

**NORTH CASTLE PLANNING BOARD MEETING  
VIA ZOOM  
7:00 P.M.  
APRIL 12, 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:  
George Drapeau

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Planning Board meeting began a 7:01 p.m.

**EXECUTIVE SESSION:**

**Advice of Counsel**

At 7:02 p.m. Mr. Carthy made a motion to adjourn the meeting into executive session, Mr. Sauro seconded the motion and it was approved with five ayes. Mr. Kaufman, Mr. Baroni, Mr. Cermele and Mrs. Desimone were also present.

At 7:46 p.m., Mr. Carthy made a motion to reconvene the Planning Board meeting. Mr. Sauro seconded the motion and it was approved with five ayes.

**MINUTES:**

March 22, 2021

Mr. Carthy made a motion to approve the minutes as amended. It was seconded by Mr. Sauro and approved with five ayes.

Mr. Carthy stated that 21 Nethermont and 99 Byram Ridge Road requested to adjourn their applications this evening.

**PUBLIC HEARING:**

**16 QUAKER MEETING HOUSE ROAD [2021-010]**

**16 Quaker Meeting House Road**

**101.03-4-44**

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

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

**Discussion**

**Consideration of resolution of approval**

The Applicant is seeking approval to amend the previously approved Clearing and Grading Limit Line depicted on the Leisure Farm subdivision plat to construct a new in-ground pool and appurtenances. The plat contains a note stating, “All of the clearing and grading lines as shown on this plat shall not be altered without Planning Board Approval.” Therefore, the Applicant is required to seek amended plat approval from the Planning Board.

Present for this application was Keith Werner

Mr. Sauro read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbor Howard Fitzpatrick was present for the application, he also submitted written comments to the board in advance of the meeting.

Keith Werner presented the application as noted above and stated that he has read Mr. Fitzpatrick’s comments and found them reasonable.

Mr. Howard Fitzpatrick was invited into the meeting at this time.

Mr. Fitzpatrick stated that numerous trees were removed over the last few years and would like them replanted between his property and the applicant’s property. He stated that there has been a lot of loud music and is concerned with more parties and more noise. He would like trees and landscaping installed to reduce the sound and visual appearance to the rear of the site.

Mr. Carthy suggested adjourning the public hearing so the board and neighbor could review and accomplish the task of reducing the noise and reducing the visibility on site. Discussion took place regarding the proposed landscaping.

Mr. Werner asked if this could be a condition in the resolution so that the matter could

be concluded. The Board stated they wanted to see the amended landscape plan prior to voting on the application. Mr. Cermele suggested some landscaping closer to the fence line. He suggested the existing trees be shown on the plan so the board can get a better understanding of where the proposed landscaping should be placed.

Mr. Sauro was concerned about the canopy on site and ensuring sufficient sunlight for the plantings to flourish.

The applicant was placed on the April 26, 2021 agenda and was informed the submission deadline was 4:30 p.m. on Wednesday, April 14, 2021.

Mr. Carthy made a motion to adjourn the Public Hearing. Mr. Sauro seconded the motion and it was approved with five ayes.

### **DISCUSSION:**

#### **HURLINGHAM DRIVE [2020-046]**

**45 Hurlingham Drive**

**102.04-1-26**

**Site Plan – Discussion of Site Walk**

**Geraldine N. Tortorella, Esq. HTW Ilp**

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 N. Tortorella, Anastasios Kokoris and Jay Fein.

Mr. Kokoris reviewed the plan for the board. A local wetland permit will be necessary for the floating dock. The board was pleased with the plans and looked forward to future submissions.

#### **SIR JOHN'S PLAZA SITE PLAN [2021-014]**

**909 & 913 North Broadway**

**122.12-4-52 & 53**

**Amended Site Plan**

**Gabriel Senor PC**

**Thomas D'Agostino, Esq.**

**Discussion**

Present for this application was Eliot Senor, Ziad Maad, Tom D'Agostino, Steve Anderson, Allan Focarile David Turiano, and John Magnotta.

The Applicant has submitted a revised site plan that depicts 3,088 square feet of

previously approved deli/restaurant space being converted to retail space, the reconfiguration of the rear parking lot and a reduction of proposed parking from 137 spaces to 133 spaces.

Mr. D'Agostino stated that this was an amendment to the approved site plan which modifies the parking lot layout, the associated retaining walls and the stormwater management system. Due to the COVID-19 restrictions, two businesses, a bakery and a bagel store, that were going to sign leases backed out of the deals and a third, the existing Deli, decided not to expand. This resulted in lower parking requirements for those three business spaces. The retaining walls on the west side of the parking lot are proposed to be revised and the parking plan revised to eliminate the need to cut into the rock slope. A fence is proposed to be installed at the toe of the slope to retain any material that may slide from the exposed rock face. A geotechnical has been submitted supporting the proposed revisions. In regard to the North Side of the lot, the Applicant indicated that Option 1 of the Geotechnical report would be preferable. This option provides for a retaining wall along the entire north property line bordering the Emmalon Avenue property. The Town Engineer witnessed the deep and soil percolation testing that demonstrated suitable soil is present for the proposed infiltration system. The site plan will be updated as requested by the Town Engineer regarding stormwater management.

Mr. Elliot Senor stated that he has an accurate and up to date topographic map. He noted that he has reviewed Mr. Cermele's memo and will be able to address the comments in the memo, specifically the details regarding the rock report. He noted that Mr. Maad visited the site in January and will go back to the site tomorrow morning to address Mr. Cermele's comments and that will be part of the next submission to the Planning Board.

Mr. Kaufman expressed concern with the visual impacts the changes would have from the site. Specifically, any reduction in vegetation and the visual impact of the retaining wall exposure and proposed fencing from the parking lot. Mr. Cermele asked for more details about the proposed fence. Mr. Maad will provide the requested information.

Discussions took place regarding the installation of the fence and its location on site.

Mr. Jensen asked for clarification regarding existing and proposed changes on site. Mr. Elliott stated that he collected the existing information within the last couple of months.

Mr. Jensen asked for some more information regarding the fence detail. Mr. Cermele suggested pushing the fence back and putting some plantings in front of the fence. He noted that at Ralphs Ices down the street they put in a short seawall and then were able to do some plantings for screening.

Mr. Turiano stated this wall was much further off the street than Ralph Ices and not as visually significant.

For the board's reference, Mr. Anderson presented some photos from multiple locations on site.

The board did not feel a site walk was necessary as this time based on the photos shown and their familiarity with the site. The public hearing was scheduled for the May 10, 2021 agenda.

**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.

Present for this application was Chris Crocco, Joe Crocco, Dan Holt and Mr. Garson & associate.

Mr. Kaufman noted that many of the comments were not addressed from the last set of memos prepared by the professionals.

Chris Crocco stated that he addressed all the comments in the memos. Mr. Holt reviewed the driveway details that he updated on the plans.

It was noted that written responses were received from the Fire Department and Building Inspector who both had concerns and issues with the 16' wide one-way driveway as proposed. Mr. Holt supported his analysis regarding the interpretation of the driveway. Mr. Cermele stated that at the end of the day we follow what the Fire Department and Building Inspector require. He suggested the applicant follow up with the Building Inspector, the board members agreed. The applicant and professionals were not happy with that response and continued stating their reasons why the plans submitted were sufficient and how the board should proceed with the application.

Mr. Kaufman noted that comments from his last memo were not addressed regarding submitting an elevation of the pergola and the off-street parking analysis for the uses in the shopping center. He stated that the information is required in order to determine if the site has the minimum required amount of off-street parking as required by the Town Code.

In response to comments from the applicant, they was advised that the next steps regarding this application were to follow up with the Building Inspector regarding the 20'

width of the driveway and to submit an off street parking analysis for the site. If there are not enough parking spaces, a variance from the ZBA will be necessary. Mr. Kaufman also reminded the applicant to submit the elevation for the pergola and to depict any exterior changes to the building.

The applicant inquired about prior approvals from the ZBA and noted how that information would be relevant to the parking count. They were advised to follow up with the ZBA secretary.

### **8 COLE DRIVE/24 DAVIS DRIVE LOT LINE [2020-028]**

#### **8 Cole Drive & 24 Davis Drive**

#### **94.01-1-8 94.02-1-9**

#### **Lot Line Change**

#### **Discussion of site walk**

Proposed lot line realignment that would alter the existing common lot line between the two lots by transferring 126,880 s.f. from 24 Davis Drive to 8 Cole Drive, resulting in 8 Cole Drive increasing in size to approximately 8.8 acres and 24 Davis Drive decreasing in size to approximately 7.8 acres. The Applicant is proposing a new driveway for 24 Davis Drive that is proposed to directly impact the Town-regulated wetland and Town-regulated wetland buffer. Furthermore, the proposed new driveway would require the issuance of a steep slope permit and tree removal permit. Furthermore, the Applicant has revised the plan to now include a proposed 4,510 square foot addition to the existing single family home.

Present for this application was Kory Salomone, Pete Gregory, Nazar Massouh, Don Norrgard and Lou Demasi.

Mr. Salomone stated that they are moving forward with natural fill and removed the previously proposed geoblocks from the plan. He also noted that the Applicant is scheduled to go before the Conservation Board on April 20<sup>th</sup> and the ARB on April 21<sup>st</sup> regarding the proposed 3,500 sq. foot addition.

Mr. Gregory stated that he will need to import 2,000 cubic yards of material and due to the proposed addition, 1,100 square feet of material will be used from the addition for the other site. He then presented his preferred driveway layout that included pull off areas as well as bridging sections to pass through 24 Davis Drive. He then noted that stormwater runoff will be captured on both sides of the driveway and reminded the board that, presently, the existing driveway has no stormwater runoff measures in place.

Mr. Gregory stated that the pool and cabana shown on the plan were compliant setback wise and the excavation would not have to be brought onto Cole drive.

In response to Mr. Massouh's comments, Mr. Gregory stated that this plan started with 5,000 cubic yards and is now down to 2,100 cubic yards. With the proposed addition, the fill required to be imported to the site is reduced to 1,000 cubic yards which is about 40-50 truckloads.

Mr. Cermele inquired about access to the garage with the new driveway plan; Mr. Gregory will look into that and resubmit to the board.

Mr. Carthy asked for some more details proving that only 1,100 cubic yards are necessary to be brought on site. Mr. Sauro was very happy that the applicant was proceeding with natural material. Mr. Jensen inquired if this plan was in-sync with the comprehensive plan. Mr. Ruisi stated that this is basically the same amount of area disturbed on site and it is still significant, but progress has been made.

Mr. Salomone stated that once he has Architectural Review Board and Conservation Board grant approvals he would like to return for a public hearing for subdivision and work on the site plan while finalizing the subdivision and filing the plat.

Mr. Salomone stated that the Town Comprehensive Plan stated that under certain circumstances, you can build on steep slopes but the plan does not say you cannot build on steep slopes.

Mr. Kaufman stated that the board now has a good understanding of the application and needs to make a decision and bring this project to a vote.

The applicant will return to the Planning Board on May 10<sup>th</sup> with the decisions of the ARB and CB for further discussion and will consider a public hearing on May 24, 2021.

## **17 NORTH LAKE [2020-036]**

### **17 North Lake**

**101.02-2-29**

**Andrew Collingham, AIA, NCARB Drew Architecture**

#### **Site Plan**

#### **Discussion**

Construction of a new two-story, single family dwelling with municipal water supply and on-site wastewater treatment system along with pool and driveway. This project was referred to the Planning Board by the Residential Project Review Committee.

Paul Berte and Emilio Dimatteo were present this evening.

Discussion took place regarding the width of the driveway and how it was reduced from 16' to 14'. Comments from the Engineer's and Town Planner's memos were discussed. The location of the pool and how it relates to the house was also discussed. Mr. Berte

stated that he was waiting on the re-approval of the septic system from the Heath Department.

The applicant was reminded that they require ARB approval and once that is complete, the board can consider scheduling a neighbor notification meeting as long as the board is comfortable with the plan. Mr. Sauro suggested a fence on the property line, behind the landscaping. The applicant agreed.

The Planning Board stated that after the ARB grants approval they should make a submission addressing the comments in both memos and at that point a neighbor notification can be scheduled.

Mr. Carthy made a motion to adjourn the meeting at 10:21 p.m. Mr. Ruisi seconded the motion and it was approved with five ayes.