

**NORTH CASTLE PLANNING BOARD MEETING  
VIA ZOOM  
7:00 P.M.  
June 8, 2020**

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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

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

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

Conservation Board Representative:  
George Drapeau

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Also listening at home was Michael Desimone who was watching this meeting to earn his communications merit badge which is a requirement to become an Eagle Scout.

**MINUTES:**

**May 28, 2020**

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

**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.

**PUBLIC HEARING:**

**HIDDEN OAK SUBDIVISION [2020-014]**

**13 Hidden Oak Road**

**107.01-1-32**

**3-lot subdivision**

**Alan Pilch, Evans Associates**

**Discussion**

**Consideration of Negative Declaration**

**Consideration of Preliminary Subdivision Resolution**

**Consideration of Final Subdivision Resolution**

Subdivision application for a three lot residential subdivision in the R-2A Zoning District. The site is currently a 7.5-acre vacant property. It is noted that the Planning Board previously granted subdivision approval for this property; however, that approval has lapsed.

Present for this zoom meeting was Alan Pilch and his client Kevin McKenna.

Mr. Carthy read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. No noticed neighbors submitted any comments or were in the waiting room for this zoom meeting.

Mr. Pilch presented the application as noted above and added that Hidden Oak Road will be extended to access these lots and each lot will be served by public water and private septic systems. Stormwater management is in place along with a rain garden on lot #3. The NYCDEP granted approval on June 6, 2016 for the SWPPP. This project includes almost one acre of conservation land and there is a strip of land to connect this lot to some existing conservation land. He stated that this was the exact same plan that was approved previously by this board and unfortunately expired.

Mr. Kaufman noted there were no comments from the public at this time.

In response to comments from the board, Mr. Pilch stated that the conservation land is all wooded and the applicant pays for the extension of the road and water extension into the district.

Mr. Carthy made a motion to close the public hearing. It was second by Mr. Sauro and approved with five ayes.

Mr. Carthy made a motion to approve the negative declaration. Mr. Sauro second the motion and it was approved with five ayes.

Discussions took place regarding the draft resolutions. Mr. Cermele discussed some updates to the resolution that he would like made at this time. The board was agreeable to requested updates and changes as noted by the Town Engineer.

Mr. Carthy made a motion to approve the preliminary subdivision resolution as

amended. Mr. Sauro second the motion and it was approved with five ayes.

Mr. Carthy made a motion to approve the final subdivision resolution of approval as amended. It was second by Mr. Sauro and approved with five ayes.

### **DISCUSSION:**

#### **82/84 WHIPPOORWILL ROAD EAST [2020-021]**

#### **82 & 84 Whippoorwill Rd East**

#### **107.02-2-20 & 107.02-2-21**

#### **Lot Line Change**

#### **Kory Salomone, The Law Office of Kory Salomone PC**

#### **Discussion**

A proposed lot line realignment that would alter the existing common lot line in the area of the former Old Whippoorwill Road by transferring 3,317 s.f. from 82 Whippoorwill Road East (Barrett/DePalma) to 84 Whippoorwill Road East (Shallo).

Mr. Carthy recused himself.

Present for this application was Kory Salomone.

Mr. Salomone presented the application as noted above and added that there is a shared paper road with the town and the town has agreed to dedicate it to both property owners, this was done in October, 2019. The Barrett/ DePalma lot has a 140 tail that will be transferred to the Shallo lot. A variance for 82 Whippoorwill Road East will be necessary because the lot was increased and then decreased in size and is not zoning compliant.

Mr. Salomone stated that it was also determined that the deck and the stairs encroach from 88 Whippoorwill Road East onto 82 Whippoorwill Road East and he is working with 82 Whippoorwill Road to resolve that matter. He is also working on a driveway easement with 84 Whippoorwill Road East.

Mr. Cermele asked the applicant to show the sanitary services on both lots with the next submission.

The board and professionals had no further comments.

Mr. Sauro made a motion to refer this application to the ZBA. Mr. Ruisi second the motion and it was approved with four Ayes. Mr. Carthy had recused himself from this application.

Mr. Kaufman noted that once the applicant had received approval from the ZBA they could return to the Planning Board for a public hearing and resolution. The board had no objection waiving the public hearing since the application was minimal.

**100 BUSINESS PARK [2020-016]**

**100 Business Park Drive**

**108.03-1-51**

**Site Plan Approval**

**Paul Sysak, RLA John Meyer Consulting**

**Discussion**

The Applicant is seeking site plan approval to store 5,000 cubic yards of fill from an offsite construction project on the site that would be utilized later on the subject site if Planning Board approval is granted in the future.

The property is approximately 11.3 acres in size and lies within the PLI zoning district. The site is currently developed with a 62,782 square foot office/light industrial building with associated off-street parking.

Present for this application was Paul Sysak, John Meyer Consulting and Curt Johnson, Jay Group Designs.

Mr. Sysak update the board with the progress of the application. He stated that his client received ARB approval for the building design and has been before the Conservation Board and that meeting went well and they are actively working on the mitigation plan and anticipate going back before the Conservation Board later this month.

Mr. Johnson stated that his client has a job in Pleasantville and wants to bring the excess quality fill over to 100 Business Park Drive to use for his application on site once approved by this board. He has 1,000 cubic yards ready to be brought over to this site right now and is ready to go. He stated that soil samples have been tested and will be submitted to the Town Engineer. The fill will be located outside the 100' wetland buffer and 5 trees may potentially need to come down. He would like a fill permit.

Mr. Carthy stated that he appreciates the thought process and practicality of this request. He inquired about the long term intentions of this request. Mr. Johnson stated that he has 1,000 cubic yards ready to be moved and he said that he would reduce the application to 1,000 cubic yards and obtain site plan approval and include the other 4,000 cubic yards at the time of site plan approval.

Mr. Carthy inquired if the applicant were only approved for 1,000 cubic yards and then the applicant brings another couple thousand yards on site which they did not have approval for, they would have to return to the board for that approval. He inquired if there was a big difference in the review process between 1,000 and 5,000 cubic yards. Mr. Cermele stated that he still has to review the environmental impacts, wetland buffer and tree removal impact whether it was a structure or fill. He added that there would be more review for 5,000 cubic yards vs. 1,000 cubic yards.

Mr. Jensen referenced the comments from the recent Westchester County Letter and he inquired how would these matters be addressed prior to the fill approval and what would the impacts to the to the Byram River be.

The board inquired how many truck loads would be going to the site. Mr. Johnson stated that he can report that information to the town.

It was noted the site was well screened but concerns were raised about the impacts to the site if the project was not completed or approved and the soil was never used. Mr. Sauro suggested putting a time limit on the use of the fill. Mr. Carthy inquired how much longer the applicant thinks they will take to get their approval. Mr. Sysak stated they were hoping to make the next submission for the July, 2020 meeting. Mr. Cermele stated that you could do a restoration bond. In response to comments from Mr. Carthy, Mr. Cermele stated that there is a chance the truck can put the fill in the wrong location and into the wetland buffer, measure can be taken to help prevent that from happening.

A public hearing was scheduled for June 22, 2020.

## **9 UPLAND LANE [2020-023]**

### **9 Upland Lane**

#### **101.04-2-4**

#### **Site Plan & Special Use Permit Approval**

#### **Wally Tuscano, AIA**

#### **Discussion**

Proposed new 8,410 square foot new residence and the conversion of the existing principal residence into a 1,050 square foot 1-story game room. Because the game room, accessory structure was over 800 square feet, this application was referred to the Planning Board for a Special Use Permit.

Present on zoom was Wally Tuscano, unfortunately the board was not able to hear or see him and the discussion took place without him.

Mr. Kaufman presented the application as noted above. As referenced in both memos a lot more site plan information has to be submitted for review as well as more details for the accessory structure to determine that this is not a dwelling.

The board inquired how would construction take place on site if the applicant is still living in the original residence. They were also concerned about the potential of two principal dwellings on site and what can be done to ensure that does not take place. It was suggested a bond be put in place to this effect.

The board agreed to wait on doing a site walk until the additional site plan and accessory structure information was submitted.

It was also noted that the applicant has to submit a landscaping plan.

Mr. Carthy made a motion to adjourn the meeting, it was second by Mr. Sauro and approved with five ayes. Meeting adjourned at 8:08 p.m.