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Taylor M. Palmer
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June 12, 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 – Supplemental Submission
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 letter is submitted in furtherance of the pending Special Permit Application submitted on January 30, 2023 pertaining to the 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. This letter is submitted in response to the Staff Report prepared by the Town of North Castle Planning Department dated February 3, 2023 (“Planning Staff Report”). The Applicant is also pleased to advise the Planning Board that the Town of North Castle Zoning Board of Appeals (“ZBA”) voted unanimously to approve the Applicant’s area variance requests on May 25, 2023.²

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 ZBA’s approval included the following area variance relief:

- Area variance relief from Section 355-40.K(4) to establish an accessory apartment in the detached accessory structures deemed “new” by the Building Department Determination, thus not in existence prior to October 11, 1984.
- Area variance relief from Section 355, Attachment 1, Column 5 – Permitted Accessory Uses, Use Category 5 to permit an accessory building exceeding 25% of the floor area of the main building whereby the accessory apartment structure totals 1,431 s/f and the principal dwelling size is approximately 3,340 s/f.
- Area variance relief from Section 355-40.K(11) to permit an accessory apartment exceeding 33% of the first 2,000 s/f of floor area and 25% of the floor area exceeding 2,000 s/f of the principal dwelling wherein the accessory apartment structure totals 1,431 s/f and the principal dwelling size is approximately 3,340 s/f.

PLANNING STAFF REPORT RESPONSES:

Procedural Comments:

1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).

Response: Comment noted. As such, this project is categorically determined to not pose any potential for significant adverse environmental impacts.

2. A public hearing regarding the proposed special permit will need to be scheduled.

*Response: Comment noted. We understand that the Public Hearing on the Application has been scheduled for the Board's June 26, 2023 meeting Agenda. In the meantime, the Applicant respectfully submits the enclosed Letters of Support of this application along with an annotated map identifying the nearby properties from which the Letters of Support are received (**Exhibit A**).*

3. The application for special permit approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since a special permit is being requested.

*Response: Comment noted. The Town of North Castle has completed the necessary referral to the Westchester County Planning Board pursuant to Section 239-m of New York State General Municipal Law and received the enclosed Notification Acknowledgment (**Exhibit B**) confirming that this application is categorized as a matter for local determination only.*

4. A small portion of the property is located in a floodplain. The Applicant will need to obtain a floodplain development permit from the Building Department.

*Response: A Floodplain Development Permit (Permit No. 2022-0195) was approved by the Town of North Castle on March 7, 2022 (**Exhibit C**).*

General Comments:³

3. Pursuant to Section 355-40.K(3) of the Town Code, the owner of the lot on which the accessory apartment is located shall occupy either of the dwelling units on the premises. Owner occupancy of one of the units shall continue for the duration of the special permit.

³ **Note:** The comments in the Planning Staff Report in the "General Comments" Section start at comment number 3.

Response: Comment noted. The principal dwelling structure on the Premises is the Applicant's primary place of residence.

4. The Building Department has determined that the existing detached accessory structure is a new structure and must comply with the current Town Code. As such, the Applicant has submitted an application to establish an accessory apartment in the new detached accessory structure. Pursuant to Section 355-40.K(4) of the Town Code, accessory apartments are not permitted to be located in an accessory structure unless the structure was constructed prior to October 11, 1984.

Response: The Applicant is pleased to advise that the ZBA voted unanimously to approve the Applicant's area variance request from Section 355-40.K(4) on May 25, 2023. Thus, this item has been addressed.

5. In addition, the Applicant will need to seek a special permit to construct a detached structure that is larger than 800 square feet and one story in height.

Response: Please see the Applicant's January 30, 2023 submission to the Planning Board, which includes its Special Permit Application for the proposed accessory apartment structure. Furthermore, the Applicant advises that the ZBA voted unanimously to approve the Applicant's area variance request from the referenced building size restrictions of from Section 355, Attachment 1, Column 5 – Permitted Accessory Uses, Use Category 5 on May 25, 2023 to permit the renovations. Thus, it is respectfully submitted that this item has been addressed.

6. The site contain a stream. Streams are considered a wetland. The site plan should be revised to depict the 100-foot regulated setback from the stream. It is not clear whether a wetlands permit would be required for the new accessory building.

Response: Please see enclosed Special Permit Application – Accessory Apartment Plans prepared by Aryeh Siegel, Architect dated June 8, 2023 ("Architectural Site Plans"), which includes the 100' regulated setback and confirms no disturbance of same as part of this Application.

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

Response: Please see enclosed Architectural Site Plans which provides an analysis of the accessory structure's size as compared to the principal dwelling structure. In sum, the principal dwelling structure's gross floor area is approximately 3,340 s/f and the accessory apartment structure's gross floor area is approximately 1,431 s/f, making the accessory apartment approximately 42.8% of the principal dwelling's floor area. However, the ZBA

voted unanimously to approve the Applicant's area variance request from the referenced building size restrictions of Section 355, Attachment 1, Column 5 – Permitted Accessory Uses, Use Category 5 on May 25, 2023 to permit the renovations. Thus, it is respectfully submitted that this item has been addressed.

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

Response: The Applicant has owned the property since it was purchased in 1996. A copy of the deed was included as Exhibit C to the Applicant's January 30, 2023 Special Permit Application submission to the Planning Board. The principal dwelling structure was built around 1810 and thus there is no original Certificate of Occupancy for the principal dwelling structure available. However, the Applicant does refer the Planning Board to the Prior Special Permit Application Resolutions dated February 26, 1996 and December 12, 2016 included as Exhibit D to the Applicant's January 30, 2023 Special Permit Application submission to the Planning Board, which confirm the existence of the principal dwelling structure for much greater than four (4) years.

9. Pursuant to Section 355-40.K(8) of the Town Code, any principal or accessory building in which an accessory apartment is proposed shall meet all applicable setback requirements and other standards for the district in which it is located.

The site plan should be revised to include a zoning conformance chart and should dimension the distance of the accessory structure to adjacent property lines.

Response: Please see the Architectural Site Plans that confirm that the accessory apartment structure complies with all applicable setback requirements. Although the principal dwelling structure is located within the front setback, that is a legal nonconforming condition, which is permitted to remain and is not otherwise proposed to be altered by this Application.

10. The Applicant will need to submit gross land coverage and gross floor area calculations worksheet and backup exhibits.

Response: Please see the Architectural Site Plans which include the gross land coverages and gross floor areas for the principal structure and the accessory apartment structure.

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

permitted maximum size of the accessory apartment may be increased by 25% of the gross floor area in excess of 2,000 square feet.

Response: Please see the Architectural Site Plans which provide an analysis of the accessory structure's size as compared to the principal dwelling structure. In sum, the principal dwelling gross floor area is approximately 3,340 s/f. The maximum permitted accessory apartment structure size is 995 s/f based on the principal building size. The accessory apartment gross floor area is approximately 1,431 s/f. Although the accessory apartment structure exceeds the maximum size restriction, the ZBA voted unanimously to approve the Applicant's area variance request from the referenced building size restrictions of Section 355-40.K(11) on May 25, 2023 to permit the renovations. Thus, it is respectfully submitted that this item has been addressed.

12. Pursuant to Section 355-40.K(12) of the Town Code, within 30 days of receipt of a completed application which indicates conformance to all dimensional standards, the Building Inspector and the Fire Inspector shall conduct an on-site inspection of the residence and shall report on such inspection to the Planning Board and shall include in these reports the compliance of the proposed accessory unit with the requirements of this subsection, as well as building and fire codes, and other information as may be requested by the Planning Board.

Response: Comment noted.

13. Pursuant to Section 355-40.K(14) of the Town Code, prior to the issuance of a building permit for the establishment of an accessory apartment, the existing septic disposal system shall be reviewed by the Westchester County Department of Health, except where public sewer is provided. The Building Inspector shall reject all applications for building permits for accessory apartments in those cases where the Health Department report indicates that the septic system is inadequate for the requested use, or contains recommendations for improvements to the system until such time as such recommended improvements are installed. The applicant shall demonstrate to the Building Inspector that the septic disposal system has been cleaned within one year of the date of application. For properties provided with water supply from an on-site well, the applicant shall also collect a sample of well water for microbiological analysis to determine the presence of the coliform group. Such sample shall be analyzed by a state- approved laboratory, and the results shall be reported to the Building Inspector and Health Department.

Response: Please note that the Applicant previously received approval from the Westchester County Department of Health for the existing septic disposal system as confirmed by the completed Condition 1 of the Prior Special Permit Application Resolution dated December 12, 2016 included as Exhibit D to the Applicant's January 30, 2023 Special Permit Application submission to the Planning Board.

14. Pursuant to Section 355-40.K(15) of the Town Code, accessory apartments which have been approved by the Planning Board, following due notice and public hearing, shall be re-inspected 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.

Response: Comment noted. The Applicant is committed to continuing its regular inspections as required by the Town Zoning Code.

15. Pursuant to Section 355-40.K(16) of the Town Code, a special permit uses for accessory apartments shall terminate upon change of ownership.

Response: Comment noted.

16. Pursuant to Section 355-37 of the Town Code, the Planning Board must determine 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.

Response: The accessory apartment structure and its size, location, and intensity are in harmony with the appropriate and orderly development of the district. As indicated previously, the accessory apartment structure has existed in its current location and size for decades. The Town Planning Board has also granted Special Permit approvals for its use dating back to 1996 and again in 2016. This accessory apartment use, as renovated, poses an improved condition in the form of a safer structure which will continue to meet the Town's goals of providing opportunity and encouraging 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.

- 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.

Response: The structure, as repaired and renovated, is the same size and location as the structure that has existed for decades. There are no other changed circumstances being

proposed that would hinder or discourage the appropriate development and use of adjacent land and buildings.

- Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit.

Response: The proposed operation of the accessory apartment structure will be similar to that of a single-family dwelling which is permitted as-of-right without any special permit approval. There are no additional objectionable conditions proposed that would cause any impacts due to noise, fumes, vibrations or otherwise.

- 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.

Response: Please see the Architectural Site Plans which identify the location of the parking areas on the property which are appropriately located towards the center of the property near the principal and accessory structure. Such parking is typical for the residential use and common to the residential area.

- Where required, the provisions of the Town Flood Hazard Ordinance.

*Response: Comment noted. The Applicant has previously submitted for and obtained a Flood Development Permit (**Exhibit C**). Furthermore, the proposed renovations include repairing the aged foundation and creating a safer, more waterproof structure for habitation.*

- The Board finds that the proposed special permit use will not have a significant adverse effect on the environment.

Response: The requested Special Permit for the 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. As confirmed by the Planning Staff Report, the proposal constitutes a Type II Action pursuant to the State Environmental Quality Review Act ("SEQRA") meaning it has categorically been determined not to present any potential for significant adverse environmental impacts.

CONCLUSION:

It is respectfully submitted that the Applicant's 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 decades. Indeed, the restoration of the accessory apartment structure 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



June 12, 2023
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in accordance with the Zoning Code following the determination by the Building Inspector that the completion of the repair work and renovations 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.

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

- Exhibit A:** Letters of Support with annotated map;
- Exhibit B:** Notification Acknowledgment from the Westchester County Planning Board dated February 14, 2023; and
- Exhibit C:** Floodplain Development Permit (Permit No. 2022-0195) that was approved by the Town of North Castle on March 7, 2022.

In further support of this Application, we respectfully submit the Special Permit Application – Accessory Apartment Plans prepared by Aryeh Siegel Architect, dated June 8, 2023, which include an overall site layout plan, zoning compliance charts, building elevations and floor plans.

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 June 26, 2023 for the Public Hearing on this Application and to respond to any comments.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "T.M. Palmer", 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.

Exhibit A

38 Creemer Road - Letters of Support

Name	Street Address
Nan Miller	4 Green Valley Road
Barry Malvern/Nan Miller	4 Green Valley Road
David E. Graber	32 & 34 Creemer Road
Greg & Stacey Levy	49 Creemer Road
Irving & Sara Faust	43 Creemer Road
Ian & Leigh Turetsky	37 Creemer Road
Eileen Skibo	15 Green Valley Road
Marcy & Brian Goldstein	17 Green Valley Road
Daniel Centonze	18 Green Valley Road
Elaine Dong	20 Green Valley Road
Mary Vierengel	23 Green Valley Road
Rich & Leah Kasnia	28 Green Valley Road
Michael Goldman	34 Green Valley Road
Paulette Wunsch	22 Green Valley Road
Rosemary Bellantoni	35 Green Valley Road
Michael Santos	9 Green Valley Road
Lauren & Michael Bilotti	25 Green Valley Road
Shirley Stadtmueller	7 Briggs Lane

**Nan Miller, Ph.D.
4 Green Valley Road
Armonk, NY 10504**

May 15, 2023

Attention: Zoning Board of Appeals
Town of North Castle

I have been living across the street from 38 Creemer Road, Armonk, for 55 years. The Dempseys, and the Walsh's before them, have been wonderful neighbors. It is very distressing to me that the Dempseys are having so much difficulty and encountering so many delays from our Town to replace "the barn."

The structure existed when I moved in in 1968 and has been rented to various tenants since then. My son, now 55, remembers borrowing a tool as a teenager from the carpenter who was living there at the time.

The Dempseys worked hard to preserve the original structure. Jim Dempsey spoke to me with pride about their plans. Unfortunately, the structure fell apart when they moved it. Now they are trying to replace the same structure and are experiencing one obstacle after another. There are parts of the original structure, but a large part of the barn needs to be replaced. They are planning to rebuild it in the same style as before.

I am urging the North Castle Town Boards to expedite the process of allowing the Dempseys to replace the structure. They have met all the legal requirements.

Sincerely,

A handwritten signature in cursive script that reads "Nan Miller".

Nan Miller, Ph.D.

May 13, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

The image shows two handwritten signatures in black ink. The first signature is 'Nan Miller' and the second is 'Barry Malvern'. Both are written in a cursive, flowing style.

Barry Malvern/Nan Miller

4 Green Valley Road, Armonk NY 10504

May 13, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

David E. Graber
212-658-1820

David Graber
32 Greemer Road, Armonk NY 10504

#34

May 13, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,



Greg & Stacey Levy
49 Creemer Road, Armonk NY 10504

May 13, 2023

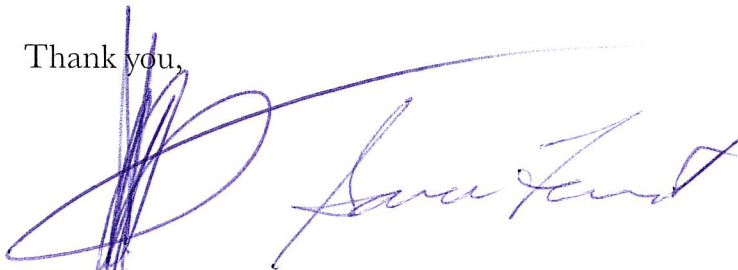
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I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

A handwritten signature in blue ink, appearing to read "Sara Faust". The signature is written in a cursive style and is positioned to the right of the "Thank you," text.

Irving & Sara Faust

43 Creemer Road, Armonk NY 10504

May 13, 2023

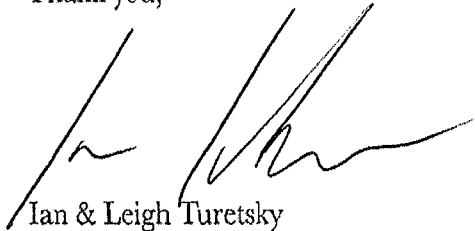
I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

A handwritten signature in black ink, appearing to be "Ian & Leigh Turetsky". The signature is written in a cursive style with a large, sweeping flourish at the end.

Ian & Leigh Turetsky
37 Creemer Road, Armonk NY 10504

May 15, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

A handwritten signature in blue ink that reads "Eileen Skiko". The signature is written in a cursive, flowing style.

15 Green Valley Road, Armonk NY 10504

May 13, 2023

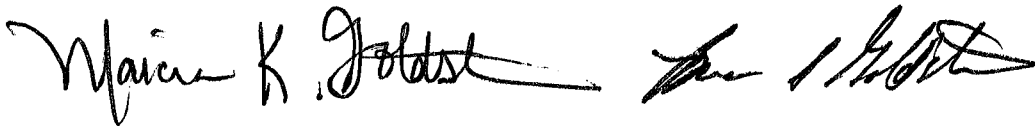
I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

Handwritten signatures of Marcia and Brian Goldstein in black ink.

~~Marcia~~
Marcia & Brian Goldstein

17 Green Valley Road, Armonk, NY 10504

May 15, 2023


I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

A handwritten signature in blue ink, appearing to read "Daniel Ceutorze". The signature is enclosed within a large, hand-drawn blue oval. There is a vertical line crossing the oval near the center.

Daniel Ceutorze

18 Green Valley Road, Armonk NY 10504

May 13, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

A handwritten signature in black ink that reads "Elaine Dong". The signature is written in a cursive, flowing style.

Elaine Dong
20 Green Valley Road, Armonk, NY 10504

May 13, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

A handwritten signature in black ink that reads "Mary Vierengel". The signature is written in a cursive, flowing style.

Mary Vierengel
23 Green Valley Road, Armonk, NY 10504

May 18, 2023



I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

 
Rich Kasnia + Leah Kasnia

28 Green Valley Road, Armonk NY 10504

May 18, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.



I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

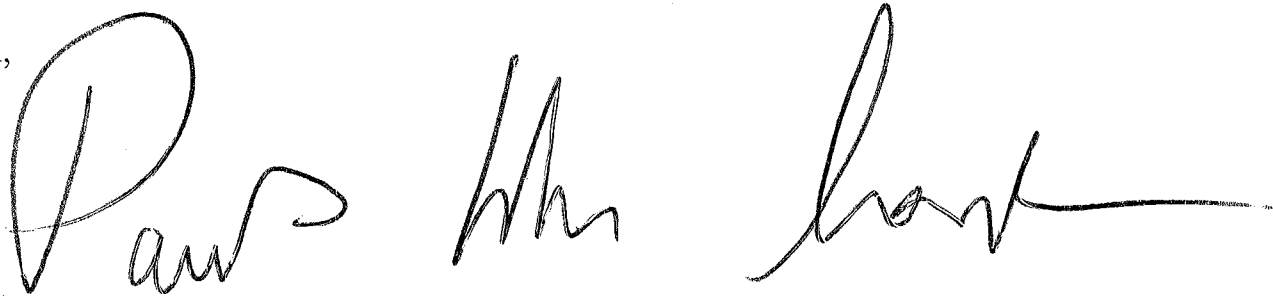
34 Green Valley Road, Armonk NY 10504

Michael Goldman



May 18, 2023

- ① We are writing in support of The Dempsey's replacement of their 300+ year old barn.
- ① We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.
- ① We would like to see the barn restored as the Dempsey's originally intended.
- ① We support this project and do not object to the restoration of the barn.

Thank you,

A large, cursive handwritten signature in black ink, which reads "Paulette Wunsch".

Paulette Wunsch
22 Green Valley Road, Armonk NY 10504

Jim,

We appreciate
wonderful work in keeping
your beautiful home and
property up to date.
Good luck with the barn
project. Paulette

May 13, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

Rosemary Bellantoni

Rosemary Bellantoni
35 Green Valley Road, Armonk NY 10504

I am delighted to see this project go forward and have been happy to have lived so long in the historic environment of the Cremona homestead. It is a historic plus for an entire neighborhood.

May 13, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

A handwritten signature in blue ink that reads "Manuel Santos". The signature is written in a cursive style with a large initial 'M'.

Manuel Santos

9 Green Valley Road, Armonk NY 10504

May 18, 2023

I/We are writing in support of The Dempsey's replacement of their 300+ year old barn.

I/We understand that the barn earned all appropriate permits and approvals prior to commencement of the restoration project. After trying to save the antique structure by physically moving it so that necessary safety and code updates could be made, the barn collapsed.

I/We would like to see the barn restored as the Dempsey's originally intended.

I/We support this project and do not object to the restoration of the barn.

Thank you,

Lauren & Michael Bufotti

25 Green Valley Road, Armonk NY 10504

Jim & Cheryl

So sorry to hear that your attempt to re-build your barn was met with resistance. Any attempt to make your home, your property more desirable should be encouraged by all neighbors. We wish you well and best of luck with this endeavour.
Best Wishes - Jim

May 25, 2023

Zoning Board of Appeals:

As a 30-year-resident of Armonk, I'm writing about an issue that is very important to me and likely of equal importance to a majority of residents who care about our town and its history -- preserving our past. How could Armonk even consider letting a treasure from 1710 go by the wayside?

It is my understanding that Jim and Cheryl Dempsey of 38 Creemer Rd. are trying to do the right thing to preserve a part of Armonk history. They are trying to have the barn restored and put back on its original footprint. I understand that the original barn boards are disintegrating and that's why new boards are needed for the restoration. They should be applauded for wanting to save this piece of history -- not given a difficult time.

The barn is actually older than the farm house. It is a charming dwelling that fits into the rustic acreage of the Creemer Farm corner lot. It looks like it should be there -- surrounded by the rock walls of the landscape and just behind the white farm house. It was there for hundreds of years before the neighbor opposing it moved in!

I know that it is charming because I once lived there. I lived there in this peaceful setting for about a decade. It is so enchanting, that it was even featured in the 2006 movie set, "The Hoax," with Richard Gere and Stanley Tucci, etc., about the publishing of a fake Howard Hughes autobiography. (See the film. It's really good and also a bit of interesting historical fiction.)

If the barn needs to be rebuilt, I FULLY SUPPORT THAT. It just makes sense.

Thank you.

Shirley Stadtmueller
7 Briggs Lane, Armonk



Exhibit B

02/14/2023

**Submission Form to the Westchester County Planning Board
For Planning and Zoning Referrals
REQUIRING NOTIFICATION ONLY**

County Ref. No. **NOC N23-004**

The Westchester County Planning Board has predetermined that certain categories of planning and zoning applications are matters for local determination only. For any application listed below, submission of this completed form will satisfy the requirements of NYS General Municipal Law and the Westchester County Administrative Code that the local board provided adequate notification to the County Planning Board in accordance with Planning Board procedures. No other material need be sent. Upon receipt, the County Planning Board will complete the bottom section of this form and return it to you to for your records to indicate compliance with referral requirements.

When completed save this form and e-mail to: muniref@westchestergov.com or print and fax to 914-995-3780.

Municipality: **TOWN OF NORTH CASTLE**

Referring Agency (check one): Planning Board or Commission

Zoning Board of Appeals

City or Common Council/Town Board/Village Board of Trustees

Application Name and Local Case Number: 38 Creemer Road [2023-008]

Address: 38 CREEMER RD – Accessory Apartment

Section: 108.04-2-15

Submitted by (name and title): **ADAM R. KAUFMAN, AICP, DIRECTOR OF PLANNING**

E-mail address (or fax number): **akaufman@northcastleny.com**

The above referenced application qualifies for the notification only procedure to the County Planning Board because it falls within the category of action checked below:

Zoning Area Variance to decrease front yard setback, decrease minimum street frontage or decrease average lot width for property abutting a State or County road or park

Special Use Permit or Use Variance to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.

Site Plan to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance on property within 500 feet of:

- The boundary of a city, town or village
- The boundary of an existing or proposed state or county park, recreation area or road right-of-way
- An existing or proposed county drainage channel line
- The boundary of state- or county-owned land on which a public building/institution is located or
- The boundary of a farm located in an agricultural district.

(Please note: All applications given a Positive Declaration pursuant to SEQR must be referred as a complete application. Do not use this form.)

Do not write below this line.

Date received by the Westchester County Planning Board: **2/14/23**

Notification acknowledged by (name and title): **Michael Vernon, Planner**

:

Exhibit C



TOWN OF NORTH CASTLE

17 Bedford Road
Armonk, N.Y. 10504
914-273-3000 ext. 44 Fax 914-273-3554
Building@northcastleny.com

FLOOD DEVELOPMENT PERMIT

Permit No.: 2022-0195

SBL: 108.04-2-15

Zoned: R-2A

Location: 38 CREEMER RD

Date: 03/07/2022

Expiration Date: 03/06/2024

Cost of Construction: \$

Total Fees: \$250.00

Owner:

JAMES DEMPSEY
38 CREEMER RD
ARMONK, NY 10504



A permit is hereby given by the Building Department, TOWN OF NORTH CASTLE, COUNTY OF WESTCHESTER, for the structure or work described herein.

Project Description:

Alteration of existing building. Full restoration of barn, new roof, siding, foundation and mechanicals

Required Inspections:

Conditions:

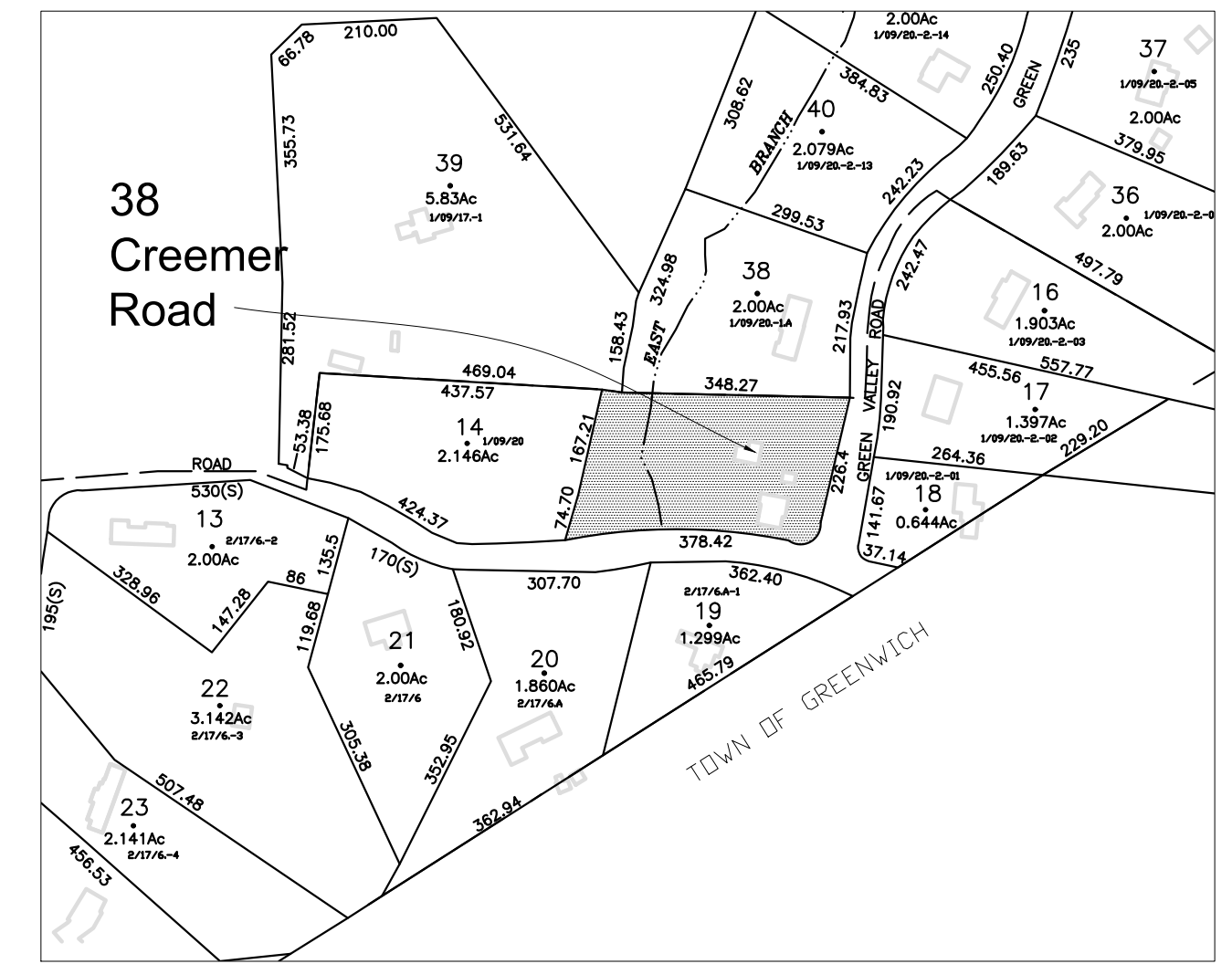
1. The Building permit shall be visibly displayed at the work site and shall remain visible until the authorized work has been inspected.
2. All work shall be performed in accordance with the Town of North Castle code, the NYS Uniform code and the construction documents which have been submitted with and accepted as part of the application for the building permit.
3. The permit holder shall immediately notify the Building Inspector of any change occurring during the course of the work. If the Building Inspector determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
3. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 24 months after the date of issuance.
4. It is the responsibility of the owner or agent to call for all of the required inspections listed on this permit at least one day in advance.
5. Occupancy of these premises is prohibited until after a final inspection has been conducted, all fees have been paid and a Certificate of Occupancy or Compliance has been issued.

Rob Melillo
Building/ Fire Inspector

Site Plans

Bulk Zoning Regulations Table														
District	Principal Use	Minimum Lot Size				Minimum Yards			Maximum Building Height		Maximum Building Height (Accessory Building)		Maximum Building Coverage	Minimum Dwelling Unit Size (square feet)
		Area	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Stories	Feet		
R-2A	Use: One Family Residence (2 Acres)													
	Required	2 acres	150	150	150	50	30	50	--	30	2	22	8%	1400
	Existing Residence	2 acres	380	380	230	29.3	58.5	149.3	2	24	--	--	2%	3,340
	Accessory Apartment	"	"	"	"	117.3	120.5	65.7	--	--	2	18.5	0.8%	1,431**

** VARIANCE REQUIRED



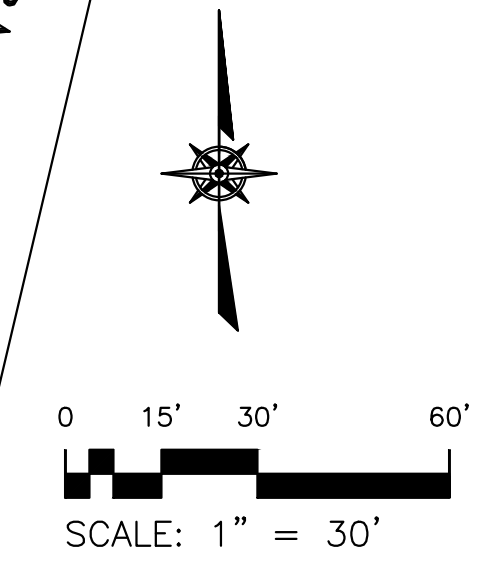
Location Map

NOT TO SCALE



Site Plan

Scale: 1" = 30'



Zoning Summary

Zoning District: R-2A
 Tax Map No.: 108.04-2-15
 Lot Area: 2 Acres
 Building Footprint: 1,670 SF (Main Residence), 984 SF (Accessory Apartment)
 Building Gross Floor Area: 3,340 SF (Main Residence), 1,431 SF (Accessory Apartment)
 Proposed Use: Single family dwelling and Accessory Apartment

Parking

Use & Parking Requirements	Spaces Required	Spaces Provided
Single-Family Dwelling	2 spaces	2 spaces
Accessory Apartment	1 space per bedroom	2 spaces
Total Proposed Parking Spaces	4 spaces	4 spaces

Notes:

Principal Dwelling gross floor area = 3,340 SF
 Accessory Apartment gross floor area = 1,431 SF = 42.8% of principal dwelling's floor area.
 Allowable apartment size:
 Gross floor area of primary dwelling > 2,000 SF:
 (.33)(2,000) + (.25)(3,340-2,000) = 660 + 335 = 995 SF

- The applicant requests a Variance for relief from the requirements of Section 355 Attachment 1, Column 3, Number 5 to allow an individual accessory building that exceeds 25% of the floor area of the main building.
- The applicant requests a Variance for relief from the requirements of Section 355-40.K(11) to allow an accessory apartment with gross floor area that exceeds allowable maximum square footage.

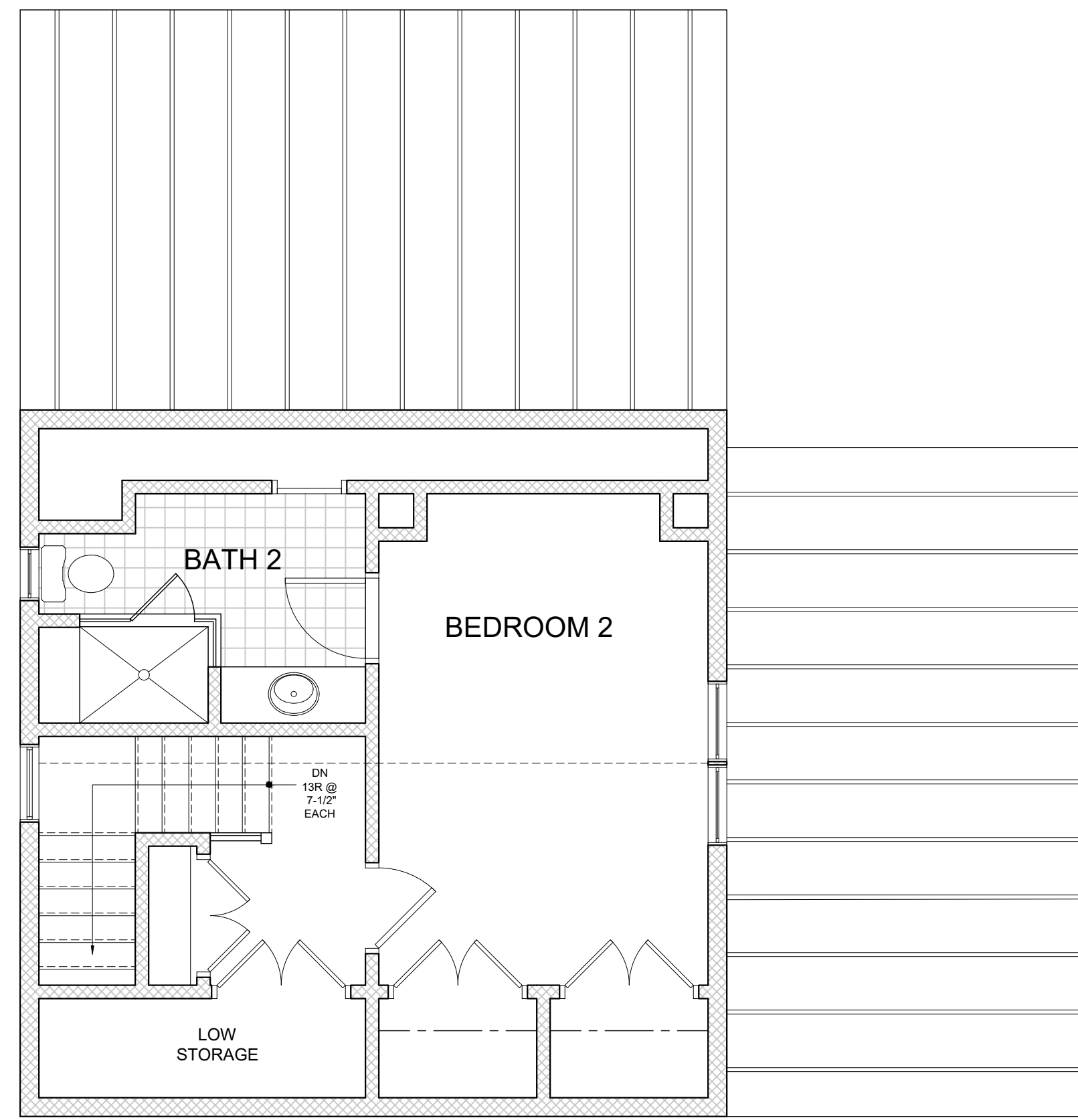
Index of Drawings

Sheet 1 of 2 Site Plan
 Sheet 2 of 2 Accessory Apartment Plans and Elevations

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	06/08/23	WETLANDS SETBACK ADDED TO SITE PLAN	JN

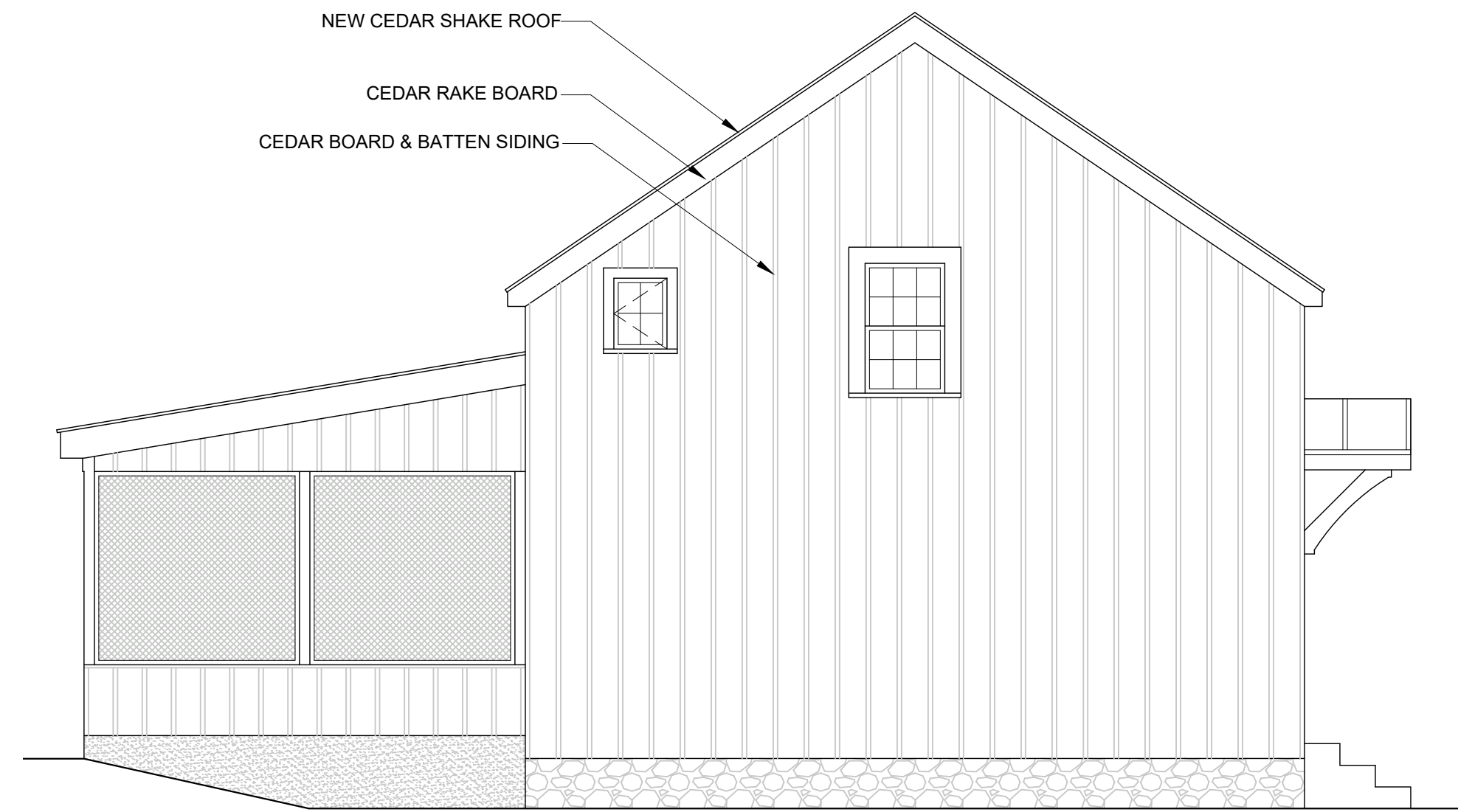
Special Permit Application - Accessory Apartment

Sheet 1



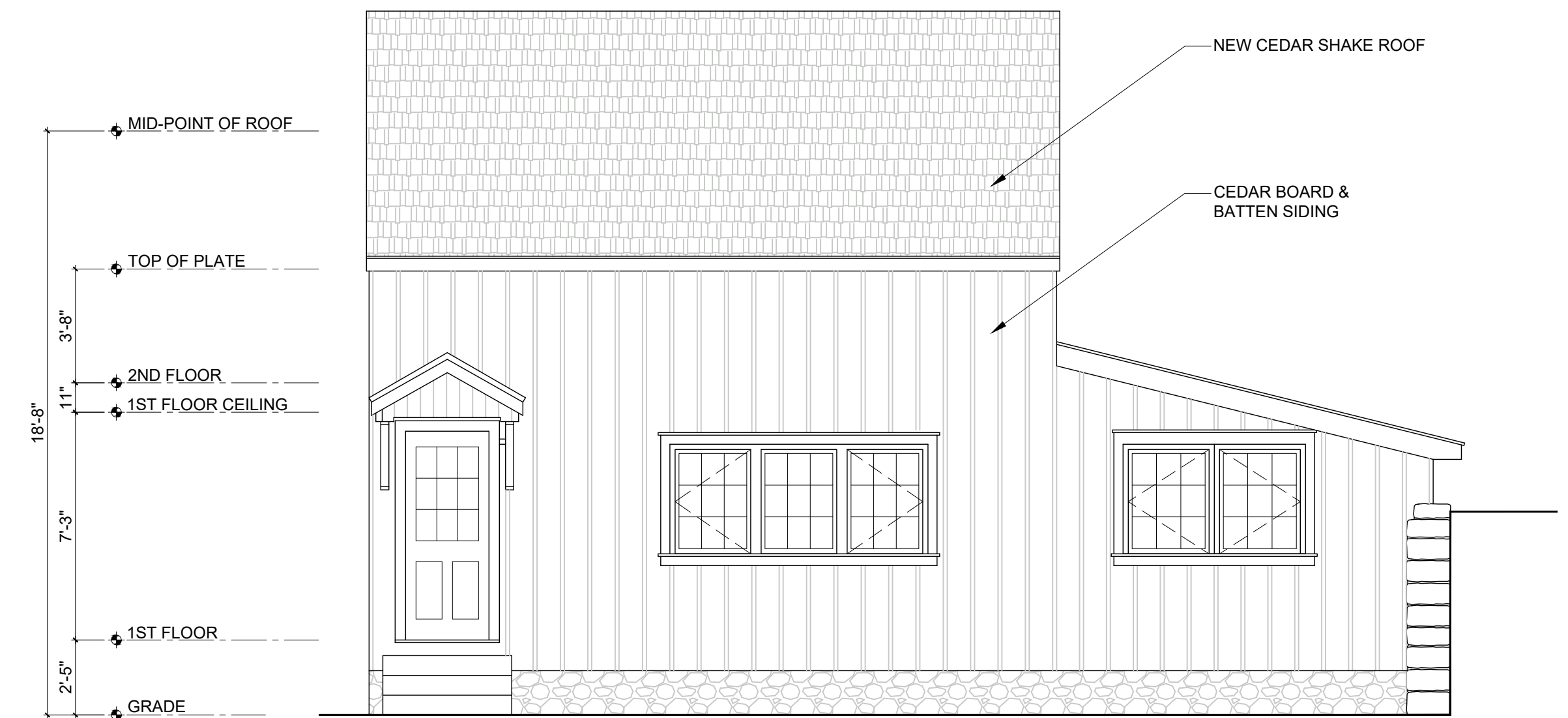
2ND FLOOR PLAN

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



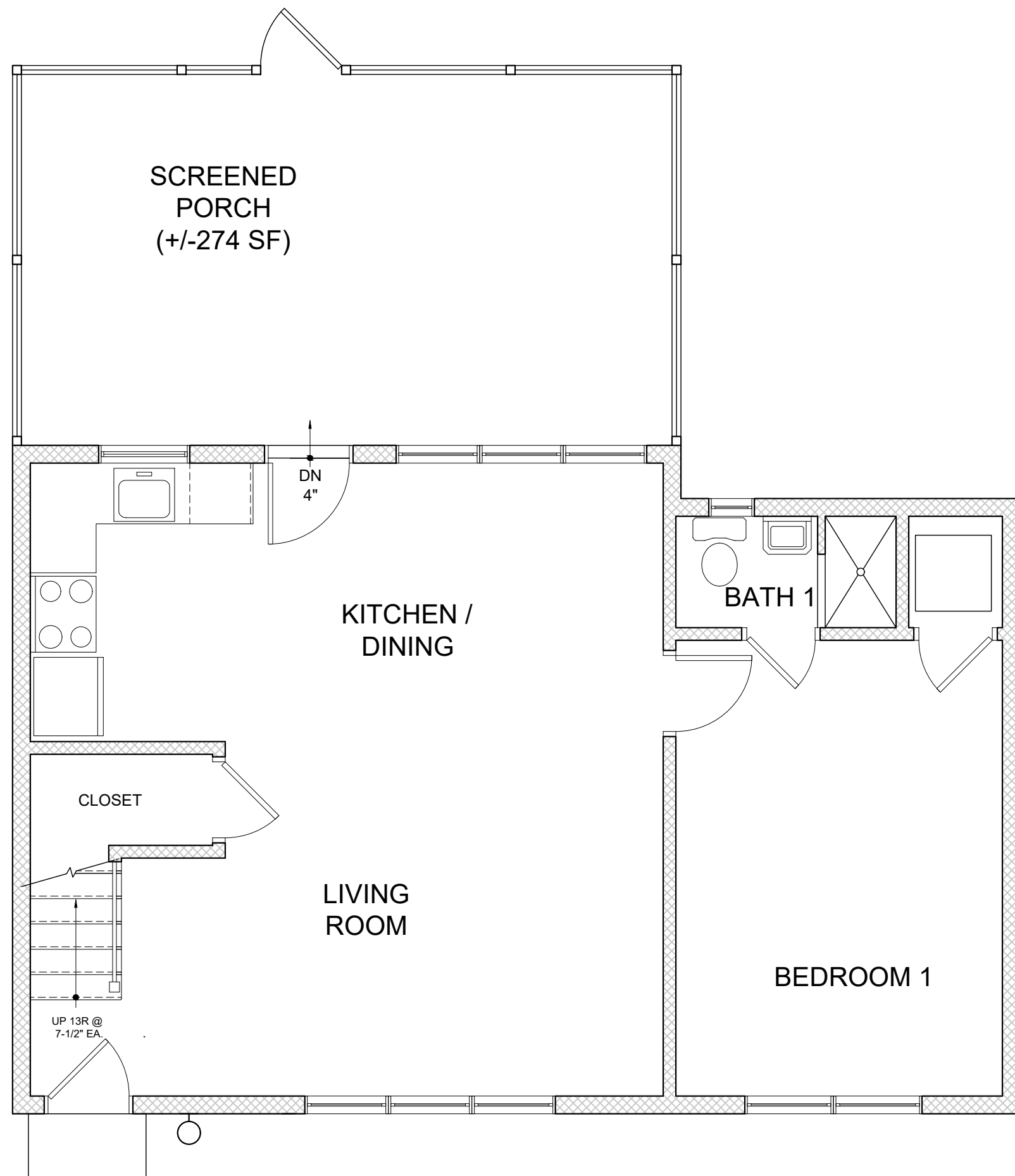
SOUTH (STREET SIDE) ELEVATION

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



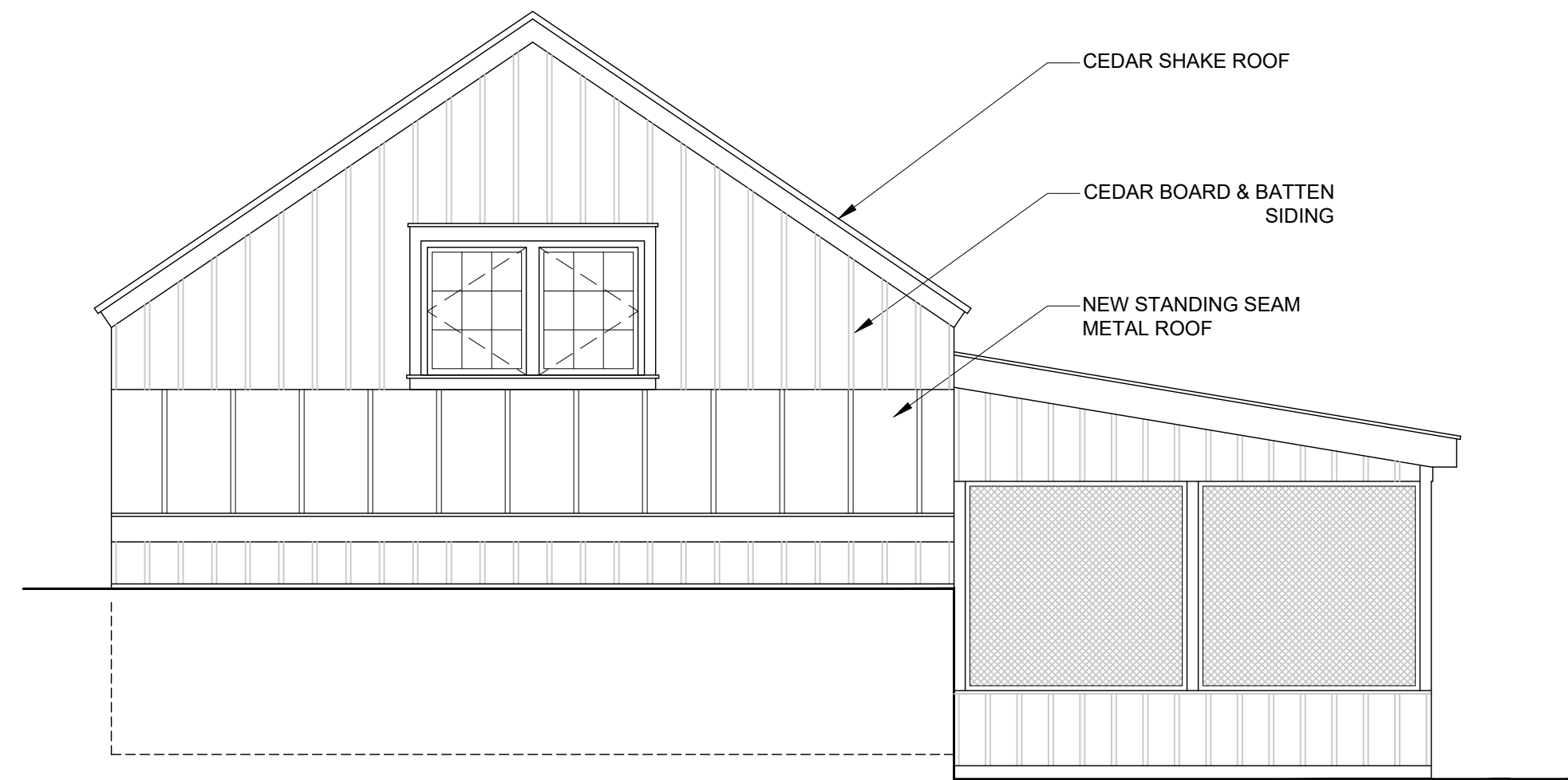
EAST ELEVATION

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



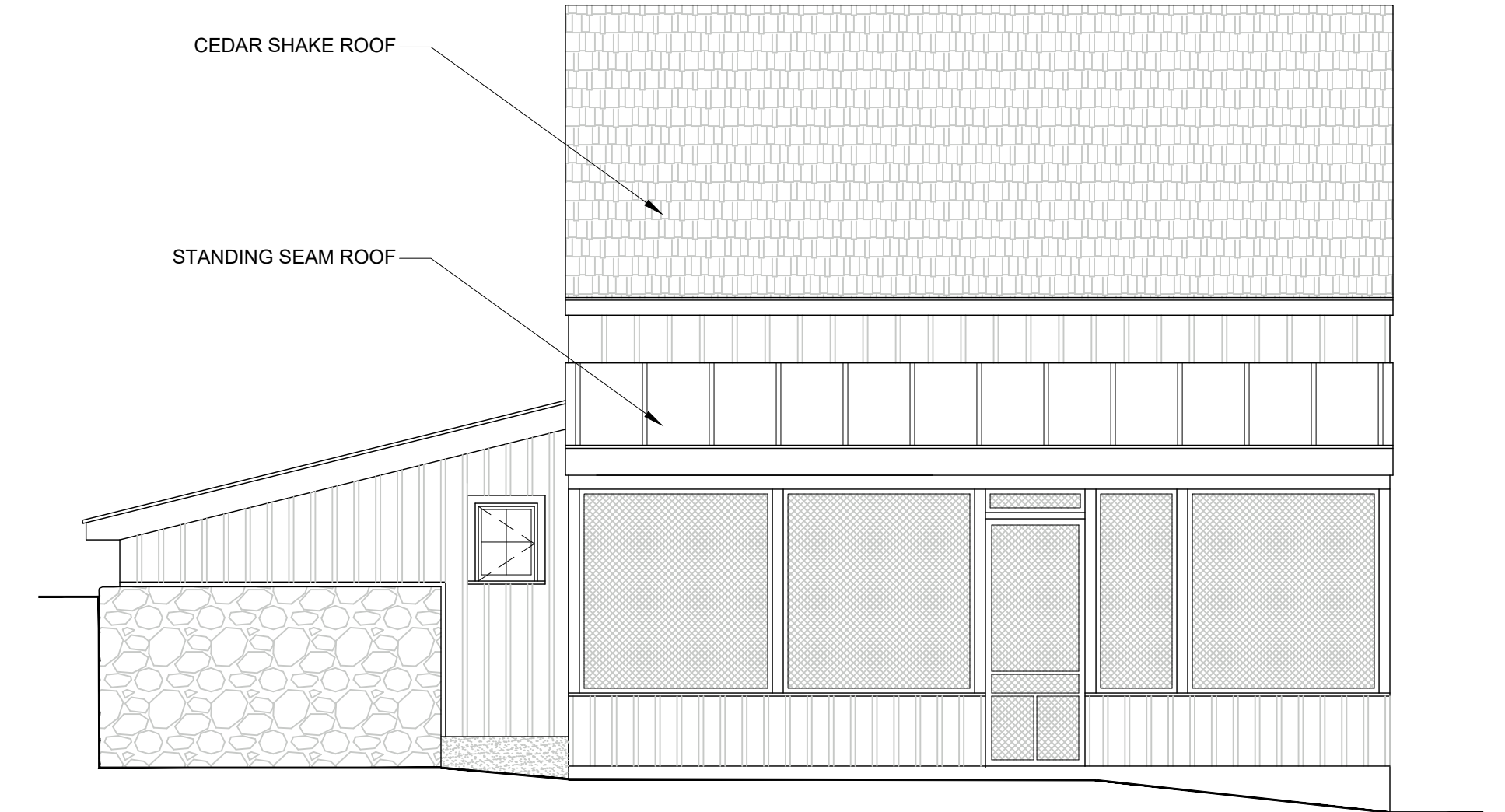
1ST FLOOR PLAN

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



NORTH ELEVATION

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



WEST ELEVATION

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

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	06/08/23	WETLANDS SETBACK ADDED TO SITE PLAN	JN

Special Permit Application - Accessory Apartment

Sheet 2

38 Creemer Road

North Castle, New York
Scale: As Noted
March 10, 2023