

**NORTH CASTLE PLANNING BOARD MEETING  
VIA ZOOM  
6:00 P.M.  
APRIL 26, 2021**

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**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

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Planning Board meeting began a 6:00 p.m.

**PUBLIC COMMENT PROCEDURE:**

Public comments can be submitted to [planning@northcastleny.com](mailto: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:**

April 12, 2021

Mr. Sauro made a motion approve the April 12, 2021 minutes; it was seconded by Mr. Ruisi and approved with five ayes.

Due to the length of the agenda the meeting began at 6:00 p.m. Public Hearings were noticed to begin at 7:00 p.m.

**345 MAIN STREET [2021-015] 6:02 P.M.**

**345 Main Street**

**107.16-1-7**

**Amended site plan**

**Elise Brickell – Whippoorwill Hills HOA President**

**Discussion**

Tree Removal Permit for the removal of 9 Town-regulated trees and the installation of 9 new trees as mitigation.

No one present for this application.

Mr. Kaufman stated the abutting property owners removed the trees from the Whippoorwill Hills HOA property; a violation was issued by the town and the HOA is before the board seeking a tree removal permit and mitigation plan for their property.

Mr. Carthy stated that he would like a stellar mitigation plan. It was noted that no grading was proposed and it would be difficult for the HOA to regularly access and maintain the trees once planted. Mr. Kaufman suggested smaller trees be planted which would give them a better chance of survival. Mr. Cermele stated that he had no issues with the plan as proposed. The Planning Board suggested adding additional planting that would last year round - like evergreens.

The applicant was directed to submit revised plans with a more robust planting plan that included evergreens.

**EAGLE RIDGE [18-004]**

**3 North Castle Drive**

**Section 108.03-1-62.1**

**Referral from Town Board**

**Kory Salomone, Esq The Law Office of Kory Salomone, P.C.**

**Discussion**

The Town Board has been presented with a zoning petition that would permit a 32.5-acre lot currently in the OB-H Zoning District to be developed with a new mixed use senior townhouse development and separate hotel development. Specifically, the Applicant proposes to subdivide the existing parcel into two lots; one of which would be developed as a 115 room hotel, with 135 seat restaurant, 45 seat bar, and meeting space for up to 100 people on a 10.6 acre lot. The second 21.8 acre lot is proposed to be developed with 72 age-restricted townhouses with the R-MF-SCH (senior floating zone) proposed to be applied to the property.

Present for this application was Kory Salomone, Ralph Alfonzetti and the applicant, Frank

Madonna.

Mr. Salomone updated the board regarding progress made during the last few years and reviewed the application as noted above.

Mr. Alfonzetti presented an architectural rendering video of the site for the board to view.

Mr. Salomone presented some renderings of the balloon tests that were done a few weeks ago from 11 different locations to assist the board in evaluating the visual impacts of this application.

Mr. Salomone discussed the guidelines set for the R-MF-SCH (senior floating zone). The proposed structure is 2 ½ stories with a 30' max height and an FAR (floor area ratio) between .15 - .4. The applicant is proposing .3 FAR.

In response to comments, Mr. Madonna stated that the units would be 3,250 sq. feet, two level, two bedroom, 2-car garage, age restricted units, and some units will have a basement.

Mr. Salomone stated that he has no issues with addressing Mr. Kaufman's memos. Discussions took place regarding the corner unit setback closest to the site exit and if it met with the proposed R-MF-SCH guidelines. Landscaping plans were presented at this time. Mr. Madonna stated that the houses were built to work with the contours of the land and will have views into down town Armonk.

Mr. Carthy inquired why senior housing floating zone was proposed for this site. Mr. Madonna stated that the Town Board wanted to see this type of development. He further noted that there is a great market for seniors to stay in town and live comfortably once they sell their houses.

Mr. Pollack inquired about emergency access and pedestrian access to town. Mr. Salomone stated that they have hired a professional to work with NYSDOT regarding seeking approval for a crosswalk across NYS Route 22.

The board stated that they would like the comments from the NYSDOT regarding pedestrian access when discussions of the site plan take place.

Discussion of access to the community park took place. Mr. Salomone stated that when his client purchased the lot, there was no access to the community park from this property included in the paperwork. Mr. Baroni stated that a deed restriction was done that Mr. Lashins did not want a circular drive on site; no formal path can be approved by the town.

Mr. Pollack inquired about Recreation fees regarding senior housing – Mr. Baroni stated recreation fees would not be paid because of the community park previously donated to

the town by IBM.

Mr. Jensen inquired if the access to Eagle Ridge was also shared with IBM. Mr. Kaufman stated that the town would like to be active in discussions with the applicant and NYSDOT.

With respect to the proposed RMF-SCH Zoning, the Floor Area Ratio will determine how much construction will take place on the site. He noted that the Planning Board should review the proposed 0.3 FAR proposed and provide comment back to the Town Board.

Mr. Ruisi liked that each senior building is two units and opined this is an advantage; he would like to see the proposed architecture and landscaping for the site. He noted this does not seem as dense as many other sites.

In response to comments, Mr. Madonna stated that there is a 15' side yard setback that would total 30 feet between units. There are less than four units per acre. He stated that this is the least dense multifamily project in North Castle within the last 10 years.

Mr. Kaufman noted there were at least three different points in his memo that the Town Board would like the Planning Board to comment upon.

Mr. Carthy asked the board if they have any input for the Town Board regarding the zoning change. Discussions took place regarding this question and comments from Mr. Kaufman's memo. The following responses were agreed upon by the Planning Board as part of their referral back to the Town Board.

Mr. Carthy made a motion to refer the following comments back to the Town Board on how this proposal is supported by the Comprehensive Plan. Mr. Sauro seconded the motion and the items above were approved with five ayes.

- While North Castle today is mostly defined by its attractive low-density residential neighborhoods, offering a greater variety of housing types could help the Town to retain Baby Boomers in retirement and attract younger people who wish to stay but cannot afford a single-family home. An efficient approach to greater variety of housing would prioritize attractive multi-family options in locations that maximize access to the community assets that make the Town so attractive, with a focus on targeted infill development in appropriate locations.
- Adding a hotel together with limited new residential uses, would increase downtown Armonk's potential customer base...."
- Guide multi-family housing toward the most walkable areas and places where public water and sewer are already available. The highest residential density should continue to be located in hamlet areas that have the necessary supporting

infrastructure: Armonk and North White Plains. Banksville and the Eastern District are not served by such infrastructure and should thus maintain a lower density.

- Explore opportunities to provide housing for the Town's senior population.
- Explore options to rezone business and office parks in order to create opportunities for infill mixed use residential development where office uses have become, or could become, obsolete. These locations could include the business park, the former MBIA site, Old Route 22 and Mariani Gardens, areas where affordable housing for smaller households will minimize traffic and parking impacts. Additional residential uses in these areas can also help to support Armonk businesses.

The Planning Board notes that the proposed the OB-H and the proposed R-MF-SCH zoning parameters appear to be generally reasonable and appropriate, including the proposed residential density and proposed hotel size.

However, the Planning Board recommends that the Town Board further review the proposed yard setbacks in both the OB-H and R-MF-SCH zones.

The Planning Board recommends that the R-MF-SCH provisions and the OB-H setbacks be revised to add additional specificity with respect to setbacks from State Roads, Private Roads and Parks.

In addition to the proposed front, side and rear setbacks, it is recommended that the following be added to the draft local law.

#### OB-H

No structure shall be located closer than 100 feet from a Private Road.

No structure shall be located closer than 300 feet to a public park.

No structure shall be located closer than 300 feet from a State Road.

#### R-MF-SCH

No structure shall be located closer than 80 feet from a Private Road.

No structure shall be located closer than 175 feet to a public park.

No structure shall be located closer than 300 feet from a State Road.

**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.**

**Discussion**

Subdivision of an existing lot with one existing home and one damaged home 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.

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

Mr. Salomone stated that he has received his variances from the ZBA and was ready to schedule a public hearing. The hearing was scheduled for May 24, 2021.

**PUBLIC HEARING**

**868 NORTH BROADWAY [2021-012]**

**868 North Broadway**

**122.12-5-63**

**Amended site plan**

**Thomas C. Kerrigan, P.E., Site Design Consultants**

**Discussion**

**Consideration of resolution of approval**

Present for this application was Dan Hollis and Tom Kerrigan.

Mr. Sauro read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application. There was no one in the waiting room. Mr. Hollis stated this was approved in May 2019 and expired in May 2020. He noted that the application is identical to what was approved previously.

Mr. Jensen was happy to see that NYSDOT approval was part of this recent application as it was not part of the original approval. Mr. Jensen expressed concerns about what if the sidewalk or curbing appeared to be buildable but while in the field, it could not be built. Mr. Kaufman stated that the resolution has a condition that states if issues arise the Applicant is required to report those issues to Building Inspector and Town Engineer. Mr. Kerrigan stated that NYSDOT work has begun and the DOT signed off on the plan.

Mr. Carthy asked if the board had any concerns with the draft resolution. All questions were answered to the board's satisfaction.

There was no one in the waiting room.

Mr. Carthy made a motion to close the public hearing, Mr. Jensen seconded the motion

and it was approved with five ayes.

Mr. Carthy made a motion to approve the resolution. It was seconded by Mr. Jensen and approved with five ayes.

**3 MIDDLE PATENT ROAD [2020-040]**

**3 Middle Patent Road**

**95.03-1-52**

**Site Plan**

**Glenn Ticehurst, RLA, ASLA**

**Discussion**

**Consideration of resolution of approval**

Mr. Ruisi read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application. There was no one in the waiting room.

Present for this application was Lisa Graff, Glenn Ticehurst, Seth Ticehurst and Pete Gregory.

Mr. Ticehurst updated the board regarding the different issues on site and described that the proposed pool location was the only viable location for the pool.

Mr. Kaufman noted that a variance was approved for this application. The board had no further comments at this time.

There was no one in the waiting room. Mr. Kaufman noted a letter of support from the neighbors Mary and David Boise, 2 Middle Patent Road.

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

Mr. Carthy made a motion to approve the resolution; it was seconded by Mr. Sauro and approved with 5 ayes.

**16 QUAKER MEETING HOUSE ROAD [2021-010] 7:46 p.m.**

**16 Quaker Meeting House Road**

**101.03-4-44**

**Site Plan – Amended Clearing and Grading Limit Line**

**Keith Werner, PE Abneman Kirby, LLC**

**Discussion – continued from 4/12/21**

**Consideration of resolution of approval**

Mr. Carthy made a motion to reconvene the public hearing. Mr. Sauro seconded the motion and it was approved with five ayes. Mr. Howard Fitzpatrick was in the waiting room.

Present for this application was the professional - Keith Werner and property owner - Eric Birenberg.

Mr. Werner presented the updated landscape plans per comments at the last meeting.

Mr. Carthy inquired if pool equipment would be screened.

Mr. Carthy inquired about the color of the fence – he noted that a black fence disappears with the landscaping. The property owner agreed to a black fence.

Mr. Fitzpatrick, a neighbor, was invited into the meeting at this time. Mr. Carthy stated that he has read both comments submitted to the board by Mr. Fitzpatrick. Mr. Fitzpatrick thanked the members of the board and his neighbor for addressing his comments. Mr. Carthy asked Mr. Fitzpatrick if he had heard the conversation regarding a black fence and how that would be the best color as it would fade into the landscaping. Mr. Fitzpatrick stated that he did not hear that conversation and Mr. Carthy reviewed it with him and Mr. Fitzpatrick agreed to the black fence at the advice of the chairman.

The applicant, owner or neighbor made no further comments at this time.

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

Mr. Sauro made a motion to approve the resolution as amended with a black fence. Mr. Ruisi second the motion and it was approved with five ayes.



**BEEHIVE [2021-016]**

**30 Old Route 22**

**107.04-2-14**

**Amended site plan**

**Bill O'Neill**

**Discussion**

Proposal to enlarge the existing outdoor dining patio, remove the existing trellis and install a new fabric canopy that has removable side panels in an effort to accommodate additional outdoor dining and install a new covered entrance to the front of the restaurant.

Present for this application were the owners Valerie and Peter Ladis and their professional Bill O'Neill.

Mr. O'Neill presented the application to the Planning Board.

Mr. O'Neill noted that the proposal was not a retractable awning and therefore the covered dining area would need to meet the building setbacks, the space would need to count as new FAR and off-street parking would need to be provided. He noted that the awning will be up year round. The applicant is over the maximum amount permitted for the FAR and there is not enough parking. The applicant lease parking spaces next to the property from NYS. Based upon comments from Mr. Cermele, Mr. O'Neill said that he would revise the handicap parking spaces to no longer back out onto the road.

Discussion took place regarding circulation around the building and if the expansion of the patio would impact the circulation around the building. Mr. Ladis confirmed you would still be able to drive around the building with the extended patio.

It was noted that the original site plan approval did not show any issues with emergency personnel accessing the site.

Mr. Ruisi inquired about the timing of the lease with NYS. Mr. Ladis stated the lease was renewed annually.

Mr. Kaufman stated that once the applicant is done with the ZBA and ARB they can return to the Planning Board with an updated plan rotating the handicapped parking spaces, a public hearing can take place and a draft resolution considered.

Mr. Pollack stated that there are obstacle and hurdles for the applicant to accomplish. We are seeing more and more of the repercussions of Covid-19 and we have to work to help them adapt for their survival. The rest of the board agreed.

**CARQUEST [16-023]**

**215 Business Park Drive**

**114.01 - 1 - 1**

**Amended Site Plan**

**Michael Finan, EP LEED-AP Langan Engineering**

**Discussion**

**Consideration of 2<sup>nd</sup> extension of time resolution**

Mr. Carthy made a motion to approve the extension of time resolution. Mr. Sauro seconded the motion and it was approved with five ayes.

**99 BYRAM RIDGE ROAD [2021-003]**

**99 Byram Ridge Road**

**101.01-1-13**

**R-1A**

**Site Plan**

**Discussion**

Construction of a new two-story, single family dwelling with private well and on-site wastewater treatment system along driveway.

The Residential Project Review Committee referred this project to the Planning Board.

Paul Berte, Tom Abillama and Kasturi Mohanty were present for this application.

Mr. Berte updated the board regarding the progress of this application. He stated that it was before the RPRC and then referred to the Planning Board. The applicant filed an appeal of the RPRC decision which was denied and the Applicant is now processing a site plan before the Planning Board.

Ms. Mohanty stated that they are keeping the foundation of the original house and the orientation of the home will remain the same as it is now. Mr. Berte noted that the first floor of the home is not visible from the cul-de-sac.

Mr. Carthy stated the applicant has not responded to the comments in either memo from the Planner and Town Engineer and noted that without the requested information, the board is not in a position to compare information from the applicant vs. the professional's comments so that the board can decide the best way to proceed.

Mr Carthy reminded the applicant that at the last meeting he recommended to take the professionals memos to heart and resubmit plans. He noted that no work was done to the plans and the Applicant is in the same place as the last meeting.

Mr. Sauro inquired what the main purpose was in keeping the foundation. Mr. Jensen stated that they are only keeping one wall and the other three are to be removed. Mr. Sauro stated that a better plan may result if the house faced the road.

The applicant will take the concerns, discuss with his client, and then return to the board.

**162 BEDFORD ROAD  
SUBDIVISION [2021-007]  
SITE PLAN [2021-008]  
162 Bedford Road  
108.03-1-42  
Discussion  
Michael Fareri**

Site plan and subdivision plan that proposes two new multi-family buildings on two lots with a total of 20 total units (12 3-bedroom units and 8 2-bedroom units) in the R-MF-SS Zoning District. Ten percent of the apartments will be AFFH units and will be located on-site.

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

Mr. Fareri thanked the members of the board for moving this application, at his request, from the May 10, 2021 agenda to the April 26<sup>th</sup> agenda.

Mr. Fareri presented a photo of the most recent 36-unit approval and noted the Building Permit expired on site that was originally approved in October 2015. He also reminded the board that he purchased the lot next door formerly owned by the Green family. He continued to review material for the board to bring them up to speed.

Mr. Fareri presented a color rendering of the plans for the board's review. He noted the units had two bedrooms and an office. Mr. Fareri stated that he is looking into having garbage pick up at each unit instead of a central location, the board and professionals were in favor of this option. He reviewed the parking count at this time.

Mr. Fareri brought up the architectural plans and explained the garage was underneath the unit. He then reviewed access from the garage into the home as well as access from the front door. He noted the space under the unit next to the garage could be used as storage or a finished playroom. He also reviewed why a height variance was necessary for this proposal. He reviewed the variance previously approved for this site and explained why 9 – 9 ½ feet tall ceilings were necessary. No elevators are proposed on site.

Mr. Fareri requested a referral for a height variance and frontage variance to the ZBA.

Mr. Kaufman referenced a comment in his memo questioning the amount of stories calculated for this application and suggested confirmation of those calculations for the number of stories be submitted. Mr. Kaufman stated that he raised this concern based on the amount of foundation exposed on the plans.

Mr. Fareri suggested the amount of stories be added to the referral to the ZBA. After continued discussion took place, a zoom meeting was set up with the applicant and his team, Town Planner, Town Engineer and Building Inspector to go over this information for the variances necessary on Wednesday, May 5, 2021.

Mr. Fareri requested a referral to the ZBA and ARB.

Mr. Carthy made a motion to declare lead agency intent. Mr. Sauro seconded the motion and it was approved with five ayes.

Mr. Carthy summarized the ZBA variances requested.

Mr. Pollack asked for a more definitive answer regarding the contents of this referral to the ZBA and what exactly the Planning Board was committing to with this referral. Mr. Kaufman reviewed in more detail what this referral means.

Mr. Fareri stated he will tweak the front entrance design of the units and he will get some comments from the ARB members.

Discussions took place regarding the starting point of the building for the average grade as well as frontage and the amount of stories.

Mr. Carthy made a motion to refer to the Zoning Board for proposed Lot 1 and proposed Lot 2 a height variance, number of stories variance and setbacks for dumpster variance. Mr. Sauro seconded the motion and it was approved with five ayes.

Mr. Carthy made a positive recommendation to the ZBA regarding the frontage variance for proposed Lot 1 & proposed Lot 2. Mr. Sauro seconded the motion and it was approved with five ayes.

Mr. Carthy made a motion to schedule a preliminary subdivision public hearing and site plan public hearing for Lot 1 and Lot 2 once ZBA approval was granted and ARB approval was granted. Mr. Sauro seconded the motion and it was approved with five ayes.

The applicant was referred to the ARB at this time.

Mr. Carthy thanked the board for beginning the meeting at 6:00 p.m. tonight.

Mr. Carthy made a motion to adjourn, Mr. Sauro seconded the motion and it was approved with fives ayes. Meeting at 10:00 p.m.