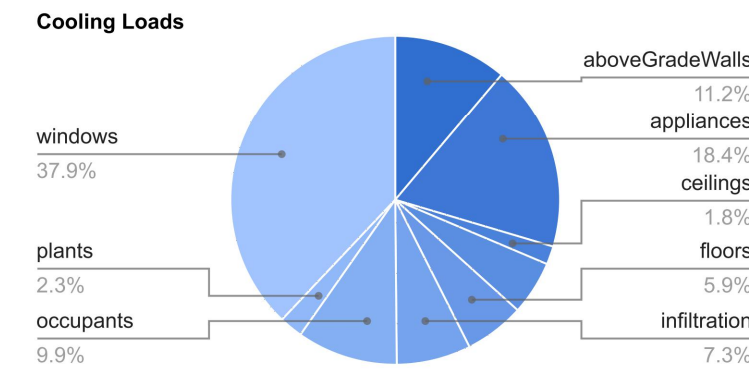


HEATING AND COOLING LOADS

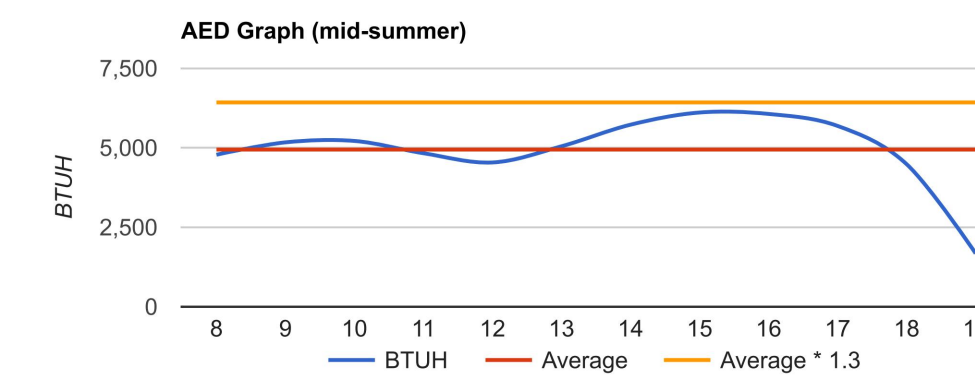
HEATING LOADS		
SECTION	AREA	HEAT LOSS
aboveGradeWalls	785	4,416
ceilings	201.3	339
ducts	0	1,221
floors	683.4	4,536
infiltration	0	3,939
skylights	0	0
windows	180	3,341
Totals		17,792



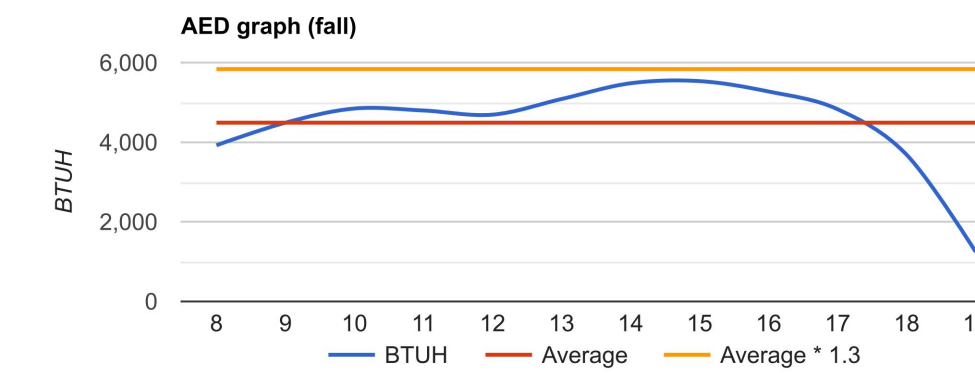
COOLING LOADS			
SECTION	AREA	SENSIBLE	LATENT
AEDExcursion	0	0	0
aboveGradeWalls	785	1,454	0
appliances	0	2,400	0
ceilings	201.3	234	0
ducts	0	365	326
floors	683.4	766	0
infiltration	0	352	598
occupants	0	690	600
plants	0	0	300
skylights	0	0	0
windows	180	4,944	0
Totals		11,205	1,824



FENESTRATION LOADS



This graph represents hourly aggregate fenestration loads in mid-summer.



This graph represents hourly aggregate fenestration loads in October.

COMPONENT LOADS

ABOVE GRADE WALLS

Map trace wall	Construction nr.	Area	U Value	SHGC	Exposure	Area	Heating BTUH	Cooling BTUH
Map trace wall Frame Wall, Wood framing, R-11 cavity insulation, Stucco or Siding.	12B-0s w	148.3	0.097	0.68	N	148.3	834	275
Map trace wall Frame Wall, Wood framing, R-11 cavity insulation, Stucco or Siding.	12B-0s w	239.6	0.097	0.68	E	239.6	1,348	444
Map trace wall Frame Wall, Wood framing, R-11 cavity insulation, Stucco or Siding.	12B-0s w	155.6	0.097	0.68	S	155.6	875	288
Map trace wall Frame Wall, Wood framing, R-11 cavity insulation, Stucco or Siding.	12B-0s w	241.5	0.097	0.68	W	241.5	1,359	447

BELOW GRADE WALLS

There are no components for this section.

WINDOWS

Default small windows for wall id 2061004 Window, NFRC rated, Clear glass.	1G 12 N	0.32 0.68	0.68	223 149
Default medium windows for wall id 2061004 Window, NFRC rated, Clear glass.	1G 24 N	0.32 0.68	0.68	445 299
Default small windows for wall id 2061005 Window, NFRC rated, Clear glass.	1G 6 E	0.32 0.68	0.68	111 178
Default medium windows for wall id 2061005 Window, NFRC rated, Clear glass.	1G 12 E	0.32 0.68	0.68	223 356
Default large windows for wall id 2061005 Window, NFRC rated, Clear glass.	1G 36 E	0.32 0.68	0.68	668 1,067
Default small windows for wall id 2061006 Window, NFRC rated, Clear glass.	1G 12 S	0.32 0.68	0.68	223 348
Default medium windows for wall id 2061006 Window, NFRC rated, Clear glass.	1G 24 S	0.32 0.68	0.68	445 697
Default small windows for wall id 2061003 Window, NFRC rated, Clear glass.	1G 6 W	0.32 0.68	0.68	111 206
Default medium windows for wall id 2061003 Window, NFRC rated, Clear glass.	1G 12 W	0.32 0.68	0.68	223 411
Default large windows for wall id 2061003 Window, NFRC rated, Clear glass.	1G 36 W	0.32 0.68	0.68	668 1,234

Window cooling BTUHs shown here are daily average values. See AED graphs for details of fenestration loads during the day.

CEILING

CEILING

Map trace generated ceiling Ceiling below roof joists, Asphalt shingles, Dark, R-38.	Construction nr. U Value:	18A-38 ad 0.029	Area:	201.3	Heating BTUH Cooling BTUH:	339 234
---	------------------------------	--------------------	-------	-------	-------------------------------	------------

SKYLIGHTS

There are no components for this section.

Skylight cooling BTUHs shown here are daily average values. See AED graphs for details of fenestration loads during the day.

DOORS

There are no components for this section.

FLOORS

Map trace generated floor Floor over enclosed unconditioned crawl space or basement, no floor insulation, Carpet or hardwood.	Construction nr. Area:	19A-0cp 683.4	Heating U Value Cooling U Value:	0.295 0.295	Heating BTUH Cooling BTUH: F Value:	4,536 766 N/A
--	---------------------------	------------------	-------------------------------------	----------------	---	---------------------

VENTILATION

There are no components for this section.

HOT WATER PIPING

There are no components for this section.

DUCTS

System generated ducts (below conditioned space) Closed Crawl Space - Radial	EHLF: ESGF: ELG:	0.074 0.034 326	Heating BTUH Sensible BTUH: Latent BTUH:	1,221 365 326
---	------------------------	-----------------------	--	---------------------

INFILTRATION

Leakage Category:	Average	NCFM Heating: NCFM Cooling:	121 52	Heating BTUH: Sensible BTUH: Latent BTUH:	3,939 352 598
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BLOWER MOTOR

There are no components for this section.

WINTER HUMIDIFICATION

There are no components for this section.

OCCUPANTS

Nr. Occupants:	3	Sensible BTUH:	690	Latent BTUH:	600
----------------	---	----------------	-----	--------------	-----

APPLIANCES

Standard kitchen and utility room, lighting: 2,400 BTUH	Quantity:	Sensible BTUH: Latent BTUH:	2,400 0
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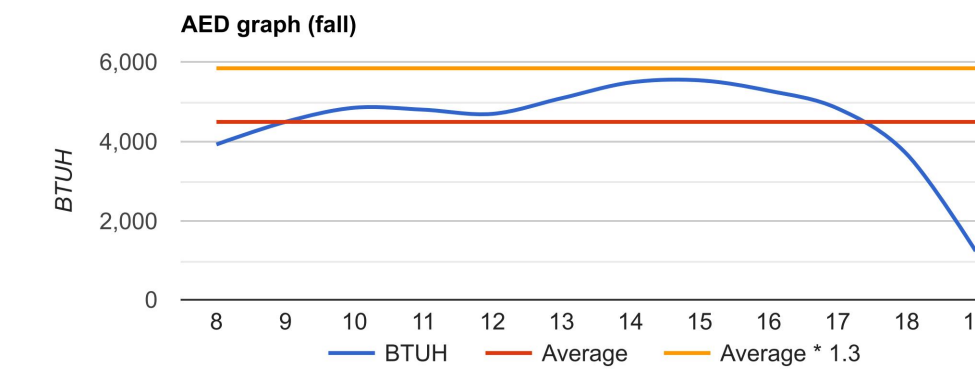
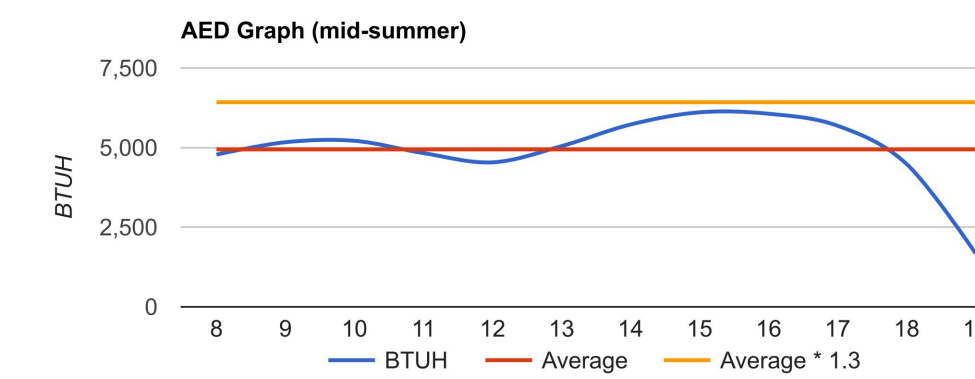
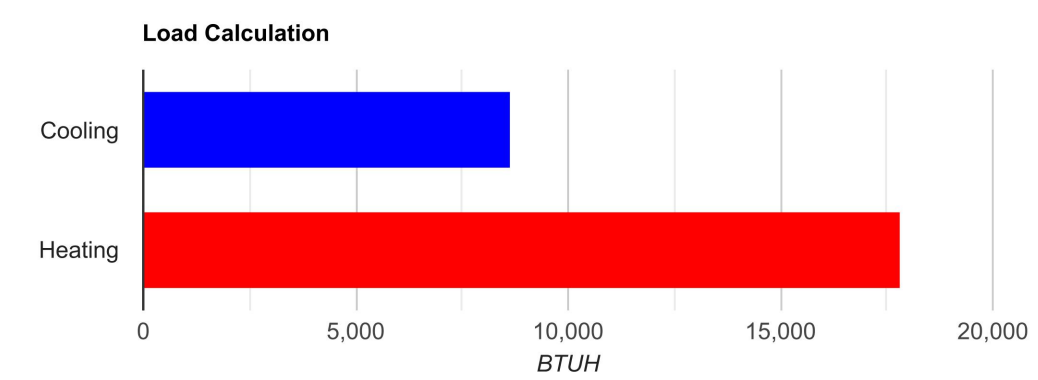
PLANTS

Plant Size:	small	Quantity:	5	Latent BTUH:	50
Plant Size:	medium	Quantity:	5	Latent BTUH:	100
Plant Size:	large	Quantity:	5	Latent BTUH:	150

ROOM DETAIL

Room name: first

Heated square footage: 683 Total Cooling BTUH: 8,609
 Cooled square footage: 683 Total Heating BTUH: 17,792
 Heated volume (above grade CF): 5,467 CFM: 404
 Cooled volume (above grade CF): 5,467
 Exposed wall area (SF): 965



38 Creemer Road
 Armonk, New York

7	01/30/23	Revised Per Owner
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1	10/12/21	Client Review

Number Date Revision

ARYEH SIEGEL
 ARCHITECT

84 Mason Circle
 Beacon, New York 12508
 845 838 2490
 Website: www.ajsarch.com

1st FLOOR
 HVAC LOAD
 CALCULATIONS

Date: August 20, 2021

Scale: 1/4" = 1'-0" Drawing Number:

M-101



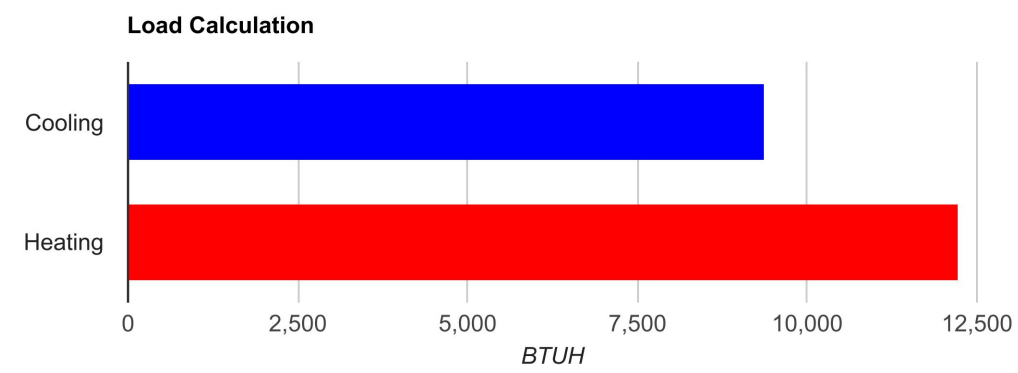
Project Name: THP Armonk
 Address: 38 Creemer Road, Armonk, NY

OUTDOOR DESIGN CONDITIONS
 Weather station: White Plains, Westchester Co. AP

Summer Outdoor F: 87 Summer Indoor F: 75 Design Grains: 33 Daily Range: Medium
 Winter Outdoor F: 12 Winter Indoor F: 70 Cooling RH: 50 Elevation (Ft): 397

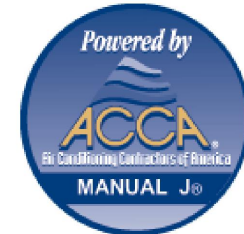
LOAD CALCULATION TOTALS
 HVAC System: LG HPSecond Floor

Heated square footage: 623 Heating BTUH: 12,211
 Cooled square footage: 623 Cooling BTUH: 9,362
 Heated volume (above grade CF): 4,986 CFM: 359
 Cooled volume (above grade CF): 4,986 Sensible cooling: 7,902
 Exposed wall area (SF): 904 Latent cooling: 1,460 SHR: 0.844



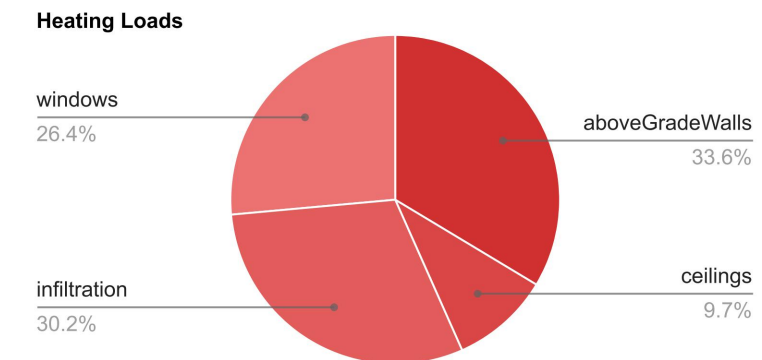
Approved ACCA MJ8 Calculations

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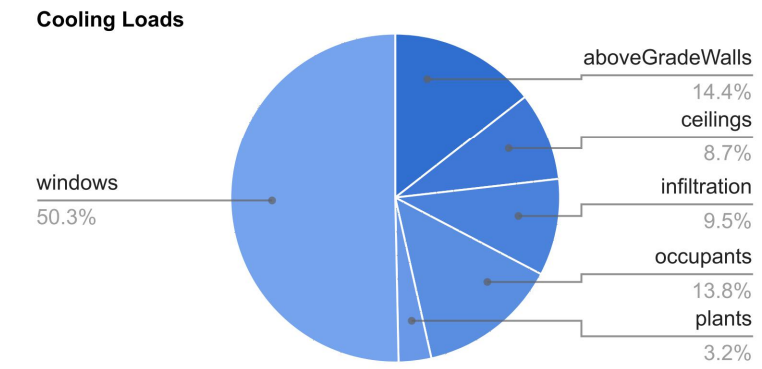


HEATING AND COOLING LOADS

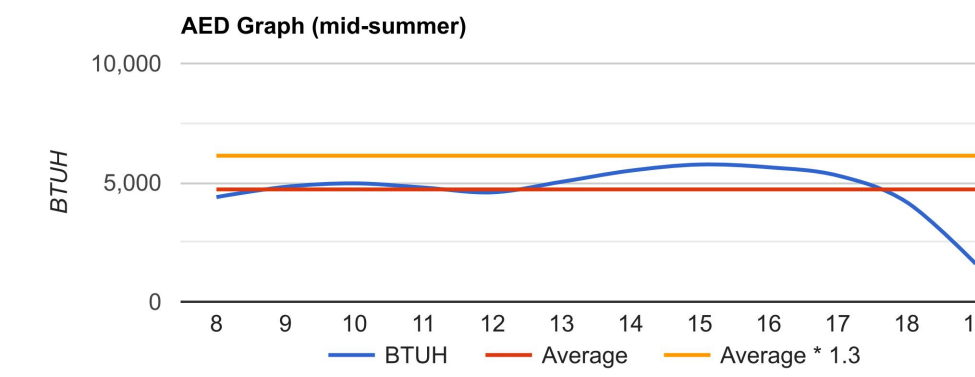
HEATING LOADS		
SECTION	AREA	HEAT LOSS
aboveGradeWalls	729.7	4,105
ceilings	705.8	1,187
infiltration	0	3,689
skylights	0	0
windows	174	3,229
Totals		12,211



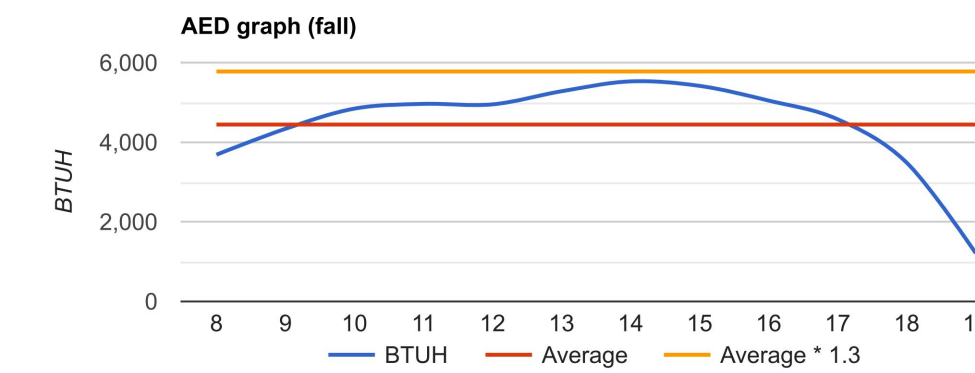
COOLING LOADS			
SECTION	AREA	SENSIBLE	LATENT
AEDExcursion	0	0	0
aboveGradeWalls	729.7	1,352	0
ceilings	705.8	819	0
infiltration	0	330	560
occupants	0	690	600
plants	0	0	300
skylights	0	0	0
windows	174	4,711	0
Totals		7,902	1,460



FENESTRATION LOADS



This graph represents hourly aggregate fenestration loads in mid-summer.



This graph represents hourly aggregate fenestration loads in October.

COMPONENT LOADS

ABOVE GRADE WALLS

Map trace wall	Construction nr.	Area	U Value	SHGC	Exposure	Area	Heating BTUH	Cooling BTUH
Frame Wall, Wood framing, R-11 cavity insulation, Stucco or Siding.	12B-0s w	12B-0s w	0.097	0.68	N	159.6	898	296
Map trace wall	12B-0s w	12B-0s w	0.097	0.68	E	197.5	1,111	366
Map trace wall	12B-0s w	12B-0s w	0.097	0.68	S	170.6	960	316
Map trace wall	12B-0s w	12B-0s w	0.097	0.68	W	202	1,136	374

BELOW GRADE WALLS

There are no components for this section.

WINDOWS

Default small windows for wall id 2060965 Window, NFRC rated, Clear glass.	1G 12 N	1G 12 N	0.32 0.68	0.68		223 149	
Default medium windows for wall id 2060965 Window, NFRC rated, Clear glass.	1G 24 N	1G 24 N	0.32 0.68	0.68		445 299	
Default small windows for wall id 2060966 Window, NFRC rated, Clear glass.	1G 12 E	1G 12 E	0.32 0.68	0.68		223 356	
Default medium windows for wall id 2060966 Window, NFRC rated, Clear glass.	1G 36 E	1G 36 E	0.32 0.68	0.68		666 1,067	
Default small windows for wall id 2060967 Window, NFRC rated, Clear glass.	1G 6 S	1G 6 S	0.32 0.68	0.68		111 168	
Default medium windows for wall id 2060967 Window, NFRC rated, Clear glass.	1G 36 S	1G 36 S	0.32 0.68	0.68		668 1,027	
Default small windows for wall id 2060964 Window, NFRC rated, Clear glass.	1G 12 W	1G 12 W	0.32 0.68	0.68		223 411	
Default large windows for wall id 2060964 Window, NFRC rated, Clear glass.	1G 36 W	1G 36 W	0.32 0.68	0.68		668 1,234	

Window cooling BTUHs shown here are daily average values. See AED graphs for details of fenestration loads during the day.

CEILINGS

Map trace generated ceiling Ceiling below roof joists, Asphalt shingles, Dark, R-38.	18A-38 ad 0.029	18A-38 ad 0.029				705.8	1,187	819
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SKYLIGHTS

There are no components for this section.

Skylight cooling BTUHs shown here are daily average values. See AED graphs for details of fenestration loads during the day.

DOORS

There are no components for this section.

FLOORS

There are no components for this section.

VENTILATION

There are no components for this section.

HOT WATER PIPING

There are no components for this section.

DUCTS

There are no components for this section.

INFILTRATION

Leakage Category	Average	NCFM Heating: 121 NCFM Cooling: 52	Heating BTUH: 3,689 Sensible BTUH: 330 Latent BTUH: 560
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BLOWER MOTOR

There are no components for this section.

WINTER HUMIDIFICATION

There are no components for this section.

OCCUPANTS

Nr. Occupants:	3	Sensible BTUH:	690	Latent BTUH:	600
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APPLIANCES

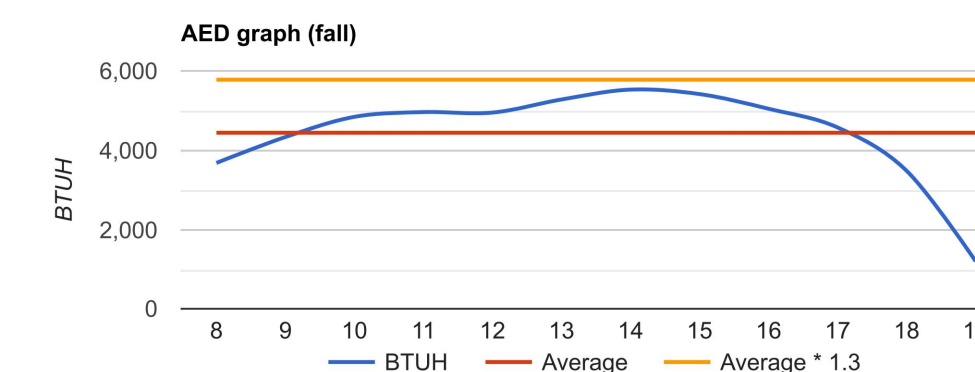
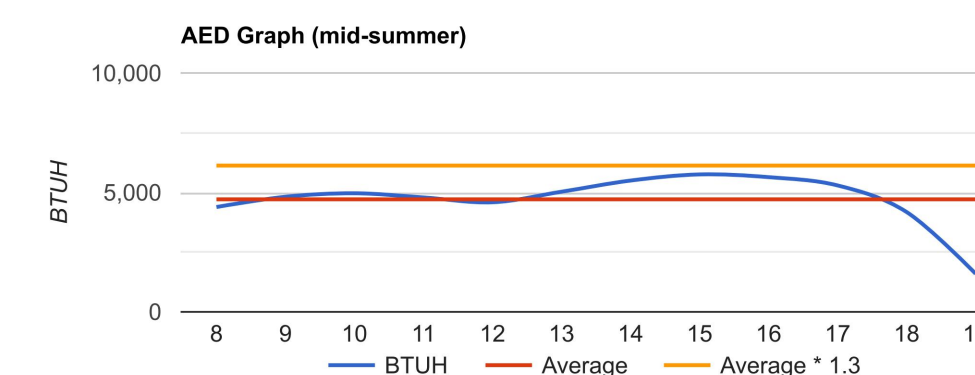
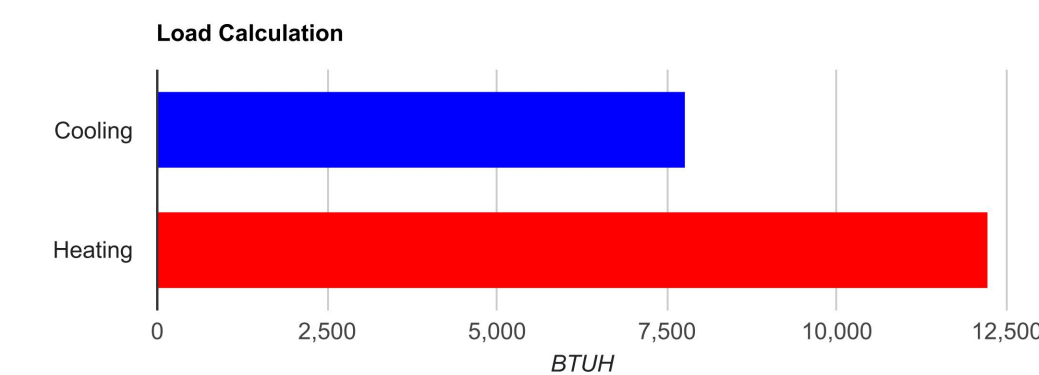
There are no components for this section.

PLANTS

Plant Size:	small	Quantity:	5	Latent BTUH:	50
Plant Size:	medium	Quantity:	5	Latent BTUH:	100
Plant Size:	large	Quantity:	5	Latent BTUH:	150

ROOM DETAIL
 Room name: second

Heated square footage: 623 Total Cooling BTUH: 7,772
 Cooled square footage: 623 Total Heating BTUH: 12,211
 Heated volume (above grade CF): 4,986 CFM: 364
 Cooled volume (above grade CF): 4,986
 Exposed wall area (SF): 904



38 Creemer Road
 Armonk, New York

7	01/30/23	Revised Per Owner
6	08/09/22	CMU Foundation
5	04/26/22	HVAC Plans & Load Calculations
4	02/08/22	HVAC Plans & Load Calculations
3	11/15/21	Building Permit Review
2	11/09/21	Client Review
1	10/12/21	Client Review

Number Date Revision

ARYEH SIEGEL
 ARCHITECT

84 Mason Circle
 Beacon, New York 12508
 845 838 2490
 Website: www.ajsarch.com

2nd FLOOR
HVAC LOAD
CALCULATIONS

Date: August 20, 2021

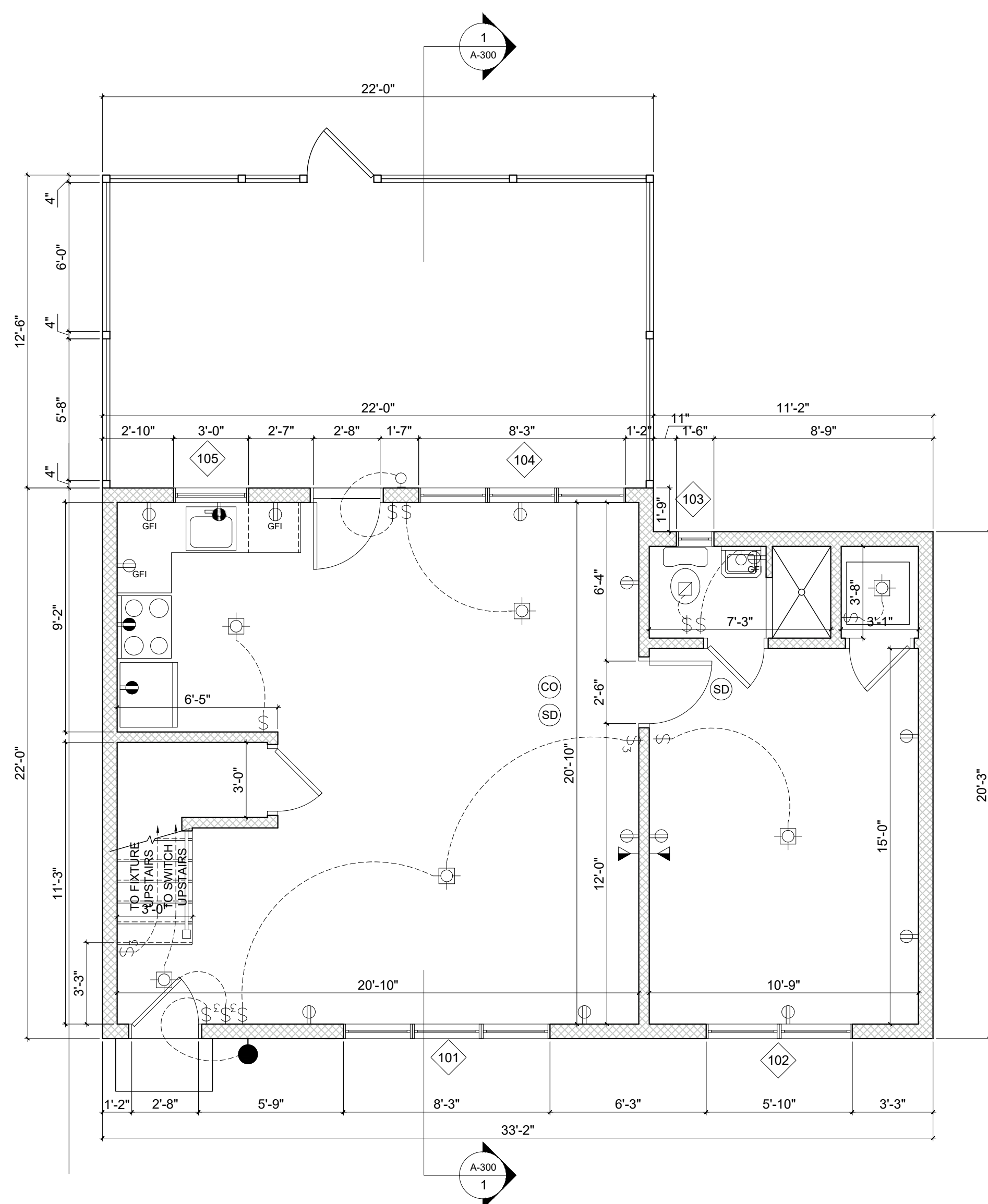
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M-102

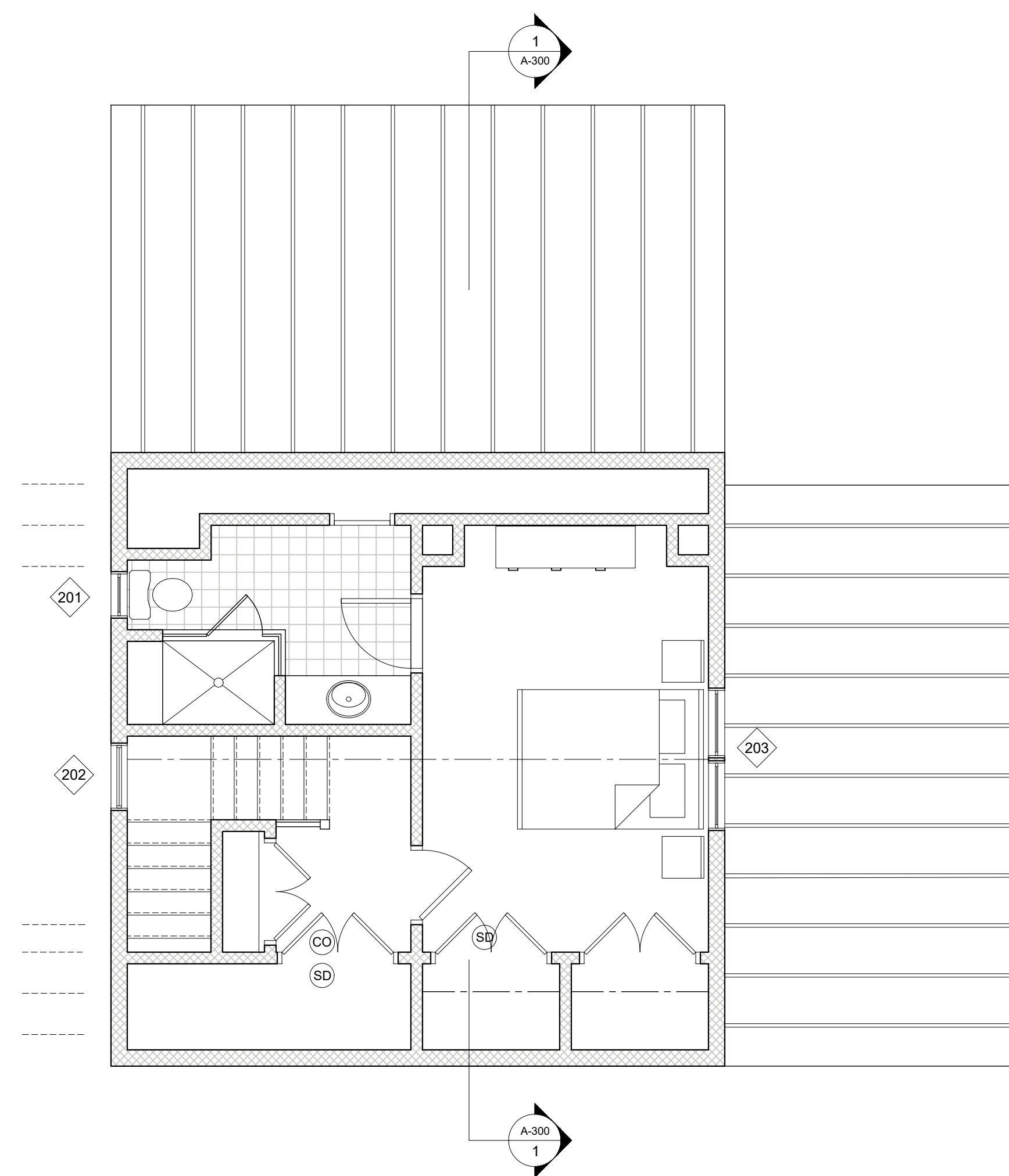
ELECTRIC SCHEDULE	
Ⓢ	SINGLE POLE SWITCH
Ⓢ ₃	3-WAY SWITCH
Ⓢ _D	DIMMER SWITCH
Ⓢ	DUPLEX OUTLET
Ⓢ	DUPLEX OUTLET - DEDICATED CIRCUIT
Ⓢ	220 VOLT OUTLET
Ⓢ _{GFI}	GROUND FAULT INTERRUPTER CIRCUIT
Ⓢ	EXHAUST FAN - 75 CFM
Ⓢ	CABLE OUTLET

LIGHTING SCHEDULE	
Ⓢ	SURFACE MOUNTED CEILING FIXTURE
Ⓢ	HANGING LIGHT FIXTURE
Ⓢ _{WR}	WATER-RESISTANT RECESSED LIGHT
Ⓢ	WALL MOUNTED FIXTURE
Ⓢ	EXTERIOR WALL MOUNTED LIGHT FIXTURE

FIRE PROTECTION / EMERGENCY EQUIPMENT SCHEDULE	
Ⓢ _{SD}	SMOKE DETECTOR - HARD WIRED WITH BATTERY BACK-UP
Ⓢ _{CO}	CARBON MONOXIDE DETECTOR - HARD WIRED WITH BATTERY BACK-UP



1 1st Floor Plan
SCALE: 1/4" = 1'-0"



2 2nd Floor Plan
SCALE: 1/4" = 1'-0"

Number	Date	Revision
7	01/30/23	Revised Per Owner
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**1st & 2nd
Floor Reflected
Ceiling Plans**