



**TOWN OF NORTH CASTLE  
WESTCHESTER COUNTY  
17 Bedford Road  
Armonk, New York 10504-1898**

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**PLANNING BOARD  
Christopher Carthy, Chair**

**NORTH CASTLE PLANNING BOARD MEETING  
VIA ZOOM  
7:00 P.M.  
March 8, 2021**

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**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

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

Valerie B. Desimone,  
Planning Board Secretary

Conservation Board Representative:  
George Drapeau

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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.

Minutes were not voted on this evening.

**PUBLIC HEARING:**

**164 EAST MIDDLE PATENT ROAD [2020-045]**

**164 East Middle Patent Road**

**95.02-2-22**

**Site Plan**

**Lou Demasi**

**Discussion**

**Consideration of resolution of approval**

Present for this application was the owner - Steve Velardo; Landscape Architect - Juliana Alzate; Architect - Lou Demasi.

Mr. Sauro read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application.

The following noticed neighbors were present: Christopher Robbins – 167 East Middle Patent Road; Rod Christie, Executive Director – Mianus River Gorge, Stacy Albanese (Todd Noonan) – 156 East Middle Patent Road.

Site plan application for a 2<sup>nd</sup> story addition to an existing single story house. The alteration to the existing single-family dwelling includes a new second story addition, new walkway, tree removal, patio restoration and new shed. East Middle Patent Road is a designated Scenic Roadway and Planning Board site plan approval is required for this project.

Mr. Demasi described the application as noted above and stated his client has received Architectural Review Board approval as well as Conservation Board approval for this lot.

Mr. Carthy read the email from the neighbor Christopher Robbins on 164 East Middle Patent Road into the record:

Hello,

We live at 167 E Middle Patent Road, Directly across the street from the construction at 164. Our front porch, where we spend a great deal a time, looks directly at the property and the planned home. We are glad the old rotting house is being removed, and replaced with a nice new house, and we think it is fine that the new house will be larger than the previous home. We have reviewed the latest plans, and can't wait to see them finished!

Mr. Carthy read into the record the email from neighbor Todd Noonan, Stacy Albanese.

Adam, thank you for being so very responsive to my email today. As I

mentioned, we are the owners of 156 East Middle Patent Road and were made aware of tonight's hearing by Rod Christie of the Mianus River Gorge Preserve. We have not received any "Notices" from the Town since the last public hearing so I was only able to review this submission briefly, but appreciate that you will raise this issue before the board tonight. I have lived down the road from this site for 20 years and have reviewed the applicant's package of information before the planning board tonight and do not feel it appropriately represents the existing site conditions.

Question/concern - My concern is that our drinking well is directly downstream (south from Piping Brook) from where the applicant is proposing putting in a new septic system. I have attached a photograph that I took today of the NW portion of the 164 East Middle Patent site which is wetlands, not even a wetland buffer. This photograph aligns with the area delineated as "proposed septic fields" on the site plan included in the application (abstract of that area of the site plan is attached). To the extent this area was reviewed during the winter with heavy snow cover, it may have been unclear (without any testing) that this area of 164 East Middle Patent rd becomes part of the watershed come spring. Given the limited site, it is also unclear what the applicant's plan is to deal with what will be a tremendous amount of runoff, from a tremendously larger proposed building.

We would ask that the applicant come back before the planning department with a comprehensive plan to deal with the septic design and stormwater mitigation prior to advancing this application, including deep and percolation soil testing. Have any of the Planning Board members walked the site and what are their views? Thank you.

Mr. Carthy asked Mr. Cermele to respond to the concerns of Todd Noonan's email. Mr. Cermele stated that because the patios and walkways were removed from the original plan and the house is on the same footprint, the impervious surface on site was decreased and with a net reduction, the applicant is not required to provide a stormwater mitigation plan.

Mr. Cermele stated he does not review or approve the location of the septic since that is the responsibility of the Westchester County Board of Health (WCBOH). The BOH reviews and approves the septic fields and location. The applicant has to demonstrate to the satisfaction of the County health department that the septic field location is viable. The BOH also looks at the location of the septic and wells on neighboring sites to make sure that all well and septic locations are at the proper distances from one another.

Mr. Carthy inquired if Mr. Noonan's well was on Mr. Velardo's plan. Mr. Demasi noted that Mr. Noonan does not abut this lot and his well is not on his plan. Mr. Demasi stated

that the plans were updated to show the well and septic locations for BOH review in 2018, which was also approved in 2018. He has not changed anything from that approval.

Mr. Christie stated that the Mianus River Gorge is the neighbor to the north and closest to the septic which is located in the wetland buffer. Mr. Christie reviewed easements in close proximity to this site to the Mianus River Gorge. He explained the route the water takes from this site down to Piping Brook, which is a drinking source. He expressed his concerns regarding the proposed planting plan, remediation plan and impacts of the septic to the functioning wetland on the Mianus River Gorge property. He also expressed concerns that the planting plan can be eaten by wildlife and then not replaced.

Mr. Carthy asked Mr. Cermele to respond. Mr. Cermele stated that the existing home and septic are both very old and we do not know the condition of the existing septic. The applicant is installing a modern septic system which will be a benefit to surrounding properties. He stated that there have been plenty of applications that have been approved in a wetland buffer with mitigation in this municipality and subsequently approved by the County Health Department; this is not the first time it has been done.

Ms. Albanese asked if the board looked at the photo showing the standing water her husband attached to his letter that he sent to the board earlier today. That standing water is in the same location as the proposed septic. She noted an elderly gentleman lived there previously and was concerned with the impact of a four bedroom house will have. She noted her house was built in the 1760's. She asked the board to come out to the site and look at the septic location.

Mr. Cermele stated that the BOH would visit the site and check on the soil and witness the testing. He stated that fill is also proposed in the septic location that is also approved by the BOH.

Mr. Christie was concerned about changing a functioning wetland with bringing in two feet of fill. He noted the same thing happened over at Troy's Nursey, they brought in fill to the wetlands and they were able to get two more building lots.

Mr. Carthy stated that this needs to have BOH review. Mr. Cermele stated that this is an existing building lot with an old septic system and we do not know the condition of the existing system. An updated septic system with today's standards is going to be installed. He reminded the board as he stated earlier, this has been done before.

In response to Mr. Christie's comment about the size of the proposed septic system. Mr. Cermele stated the BOH approves the bedroom count and if the septic field cannot support the bedroom count, the BOH will not grant approval and the applicant will have to reduce the bedroom count or update the plans to support the bedroom count. Either way the BOH makes these decisions.

Mr. Carthy thanked Mr. Christie and Ms. Albanese for their comments this evening and thanked Mr. Cermele for his good explanations.

Mr. Kaufman noted there were no other people in the waiting room.

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

Mr. Carthy noted if the BOH does not sign off on the plans the applicant would have to return to the Planning Board.

It was noted that Health Department comments were omitted from the Draft resolution and the resolution will be updated to reflect these comments after the meeting.

Mr. Jensen suggested a mitigation bond for the wetland mitigation plan should be established due to the concerns raised by Mr. Christie earlier in the meeting.

Mr. Cermele stated that the applicant would have to submit a cost estimate for the Planning Board to approve and refer to the Town Board. An as built will be necessary as well as an annual report submitted annually for the next five years with an 85% survival rate requirement.

Mr. Drapeau, Conservation Board representative walked the site this past weekend and stated there was no water in the proposed septic location. He stated the Conservation Board felt the intrusion was justified based on the remediation. He stated that Craig Benedict, one of their board members, owns a nursesey and had a lot of input on plantings for this site.

Ms. Alzate, the Applicant's landscape architect, stated that they were using native plants and they were deer resistant.

In response to comments, Mr. Cermele stated that there is a detailed outline for the applicant to follow which spells out the mitigation-monitoring plan.

Mr. Drapeau briefly explained the Conservation Boards reasoning for granting this approval.

No further comments were made at this time.

Mr. Jensen made a motion to approve the resolution as amended, Mr. Ruisi seconded it and the resolution was approved as amended with four ayes. Mr. Pollack was not present for the vote.

In response to Mr. Noonan's comment in his email, Mr. Carthy stated that all mailings,

including Mr. Noonan's were mailed timely and correctly.

**THE SUMMIT CLUB AT ARMONK [2021-002]**

**568 Bedford Road**

**101.02-1-28.1**

**Site Plan - Temporary Club House**

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

**Consideration of resolution of approval**

Present for this application was Paul Sysak, Jeff Mendell and Mark Weingarten

Mr. Ruisi read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application.

Noticed neighbor, Tim Shea from the Armonk Tennis Club was present in the waiting room.

Mr. Weingarten summarized the application and brought the board up to date with the most recent approval from the Town Board on February 24, 2021 for a Special Use Permit.

Mr. Paul Sysak reviewed all the temporary locations for the clubhouse trailer, prefabricated pavilion, food truck, bar cart, bathroom facilities and outdoor seating would take place on site. He also noted the parking lot would be restriped.

Mr. Kaufman confirmed that potable water and wastewater will be self-contained and not hooked up to Town water and the on-site sewer plant. The applicant agreed.

Tim Shea, noticed neighbor was invited into the meeting at this time. He wanted to know what specifically was going on at the site since he is the president of the abutting tennis club. Questions were answered to his satisfaction.

Mr. Kaufman noted that Health Department approval is necessary for the food trucks, portable bathrooms and beverage truck.

Mr. Jensen inquired about comments in the resolution regarding noise. Mr. Kaufman noted the activities on the site would have to comply with the noise ordinance as it relates to noise on site.

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 discussed the comment regarding ARB approval for this site and approval from the Building Inspector instead of the ARB. Mr. Weingarten stated what is

proposed is temporary, showed the submission to the board, and said it should not need ARB approval. Mr. Baroni stated this is not temporary and is visible from Route 22 and will be there for a couple of years. Mr. Mendell asked that it be exempt from the ARB. Mr. Baroni said ARB approval is required.

Mrs. Desimone stated the next ARB meeting was April 21, 2021. The applicant is looking to open up on April 1, 2021.

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

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

### **DISCUSSION:**

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

##### **3 Middle Patent Road**

##### **95.03-1-52**

##### **Site Plan**

##### **Glenn Ticehurst, RLA, ASLA**

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

Professionals present Pete Gregory, Seth Ticehurst, Glen Ticehurst and the applicant Lisa Graff.

Mr. Ticehurst noted they submitted plans for the Board's consideration this evening and that a site walk was conducted Friday morning. He noted that steep slopes were on site along with wetlands. He further noted that only a few trees have to be removed. Mr. Ticehurst noted that the site is highly constrained leading to a decision to propose the pool in the front yard. However, he noted that the elevation of the pool is significantly higher than the road and, therefore, the pool will not be visible from the road. He will be going before the ZBA shortly and requested a referral to the ZBA from the Planning Board.

Mr. Ruisi inquired if rock were in the area where the pool is proposed. Mr. Ticehurst stated that it was. Mr. Ruisi noted chipping would take place on site and the applicant would have to adhere to the Town Code on this matter. Mr. Ticehurst understood.

Mr. Jensen expressed his concerns with the driveway running alongside of the proposed pool site and the visibility of the pool by people driving up and down the driveway.

The Board discussed constructing the pool behind the house. It was determined that an area behind the house could not be accessed due to wetland and steep slopes on either side of the house.

Mr. Sauro stated the site walk was very beneficial and informative and was in favor of a positive referral to the ZBA. Mr. Ruisi and Mr. Jensen agreed.

Mr. Sauro made a positive recommendation to the ZBA. Mr. Carthy seconded it and it was approved with four ayes. Mr. Pollack was not present for the vote.

Mr. Kaufman recommended the applicant submit an application to the Conservation Board as this time and work on the chipping plan. Once the applicant has approvals from the Conservation Board and Zoning Board of Appeals, an updated submission containing the proposed chipping plan should be provided to the Planning Board for a public hearing and a draft resolution could be considered, at that time, by the Board. The Board agreed.

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

### **17 North Lake**

**101.02-2-29**

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

**Site Plan – referral from RPRC**

**Discussion of site walk**

Present for this application was Steve Berte.

Site plan application for the construction of a new two-story, single family dwelling with municipal water supply and on-site wastewater treatment system along with pool and driveway. The Residential Project Review Committee referred this project to the Planning Board.

Mr. Kaufman stated that the big issues regarding this application are tree removal, screening, pool location and driveway location.

Mr. Berte presented the plan and noted the septic can only be located in one location, which dictates the pool location. The Board noted that the driveway should be altered per comments at the site walk and the application should provide more screening on site.

Mr. Berte stated that he has a draft landscape plan if the board wanted to see it.

Mr. Ruisi inquired why the house location was changed from the location of the original house on the property. Mr. Berte stated that his client wanted his house to face North Lake and have a larger footprint.



Mr. Sauro inquired if an updated survey was done on site to confirm the location of the stone wall at the side property line. He noted that there may be a difference and that could impact the driveway size.

Continued discussion took place. Mr. Carthy inquired if the width of the space between the driveway and the property line, which is 3-4 feet, is sufficient for screening at the side of the site.

The board stated that once the survey is done, the applicant can review the property lines as it relates to the stone wall, the driveway and landscaping can be reviewed by the professionals to make sure there is sufficient space for landscaping and the driveway.

The Planning Board discussed the pool location. It was mentioned at the site walk that the applicant was not going to build the pool at this time. It was clarified that if the pool were not built timely, the applicant would have to return to the RPRC for approval. The Board felt they should discuss the pool location and impacts should a pool be proposed in the future.

The Board stated that rock removal, steep slopes and vegetation would be impacted if the pool were built.

The board questioned whether the landscaping shown on the approved site plan would be installed if the pool were not built at this time.

The Board agreed that the applicant should obtain an updated survey and resubmit with a landscaping plan.

Mr. Jensen was concerned that the present landscaping around the proposed pool location were the neighbors trees not the applicant's and suggested that additional screening may be required.

A brief discussion took place regarding comments about placement of amenities on site – too close or too far away from the house. Mr. Carthy stated he did not feel that was within the board's purview.

**94 BUSINESS PARK DRIVE [2021-009]**

**94 Business Park Drive**

**108.03-1-50**

**Amended Site Plan**

**Dan Sehnal, PE Dynamic Engineering Consultants**

**Discussion**

Present for this meeting was the Owner-Henry Szwed; applicant - George Reeves; Attorney - Anthony Veneziano; Attorney - Joe Eriole; Architect - John Mannino and Engineer – Daniel Sehnal

Site plan and wetlands permit approvals to demolish the existing motel and the construction of a 71,574 square foot single story warehouse with associated off-street parking and landscaping improvements. The property is approximately 5.5 acres in size and lies within the PLI zoning district.

Mr. Sehnal stated that the flood hazard area and wetlands are located off site. The proposed warehouse is 302' x 237' and the height will be 35 feet. The driveway will remain in the same location and narrowed down to 30 feet and 150 additional parking spaces are proposed and 16 loading areas. Additional trash enclosures are also proposed. The net lot area is the entire area and the FAR is appropriate and compliant. Stormwater management improvements are proposed. Lighting is also proposed with 25' poles and LED lighting that will not spill on abutting lots. Sixty-one trees are proposed to be removed.

John Mannino presented the architectural plans. He presented the two office entry points at either end of the building and stated one could be constructed in the center if the need arises. Earth tones are proposed for the exterior, which have been used on other buildings the client also has.

Mr. Jensen inquired about the floodplain on site. Mr. Sehnal stated there is no work proposed in the floodplain proper and the setbacks will be looked at once the snow melts. A DEC wetland may be needed and the boundary will have to be looked into. The board had no further questions at this time.

It was noted that the Bristol was located to the left of the property. The Board requested some additional information regarding the activity on site and noise associated with those activities and possible impacts with this development to the Bristol next door. They also requested a landscaping plan for the area with particular interest for screening to the Bristol side.

Mr. Veneziano stated he would like to have a meeting with Mr. Kaufman, Mr. Cermele and Joe Eriole. They will work on the environmental concerns and then return to the Planning Board.

Mr. Kaufman noted that screening along northern property line is good comment. He further noted that it may be acceptable to permit the maximum light pole height of 25 feet given the proposed use of the property and proposed building height. He stated that the plan was well designed and should be sent to the Conservation Board and Architectural Review Board at this time.

Mr. Kaufman suggested the applicant work on addressing the comments in the memos while getting their approvals from the Conservation Board and Architectural Review Board. Mr. Cermele stated he would like the applicant to address the environmental issues regarding the floodplain and wetland buffer. Once the applicant has received Conservation Board approval and Architectural Review Board approval and resubmits plans to address the most recent memos, a public hearing can be scheduled with a draft resolution for the board's consideration.

The board and professionals agreed that an uncoordinated SEQRA review was appropriate for this application.

**16 QUAKER MEETING HOUSE ROAD [2021-010] 9:33**  
**16 Quaker Meeting House Road**  
**101.03-4-44**  
**Site Plan – Amended Clearing and Grading Limit Line**  
**Keith Werner, PE Abneman Kirby, LLC**  
**Discussion**

Keith Werner was present for this application.

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.

Mr. Werner described the application as noted above. Mr. Kaufman stated this type of amendment has been approved a few times within this subdivision.

Mr. Kaufman noted that at the time of the subdivision, the Planning Board decided to retain natural screening between the lots and the perimeter of the subdivision. There is a note on the plat that in order to change the Clearing and Grading Limit lines the applicant would need site plan approval from the Planning Board.

The Board agreed instead of a neighbor notification that a public hearing take place regarding this application.

A site walk was scheduled for March 17<sup>th</sup> at 8:30 a.m. and the applicant will return to the

March 22, 2021 Planning Board meeting for discussion of site walk. The board will then decide if the applicant can go for a public hearing and consider a draft resolution of approval at that time.

**IBM PARKING LOT EXPANSION [20-002]**

**1 North Castle Drive**

**108.03-1-62**

**Amended site plan for construction of additional off-street parking**

**Pietro Catizone, PE Catizone Engineering, PC**

**Consideration of extension of time resolution**

Present for this application was Pietro Catizone.

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

**IBM PARKING LOT EXPANSION [17-017]**

**1 North Castle Drive**

**108.03-1-62**

**Amended site plan for construction of additional off-street parking**

**Pietro Catizone, PE Catizone Engineering, PC**

**Consideration of 3<sup>rd</sup> extension of time resolution**

Present for this application was Pietro Catizone.

Mr. Carthy made a motion to approve the extension of time request. Mr. Ruisi seconded the motion and it was approved with four ayes. Mr. Pollack was not present for the vote.

Mr. Carthy made a motion to adjourn the Meeting, Mr. Sauro seconded the motion and it was approved with four ayes. The meeting was adjourned at 9:48 p.m.