



**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**

**PLANNING BOARD
Christopher Carthy, Chair**

**NORTH CASTLE
PLANNING BOARD MEETING
VIA ZOOM
7:00 P.M.
February 22, 2021**

PLANNING BOARD MEMBERS:

Christopher Carthy, Chairman
Steve Sauro
Michael Pollack
Jim Jensen
Lawrence Ruisi

Also Present:

Adam R. Kaufman, AICP
Director of Planning

Joe Cermele, PE
Kellard Sessions Consulting

Roland A. Baroni, Esq. Town Counsel
Stephens, Baroni, Reilly & Lewis, LLP

Conservation Board Representative:
Jane Black

Planning Board Secretary:
Valerie B. Desimone

PUBLIC COMMENT PROCEDURE:

Public comments can be submitted to planning@northcastleny.com during the meeting. Received comments will be read aloud. Include a telephone number in your comment if you would like to provide verbal comments to the Board during the meeting.

APPROVAL OF MINUTES:

November 9, 2020

Mr. Carthy made a motion to approve the minutes. Mr. Sauro seconded the motion and it was approved with five ayes.

November 23, 2020

Mr. Carthy made a motion to approve the minutes. Mr. Sauro seconded the motion and it was approved with five ayes.

December 14, 2020

Mr. Carthy made a motion to approve the minutes. Mr. Sauro seconded the motion and it was approved with five ayes.

PUBLIC HEARING:

80 LAFAYETTE AVENUE [2020-038]

80 Lafayette Avenue

122.12-1-11

Amended Site Plan/Change of Use

Sarah Murray, PE, RA DRPILLA Associates

Discussion

The Applicant is seeking to legalize the existing chemical warehouse on the site. The Applicant, in 2016, obtained site plan approval for a second floor addition, but that site plan was never brought to fruition; therefore, the Applicant is seeking site development plan approval for a change of use from the last approved use, bakery, to the current warehouse use.

Mr. Pollack read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application.

Present for this application was Sarah Murray.

Ms. Murray presented the application as noted above. She stated that growth products presently occupy the warehouse/office space. The warehouse was a bakery in the 1960/70's and is being legalized to its present use for storage of liquid fertilizer. She has been before the ZBA regarding ingress/egress and lighting levels which she has approval for. She reminded the board that Growth Products is slowly moving out of the building and will be out by June 2021.

Mr. Kaufman stated that a meeting took place last week with Sarah Murray, the Building Inspector, Town Engineer and himself. The Building Inspector stated that he would like the Planning Board to address the issues as originally submitted with the application.

Mr. Carthy inquired what if the applicant moved out prior to signing off on the amended site plans. Mr. Kaufman stated that the owner is aware of the issues to be addressed and if they are not addressed, they would be sent to court. Mr. Carthy confirmed that

when a new tenant moves in and if there is a different use on site, a new approval would need to be granted by the Planning Board, Mr. Kaufman agreed.

Mr. Carthy made a motion to close the public hearing. Mr. Pollack seconded the motion and it was approved with five ayes.

Mr. Pollack made a motion to approve the resolution as amended. Mr. Pollack seconded the motion and it was approved with five ayes.

DISCUSSION:

162 BEDFORD ROAD SUBDIVISION [2021-008]

162 Bedford Road

108.03-1-42

Concept Plan

Michael Fareri

Discussion

Present for this application was Michael Fareri, Chris Crocco and Joe Crocco.

Mr. Fareri stated that his prior approval was for 36 units and 6 AFFH units on site. He presented his most recent plan which will include 20 units with 2 AFFH (Fair and affordable units). He stated he had been before the Town Board regarding this application and the Town Board put a condition with this plan that construction has to be 75% completed by December 31, 2022 or the zoning change from 20% to 10% will be reinstated to 20%. He then updated the board with prior approvals and proposed changes to the site. He stated he would like to break ground by late April. The board inquired about parking accessibility in and around the site as well as landscaping between the site and I-684. Mr. Fareri asked if he can begin discussions with the FD and PD regarding this application. The board members and professionals did not see any issues with preliminary discussion on potential concerns.

HURLINGHAM DRIVE [2020-046]

45 Hurlingham Drive

102.04-1-26

Site Plan

Geraldine N. Tortorella, Esq. HTW Ilp

Discussion

Construction of an 18,760 square foot single-family residence, a caretaker's cottage, a tennis court, patios and a dock.

Present for this application is Geraldine Tortorella, Adam Cerini, Anastasios Kokoris,

Richard Regan and Jay Fain.

Geri Tortorella presented the application as noted. Mr. Kokoris presented the site plan and architectural plan.

Ms. Tortorella noted she needed ARB and CB referrals, she also discussed conceptual subdivision options with servant's headquarters and how the net lot area relates to the FAR and GLC calculations. After discussions with Mr. Baroni and Mr. Kaufman they concluded that if the applicant were to subdivide the property they could address the zoning issues and get ZBA approvals at that time.

The Planning Board and Jane Black – Conservation Board Chairman- agreed a joint site walk would be beneficial for this lot.

Discussions took place regarding the proposed accessory structure and if considered attached to the house or detached since the roof was attached and the floor was not attached. Follow up with the Building Inspector will need to take place on this matter.

The applicant was referred to the ARB and CB and the Applicant will return to the Planning Board for a public hearing and resolution once the applicant has secured those approvals. A joint site walk will also be scheduled for the site once it is staked.

99 BYRAM RIDGE ROAD [2021-003]
99 Byram Ridge Road
101.01-1-13
R-1A
House Addition
Grievance regarding RPRC Decision of 1/5/21

Appeal from the RPRC decision to require Planning Board and ARB review of the project. Construction of a new two-story, single family dwelling with private well and on-site wastewater treatment system along driveway. This project was referred to the Planning Board by the Residential Project Review Committee.

Present was the professional Tom Abillama and owner Chris Kalian.

Mr. Abillama updated the board with the application as noted above and stated the he was before the board this evening to grieve the decision of the RPRC. He stated he has since removed the pool from the application which represented half of the comments in the RPRC determination letter. His client would like to proceed with the RPRC and not the Planning Board.

At the board's request, a map was presented depicting the orientation and proximity of the proposed house as it relates to the abutting homes. The differences of the existing

house to proposed house were discussed as well as the elevation of the house as it would relate to the abutting neighbors.

The board discussed the matter and concluded that if the RPRC felt it should go to the Planning Board, then the Planning Board should review it. Mr. Carthy reminded the applicant and owner that the neighbors are not informed about an RPRC application; whereas neighbors are notified when before the Planning Board.

Mr. Carthy suggested to Mr. Abillama that he review the RPRC determination letter and update his plans based on those comments and submit his best plan to the Planning Board to move this application along. The board will review it and do its due diligence and work with the applicant for the best possible plan for all concerned in a timely matter.

Mr. Carthy made a motion to reject the appeal. Mr. Ruisi seconded the motion and it was rejected with five ayes.

375 MAIN STREET [2020-011]

375 Main Street

101.01-1-6

Amended Site Plan

Leo Napior, HKP Harfenist Kraut & Perlsten LLP

Discussion

The subject property is an existing gasoline filling and service station use in the CB Zoning District. The Applicant is seeking approval to redevelop the property. Specifically, the Applicant is proposing to remove the existing structure and fuel dispensers and construct a new convenience store, fuel dispensers and a canopy.

Present this evening - Leo Napior, Robert Bronzino and Frank Filiciotto and Danny Porco.

Mr Napior updated the board with changes to the plan from the last submission. Discussions took place regarding the handicapped parking space location on site. He noted an application was made to the Zoning Board if the Planning Board had no objections with this plan he will proceed with them.

Discussion of street lights took place. Mr. Sauro stated he would like the street lights continued along the street. Mr. Bronzino noted it was within the NYSDOT right of way, he noted that landscaping was proposed in the right of way but no electric was proposed with that. Mr. Cermele stated that since the applicant was before the NYSDOT for the landscaping they could discuss the street lights as well. Mr. Baroni stated that all the street lights along Main street are in the right of way and had to get

NYSDOT approval. He also suggested the town be a co-applicant to make sure it gets done. Mr. Kaufman stated that he will look into that matter further to see how prior approvals were granted for street lights on main street. Discussions took place regarding how many lights would be proposed and how far apart they would be installed and how that would not impact the ZBA application.

Outdoor display on site was briefly discussed.

Mr. Napier requested a positive referral to the ZBA.

In response to comments, Mr. Kaufman stated that the next steps would be to return to the Planning Board for a Public Hearing and resolution after receiving the ZBA variances. The applicant can show outdoor storage on the plan and finalize those details with the Town Board after site plan approval is granted.

Mr. Carthy made a motion to approve the Negative Declaration for 375 Main Street. Mr. Sauro seconded the motion and it was approved with five ayes.

Mr. Carthy made a motion for a positive recommendation to the Zoning Board of appeals. Mr. Sauro seconded the motion and it was approved with five ayes.

After a brief discussion took place it was concluded that if the applicant received all of his approvals he could return, at the earliest, to the March 22, 2021 Planning Board meeting for a public hearing and resolution.

124 OLD MOUNT KISCO ROAD [2021-004]

124 Old Mount Kisco Road

108.01-1-20

Subdivision & Site Plan approval

Kory Salomone, Esq. the Law Office of Kory Salomone P.C.

Subdivision of an existing lot with one existing home and one damaged home (fire) into two lots located in the R-10 (10,000 s.f. lots) Zoning District. Lot 1 is proposed to be 8,616 s.f. and Lot 2 is proposed to be 7,577 s.f. Both new lots are not zoning compliant and will require the issuance of several variances.

Present for this application was Kory Salomone, Ralph Alfonzetti and Frank Madonna.

Mr. Salomone updated the board regarding the site. Members of the board stated that they had driven past the site prior to this meeting.

Mr. Salomone stated that a lot line realignment would not work because the two lots have different zoning and different setbacks and the house size and location would vary and not look in sync with one another and the neighborhood.

After discussions took place regarding comments in Mr. Kaufman's memo and comments from the applicant, Mr. Ruisi and Mr. Sauro stated that they support the applicant and that two smaller homes are in conformity with the surrounding homes and would fit better in the neighborhood in the long run.

Mr. Pollack and Mr. Jensen supported comments in Mr. Kaufman's memo that the variances are extensive and also noted that the conservation easements don't add value to the rear of the site and it is not really usable.

Mr. Carthy inquired about 130 Old Mount Kisco Road and would like to understand the relationship between both lots and is there a better way to get this done with both lots working together. Mr. Madonna did not feel the results would be really improved. Mr. Madonna stated that he has spoken with the neighbors previously who lived behind these lots and told them he would not build too close to their properties and they would be upset if that were to change.

Mr. Kaufman noted a lot of work is proposed with this conservation subdivision and the impact is significant.

Continued discussion took place and Mr. Carthy agreed with Mr. Ruisi and Mr. Sauro regarding their comments.

Mr. Carthy made a positive recommendation to the ZBA. Mr. Ruisi seconded the motion and it was approved with three ayes. Mr. Pollack and Mr. Jensen voted nay.

130 OLD MOUNT KISCO ROAD [2021-005]

130 Old Mount Kisco Road

108.01-1-22

Subdivision

Kory Salomone, Esq. the Law Office of Kory Salomone P.C.

The Applicant is proposing to subdivide the Subject Property into a two-lot conservation subdivision.

The applicant requested this application be removed from the agenda this evening.

575 MAIN STREET [2021-006]

575 Main Street

108.01-1-34

Amended site plan

Chris Crocco

Proposal to extend the sidewalk on the south side of the building to accommodate additional outdoor dining (next to former Granola Bar/Amore Restaurant location) with 40 outdoor seats.

Mr. Carthy noted a letter of objection was received from the Dipietro's who live on the corner of Old Mount Kisco Road and Wago Avenue which abut the rear of this site.

Mr. Crocco presented the application as noted above and stated that on the south side of the building it is a one way area and does not need all of the existing space for two way traffic.

Mr. Kaufman stated that there are no real issues with this proposal, the applicant would need ARB approval and the parking count would need to be updated. Mr. Crocco stated that when Park Avenue Medical Spa went in, a variance was granted from the ZBA for parking on site. A copy of that approval will be obtained so the applicant and town professionals can review the parking information and the applicant can submit an updated plan with the parking count and resubmit to the board.

Mr. Jensen and Mr. Pollack expressed that they liked the idea of this application.

Mr. Carthy stated that the seats look crowded and the rear seats face the refuse container and suggested moving the seating area forward so it was more parallel with the sidewalk. He also expressed concern with respect to maneuverability around the proposed outdoor seating.

It was noted that the pergola and planters need to be shown on the plan and the applicant needs to provide more screening to the rear of the site.

Mr. Carthy read the letter into the record from Jack and Karen Dipietro.

1. The area being discussed is very close to adjacent homes. The noise that would be generated from this outdoor area would be very disturbing.
2. This would also cause more disturbance to the area in the late evening hours.
3. We know that they are using this virus to create outdoor seating for a space. Covid -19 restrictions are not going to be here for forever.
4. Currently there is no tenant so why create something that you do not need or foreseeably need.

I hope you take these comments into consideration when you are discussing this application.

Mr. Carthy made a motion to adjourn the meeting, it was seconded by Mr. Sauro and approved with five ayes. Meeting adjourned at 9:30 p.m.