



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

**NORTH CASTLE
PLANNING & ARCHITECTURAL REVIEW BOARD WORK SESSION
MONDAY FEBRUARY 8, 2021
6:00 p.m. via Zoom**

PLANNING BOARD MEMBERS PRESENT

Chairman Christopher Carthy, Steve Sauro, Michael Pollack, Jim Jensen
Absent: Lawrence Ruisi

Architectural Review Board Members Present:

Chairman Beata Buhl Tatka, Susan Geffen, John Scarlato Jr., Angelo Monaco, Christopher Tuzzo.

North Castle Professionals Present:

Adam R. Kaufman, AICP - Director of Planning
John Kellard, PE - Kellard Sessions Consulting
Roland A. Baroni, Esq. Town Counsel
Valerie B. Desimone – Planning Board and Recording Secretary

Present on behalf of The Summit Club – 570 Bedford Road

Summit Partner - Jeffrey Mendell; Attorney Mark Weingarten; Engineer - Paul Sysak;
Architect – Rich Granoff

Mr. Weingarten summarized the application to date. Mr. Mendell reviewed the transition of Brynwood to the Summit Club. Mr. Granoff presented the residential component of the application, which consisted of seven buildings with underground parking and an elevator to the unit. Amenities include a pool, fitness area, tennis courts, heavily landscaped site and landscaping along the stonewall on Route 22 so that it will not be visible from Route 22. There will be one entry to the site in its present location that serves the club and residences. Photos were presented of the renderings, elevations and landscaping from multiple locations on site. Cross sections were also presented from various points on and off site.

In response to comments from the ARB, Mr. Granoff stated that each unit will have built in electronic shades and are equipped with solar sensors to go up and down. Units will be between 2,400 – 3,000 square feet and penthouses will be 4,000 square feet. Seventy-three units are proposed and will have between two and four bedrooms.

The ARB members were pleased with the project as presented and opined that it looked like real estate in Florida and suggested the roof be pitched due to the snow in this area. Since the site was not visible from the road, they were not as concerned with the appearance of the project. A brief discussion took place regarding translucent glass in the windows. It was noted that the cross sections of the roads to the buildings was helpful. They appreciated that building seven was only two stories and not visible from Route 22.

The ARB concluded that the applicant was going in the right direction with this application and the Planning Board was satisfied with the ARB comments.

Mr. Carthy made a motion to adjourn the work session, Mr. Sauro seconded the motion and it was approved with 5 ayes. Work Session adjourned at 7:13 p.m.

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

PLANNING BOARD MEMBERS:

Christopher Carthy, Chairman
Steve Sauro
Michael Pollack
Jim Jensen
Lawrence Ruisi

Also Present:

Adam R. Kaufman, AICP
Director of Planning

John Kellard, PE
Kellard Sessions Consulting

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

Conservation Board Representative:
John Krupa

PUBLIC COMMENT PROCEDURE:

Public comments can be submitted to 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.

Meeting began at 7:14 p.m.

PUBLIC HEARING:

8 BEAL PLACE [2020-050]

122.16-3-61

Special Use Permit for Accessory Apartment

Discussion

Consideration of Resolution of approval

Special Use Permit application for the legalization of a 1-bedroom accessory apartment attached to the existing single family home, driveway and access to the site will remain unchanged, no tree removal, steep slope disturbance or wetland permit is necessary.

Present for this application was Peter Miley.

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

Mr. Miley presented the application as noted above and has reviewed the draft resolution with his client.

Mr. Kaufman stated there was no one in the waiting room regarding this application.

Questions regarding the resolution were answered to the applicant's satisfaction.

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

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

5 NORTH GREENWICH RD [2020-053]

5 N. Greenwich Rd.

108.03-3-14

Ken Okamoto, AIA

Discussion

Consideration of resolution of approval

Amended site plan application for the installation of two new 50 kW generators at the rear of the existing building. Property is located within the PBO and R-1A Zoning Districts

Present for this application was Ken Okamoto and Jami Colombino.

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

Mr. Okamoto reviewed the application as noted above.

Discussions took place regarding sideyard and rearyard setbacks and the location of the generator. Plans will be updated showing the edge of the generator to the setbacks.

The board was pleased with the sound attenuation features proposed for the generator and noted that the sound attenuation features must be maintained on the generator and replaced when necessary. The Board noted that there were no bollards on the plan. In

response to comments, Mr. Kaufman stated the diesel fuel was stored below the generator and there was access from the road to fill it up. Continued discussion took place regarding bollards on site.

Mr. Kaufman stated there was no one in the waiting room regarding this application.

Mr. Pollack made a motion to close the public hearing. Mr. Sauro seconded the motion and it was approved with five ayes.

Mr. Pollack made a motion to approve the resolution as amended. Mr. Sauro seconded the motion and it was approved with five ayes.

DISCUSSION:

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. In addition, 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.

Present for this application was Kory Salomone, Pete Gregory, Nazar Massouh,

Mr. Salomone briefly summarized the application for the board. He stated that he is happy to discuss the most recent site walk, most recent alternative presented and hoping to get a referral to the Conservation Board and once completed return to Planning for a public hearing.

Mr. Carthy stated that the board needs to have further discussion regarding natural fill vs. geofoam fill on site. Discussions took place regarding the comprehensive plan compliance of this application.

Mr. Gregory presented the plan based on comments from the second site walk. Discussions took place amongst the board members and professionals. The preferred layout was then presented for comparison. Mr. Massouh stated that he would like to

proceed with the preferred plan but did not want to be sent down a road that was not going to lead to completion.

Mr. Sauro stated that he was concerned with truck trips and preferred natural fill.

Mr. Massouh reminded the board that they are expeditiously working on the plans for the playroom and gymnastic area. He thought that the material removed from this addition would reduce the amount of fill that needed to be brought on site next door. Mr. Gregory stated that he could look into that and if the side slopes were altered with the material from the playroom addition that would reduce the amount of material brought on site.

Mr. Carthy thanked the applicant for listening to the board and coming back with an alternative that was outside the box with the Geofoam. He appreciates its use and economic impact on the Saw Mill River Parkway but has reservations about this in a residential area. Mr. Ruisi agreed with Mr. Sauro and Mr. Carthy regarding the preference of natural fill but still has concerns with the massive level of disturbance to the site. Mr. Jensen agrees with the other board members that he prefers natural fill and agrees with Mr. Ruisi's concerns regarding the enormous amount of disturbance on site with all the engineering and environmental impacts as it relates to the Comprehensive Plan.

Mr. Kaufman reviewed items for the board from his memo regarding the impact matrix between proposals. Mr. Pollack inquired if there was a method out there to be compliant with the comprehensive plan and if either natural fill or Geofoam was an alternative the board could support.

Mr. Carthy stated the board has raised valid points and the applicant has heard them and feels he can ameliorate some of the matters. Discussions took place whether or not this application can be approved. Mr. Massouh stated that has heard the board's concerns regarding the size of the project and amount of fill to be brought in and would not like to hit a dead end on this matter. Mr. Gregory stated that there are three components to the mitigation - forest restoration for the portion of the driveway that is being removed - slope stabilization mitigation which will have a landscape component associated with it - and a wetland mitigation for the areas in the wetland buffer that will be disturbed. The Board requested that the Applicant, prior to going before the Conservation Board, try to offset disturbances.

Mr. Salomone understands the Comprehensive plan and how it says to minimize the impacts to the steep slopes. He asked the board if with a mitigation of 2:1 doesn't that somewhat offset those impacts? He then asked if the Conservation Board blesses the wetland permit and mitigation plan would that impact how the Planning Board views compliance with the Comprehensive Plan? Mr. Carthy stated that the Conservation Board reviews mitigation for wetlands, not steep slopes and other disturbances on site.

Mr. Salomone inquired if his team can demonstrate adequate mitigation to the Planning Board with respect to the steep slopes; does that mitigate how you are viewing the impacts to the comprehensive plan?

Mr. Carthy stated to the Applicant that the Board has expressed some reservation and the Applicant should continue to put the best plan together and show what remediation you can do. Mr. Salomone stated that a plan utilizing natural fill will be developed and submitted to the Planning Board for review. Mr. Pollack asked to see some details regarding the flow of water as mentioned in Kellard Sessions memo. Mr. Massouh stated that he could commit to reducing the amount of fill by half from what was originally proposed. He wanted to know if that would impact the board's thinking. Mr. Carthy stated that the board has not quantified the amount that is acceptable, but reductions in impact would be moving in the right direction. Mr. Ruisi reminded the applicant that it is not only the amount of fill brought in, it is the overall amount of disturbance to the site. Mr. Massouh stated that the project has been before the board for seven months and several revised plans have been submitted to the Planning Board and is puzzled how the board can't provide him with any guidance. Mr. Carthy stated he is not unsympathetic of his concerns. Continued discussion took place.

Mr. Massouh suggested the board refer this application to the Conservation Board with this plan and he will address the Planning Board comments with his next submission. The board discussed this request. Mr. Carthy asked for the board's input regarding this referral. The board agreed to send the applicant to the Conservation Board with the understanding that it does not guarantee an approval when the applicant returns.

Mr. Carthy made a motion to refer this plan to the Conservation Board. Mr. Pollack seconded the motion and it was approved with five ayes.

**375 MAIN STREET [2020-011]
375 Main Street
101.01-1-6
Amended Site Plan
Leo Napior, HKP Harfenist Kraut & Perlsten LLP
Discussion**

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 seeking approval to redevelop the property. Specifically, 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 (i.e. sidewalks, curbing, landscaped areas, etc.). There are 11 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 Danny Porco, Frank Filiciotto, Robert Bronzino and Leo Napior.

Mr. Napior refreshed the board's memory with the proposed application as noted above and updated the board with the status of the application.

Mr. Kaufman stated that Mr. Napior's response memo was very helpful. He stated that the Town Board would have to decide on the fee in-lieu of mitigation option. He also stated that he was generally ok with the canopy, fueling and gas location and noted the new location of the vacuum on site.

Outside display for seasonal amenities was discussed at this time like firewood and windshield wiper fluid. Mr. Sauro stated that outdoor displays tend to grow and be cluttered.

Mr. Kaufman reminded the board that the site plan was acceptable they could refer it to the Zoning Board of Appeals and Town Board. Mr. Carthy asked to discuss the landscaping plan at the rear of the site facing Main Street.

Mr. Baroni inquired if other gas stations have approval for outdoor storage. He thought that Armonk Gas Stations had approval but was not sure about gas stations in North White Plains.

Mr. Napior discussed the licensed agreement to remove the fence and install landscaping on the neighboring property. Mr. Baroni stated that license agreements can be rescinded.

Mr. Sauro suggested dressing up the windows with taller evergreens and lower ground cover. Mr. Napior will discuss this with his client. Mr. Ruisi stated that he found the proposed outdoor display acceptable. Mr. Jensen stated that he wanted consistency across town regarding outdoor displays. The exterior can be much nicer if done artfully and not unsightly. He could accept outdoor displays if done consistently and appropriately.

Mr. Sauro stated that he does not want unsightly clutter and agrees with Mr. Jensen that outdoor displays should be done consistently and attractively. Mr. Pollack inquired if there was an alternative location for the outdoor display items. Mr. Carthy expressed his concern with outdoor displays and how it grows and further develops over time and has a tendency to become unsightly.

Mr. Carthy suggested that these concerns be sent to the Town Board.

Discussions took place regarding the parallel parking spaces in the North East Corner, which would require a variance for the backup space. Mr. Kellard suggested employee parking space in front of the trash refuse since the trash is removed during the early morning hours. Mr. Porco will look into that.

Mr. Carthy inquired if the plans should be updated before giving the referral to the ZBA. Mr. Baroni stated that a negative declaration has to be approved before the applicant can go to the ZBA. Mrs. Desimone stated the next submission deadline was Wednesday, February 10 by 4:00 p.m. for the February 22, 2021 Planning Board agenda. The applicant said they would be able to resubmit by then. Mr. Porco asked for the referral to the ZBA this evening with anticipation of appearing before the Planning Board at their next meeting to get the negative declaration which would be before the ZBA meets in the beginning of March.

Mr. Ruisi inquired about the heaving pavers on Main Street and wanted to know what the applicant was planning to put down for their sidewalk because he did not want this pattern to continue on this site. Details on the existing pavers will be provided to the applicant.

Mr. Carthy summarized that if the referral is made to the ZBA by this evening based on the submitted plans, the applicant will have to resubmit to the Planning Board with revised plans by Wednesday for February 22 Planning Board meeting. The applicant could get their negative declaration at the Planning Board meeting on February 22, 2021 which would be in time for the ZBA meeting. The applicant stated he would put in the request for the parking to the ZBA and could always retract the request while before the ZBA.

Mr. Jensen stated that he agreed with Mr. Ruisi's comments regarding the pavers. He inquired if the streetlights would match the ones already on Main Street to continue the continuity of Main Street. Mr. Kaufman stated that the applicant did not propose to construct decorative street lights but that was something the board could request of the Applicant. The board asked the applicant to provide the street light details on his lot with his next submission.

In response to comments, Mr. Porco was advised that he may start the process with the Town Board. He also noted that he will work on the outdoor display and see if the handicapped access could be relocated. Mr. Kellard suggested widening the sidewalk access into the building, which would allow room for an outdoor display. Mr. Carthy suggested an indent with the building, which would allow the outdoor display to remain flush with the building. The applicant will look into that but wondered if the would require a return trip to the ZBA.

Mr. Porco presented the monument sign location, which is proposed in the southeast corner. The proposed sign was 36 square feet without the pedestal, the code permits 24 square feet and this is one of the variances to be requested from the ZBA. Mr. Porco stated he had ARB approval providing that ZBA approval is granted.

Mr. Carthy made a referral to the ZBA, Mr. Ruisi seconded the motion and it was approved with five ayes.

**100 BUSINESS PARK [2020-016]
100 Business Park Drive
108.03-1-51
Site Plan Approval
Paul Sysak, RLA John Meyer Consulting
Discussion
Consideration of Resolution of approval**

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.

Present Paul R. Sysak, RLA, ASLA, Paul J. Dumont, PE; Leonard Jackson, Curt Johnson.

Mr. Sysak updated the board regarding the progress of the application. He stated that he was last before the board in April 2020 and since that time he has appeared before the Conservation Board and received approval for the 2:1 mitigation proposed. He was also before the Town Board where a flood development permit variance was issued eliminating the requirement for compensatory flood storage.

Mr. Kaufman stated that loading in front of the building was discussed at the last meeting and the applicant was asked for some alternatives which were not provided. He noted that the Board needs to decide if outdoor storage will be permitted and, if so, should be shown on the plan. Mr. Kaufman reminded the applicant that enclosing the loading area was discussed at the last meeting. Mr. Sysak noted that he was concerned about this request encroaching further into wetland setback. Mr. Kaufman suggested that it could be flush with the building. Mr. Sysak stated that a portion of the outdoor storage would remain on site, which will wrap around the back of the site and should not be impactful; this will be temporarily staged outside to put all the materials together for a client to pick up. All jobs may not come in on one tractor-trailer.

Temporary storage may rotate in and out to complete all the materials for a job. Discussions took place where unloading would take place as it relate to the outside temporary storage.

Elevations were presented at this time by Curt Johnson. Screening of the loading dock was also discussed. Mr. Jensen inquired if any other building on Business Park had the loading dock in front of the building. Mr. Kaufman stated that the building next door has one in the front but could not recall any other buildings with a front loading zone on Business Park Drive.

Mr. Sysak stated that this applicant has spent a lot of money on this site and the site is well maintained and the board would not have to worry about it looking unsightly.

Mr. Sauro stated he does not have any issues with the loading area in front of the building and with the proposed landscaping. Mr. Pollack and Mr. Ruisi agreed with Mr. Sauro.

Mr. Ruisi made a motion to refer this applicant to the ZBA. Mr. Sauro seconded the motion and it was approved with five ayes.

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

The applicant noted that they had received ARB approval during the summer of 2020.

When the applicant returns the board will be in a position to hold a public hearing and consider a resolution at that time.

124 OLD MOUNT KISCO ROAD [2021-004]

124 Old Mount Kisco Road

108.01-1-20

Subdivision & Site Plan approval

Kory Salomone, Esq. the Law Office of Kory Salomone P.C.

Subdivision of an existing lot with one existing home and one damaged home into two lots located in the R-10 (10,000 s.f. lots) Zoning District. Lot 1 is proposed to be 8,616 s.f. and Lot 2 is proposed to be 7,577 s.f. Both new lots are not zoning compliant and will require the issuance of several variances.

Present for this application is Kory Salomone, Ralph Alfonzetti and Frank Madonna.

Mr. Salomone presented the application as noted above and stated that the existing conditions plans show two residences, the red house on the right was built in 1850 and the white house on the left was built in 1924. Both houses are classified as principal single-family homes, neither being incidental nor subordinate to the other. The white house is considered as preexisting non-conforming use. In July of last year, the white house had a fire and 50-75% of it was destroyed. Mr. Salomone stated that Mr. Kaufman's memo had two alternates in order to proceed and felt that a subdivision with variances would be the best way to proceed by eliminating the non-conforming use. His client offered an easement to make both lots conforming in lot size.

In response to Mr. Carthy's comments, Mr. Kaufman stated that he preferred the other alternative to what Mr. Salomone is proposing because nine variances are necessary for that subdivision request. He noted there is a provision in the code to address the matter at hand. Mr. Salomone stated that this would not be a detriment to the neighborhood and prior to the fire these homes fit in with the existing neighborhood. Mr. Madonna stated that almost all of the houses in the neighborhood are existing non-conforming and there is only one well servicing both lots. Mr. Madonna opined that this was the simplest situation.

Discussions took place regarding the size of the house that would best fit in the neighborhood. Mr. Madonna stated that he was also donating 1 ½ acres behind the proposed house. Continued discussions took place regarding dimensional non-conformities vs. continuing the non-conforming use.

It was noted that a referral to the ZBA for a subdivision must have a positive or negative recommendation with it. Mr. Madonna reminded the board that the easements proposed will bring both lots to 10,000 square foot lots. He also noted he could submit information regarding access to the 1 ½ acre vacant lot along with this lot to create a Conservation Subdivision. Mr. Kaufman stated that information would have to be submitted to make that determination.

The board stated they were not in a position to make a recommendation this evening. They asked the applicant to stake the corners of the lots so they could all drive past the site before the next meeting.

Mr. Carthy made a motion adjourn the meeting. Mr. Sauro seconded the motion and it was approved with five ayes. Meeting adjourned at 10:53 p.m.