

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
MAY 14, 2012**

PLANNING BOARD MEMBERS PRESENT: Robert M. Greene, Chairman
 John P. Delano
 Steve Sauro
 Guy Mezzancello
 Art Adelman

ALSO PRESENT: Adam R. Kaufman, AICP
 Director of Planning

 John Kellard, PE
 Consulting Town Engineer
 Kellard Sessions PC

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

 Valerie B. Desimone
 Planning Board Secretary
 Recording Secretary

 Conservation Board Representative:
 Larry Nokes

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

APPROVAL OF MINUTES:

April 9, 2012

Mr. Delano made a motion to approve the April 9th minutes as amended. Mr. Adelman second the motion and it was approved by five Ayes.

PUBLIC HEARING:

STERLING RD SOUTH SUBDIVISION

10 Sterling Road South

Section 2 Block 17 Lot 4.G

Westcon Custom Builders, Inc.

Subdivision of a 4.0 acre lot into a two lot residential subdivision.

Mr. Greene read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application. Present for this application was David and Lisa Lefkowitz, 14 Sterling Road South.

Present on behalf of the applicant was Michael Stein, PE. Contract vendee Joseph Daniels was also present.

Mr. Stein stated that the lot was located south of Route 22 and West of Creamer Road. The property was zoned R2A and there is a wetlands along the rear of the site. A variance was granted by the ZBA for both lots. Septic fields and wells are proposed for both lots. There is an existing house on site and which will be demolished and the existing septic abandoned.

Mr. Greene stated that he had received a letter from the neighbors at 14 Sterling Road South; the Lefkowitz's who have some concerns about this subdivision.

In response to Mr. Greene's comment, Mr. Stein stated that the footprint shown on the plans before the board are the plans that the applicant will be filing with the building department for a permit

Mr. Greene asked if any of the neighbors were present and had any questions. Mr. Lefkowitz stated that his main concerns were maintaining his privacy and landscaping. He would like a dense evergreen screening to protect the privacy of his bedroom and bathroom which faces the proposed lot. He realized this is not part of the subdivision approval and wanted to make sure that the Town and the Board were aware of his concerns.

Mr. Greene stated that new construction would appear before the RPRC. The RPRC is sensitive to screening, Mr. Kaufman noted that if the screening is not adequately addressed the RPRC could send the applicant back to the Planning Board. Typically the Planning Board, Town or approving agency usually wants

the impacts of the subdivision on the applicant and not the neighbors. Just because the applicant is showing the house and driveway locations in the configuration now, does not mean when they go before the board that the house and driveway location will remain the same.

In response to Mr. Lefkowitz's comment, Mr. Greene stated the he could submit written comments to the RPRC and the RPRC agenda's are posted on the website and they can look for this applicant on the agenda.

Mr. Adelman stated to the applicant that they have heard the concerns of the neighbors and the board considers this a reasonable request. It would be wise as you prepare to go before the RPRC to address the screening issue and perhaps flipping the driveways. Mr. Stein stated he would review flipping the driveways but noted that may not work because the septic would be closer and the screening may be reduced, but would consider it. Mr. Greene stated that there is enough space to plant a dense screening between the lots. If the Planning Board or RPRC requires landscaping, the applicant must maintain the plantings and replace any that die during the next growing season.

Mr. Kellard noted the septic and well information on both lots was not submitted and the adjacent well locations were not submitted either and without this information we do not know if these are viable lots. Mr. Stein stated this information was submitted with the last submission. Mr. Kellard stated he did not have this information in his file.

Mr. Delano stated that the proposed wells are not shown, the adjoining wells are not shown on the plan, and he noted the septic was not shown on the plan. He also reviewed the soil percolation test data for both lots, it did not make sense. Mr. Stein stated that information had not been finalized yet. Mr. Kellard stated that is where his issue is, we are looking at septic plans with no well information; which could significantly impact the layout once you do get that information. The board agreed to make these items as conditions to be completed before final subdivision approval.

Mr. Greene asked for a motion to close the public hearing. Mr. Adelman made a motion to close the public hearing and it was second by Mr. Greene and approved with five ayes.

Mr. Delano made some comments regarding the preliminary plat submitted. He stated that Colombo was spelt wrong, the wells were not shown on his plans, the fire district listed is incorrect, there is no EMS district, it is an ALS district, and the preliminary plat is not labeled correctly and should be in the file so many days before the public hearing. He did not think the public hearing should be closed without having a plan in the file properly labeled as preliminary plat for the public to look at. The property owner's name Franks is spelt differently than what is spelt on the application form.

Mr. Greene stated that he would like the items corrected and would not want to hold this applicant up for these reasons. Mr. Adelman expressed his concern that we may close the public hearing and not have two building lots as Mr. Kellard noted earlier.

Mr. Joseph Daniels stated that he was present when the board of health witnessed the percolation tests and they were excellent. He has the neighboring well locations and all the septic and well information will be on the next set of plans submitted to the board. The board and Mr. Kellard were comfortable moving forward with the application at this time with the resolution updated with the items discussed above.

Mr. Adelman made a motion to close the public hearing. Mr. Greene second the motion, it was approved with four Ayes. Mr. Delano voted nay.

Mr. Greene made a motion to approve the preliminary subdivision as amended this evening, Mr. Adelman second the motion and it was approved with four Ayes. Mr. Delano voted nay.

ASSISTED LIVING PROJECT

90 Business Park Drive

Section 2 Block 16 Lot 11.B08

Mark Miller, Esq. Veneziano & Associates

Amended site plan for a revised building that contains two additional units and an increase in the floor area from 119,785 square feet to 123,277 square feet.

Present for this application was Mark Miller attorney for the applicant as well as the principal of Engle Berman, Steve Krieger; Steve Grogg, PE and David Mammina, AIA.

Chairman Greene read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application. The property owner of 99 Business Park Drive, Mike Fareri was present for this public hearing.

Mr. Miller stated that his client is here this evening for an amended site plan application for some minor revisions. Previously approved was 136 units and now there will be 138 units. The footprint remains the same. The boiler location was moved from the 2nd to the 3rd floor. A Country Kitchen and music room was also added. The bedroom count was reduced from 148 beds to 146 beds. The water and sewer demand were originally for 150 beds and or 140 units and the applicant is still within that limit. The median at the entrance to Business Park was originally proposed to be eliminated. We are two feet short of DOT standards to eliminate the median. John Collins traffic engineer further reviewed the project and determined if the median was pulled back off of Route 22 and made narrower, there would be enough room for all of the dedicated turning lanes and provide a sign within the median. Mike Galante has also reviewed the plan and is in agreement with Mr. Collins suggestions. He can accommodate the comments made in both professionals memos. Mr. Miller received today via email his Westchester County stream permit. He has Fire Department sign off and ARB approval for the Building but not for the sign. The applicant is also no longer requesting a subdivision for the lot.

Mr. Fareri sated that he was in favor of this applicant and the changes proposed. He expressed concerns about the entrance to Route 22. The guardrail on the south side of route 22 is taken down and repaired almost monthly by NYS. He opined that it would be better if the median were removed; he was concerned

about the turning radius of the tractor trailer trucks entering the site. He looks forward to the completion of this project.

Mr. Adelman inquired about traffic detection as noted on page 12, item 1 in the resolution. Mr. Kaufman explained how the traffic detection works based on the time of day and amount of traffic.

Mr. Mezzancello inquired about the smoke purge system. He was concerned that seniors would take longer to exit the building and wanted to know why there was no need for a smoke purge system. Mr. Mammina stated that the building was built according to NYS code and he did review every comment made by the Fire Department. There are 10 smoke compartments on every floor in addition to the fact that this is noncombustible construction. Originally the fire department thought this was a wood building and no Bristol buildings have ever been built with wood. When the alarm goes off, the location of the fire is identified on site.

Lengthy discussions were had at this time regarding the proposed sign at the entrance to Business Park. Discussions were had regarding its appearance, location, size and which company name or names would or would not appear on the sign. The applicant was concerned his business would be hurt without a sign as no one knows they are there. Mr. Kaufman noted the original approval had no median and no sign at the entrance to Business Park. Mr. Greene inquired who would conduct the research to determine who would and would not have their business on the sign.

Mr. Baroni stated that the entrance to Business Park is Town property and in the past the Town has not allowed private signs on the Town Right of Way. The Town Board would approve this sign, not the ARB. The sign that is their now was put up before the road was dedicated to the Town. The applicant will appear before whichever board is appropriate for the sign.

Discussions took place regarding the recreation fees. It was noted that you can not guarantee that tenants will not use the Towns recreation facilities. All of the amenities provided on site as previously noted at past meetings were reviewed again. The applicant asked for the fees to be reduced to 300 per unit. Mr. Kaufman stated that code states that new subdivision lots collect \$10,000. per lot, multifamily lots collect 3,000. and the Town Board already recently passed legislation to collect \$1,000. per unit. (There is already a 90% discount from a subdivision lots)

Continued discussion took place regarding the recreation fees, Mr. Miller stated that it was noted that the average age of a resident was 85 years old and there is nothing in the record that reflects residents will go into town and use the town facilities. In response to comments from the board Mr. Krieger stated that there would be 148 beds and approximately 25 employees on one shift. The residents will not use the town facilities.

Mr. Baroni stated that when Whippoorwill Hills and Whippoorwill Ridge were built there were no reductions to those fees given and they have extensive recreation facilities on site. The resolution was edited to move the collection of recreation fees to prior to the issuance of a C.O.

Mr. Greene asked for a motion to close the Public hearing. Mr. Delano made a motion to close. It was second by Mr. Adelman and approved with five Ayes.

Mr. Greene made a motion to approve the site plan application as amended and amend the resolution to move the collection of recreation fees to prior to the issuance of a CO. Mr. Adelman second the motion and it was approved with five Ayes.

DISCUSSION

ST. NERSESS ARMENIAN SEMINARY

486 Bedford Rd

Section 2 Block 8 Lot 17.B

Seth Mandelbaum, Esq. McCullough, Goldberger and Stout

Robert Aiello, PE John Meyer Consulting

Site plan, wetlands and special use permit referral from Town Board, renovation and adaptive reuse of the existing buildings and the construction of a new 8,400 square foot, one-story theological center which includes a library and private chapel on the 5.55 acre property. The property is located within the R-2A Zoning District.

Present for this application was Bob Stanzialle, AIA; Rob Aiello, PE, John Meyer Consulting; Seth Mandelbaum, Esq., McCullough, Goldberger & Stout and his business associate RE Tran; Mr. Kevork Toroyan representative from St. Nersess Armenian Seminary. Rabi Krantz and Ross Honick from Congregation B'Nai Israel.

Also present was Errole Cvern, 11 Seymour Place East abutting property owner along with his lawyer Mr. Wyatt.

Mr. Mandelbaum introduced the professionals and applicants present and refreshed the board members regarding the proposed use and location of the site. He reviewed some of the outstanding issues on site. He stated that approximately 300 days a year training is conducted on site as well as continuing education, graduation in the spring and typically 2 Fundraising events annually and a summer conference – not a summer camp. The summer conference is for teenagers and young adults interested in the Armenian Faith or clergy. There is an Armenian summer camp called St. Vartan run in Greenville, NY. The camp and summer conference are run during the same period but are very different programs.

Mr. Mandelbaum continued: An up dated storm water plan was submitted, he has satisfied the FP Clark comments. An agreement for the overflow parking has been proposed to take place at the temple on the few occasions each year that it is needed. He spoke with his clients regarding their needs and consideration of neighboring lots. There will be about 20 people on site for approximately 300 days a year and a maximum of 40 people during the summer conference of which 30 will be overnight guests. There may be 65 people present at a graduation and up to 40 people present at a lecture. This application is mindful of religious use and neighborhood use, noise, privacy and visual impacts. He has met with Mr. Cvern at his home along with Mr. Cvern's architect and attorney and will work out his concerns. His client did not take the matter lightly and has worked very hard to address the concerns of the neighbor.

Mr. Aiello noted at the last meeting it was questioned why the location of buildings were in the places proposed. He reviewed the original plan and the adaptive reuse of the existing buildings and why things were placed on site from an engineering standpoint due to slopes, site constraints, storm water, septic and well information. He noted the applicant installed a second well on site. He also reviewed the under story screening to supplement the existing screening.

Mr. Aiello then reviewed the updated plan and the changes made to the plan which has also been discussed and presented to Mr. Cvern. Mr. Aiello stated that a significant amount of landscaping has been added to the rear of the site as well as a retaining wall 13' tall and the extensive landscape plan was also reviewed that would be planted along the base of the wall. He then reviewed the

landscaping plan for the top of the retaining wall to screen out as much of the building as possible. He continued to review the height of the buildings and architecture of the buildings.

Mr. Aiello continued: Due to the concerns of the neighbor regarding people exiting the Armenian site and entering other properties off site, a 1,400 foot beige or tan fence with 8' foot high PVC fencing is proposed along the southern, northern and western property lines. The under story landscaping proposed along the northern and southern border has been removed due to the fence having the same function. These upgrades come to an added expense to his client in excess of \$100,000. He also noted that while the building is placed at double the setbacks, no activities will be proposed at the rear of the site.

In response to Mr. Greene's comment, Mr. Aiello explained the details of the stabilized stone wall at the rear of the site.

In response to Mr. Greene's comment, Mr. Aiello reviewed the details of the privacy fence. Mr. Greene was concerned about the maintenance of this fence.

Mr. Sauro was concerned about the visual impact of the fence as proposed with beige or tan color and suggested a forest green to help it blend in the woods better. He suggested that the fence not go right to Route 22 and to start setback back from the road so that it will not draw so much attention when driving by.

Mr. Adelman inquired if the privacy fence should only be at the rear of the site to satisfy Mr. Cvern's concerns. He felt it was overkill to have it along the sides of the property as well. Mr. Cvern spoke from the audience at this time and it was inaudible.

Mr. Greene stated that you have to give the applicant credit; they have proceeded with how we hope every applicant would proceed in this manor, by sitting down with their neighbor and trying to resolve the issues. There has been a lot of give and take and he felt that 95% of the concerns have been addressed. He agreed that the fence should be pushed back from Route 22 and not draw attention to the site when driving by. The applicant agreed.

Discussions were had regarding the cap on the amount of people on site.

In response to Mr. Greene's comment, Mr. Mandelbaum stated that his client will

have to return to the ARB one more time.

In response to Mr. Greene's comment regarding SHPO (State Historic Preservation Office), Mr. Mandelbaum stated that there were some materials found around the main house, consistent to a house built in the 1800's, and since his client does not own the property yet, they can not proceed with the usual requests of SHPO at this time. SHPO agreed to hold off on their testing until the applicant is the owner and asked that they are a part of the construction process, do all the necessary testing, report anything else found and submit a final report.

A negative declaration will be prepared for consideration of approval by the Planning Board at the next meeting.

Mr. Wyatt thanked the applicant for meeting with him and for the significant changes in the landscaping. The issue he was concerned about was the location of the building and the large swath of the view from Mr. Cvern's home. Mr. Cvern asked his landscape architect to develop an alternative plan to eliminate the need for such a large view from his house by rotating the plan. He would like his professional, Jerry Barret, to present a plan that would not require so much landscaping. Mr. Barret also had some suggestions regarding the proposed landscaping. Mr. Wyatt asked the board if they would give his client's professionals a few minutes to present their plan. Mr. Greene stated that tonight was not the forum for this material; the public hearing would have been the appropriate forum. Mr. Wyatt asked to submit his plans to the board for their review. Mr. Greene agreed to the request.

CAVALLARO

Appeal of RPRC Decision

477 Bedford Road (Rondeau)

Section 1 Block 9 Lot 17-2.B

Paul T. Vink, Esq. Andrew Greene & Associates

New Construction.

Present for this application was the applicant Mr. Cavallaro and his attorney, Paul Vink and his professional Barry Naderman, PE.

Also present is the abutting property owner, Mr. Rondeau and his professionals Joe Palumbo, architect and Frank Guiliano, landscape architect.

Also present was abutting property owner John Cronin and Mr. Rondeau's realtor Julie Schneider.

The appeal came before the board at the last meeting and was adjourned to see if the neighbors could meet and resolve their issues. The full board and professionals also conducted a site walk since the last meeting to make sure everyone was clear on the matters raised by both sides. Chairman Greene, Mr. Kaufman, Mr. Cermele recused themselves at this time since they were present at the original RPRC meeting.

Mr. Vink stated that his client is concerned with the location of the house on the abutting lot which appeared before the RPRC. The Planning Board has been out to the site since the last meeting. The RPRC process was created to streamline the process for applications that do not have any impact as set forth in the Town Code. Section 45-4-B states if the RPRC determines that the project will not have an environmental, aesthetic or any other impact a majority shall exempt it from the review process. Clearly, concerns were expressed by the neighbor, his client, regarding the aesthetics and financial impact of the proposed house location to his client and the RPRC approved the application without even going on a site walk. That decision was improper. Given the concerns, the Planning Board should review this application in a regular process.

Mr. Palumbo stated that this lot was subdivided in 1992 and his lot has met all of the proposed set backs according to the code. The proposal was submitted with a significant screening plan, at great expense. The RPRC was given the proper information throughout the process. An email was sent to Mr. Cavallaro on Friday proposing to increase the height of the trees and the increased landscaping was reviewed at this time.

In response to Mr. Adelman's comment. Mr. Vink stated that we have not been able to reach a resolution on this matter and that is why this application has to appear before the Planning Board. The fact that we are still talking about proposed landscaping and additional screening is why this should appear before the Planning Board.

Mr. Delano stated that since he has been out to the site, Mr. Vink has made a valid point, when Mr. Cavallaro looks out of his window he will see a house. This is not North White Plains where you see everyone's house. He feels that Mr. Naderman has prepared some alternate plans which takes advantage of the

existing vegetation and the plans appear to show less construction costs than what Mr. Rondeau's professionals prepared. This information should be considered before the RPRC or the Planning Board.

Mr. Mezzancello stated that he has visited the site and thought the two neighbors were going to try and resolve this matter and add some more privacy to the Cavallaro site. He agrees with Mr. Delano that it should be looked at more closely and it is a large house and visible from Mr. Cavallaro's backyard.

In response to Mr. Sauro comment, Mr. Baroni stated that you need to determine whether or not there are issues here that are complex enough that should cause the application to come before the Planning Board instead of the simpler process of the RPRC. If you are thinking there is legitimacy to the alternative locations that would be the basis for over turning the RPRC decision.

Mr. Sauro inquired what prevents us from moving the house location to where the Cavallaro's want it moved and working with him prior to coming here.

Mr. Palumbo stated that the first time he met with the neighbors his proposal was to move the house back 125' and the second proposal was to move the house back 100'. We have an approved Westchester County septic system, there are no variances for the property, all setbacks have been met, and we prepared a landscape plan. To not allow the property owner to build his house within the guidelines of the town code - it requires him to go back to Westchester County for another septic approval, this would remove the property owners backyard, which everyone has a right to a back yard and a swimming pool, all of which meets all of the codes of the town. Even if the house were moved the neighbor to the rear of the site might jump up and say I don't like the house location either. He opined that the site walk really confirmed whether the house was here or here really did not matter. We confirmed at the site walk that from Mr. Cavallaro's deck you could see the Rondeau's garage and cars, the house was not discussed. A property owner in town has made a submission and the submission has met all of the requirements of the town, has gone before the RPRC and received approval from the RPRC. The compromise proposed is 100 – 125 feet. The rights of the property owner are very strong and we have been working with the applicant. The board should vote to keep the decision of the RPRC and let his client build, he has ARB approval. There are no issues with the Town Engineer. It appears that you might be considering asking his client to go above and beyond the Town Code.

Discussions were had regarding the landscaping and location of the house.

Mr. Vink stated that the RPRC visited the site after the fact and did not vote again on this application when they met again. His client would like to see the house built on the same place as shown on the integrated plot plan. We realize the location was not binding but that is what his client looked at before he purchased his lot. Again, this is why this application should come before the Planning Board.

Mr. Adelman stated that he was very hopeful that a compromise would have come between the two parties. He understands how Mr. Cavallaro has grown accustomed to looking at woods, which is a problem with any new construction in our town or any town. As was noted this application is completely in conformance according to the Town Code. It seems to him that moving the house a bit and providing additional and larger trees is a reasonable offer.

Julie Schneider, realtor who sold Mr. Rondeau his lot. Mr. Rondeau spoke with representatives from the town, hired an engineer and went before the Conservation Board; he did his homework before purchasing this lot. This lot was on the market for 1,760 days (almost 5 years). Mr. Cavallaro was aware this lot was on the market and he could have purchased it. If the house is moved the pool location is no good. It is disheartening that the neighbor comes in and complains and Mr. Rondeau has to jump through all of these hoops.

Mr. Naderman stated that Mr. Cavallaro has reviewed at his expense to see if the house could be moved. No one suggested the house should not be built, we are debating if this should appear before the Planning Board or not. There were other applications before the board this evening where the neighbors were heard. A letter was sent to the RPRC before the meeting and RPRC should have sent it to the Planning Board.

John Cronin, 481 Bedford Road abuts this lot and feels the RPRC is streamlining applications but there has to be better communication to the residents.

Mr. Sauro stated that the house is within the setbacks on all accounts and should not overturn the RPRC decision. Mr. Adelman agrees.

Mr. Delano noted one person complained about St. Nersess and one person complained about 10 Sterling Road South. Mr. Sauro noted that both of those applications had to appear before the Planning Board and this applicant did not have to appear before this board.

Mr. Adelman stated that as the realtor stated, someone owns every vacant lot in town and pays taxes on those lots and has the right to develop it. There will always be an impact on neighbors when developing a vacant lot.

Mr. Vink and Mr. Palumbo reiterated their comments once again to the board.

Mr. Adelman asked for a motion to affirm the action of the RPRC. Mr. Sauro and Mr. Adelman voted yes. Mr. Delano and Mr. Mezzancello vote no. The absent board member counts as a no vote. The decision of the RPRC was overturned and the matter will proceed to the Planning Board.

MARGOLIN

Discussion

15 Gifford Lake Drive

Section 1 Block 9 Lot 13-9

Consideration of approving site development plan resolution for the construction of a 5,490 square foot home.

Mr. Greene asked for a motion to approve the Margolin resolution. Mr. Delano made a motion to approve. It was second by Mr. Sauro and it was approved with five Ayes.

AMEC CONSTRUCTION, LLC

BUILDING MATERIAL YARD

2 Bates Lane, Bedford

Section 1 Block 11 Lots 10.C01

Ralph MacDonald Company, Dennis Lowes

Site plan approval for the storage and sales of building materials.

Present for this application is Sy Gruza from Cuddy & Feder, Manager Jeff Soss and Property owner Guy Mazzola Jr. from AMEC Construction as well as Dennis Lowes, S.E. Minor,

Mr. Gruza introduced his team and stated that this site is located at 2 Bates Lane and has had storage and sale of construction material for over 50 years. The sale and storage of construction material is a permitted use in the CB district. This is a legal non conforming use which does not have an approved site plan. There will be no new buildings, no relocation of where the process takes place. There is a wall at the rear of the site which prevents product and storm water from going into the wetlands at the rear of the property. There has been a wall and the wall is showing its age. The DEC has delineated the wetland area and the DEC wanted a new wall put up and his client was agreeable to that. There are other yards in the area and this type of use is consistent with the character of the neighborhood.

Mr. Lowes stated that the applicant will clean up the site; the material will now be separated and stored into different bins until the material is out loaded to a construction site. The Lot is 2.7 acres. The applicant is only really concerned with 1.88 acres. The site also has two residences and a private automobile maintenance shop. There is also a large garage for maintenance of the AMEC equipment on site. Nothing is proposed near either residence on site, Bates Lane is a private lane. A gate is proposed at Bates Lane and emergency personnel will be given a code to access the site.

Mr. Lowes stated that some work has begun, there was 25' of mixed material on site earlier this year and AMEC has been working to clean that up and grade the area so that a drainage system can get into the site. The proposal is for a 25' tall wall around the site. A wetland delineation was done on site back in February. The regulated 100 foot wetland buffer affects the entire construction yard. There is an existing septic system on site which was approved by the Health Department in 1989. There are spaces dedicated for overnight storage for dump trucks and employee parking, employee count on site would be between 5 – 8 people. The equipment that would be resident on the yard would be an excavator or two, large bucket loaders, a machine that screens and separates the material that comes onto the yard from off site construction work and an occasional tractor trailer low boy. Once the clean up and development are

complete, there will be 20 round trips a day by dump truck. The site has been gently sloped to the north and the applicant would like to install a siltation like basin which would absorb runoff coming down the site. A siltation separator is proposed at the bottom of the site. A permit has been submitted to the DEC for a fresh water wetland permit. The DEC has suggested keeping some space behind the wall for filtering plants to filter any water before it gets to the wetland.

Mr. Gruza stated that he has reviewed the professional's memos regarding this application.

Mr. Greene noted that the board has been out to the site and there is a concern about the noise coming from the site, there have been a lot of complaints and a stop work order was issued because the code does not permit the processing of material on site or rock crushing on site. He also noted while out at the site walk a lot of the pre-cast walls were already constructed. We do not know anything about the integrity of the walls or how they were constructed, he is aware that pictures and notes were taken of walls and that issue will be resolved with the Town Engineer. Mr. Greene stated that these walls need to be engineered and noted that the walls were 16 – 20 tall and the walls were not pinned and held up by gravity. He would like the applicant to return to the board with stamped engineered plans for the wall. He would prefer walls shorter than 25'. The walls as they exist between 16 -20 feet high on site are already scary. The board needs a narrative and description of what has been done so we can make sure it was done right.

Mr. Greene stated we need to be clear that the mechanical separation (separates 3 - 4 inch rocks all the way down to a fine powder) is different from processing material (rock crushing) and the Town will monitor that. The applicant told Mr. Greene that when rock needs to be crushed, it is brought off site and crushed at the location that it is needed or brought back to the site and stored in the bins for a future use.

Mr. Gruza stated that he will submit an application to the Conservation Board and has submitted his application to the DEC. He noted that some of the board members were not able to attend the site walk and was happy to schedule another site walk for them to visit the site. He was not clear why he had to go to Westchester County Board of Health regarding the septic. He will provide the 1989 septic information to Mr. Kellard.

Mr. Gruza was not clear why he had to go to the ARB. Mr. Kaufman stated that due to the proposed height of the wall he did not know if the board wanted to get some input from the ARB. Mr. Greene inquired if there was any land around where the wall is proposed, that could be developed and would be impacted visually by such a high wall. An unknown voice stated that all of the property to the west had already been developed. Mr. Lowes stated that there was a residence about 500 feet away.

Mr. Greene was very concerned about a 25' high wall. Mr. Mazzola stated that he wanted to guarantee that no piles of materials went into the wetlands. We don't need the wall to be 25'; we thought piles would never get over a wall that tall. Typically the bins are 12 - 15 feet tall. Mr. Adelman and Mr. Mezzancello stated that was a much better height. Mr. Mazzola stated that he would adhere the heights of 12 -15' walls with his structural engineer.

Mr. Greene asked for a motion to declare lead agency intent. Mr. Adelman made a motion to declare lead agency. It was second by Mr. Sauro and approved with four Ayes. Mr. Delano voted nay.

After a brief discussion, the board and professionals agreed that it was too soon to declare lead agency intent.

Mr. Greene asked for a motion to rescind lead agency intent. Mr. Adelman made a motion to rescind lead agency intent. Mr. Sauro second the motion and it was approved with five ayes.

CVS

Discussion

450 Main Street,

Section 2 Block 13 Lots 7A & 10A

Site development plan for various amendments to the site and the establishment of a 17,389 square foot pharmacy and 2,497 square foot retail space.

Present for this application is Al DelBello, Esq. DelBello, Donnellan Weingarten, Wise and Wiederkehr LLP; AJ Barbado, Gershwin, Brown and Crowley. Paul Vitaliano, Civil Engineer from VHB.

Mr. DelBello submitted to the board the closing times of all of the CSV's within a five mile radius, as requested at the last meeting. The applicant has also appeared before the ARB.

Mr. Barbado stated during the last meeting it was expressed by the board that they were concerned with the lack of diversity and materials and wanted the applicant to match the building with the hamlet design guidelines with breaking up the facade and adding more architectural details. Several different details have been added, stone was added to a lot of the columns on the façade. Parapets were added to the plan to give it more of a village feel. Details of the material proposed were reviewed at this time. Dormers and Conceptual approval was granted from the ARB last week. Signage for the site still has to be presented to the ARB. The ARB will visit the site to finalize the roof shingle and color for the rear of the site.

Mr. Greene stated that the applicant and ARB have worked very hard to make quite a substantial improvement from the first go around and it looks a lot more like it belongs in Armonk then it did with the first version.

Mr. DelBello also stated that the board requested a connection to the site from the Hergenhan Recreation Center as well as improved access from Maple Avenue.

Mr. Vitaliano stated that he has reviewed comments from FP Clark and the FP Clark memo agreed with his traffic assessment that there would be no significant impact to the site. The Truck turning radius and size of the trucks, as requested in the FP Clark memo, was submitted very late today to Mr. Kaufman. Two loading areas are provided and this board can waive one of those loading areas. CVS has stated that they will only require one loading dock. An alternative sketch has been provided showing the elimination of one of the loading docks and that area is configured to allow traffic to leave the drive through and drive around the building, avoiding the loading area and parking spaces.

Mr. Vitaliano stated that also referenced in the FP Clark memo was the Maple Avenue entrance to the site. Currently the entrance is 22 feet wide and the Town has asked for this access to be improved. The applicant is considering the proposal that was given by the abutting property owner regarding widening the driveway to 24' and providing a sidewalk and landscaping. The applicant will continue the sidewalk once on his property to a crosswalk to enter CVS.

Mr. Vitaliano also stated that the Town would like an access to the Hergenhan Recreation Center. His recommendation, for safety reasons, was a one way entrance into the CVS parking lot that would be 15' wide with a stop bar prior to entering the CVS parking lot. As a result of this entrance, it would require four parking spaces to be land banked. In addition to the four other proposed land banked parking spaces for a total of eight on site. These were the main concerns raised at the last meeting.

Al Delbello stated that with regard to the next door neighbor and access from Maple Avenue. The neighbor will install and maintain the sidewalk, he has a number of legal issues that need to be discussed with the neighbor's attorney which he has not had a chance to do yet. This is subject that his client and the neighbors come to an appropriate agreement and how that is maintained.

Mr. Kaufman asked Mr. Vitaliano if the aesthetic issue was addressed with the bollards. He noted this comment was in his original memo about coming up with an alternative to what was originally proposed. Mr. Vitaliano stated that more decorative bollards were addressed on the architectural rendering which was displayed on the easel at this time. Mr. Vitaliano noted it was hard for the board to see the decorative bollards and the details would be worked out with the architect. Mr. Sauro asked if the bollards could be incorporated into a stone planter or something similar with picking up some of the bases of the colonial columns. The applicant said they would go over all of this detail and return to the board. Mr. Sauro stated that the applicant has done a fantastic job since the first submission and thanked the applicant for that.

Mr. Greene stated that all the initial concerns have been addressed. Members of the public have noted a concern about the socioeconomic impact that a store of this size and this type may have on the down town area and the merchants. Not a competition necessarily, the over all impact to the town. He would like the applicant to provide a background study on that information for the board to study and review. Mr. DelBello stated that information will be provided, a company has to be chosen and the information would be provided within approximately 6 weeks. Mr. Greene asked that the applicant share who the professional is that will be preparing the report with the board once decided upon.

Discussions were had regarding the next steps for this project.

MARIANI GARDEN CENTER

45 Bedford Road

Section 2, Block 16, Lot 34

Dan Hollis, Esq. Shamberg, Marwell & Hollis, PC

Referral from Town Board - Amended Site Plan application

Amendment of the Town Code with respect to accessory cafes and Nursery Business uses as well as the addition of a new accessory use to permit social functions.

Present for this applicant was Dan Hollis, Esq. and Megan Collins, Esq. from Shamberg, Marwell and Hollis as well as Rob Aiello, PE John Meyer Consulting.

Mr. Hollis stated that he has been referred to this board from the Town Board regarding certain proposed amendments to the proposed language and schedule of uses in the NB Zone. Nine amendments are proposed. First, increasing the seating from 16 to 32 seats; The Cafe size would increase from 1500 – 2000 square feet; allowing take out food as a permitted use, allowing alcohol permitted on premises, allowing waitress staff; allowing café to be operated by someone other than the owner; expanding definition of what can be sold in retail store; permitting social functions within the retail area for social functions. Mr. Hollis would like the board to make a referral back to the Town Board regarding these amendments which are less expansive than the prior application back in October, 2011.

Discussions were had regarding what is proposed, what is and is not acceptable, site plan revisions, valet parking and tent location, what the maximum occupancy for events would be, location of parked cars for valet parking and what other uses would be impacted by the tent.

In response to Mr. Greene's comment, Mr. Hollis stated that Valet parking would go into effect if the café was increased to 32 seats and a luncheon of 50 people took place on site and the retail was open. Valet parking would also be used if a large event like a wedding with 150 people took place on site. The tent would be placed at the end of the retail building near Bedford Road. Cars can be parked behind the building, during the day there is a lot of empty space where cars can be parked. He felt that removing the tent after an event within 24 hours was inappropriate and somewhere between 36 - 48 hours would be more appropriate.

Mr. Kaufman stated that is going to be a significant issue for the town. There are other uses that could be potentially impacted by that tent, especially if it is going to be there for a long time. He is especially concerned with the impact of noise if it is outdoors and that is an issue the Town Board and Planning Board will have to deal with. Mr. Hollis stated that he has read those comments in Mr. Kaufman's memo but that is more of a site plan issue.

Mr. Aiello stated that he worked on this project when originally built. In regards to the valet parking he can provide additional parking studies which will include a parking analysis to show what is being used presently on site. He noted this site is unique; there is a lot of flexibility regarding the rear use of the site.

Mr. Hollis stated that when the original application was before the board it was referred to the NYS Office Parks and Recreation and there were no issues during the original application. It was noted in Mr. Kaufman's memo that the application as presented today should be referred to the NYSOPR and he did not see any issues arising from this application either.

Mr. Hollis stated that social functions could use a caterer other than Mariani. A wedding would be held in the off hours of the Mariani operations as they will not happen at the same time.

In response to Mr. Greene's comment Mr. Hollis stated that the lot will remain as it is, it will be utilized differently. Mr. Greene stated that he would like to see a step by step circulation diagram regarding the valet parking and pedestrian traffic from once someone enters the site until that person exits the site. Mr. Hollis will provide that information. Mr. Greene would like to know how many people this facility will hold. Mr. Hollis stated that he has not reached that figure yet but it will be according to the Fire Code based on the square footage of the site. Mr. Aiello stated that the total GFA of the Garden Market Building is 17,000 square feet which includes the basement. If you do not include the basement the footprint itself would be 14,000 square feet. The land banked parking has never been used and there is some additional space for overnight storage of trucks is not used presently.

Mr. Sauro stated that he was concerned about the noise impacts on site in regards to weddings and musical bands on site. The greenhouse is made out of glass with cement floors; he was concerned about the noise impacts on site and neighboring sites and suggested a report be done regarding the noise.

Mr. Greene noted that the board is happy to hear comments from the residents but noted this was not a public hearing and asked the comments be brief and not repetitive.

Ann Lee Milani, Warden St. Stephens Church stated that she had significant concerns regarding the noise and traffic of the proposal. She is concerned about the larger events with loud noises, all leaving at the same time, drinking alcohol at the event and driving through town after the event. She agrees with Mr. Kaufman's comments regarding referrals with this application. She was not sure when she could submit comments and would like to know how and when she can do that. She is very concerned about the zoning change and the change would follow with future property owners. She noted there was no requirement to valet park or park on site and she was concerned that people would park on the Street, at the church or in Armonk Square, she was also concerned about the historic district and the effects this type of use would have on it.

Neil Bauman, 20 year resident and long time member of St. Stephens Church, submitted letters to the board from the church regarding their position on this application. Mr. Hollis stated that his client's lot was not in the historic district.

Mr. Greene asked for a motion to declare lead agency intent. Mr. Adelman made a motion to approve. It was second by Mr. Delano and approved with five Ayes.

99 BUSINESS PARK DRIVE

99 Business Park Drive

Section 2, Block 16, Lot 11.B09

Dan Holt, PE Holt Engineering & Consulting PA

Michael Fareri, Property owner

Expansion of the existing parking area by 98 parking spaces and a change of use from office space to office and warehouse space.

Mr. Fareri thanked Mr. Greene and Supervisor Arden for all of their work; it is more than a full time job. He has never seen a supervisor at a Planning Board meeting before this evening and felt it was impressive that Supervisor Arden was present to get familiar with everything. He thanked Supervisor Arden and Chairman Greene for making our Town a better place.

Mr. Fareri stated that he is present before the board this evening for an amended site plan at 99 Business Park which is also home to The Gym. Originally the 70,000 square foot Jelenko building was constructed in 1978 and broken down into three quadrants. Presently, The Gym occupies 43,588 square feet and 24,000 square feet has been vacant for three years now. The Gym requires 1 parking space per every 200 square feet of space which is 218 parking spaces. The Gym membership is between 2,500 – 3,000 presently and growing. The office space requires 1 parking space for every 250 square feet for a total of 96 parking spaces and grand total 314 parking spaces for both uses. Presently there are 327 parking spaces on site.

Mr. Fareri presented an as built drawings from 1978 at this time. He would like to break down the office space to several different uses, he is not sure how it will look as he does not have any tenants lined up at this time, and he is trying to make the site flexible for rentals. Presently there is a parking deficiency on site. Once the parking spaces are addressed, he feels he will have a better chance at renting the building. He is trying to make a flex building which would encompass warehouse, office or a combination of both, there could be garage doors across two sides of the building with an office appearance across the front of the building. There may be multiple entrances to the front of the building. The spaces could be between 900 and 1,500 square feet, someone may want two spaces for their use. The unrented space taxes per year is \$100,000. a year. He was hoping The Gym would expand and they are not interested at this time.

Mr. Fareri presented east and west elevations of the building and presented possible alternatives to the board at this time. We need to get the maximum amount of parking on site. He is proposing an additional 98 parking space for a grand total on site of 425 cars. Saturday mornings the gym takes over the additional parking spaces at the office building. He noted if the water tank on site were removed he could obtain an additional 30 parking spaces. He read into the record a letter from former Supervisor Berman dated January, 2007 thanking him for donating the water tank to the town and sacrificing the additional 30 parking spaces that could be gained if it were removed. Supervisor Berman hoped that future boards would take this into consideration when making decisions for this site.

Mr. Fareri handed out Mr. Holt's responses to the professionals memos as posted on the web site Friday afternoon. He presented a heavily landscaped

landscaping plan that was just received late this afternoon. He requested a public hearing for June 18, 2012 and a resolution the same evening.

Mr. Adelman agreed with removing the circular drive in front of the building and creating additional parking spaces. Mr. Greene agreed about the circular driveway and inquired about lighting on site. Mr. Fareri stated it would be same that exists in the parking lot right now.

Mr. Greene made a motion to declare lead agency intent. Mr. Adelman made a motion to approve. It was second by Mr. Delano and approved with five Ayes.

Mr. Greene made a motion to schedule a public hearing for this applicant on 6/18/12. Mr. Adelman made a motion to approve. It was second by Mr. Sauro and approved with five Ayes.

Meeting adjourned at 11:32 p.m.