

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 p.m.  
February 14, 2011**

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**PLANNING BOARD MEMBERS PRESENT:**

John Delano, Acting Chairman  
Jane Black  
Steve Sauro  
Beata Tatka

**PLANNING BOARD MEMBERS ABSENT:**

Peg Michelman, Chair

**ALSO PRESENT:**

Adam R. Kaufman, AICP  
Director of Planning

Jerry Reilly, Esq. Town Counsel  
Stephens, Baroni, Reilly & Lewis, LLP

Ryan Coyne, P.E.  
Kellard Sessions Consulting, P.C.  
Consulting Town Engineers

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

Peter Limburg  
Conservation Board Representative

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The meeting was called to order at 7:00 p.m.

**APPROVAL OF MINUTES:**

January 24, 2011

Mr. Delano asked for a motion to approve the January 24, 2011 minutes as revised. Ms. Black made a motion to approve. It was second by Mr. Sauro and approved with three Ayes. Mr. Delano abstained from the vote and Ms. Michelman was not present for the vote.

**PUBLIC HEARING:**

**ZENG**

**Site Plan**

**Section 2, Block 17, Lot 2G-1**

**46 N. Greenwich Road**

**John Woodruff, Architect**

**Discussion**

**Consideration of site plan and wetland permit resolution**

John Woodruff and Mr. Zeng were present this evening.

Mr. Delano read the affidavit of publication for the record. There were no noticed neighbors present. (later on during the public hearing, noticed neighbors, Mr. & Mrs. Wiker, 50 North Greenwich Road came to the meeting) Mrs. Desimone stated that all paperwork was in order for this application and 5 out of 5 green cards were returned.

Mr. Woodruff stated that this was new construction of a 5,700 square foot home. There is a man made pond on site. This application has also been before the Conservation Board. The house will not be in the wetland buffer, a portion of the driveway and part of the deck and patio will be in the wetland buffer. A mitigation plan has been proposed regarding the disturbance to the wetland buffer.

Mr. Woodruff has reviewed the resolution of approval and can comply with the conditions in the resolution. He will follow up with Mr. Coyne regarding his conditions.

After a brief discussion condition number 11 on page 6 and item number 1 under Other Conditions on page 7 was revised to state that "Prior to starting any work in the wetland and wetland buffer the applicant shall contact the Conservation Board to schedule a site visit ..... " The condition was clarified to read wetland and wetland buffer.

Mr. Delano asked the board members and professionals if they had any other comments or questions regarding this application or resolution at this time.

Noticed neighbors Jane and Bob Wiker, 50 North Greenwich road entered the meeting room at this time regarding this application. Mr. Delano asked the neighbors if they had any comments or questions regarding this application.

Mrs. Wiker stated that she wanted to confirm that since the last time this application was before the Conservation Board that there had been no changes to the house location and the amount of trees along the driveway. Mr. Woodruff stated that the house location has remained the same as well as the tree line along the driveway has remained the same since their last appearance before the Conservation Board. Mr. & Mrs. Wiker were pleased to hear this.

Mr. Delano asked if anyone else had any other comments or concerns at this time. The board felt this application had been discussed thoroughly and had no further comments.

Ms. Black made a motion to close the public hearing. Mr. Sauro second the motion and it was approved with four Ayes. Ms. Michelman was not present for the vote.

Mr. Delano asked if anyone had any other comments or concerns regarding the resolution other than what was already discussed. No one had any other comments.

Mr. Delano asked for a motion to approve the Zeng resolution as amended. Ms. Black made a motion to approve the resolution. It was second by Ms. Tatka and approved with four Ayes. Ms. Michelman was not present for the vote.

### **PUBLIC HEARING Con't :**

#### **BENNIS**

#### **Special Use Permit**

#### **Section 1, Block 3, Lot 6.B**

#### **250 East Middle Patent Road**

#### **Jerry Barrett, J.D. Barrett & Assoc. LLC**

#### **Discussion**

#### **Consideration of special use permit resolution**

Present this evening was Mr. Bennis and his professionals Jerry Barret, Landscape Architect and Mike Sirignano, attorney.

Mr. Delano stated that this was a continuing public hearing and asked if there was anyone present for this application.

Present was Charlie Martabano attorney for Todd Mydland and Abbey Simpson representing 32 St. Mary's Church Road and living at P.O. Box 148 - Pound Ridge, NY 10576. Stan McWiggin, 244 East Middle Patent Road and Rod Christie, Executive Director of the Mianus Gorge Preserve, 17 East Middle Patent Road.

Mr. Sirignano stated that the Zoning Board of Appeals resolution regarding this application has not been filed with the Town Clerk's office. He felt it would be beneficial for the Planning Board to have the opportunity review the ZBA resolution before continuing with this application. He asked that this application be adjourned until February 28, 2011.

Mr. Delano asked for a motion to adjourn the Bennis public hearing at the applicants request to February 28, 2011. Ms. Black made a motion to adjourn the public hearing. It was second by Mr. Sauro and approved with four Ayes. Ms. Michelman was not present for the vote.

**DISCUSSION:**

**90 BUSINESS PARK DRIVE**

**Referral from the Town Board**

**90 Business Park Drive**

**Sec 2, Blk 16, Lot 11.B08**

**Anthony Veneziano, Esq. Veneziano Associates**

**Discussion**

Contract vendee Steve Krieger from The Engel Berman Group was present as well as his professionals, Anthony Veneziano, Esq. - Veneziano Associates, John Saccardi, AICP - Saccardi & Schiff VHB, Steven Grogg, PE - M.C. Laren P.C., and John Collins – John Collins Engineering P.C. Traffic – Transportation, SFC.

Mr. Veneziano noted for the record that this application was referred from the Town Board to the Planning Board. He would like to review the modified EAF (Environmental Assessment Form) for the assisted living application which is proposed on a 6.44 acre site with 140 rooms and 175 beds with the Planning Board this evening. Mr. Veneziano stated that procedurally, he would like the board to declare lead agency and issue a negative declaration when appropriate and then a referral back to the Town Board.

Mr. Saccardi recapped the changes made to the building from the last meeting, reducing the building height from a four story to a three story building, rotating the building 90 degrees with parking in front of the building and moving the building further away from Route 22.

Mr. Saccardi continued. There are two main issues the board has to address before a recommendation can be made back to the Town Board. The first one is Land Use and Zoning issues regarding an amendment to the Town Comprehensive Plan and an amendment to the PLI (Planning Light Industry) zone. Mr. Saccardi stated that Mr. Kaufman had proposed some language in his memos to be used for these changes. Mr. Saccardi stated that he is comfortable with the language as proposed except for a slight difference in the calculations for the parking requirements. He will review that with Mr. Kaufman.

Mr. Saccardi stated that in regards to a comment in a memo prepared by Mr. Kaufman, the 10 space parking lot does raise a site plan issue with the location of the 10 parking spaces in front of the building, he did not feel this location was out of context with the site and there will be substantial landscaping in that area as well. He noted that this is more of a site plan issue and he raised this issue because it was referenced in Mr. Kaufman's memo. Perhaps land banking those parking spaces would be an option.

Mr. Saccardi continued. There are different ways to measure or calculate the maximum density of the site - The intensity of the use and the FAR (Floor Area Ratio) of the site. The intensity is very low for this type of use. The FAR was not submitted in this draft because the assisted living facility is such a low intensity use. Mr. Saccardi went into more detail regarding the different

types of FAR use and how they compare to one another. He would like to bring back to the Town Board a base FAR amount and proceed from there. Mr. Saccardi reminded the board that Mr. Kaufman noted in his memo that according to the Town Comprehensive plan, for certain types of uses, the Town Board could consider a bonus to increase the intensity of the site. He would like to return to the Town Board with a base FAR amount and hopefully the Town Board will approve this bonus with certain provisions his client can provide to the town ie: 20 % of the units can be lower cost assisted living units and/or parts of the building will be open for use to the Community at certain times.

Mr. Saccardi would like to sit down and discuss the FAR with Mr. Kaufman.

Mr. Saccardi stated that Mr. Kaufman also mentioned in his memo two elements of the community – the amount of 911 calls and the provision of a sidewalk along Business Park to Route 22. His client has been in contact with six other Assisted Living units the Engle Berman Group has opened and there are on average of six calls per month over the last three years. The average age of the clients on site are 83 years old and van service will be provided for the residents to Armonk and White Plains. There will also be a lot of facilities on site, indoor and outdoor. There notion was not to have their residents walk to town, especially over Route 22. Traffic information was also included in the recent submission and this type of use has a low use. The working shifts for this site are all off peak with. The levels of services are adequate levels on site and are a level C.

Mr. Grogg stated that he has reviewed the comments from the Town Engineer and Director of Planning. Currently the water and sewer plant is operating with a 26,000 gallon a day excess. The flow rate information will be provided to the DEC and they will issue their comments. He will also review the flow rate figures with Mr. Coyne regarding the amount of gallons used per day, per bed on site. Mr. Coyne calculated 96 gallons and Mr. Grogg calculated 80 gallons per day. Mr. Grogg will provide additional information supporting the 80 gallons a day, per bed. There will be water saving features installed on site, ie : laundry machines, sinks and toilets. Practical and low maintenance landscaping will be provided with rain sensitive irrigation. There will be no cooling tower on site for the Air Conditioning which will not have a large draw on water during the summer.

Mr. Grogg continued in response to comments in the memos regarding storm water wetlands and flood plains. This will be addressed at site plan approval and will be done according to the regulations of the NYDEC as well as North Castle regulations. He reminded the board that this site does have a vested site plan for a 104,000 square foot office building. The proposed site plan will not be in the wetland buffer. Based on the most recent survey there will be no flood plain impact on site. This information can be provided.

Mr. Saccardi stated that he would like to address any issues the Town may have in order for the town to consider issuing a negative declaration. Mr. Kaufman stated that we need to know the cumulative impacts of the traffic on Business Park Drive and the sewer and water impacts which are big community impacts. We also need to know the wetland, wetland buffer and flood plain impacts which the applicant said earlier, they would address.

Mr. Collins noted that the traffic information was in the appendix of the EAF. The information referenced traffic with and without the proposed supermarket in the appendix. Saturday levels of service would get worse with the supermarket, as you would expect, but can still operate at reasonable levels of service.

Mr. Kaufman stated that the next step was to deal with the density issue and once there is some consensus on that issue then the applicant should submit larger scale plans, equivalent to a site plan, so the Planning Board can move closer to issuing a negative declaration and proceed from there.

Mr. Limberg, Conservation Board Representative, inquired how far into the wetland buffer and how many square feet into the Wetland buffer will this application go. Mr. Sacardi stated that he will provide Mr. Limberg with this information. (an email will be sent to Mr. Kaufman with this information who will forward it to the Conservation Board)

Mr. Veneziano stated that he would like to continue this application at the next meeting. He would also like to know what the board likes and does not like regarding this application. The board had no major issues at this time and conceptually likes the application. The main issues to focus on at this point are the density and the water & sewer.

Meeting adjourned at 7:40 p.m.