

**NORTH CASTLE PLANNING BOARD MEETING  
VIA ZOOM  
6:00 P.M.  
Monday May 10, 2021**

\*\*\*\*\*

**PLANNING BOARD MEMBERS:**

Christopher Carthy, Chairman  
Steve Sauro  
Michael Pollack - Absent  
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:  
Adam Barnett

\*\*\*\*\*

**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.

**MINUTES:**

**April 26, 2021**

Mr. Carthy made a motion to approve the April 26, 2021 minutes. Mr. Sauro seconded the motion and it was approved with four ayes. Mr. Pollack was not present for the vote.

**February 8, 2021**

Mr. Carthy made a motion to approve the February 8, 2021 minutes. Mr. Sauro seconded the motion and it was approved with four ayes. Mr. Pollack was not present for the vote.

**DISCUSSION:**

**105 WASHINGTON AVENUE [2021-020]**

**105 Washington Avenue**

**122.12-1-13**

**Retaining Wall**

**Brian Hildenbrand, PE**

**Discussion**

Present for this application was is Brian Hildenbrand and the owner Christopher Suriano. Mr. Baroni was not present for this discussion.

The subject property is 0.37 acres and located in the R-2F Zoning District. The proposed project includes the construction of a new retaining wall located in the rear yard of the property. The existing wall has collapsed, making the rear yard unstable. The proposal is to construct the new wall beyond the limits of the existing wall.

The Applicant is seeking approval from the Planning Board to construct a retaining wall over six (6) feet in height pursuant to Section 355-15.G(1) of the Town Code. The proposed wall will be 9.5' at the tallest point. The Applicant is also proposing to install a six (6) foot privacy fence along the southern property line.

Mr. Hildebrand presented the application as noted above. He noted that his client is looking to move the wall a bit further back on site and the rubble from this wall will be put behind the new wall; some sheds are also located on site. Mr. Cermele noted the wall was close to the property line and wanted the applicant to verify that the wall does not go into the neighbor's property, Mr. Hildebrand will address that.

Mr. Kaufman stated that neighbor notification would be necessary for this application. It was noted that the abutting lot to the rear is a company called Growth Products - a commercial lot. Mr. Carthy stated that he would like to screen the wall along the side of the lot but was not sure if the wall was visible to the abutting side lot owner or not. Mr. Suriano reviewed the existing landscaping on site.

In response to comments from Mr. Ruisi, Mr. Hildebrand stated that the wall was 9 ½ feet tall at its highest point in the center of the backyard. A privacy fence is also proposed. Discussion took place about having two walls 7' each vs. one nine-foot wall. Mr. Hildebrand noted that his client would lose more backyard with two retaining walls vs. one retaining wall.

Mr. Carthy suggested a site walk be scheduled. Mr. Suriano noted he reviewed this project with a few engineers and several contractors. He said that he could put in two - 7 foot walls vs. the one wall. He has spoken to his neighbor in the rear at Growth Products and his neighbor would like the wall repaired as soon as possible.

Mr. Sauro stated that he would not like to prolong the process. Mr. Carthy stated he did not have any issues with the rear wall, it was the side walls he had more concerns with.

A public hearing will be schedule for June 14, 2021 and a site walk was scheduled for May 25, 2021.

**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.

Present for this application are Ralph Alfonzetti, Kory Salomone and Frank Madonna. Mr. Baroni was not present for this discussion.

Mr. Salomone presented the information regarding a conventional subdivision vs. a conservation subdivision. Impacts for both options were discussed. It was noted that Kavey Lane abutted the rear of the site. Mr. Madonna stated that he spoke with the neighbors from Kavey Lane and they were in support of this application.

Discussions took place which indicated that this application may need a variance from the ZBA.

Mr. Madonna inquired if a pool location could be considered behind the site. He suggested that a public hearing be put on the next agenda for 130 Old Mount Kisco Road since 124 Old Mount Kisco Road was also on the agenda for a public hearing. The board was not in favor of this suggestion; they did not feel the application was ready for a public hearing at this point.

Neighbor, Claire Lovell, 128 Old Mount Kisco Road - emailed comments which were as follows:

Is there any plan to assess the impact of subdivision and adding a second property may have to stormwater and wells along the street? I am concerned an additional home at the top of the hill location may limit the amount of water making it to the wells at the neighboring properties and homeowners would have to connect to municipal water at their own expense. The proposed retention walls would likely cause the downslope homeowners' wells to experience significantly less water flow. Also would the proposed stormwater detention area cause flooding at the downslope properties? It seems there should be a stormwater, geotechnical, and groundwater assessments before

moving forward with any such projects. I would also like to know what the proposed size of the new homes would be given most homes on the street are quite small.

The retaining walls seem to be proposed on the neighboring property lines. Would there need to be a setback requirement? Same question for the sewer lines.

Furthermore, where would the private roadway be located? How would that impact the noise levels of the properties that back up to 130? Currently this is a quiet, wooded area, and adding additional roadways might change the character of the existing properties and neighborhood.

The town engineer memo states the private roadway is too steep and does not provide emergency access turnaround - has the plan been referred to the Armonk Fire Department as the memo suggests and what are their recommendations?

Ms. Lovell's comments were addressed. The professionals stated the new homes would be code compliant and retaining walls would not be part of an approval on an abutting property owners lot but could be built to the property line. It was noted that a conventional subdivision must be prepared and shown to meet minimum requirements in order to approve a Conservation subdivision.

The Board members requested that the next submission of updated plans be more legible, the applicant agreed.

Mr. Carthy made a motion to refer this application to the ZBA regarding lot frontage and lot width. It was seconded by Mr. Sauro and approved with four ayes. Mr. Pollack was not present for the vote.

### **PUBLIC HEARING:**

**ODOARDI [19-039]**

**22 Nethermont Avenue**

**122.16-4-7**

**Site Plan**

**Eliot Senor PC, P.E., L.S.**

**Discussion – Con't from March 22, 2021**

Mr. Ruisi made a motion to reconvene the public hearing, Mr. Sauro seconded the motion and it was approved with 4 ayes. Mr. Pollack was not present for the vote. Mr. Doug Winston- 24 Nethermont Avenue was in the waiting room.

Present for this application is Eliot Senor.

Mr. Eliot stated that he updated the topographic survey last month based on comments

at the prior public hearing. He noted the data was originally collected in 2000 and again in 2009.

Mr. Senor stated that this house was in natural succession on the lot, with the abutting lots having homes five feet higher and five feet lower than the proposed home at 22 Nethermont.

In response to comments, Mr. Senor reviewed how the garage would connect to the basement inside the house and how that was accomplished. Mr. Senor stated the wall along the driveway will remain, the wall on the other side is no longer proposed

Mr. Winston - 24 Nethermont Avenue – reminded the board that he spoke at the last meeting and gave the applicant permission to access his lot to make sure the topographic survey maps were accurate. He raised concerns that water was being discharged onto his lot and was concerned about his lawn and the impact from all the water.

Mr. Winston raised concerns regarding the installation of the prefab house and the impact of the above ground wires in the area. Mr. Senor stated that after the last meeting, Westchester Modular was asked to visit the site and Westchester Modular stated that they had no issues with inserting the prefab house in this location, it will not impact the abutting lots and the wires will not be impacted.

Mr. Winston was still concerned how these vehicles would access the site with the curves in the road. He asked where the staging of the crane will take place. Mr. Winston was concerned with the impacts of the 18 wheeler in the neighborhood along with the crane.

Mr. Jensen stated that the letter from the modular company was not detailed enough with a response to the board's questions from the last meeting.

Mr. Senor offered to call the gentleman from the modular company at this time.

Mr. Jensen stated that there were over 20 outstanding comments in the resolution and the applicant should address the comments and return to the board. Mr. Senor stated that he addressed the majority of these comments with the most recent submission. Mr. Cermele and Mr. Kaufman noted these comments were based on the most recent plans submitted.

Mr. Jensen noted that this is the first time the neighbors have had a chance to review the updated plans with the updated topographical information.

Mr. Ruisi agreed with Mr. Jensen that it was unusual to have over 20 outstanding items on the draft resolution.

Mr. Sauro inquired if there were any outstanding items that the board definitely wanted addressed before it would consider approval.

The board opined that the neighbors should be given time to review the updated submission with the updated topographic information which was only available for review for the first time at this meeting.

Mr. Ruisi inquired what if problems occur when the house is installed. Mr. Cermele asked Mr. Senor to have the modular home company submit more detailed plans regarding the house installation.

The applicant was asked to return to the board after revising the plans to address comments in the resolution and have the modular company submit the details on installing the house.

Mr. Senor in response to comments noted he was not changing the natural grade in the backyard and this application would not impact Mr. Winston's property.

Mr. Carthy asked the applicant to address comments in the memo and submit the modular home plans regarding the installation details.

Mr. Jensen stated that it concerns him that this late in the process to have issues raised in the planners memo regarding the height of the home and its compliance or not. This is a tight site and this application has progressed from the last meeting but still has a lot to do.

Mr. Sauro stated that the architectural plans were not updated with the front and right elevations and the plans should be resubmitted to reflect that. He likes the interior stairwell that was updated on this plan.

Mr. Carthy made a motion to adjourn the Public Hearing; it was seconded by Mr. Ruisi and approved with four ayes. Mr. Pollack was not present for the vote.

**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**

**Resolution**

**Negative declaration**

Present for this meeting was Steve Anderson, Eliot Senor, Alan Focarile, Tom D'Agostino, David Turiano & John Magnotta. Ziad Madd geo technical wall professional was also present.

Mr. Carthy read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application. Pat Salma, 15 Kensico Knoll emailed comments to the board to be read aloud this evening.

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. Anderson shared the screen with the board and members of the public and presented the plan as noted above and added that the impervious surface was reduced as well.

Mr. Kaufman read an email from Pat Sama: I live directly across from Sir John's Plaza at 15 Kensico Knoll and now that they tore down all the trees behind the deli, the noise level has increased significantly from the houses that are now exposed since the trees were removed. What is being done to correct this? Mr. Kaufman noted that landscaping was proposed and is typically installed at the end of the project.

Noticed neighbor Pat Sama was invited into the meeting room at this time and noted he can hear people celebrating from across the street or just recently heard a drill being used from a home behind the deli. Mr. Kaufman stated that the landscaping will be installed above and below the houses behind Sir John's.

No further questions were had at this time.

Mr. Carthy made a motion to close the public hearing. Mr. Sauro seconded the motion and it was approved with four ayes. Mr. Pollack was not present for the vote.

Mr. Carthy made a motion to approve the negative declaration. Mr. Sauro seconded the motion and it was approved with four ayes. Mr. Pollack was not present for the vote.

Mr. Carthy made a motion to approve the resolution. Mr. Sauro seconded the motion and it was approved with four ayes. Mr. Pollack was not present for the vote.

**1503 OLD ORCHARD STREET [2021-011]**

**1503 Old Orchard Street**

**123.05-1-64**

**Discussion**

**Jeri Barrett, Landscape Architect**

Special Use Permit application to reapprove the expired Special Use Permit and Wetland Permit previously granted by the Planning Board to construct the lakeside cabin.

Present for this application was Dan Hollis, Rex Gedney, Jeri Barret, Dan Holt and the property owners Mr. & Mrs. Rozov.

Dan Hollis stated this application expired last year and his client is looking to get re-approval for the same application as previously approved. He noted that there is a hole in the ground and the cabin is already on site. He would like this matter resolved as soon as possible.

Mr. Kaufman reminded the board that this applicant was originally before the board on March 22, 2021 for a concept plan discussion and is now before the board for a Special Use Permit approval. He stated that if the Architectural Review Board and Conservation Board will say that a reapproval is not necessary again since it is an identical approval, the public hearing can be scheduled sooner. Mr. Rex Gedny stated he will follow up with ARB And CB regarding that option tomorrow.

Mr. Carthy reminded the applicant that the cabin cannot be used until the Certificate of Occupancy was issued.

Once the applicant has ARB and CB approvals a public hearing can be scheduled.

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

**100 Business Park Drive**

**108.03-1-51**

**Site Plan Approval**

**Paul Sysak, RLA John Meyer Consulting**

**Discussion**

Amended Site Plan approval to construct a 74,850 square foot warehouse with associated off-street parking and landscaping improvements. The building is proposed to be constructed in the undeveloped southern portion of the site, with the existing building proposed to remain. 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.

Paul Sysak was present for this application.

Mr. Sysak state he has received ZBA approval. He presented the landscaping plan at this time. He noted they were proposing 25 land-banked parking spaces and he may be able to shift them on site. He stated that he could also provide an upright hedge instead of wider hedges as suggested in Mr. Cermele's memo. He has not had a chance to discuss this with his client.

A public hearing was scheduled for May 24, 2021.

**21 NETHERMONT AVENUE [2020-039]**

**21 Nethermont Avenue**

**122.16-4-41**

**Site Plan**

**Gabriel Senor PC – Eliot Senor, P.E., L.S.**

**Discussion**

Present for this application is Greg Caccioppoli from Eliot Senor's office.

The application is for a new four bedroom 3,125 square foot home, driveway and yard areas. This property was referred for Planning Board site plan approval by the RPRC.

Mr. Caccioppoli reviewed the plan as noted above and was able to make the grading work and is working on addressing the site lines of the driveway.

Mr. Cermele stated that he reviewed both alternatives. He inquired if the site distance can be obtained, if not a variance will be necessary.

Mr. Caccioppoli reviewed the new retaining walls at this time.

Mr. Jensen inquired about Mr. Cermele's comments in his lengthy memo. Mr. Jensen stated that the retaining walls have come a long way. Mr. Cermele discussed some more revisions to the proposed walls.

Mr. Kaufman requested comment seven be addressed in his memo.

Mr. Ruisi stated that the board was concerned about the two very tall retaining walls and the applicant is working in the right direction with the new plans. Mr. Carthy agreed.

**176 VIRGINIA RD – MISTIS PROPERTIES [2021-017]**

**176 Virginia Road**

**122.16-1-3**

**Site Plan**

**Paul Berte**

**Discussion**

Present for this application was Paul Berte.

Mr. Kaufman briefly summarized the application previously approved. He noted that narrow and tall buildings were proposed and screening was proposed in front of the building. He presented elevations and the site plan.

Mr. Berte stated that this is the exact same plan that was approved previously and has since expired. Mr. Jensen noted that two doors down the road was Washington's Headquarters, which was recently renovated. He wondered if the building could be softened or additional, landscaping provided.

Mr. Berte presented the renderings that would face the road. He has reviewed the memos from both professionals and will address those comments.

Mr. Kaufman suggested that Mr. Berte reach out to the ARB and see if they will recommend approval since it is identical to the last approval.

A public hearing and resolution were scheduled for June 28, 2021.

**23 BEDFORD BANKSVILLE ROAD [2020-032]**

**23 Bedford Banksville Road**

**102.04-1-9**

**Amended site plan**

**Michel Gunn – Design Lighting by Marks Mosello**

**Discussion**

Proposed site plan for the establishment of a 15,500 square foot multi-tenanted building consisting of a deli/grocery, office, warehouse, gun range, nursery and fabrication unit.

Present are Mark Mosello and Michel Gunn from Design Lighting by Mark.

Ms. Gunn presented the plan. She stated the uses of the building were unknown when she rented the building. She would like to reestablish the uses of the building. She stated it is very hard to get an engineer right now because they are all very busy due to covid. She is looking to have the stop work order lifted and legalize the uses on site for office and warehouse.

Mr. Mosello stated that he is not able to update the heating and AC on site because of a stop work order. Mr. Kaufman summarized permitted and prohibited uses proposed for the site.

Mr. Mosello stated that there were no records of the septic system and they had to hire someone to locate it. He noted that he would just like to make the outside of the building look nice with landscaping, curbing and striping the parking lot. Originally the interior was an open 15,000 square foot building.

Ms. Gunn noted there was some impacts to the septic because of wetlands and they are limited on the use of the building because of the septic capacity on site.

Mr. Mosello stated that some of the land was of no use to him and considered selling it. Mr. Kaufman stated that the FAR would have to be looked into to make sure the sale of a portion of the property would be permitted.

Mr. Kaufman stated that restaurants, office and retail are all permitted uses in the CB-B zoning district. In response to Mr. Mosello's question, he noted that CB-B Zoning and GB Zoning does not permit industrial uses on site. If the applicant wants to change the uses permitted on site approval from the Town Board is required.

Mr. Mosello stated he is frustrated since he is trying to fix up the front of the building and a stop work order was issued.

Mr. Mosello stated that the town has no records of anything prior on the site and he cited all the prior uses on site.

Mr. Kaufman stated that the applicant has not submitted enough information for the board to review and make a decision. Ms. Gunn reviewed all the items they have been working on regarding this application.

Ms. Gunn stated they are a small business and would like to use the building as a design center.

Mr. Carthy noted this application was not ripe enough to go before the Planning Board at this time. He stated that the Applicant must address in more detail what exactly is proposed. He suggested the applicant schedule time with the planner. (A meeting was scheduled for Wednesday, May 12 at 10:00 a.m. and May 26, 2021 at 10:00 a.m.)

**575 MAIN STREET [2021-006]**

**575 Main Street**

**108.01-1-34**

**Amended site plan**

**Chris Crocco**

Present for this application is Brett and Jeff Garson, Dan Holt, Chris & Joe Crocco.

Mr. Kaufman stated that since the last meeting he found documentation regarding a variance issued by the ZBA from a few years ago. The applicant addressed the comments regarding the parking count and that has now been finalized. Plans for the application were presented at this time.

Mr. Kaufman reminded the applicant that ARB approval was necessary prior to site plan approval being granted.

Mr. Carthy stated that eight tables of four, would look better on site than the nine tables that are shown on the plans.

Once the applicant has ARB approval, a public hearing and resolution can be considered at the next available Planning Board meeting.

**WIRELESS COMMUNICATION FACILITIES [2021-018]**

**CELLULAR LOCAL LAW - CHAPTER 292**

**Referral from Town Board**

**Discussion**

Mr. Kaufman summarized the legislation the Town Board is considering regarding future 5G wireless service.

Mr. Ruisi inquired how many of these are the board going to have to approve, what would it look like and where would it go. Mr. Kaufman provided an example of where it would go on a structure and it would be similar in color to the existing wires, equipment cabinet and poles. Mr. Kaufman stated that these same laws are being implemented throughout the country. Neighbors will be noticed the same way they are now.

In response to comments, Mr. Kaufman noted that any applicant must show a gap in service and how to address it.

In response to comments, the Conservation Board said they had no objections to the draft legislation but need approval from the Conservation Board if the cell was located in a wetland or wetland buffer.

In response to comments from the board, these new wireless communication facilities could reach North Castle within the next couple of years or sooner.

All the board members agreed that these communication facilities should be regulated.

Mr. Carthy made a motion to recommend adoption of the law to the Town Board. Mr. Sauro seconded the motion and it was approved with four ayes.

Mr. Carthy made a motion to adjourn the meeting, it seconded by Mr. Sauro and approved with four ayes. Mr. Pollack was not present for the vote. Meeting adjourned at 9:46 p.m.