



**TOWN OF NORTH CASTLE**  
**WESTCHESTER COUNTY**  
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**PLANNING BOARD**  
Christopher Carthy, Chair

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

Valerie B. Desimone,  
Planning Board & Recording Secretary

Conservation Board Representative:  
Jane Black

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**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:**

Mr. Carthy made a motion to approve the minutes from January 12, 2021. Motion was seconded by Mr. Sauro and approved with five ayes.

Mr. Carthy made a motion to approve the minutes from January 26, 2021. Motion was seconded by Mr. Sauro and approved with five ayes.

Mr. Carthy made a motion to approve the minutes from February 22, 2021. Motion was seconded by Mr. Sauro and approved with five ayes.

Mr. Carthy made a motion to approve the minutes from March 8, 2021. Motion was seconded by Mr. Sauro and approved with five ayes.

### **PUBLIC HEARING:**

#### **375 MAIN STREET [2020-011]**

**375 Main Street**

**101.01-1-6**

**Amended Site Plan**

**Leo Napior, HKP Harfenist Kraut & Perlsten LLP**

**Discussion**

**Consideration of resolution of approval**

The subject property is an existing gasoline filling and service station use in the CB Zoning District. In accordance with the prior Site Plan Approval Resolution dated December 9, 2019, the Applicant is proposing to remove the existing structure and fuel dispensers and construct a new 1,800 square foot convenience store, two fuel dispensers, a canopy and other associated site improvements. There are 12 proposed parking spaces. New and enhanced curbing, sidewalks and landscaped areas are proposed on site and in the immediately adjacent rights-of-way for Kent Place and Main Street.

Present for this application was Leo Napior, Hani Sadallah, Robert Bronzino Frank Filiciotto.

Mr. Ruisi read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application. No one was present in the waiting room and no comments were submitted regarding this application.

Mr. Napior summarized the application as noted above and stated he has ZBA approval and would need Town Board special permit approval for outdoor display.

Mr. Napior stated that his client was willing to install decorative streetlights on his property if the town is a co-applicant with NYSDOT and the town maintains the lights. The Planning Board expressed satisfaction with the proposed arrangement.

Mr. Ruisi expressed concern about the sidewalk proposed not holding up over time. He noted while on Main Street near the store "True Grace" and looking down towards the Post Office there were many block pavers broken and cracked. Mr. Cermele stated he would look into that.

Mr. Kaufman reminded the board that the Fee in Lieu of Mitigation for this site as well as the outdoor display has to be decided by the Town Board and the Planning Board will have to make a recommendation on these matters.

A draft resolution will be prepared for a future meeting once the updated plans with the lighting are submitted and the Town Board has made its decision regarding the Fee in Lieu of and the outdoor display.

Mr. Carthy expressed his reservations regarding the outdoor display. He questioned if 360 Main Street was in violation with their outdoor display or was that part of the 360 Main Street approval. Mr. Carthy stated that what is permitted on this site should be consistent across the street.

Mr. Sauro stated that he had concern with respect to the proposed outdoor display area growing larger and expanding over time. Mr. Napier stated that is really an enforcement issue by the Building Inspector.

Mr. Napier stated that the Applicant is contributing a significant amount of money by providing upgraded lighting, sidewalk and landscaping. He noted that every other gas station around has outdoor display areas and he does not want this station to be at a competitive disadvantage.

Mr. Ruisi stated that the applicant is proposing fair and reasonable outdoor display. If it is rational, reasonable and controllable, the outdoor display request should be approved.

Mr. Jensen stated that he does not want the applicant to be at a disadvantage and noted that outdoor displays remind people of items they need and if the display can be safely moved around, he supports it.

Mr. Pollack stated that this is a typical ancillary use to a gas station and that he does not have an issue with that proposed aspect of the site plan.

Mr. Carthy stated that he supports the applicant with a joint application for streetlights with the Town and applicant. He also supports the fee in lieu of mitigation and based on comments from the other board members he supports the outside display.

Mr. Carthy made a motion to recommend positively to the Town Board in regards to the lighting on Main Street that the town be co-applicants to the NYSDOT. Mr. Ruisi seconded the motion and it was approved with five ayes.

Mr. Carthy made a motion to recommend positively to the Town Board that they accept a fee for mitigation that cannot be provided on site. Mr. Ruisi seconded the motion and it was approved with five ayes.

Mr. Ruisi made a motion to close the Public Hearing, Mr. Pollack seconded the motion and it was approved with five ayes.

Applicant will return for a resolution April 26, 2021 providing approvals are granted by the Town Board at their April 14, 2021 meeting.

**ODOARDI [19-039] 7:25**  
**22 Nethermont Avenue**  
**122.16-4-7**  
**Site Plan**  
**Gabriel Senor PC – Eliot Senor, P.E., L.S.**  
**Discussion**

The Applicant has submitted a site plan application for the construction of a proposed new four bedroom 2,134 square foot home, driveway and yard areas on a vacant lot. The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board and Architectural Review Board is warranted. Twelve Town-regulated trees are proposed to be removed and there is no disturbance to Town-regulated steep slopes and no disturbance to Town-regulated wetlands or wetland buffers.

Mr. Sauro read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application. Noticed neighbor Doug Winston, 24 Nethermont Avenue was in the waiting room for this public hearing.

Present for this application were the professionals Gregg Cacioppolia, Elliott Senor and the applicant Mr. Odoardi.

Mr. Caccioppoli reviewed the application as noted above. Revisions to the house were made per comments at the ARB meeting and he presented the updated plan to the board. The board inquired if an internal connection could be made to the home from the garage. Mr. Cacioppolia stated that would require a lot more rock removal and that is why this option was not part of the plan.

Discussion took place regarding access to the site from the garage to the house during inclement weather. Mr. Senor stated that he recalled that the board was not in favor of the extra rock removal for a connection to the house from the basement/garage. If they could minimize the rock removal with input from the Geo Tech perhaps the connection to the house could be made while minimizing the impacts.

Mr. Sauro stated that since there were so many stairs from the garage to the house, he suggested a landing along the way. Mr. Senor stated he could provide these changes and inquired if he would have to return to the ARB, Mr. Kaufman stated he would not

need to return to the ARB.

Mr. Cacioppolia reviewed the comments from the rock removal professionals as discussed at a prior meeting. He reminded the board about the seizmographs at the surrounding homes and if they were in excess of 1 inch per second velocity, the chipping would cease. Mr. Carthy noted this was the first time the board had seen so much detail for rock hammering on a site.

In response to comments, Mr. Senor stated that rock hammering would take about a week on site.

Mr. Carthy expressed his concerns about the lengthy amount of conditions in the resolution to be satisfied.

Discussions took place with Mr. Cermele and Mr. Cacioppolia regarding the conditions to be complied with in the resolution.

Mr. Carthy stated many letters from the residents regarding this site have been received: Nora Kanz Manuele, Laken Masterson, Diana Sinnott, Kaitlin Chieco, Gayle Kolt, John Junker, Doug Winston, Betty Sanchirico, Jim New, Sharon Tomback, Ed Loberman, Michele Falot Simmons,

Doug Winston – 24 Nethermont Avenue stated that some of the addresses surrounding this lot were incorrect on the applicants plans. Mr. Winston stated that this lot does not take into consideration what was done on either side of the lot and there are inaccuracies reflected on the plans in regards to elevations of his existing lot as it relates to the information provide on the plans. He is concerned that the proposed house is 10' higher than his first floor and this is not responsible construction. The topo is not accurate. This site is three feet taller than 20 Nethermont and 13 feet taller than 24 Nethermont.

Mr. Winston presented some photos of the neighboring site. This site plan shows many inaccuracies, in his opinion. He noted that water percolates through the rock under his house and he noted that a crawlspace may not be appropriate. He was concerned with all the water on site would attract termites and does not feel it is responsible construction. He expressed concerns with the rock removal and how the modular house proposed on site not impact the abutting lots when installed. Mr. Winston opined that a draft resolution was premature and was in favor of responsible construction on site.

Mr. Carthy asked how we have the topo information verified. Mr. Winston offered the Mr. Senor to access his property at 24 Nethermont and the board thanked him for his cooperation. Mr. Winston noted the owner at 20 Netheont was not living on site presently and was in the process of selling his property. Mr. Carthy asked staff to reach out to this neighbor to see if the applicant could have access to the property to update

his topo plans information. Mrs. Desimone spoke with the property owner at 20 Nethermont who authorized approval for Mr. Senor to access the front and side of the lot but wanted him escorted with Mr. Winston while at the rear of the site. A sitewalk was scheduled with Mr. Senor and Mr. Winston to access 20 Nethermont Avenue.

Mr. Senor stated he would provide the topo and survey information and the source of the information.

Mr. Carthy asked for a professional land surveyor to verify all the heights. The rest of the board agreed. Mr. Senor agreed to provide the requested information and will verify the grades and topo and will get back to the board, he will also verify the side yard. Mr. Carthy stated the towns professionals will review the information once received.

Mr. Cermele suggested that the applicant present plans showing how the modular house will be staged on the road for installation. Mr. Senor stated that Westchester Modular has been out to the site and has a plan to install the modular house. Mr. Cermele asked to see that plan.

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

### **DISCUSSION:**

#### **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 of site walk**

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 that “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. Werner presented the application as noted above. The board noted the proposed area where the pool was proposed was already cleared. The board members had no issues with the proposed pool location. Discussion took place regarding a professional landscaping plan on site as suggested by the engineer Mr. Werner. The landscaping plan and updated plans will be submitted for the April 12, 2021 meeting.

A public hearing was scheduled for April 12, 2021.

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

**868 North Broadway**

**122.12-5-63**

**Discussion**

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

**Dan Hollis, esq. Hollis, Laidlaw & Simon PC**

Site plan reapproval for the completion of the existing building under construction that would result in a new 4,300 square foot retail building and the construction of various retaining walls. The previously approved site plan resolution has expired. The plans have remained essentially the same. The Applicant is seeking reapproval of the site plan.

Present for this application was Dan Hollis and Tom Kerrigan.

Mr. Hollis brought the board up to date regarding the expired resolution and how he would like a reapproval identical to the first approval. He stated that his client develops property and retains ownership; he does not turn over his properties.

Mr. Kerrigan briefly reviewed the approved plan for the board's reference. Mr. Hollis reminded the board that the ZBA approval for this site restricted the use to only one tenant on site.

The board discussed next steps for the applicant. A public hearing and resolution will be considered at the April 26, 2021 Planning Board meeting.

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

**1503 Old Orchard Street**

**123.05-1-64**

**Concept Plan Discussion**

**Jeri Barrett, Landscape Architect**

Present for this application are the owners Yadin & Ursula Rozov and their professionals Rex Gedney, Jeri Barrett, Dan Holt and Chris Amundson.

Site Plan application is necessary for the proposed estate restoration; the Special Use Permit application expired and will need reapproval to construct the lakeside cabin. The applicant inquired if the variances previously granted from the ZBA were still in effect.

Discussion took place regarding an accessory structure without a primary structure on the lot. Discussions continued regarding the log cabin as the primary structure and then convert the mansion to the primary structure later on. Mr. Kaufman cautioned the

applicant to make sure this was all worked out with the Building Inspector and everything was in order. It was also suggested the caretakers cottage be considered, as a principal dwelling – it was noted the caretaker's cottage was not a stable building.

Mr. Carthy inquired about time saved if the applicant were to obtain a Special Use Permit for the log cabin or whether the cabin was processed as a principal structure.

Mr. Kaufman reviewed prior approvals for this site and what was before the board previously.

The applicant and team will need to submit a Planning Board application and appropriate fees to come before the board.

**THE SUMMIT CLUB AT ARMONK [2020-051]**

**570 Bedford Road**

**101.02-1-28.2**

**Joint Discussion with PB & ARB**

**Residential Site Plan**

**Paul Sysak, RLA ASLA JMC Site Development Consultants**

Planning Board Site Plan, Wetlands Permit, Steep Slopes Permit and Tree Removal Permit Approvals are proposed for the 73 residential units containing 176 bedrooms in seven buildings. Seven of the units will be AFFH units.

Present for this application was Jeff Mendell, Paul Sysak, Ken Anderson, Rich Granoff, Jeff Sherr, Mark Weingarten.

Mr. Weingarten stated he had approval from the ARB for the temporary structure and looks forward to discussing the 73 residential units with the board.

Mr. Scherr presented the landscaping plan and the renderings for the site. The applicant will need to return to the ARB regarding the color for the temporary structure.

Discussion took place regarding the status of building seven, which was eliminated from this plan. The board was pleased with the proposed revision to reduce the building count from seven to six buildings with the same unit count of 73 units.

Mr. Jensen inquired about queuing to enter the site from route 22, it was noted that five cars could queue on site and when there was an event on the site. The Applicant stated that the gate would remain open during large events to prevent traffic from backing up onto NYS Route 22. Mr. Weingarten stated that during events the cars would stop, check in, and the golf clubs would be taken out of the car and the golfer would be directed to the golf course and away from the residential area. Discussion took place regarding the circulation of traffic on site.



It was asked if there was a separate service and delivery entrance from the guest entrance. The applicant stated there was and they were presently before the NYSDOT for this matter. The site exit will be a double car width for a single car exit in case of emergencies.

The applicant is working with the Town Board regarding water issues and is working on the sewer treatment plant and utility lines and wanted to update the board and make sure they were headed in the right direction.

Mr. Weingaraten hopes to return for a public hearing in May, 2021 regarding this application.

Mr. Ruisi asked if tennis courts would be built. Mr. Mendell stated that no courts would be built during the first phase.

Ms. Black was concerned about tree removal on site and had received comments from other residents in town regarding the same comment. Mr. Sysak stated originally, there was significant tree removal with the original plan then a reduced plan was presented and approved and that is the plan that the board is considering. Mr. Weingarten noted that the trees tagged were removed. Ms. Black stated that a recent publication is what prompted this dialogue.

Mr. Carthy stated this application is a great credit to North Castle. Mr. Sauro agreed.

Mr. Kaufman noted that the tennis courts were in a strange location in the front yard and visible from the front entrance to the property and club house. Mr. Mendell stated the kids would have to cross the road on site and was concerned with safety of kids playing in that location.

Ms. Black stated that the Conservation Board would like a joint work session regarding tree ordinances in Westchester County. George Drapeau has done a lot of research on this matter. Tree discussion joint work session will take place on April 26, 2021 from 6:00 – 7:00 p.m.

Mr. Ruisi inquired how we could better handle the issues of the topo maps regarding 22 Nethermont that were raised this evening. Mr. Cermele stated that that professionals signs and seal the plans and they put their name on it.

Mr. Baroni inquired how old of a survey could be used on site, it was noted the survey used was done prior to the houses built on either side of the 22 Nethermont Avenue. Mr. Ruisi stated that in other municipalities you need an updated survey. Mr. Carthy noted that for his job that updated surveys are required; in some cases the same surveyor will go out to the site and bring the survey up to date by verifying the numbers and recertifying the document.

Mr. Carthy asked Mr. Kaufman and Mr. Cermele to look into this survey and come back with comments to the board.

Mr. Carthy made a motion to adjourn the meeting; it was seconded by Mr. Ruisi and approved with five ayes. Meeting adjourned at 10:29 p.m.