

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 p.m.  
July 11, 2011**

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PLANNING BOARD MEMBERS PRESENT:                    John Delano, Chairman  
   Jane Black  
   Steve Sauro  
   Beata Buhl Tatka  
   Guy Mezzancello

ALSO PRESENT:    Adam R. Kaufman, AICP  
   Director of Planning  
  
   John Kellard, P.E.  
   Kellard Sessions Consulting, P.C.  
   Consulting Town Engineers  
  
   Roland Baroni, Esq. Town Counsel  
   Stephens, Baroni, Reilly & Lewis, LLP  
  
   Valerie B. Desimone  
   Planning Board Secretary  
   Recording Secretary  
  
   Conservation Board Representative:  
   Zenaida Bongaarts

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

**PUBLIC HEARING:**

**ANTARES CIDER MILL, LLC  
Amended Site Plan resolution  
Section 2, Block 11, Lots 9-1 & 9-1A  
Section 2, Block 15, Lot 1  
Old Route 22  
Anthony Veneziano, Esq. Veneziano & Associates  
Consideration of Amended Site Plan Resolution**

Also present this evening was Anthony Veneziano and Mark Miller, Esq. Veneziano & Associates; applicants Alan Zaretsky and Dominick Dioguardi.

Mr. Delano read the public notice for the record. There were no noticed neighbors present for this public hearing. Mrs. Desimone stated that 59 out of 208 green cards were returned regarding this application and all paperwork was in order.

The Applicant has submitted a request to the Planning Board to revise Conditions 1, 2 and 6 of the "Prior to the issuance of a Certificate of Occupancy" section of the Fifth amended site plan resolution and Condition 7 of the "Other Conditions" section. The proposed revisions are associated with the timing of the issuance of Certificates of Occupancy. The details are listed in the site plan resolution which read as follows:

- 7(a) Applicant shall post a forfeiture bond or letter of credit, in a form satisfactory to the Town Attorney, in the amount of \$200,000.00, the purpose of which is to provide security to the Town for the construction of the middle income units on the Cockren property. Alternatively, Applicant may deposit \$200,000.00 in an escrow account with the Town for the same purpose. Applicant shall have the right, at any time, to replace said escrow deposit with a forfeiture bond or letter of credit as aforesaid, at which time the escrow deposit will be released to the Applicant.
- (b) Upon the posting of the forfeiture bond or letter of credit, or the escrow deposit as set forth above, three Certificates of Occupancy may be issued for units on the Cider Mill property.
- (c) In the event additional Certificates of Occupancy for units on the Cider Mill property are requested, they may be issued upon the posting of an additional \$150,000.00 forfeiture bond or letter of credit for each additional Certificate of Occupancy requested. Such bond or letter of credit shall be in a form acceptable to the Town Attorney. Alternatively, Applicant may deposit \$150,000.00 in an escrow account with the Town for the same purpose. Applicant shall have the right, at any time, to replace said escrow deposit with a forfeiture bond or letter of credit as aforesaid, at which time the escrow deposit will be released to the Applicant.
- (d) Any and all letters of credit, bonds, and/or escrow deposits made by the Applicant as set forth above may be called and taken by the Town in the event the middle income units on the Cockren property have not received Certificates of Occupancy on or before December 31, 2012, provided, however, that the Planning Board, for good cause shown, such as the four month statute of limitations for challenging the adoption of the model ordinance, may extend the December 31, 2012 deadline. In the event the model ordinance has not been adopted by the Town Board by December 31, 2011, the December 31, 2012 deadline for the issuance of Certificates of Occupancy for the middle income units on the Cockren property shall be automatically extended by two (2) months for every one (1) month delay in the adoption of the model ordinance beyond December 31, 2011, up to a maximum extension of six (6) months.
- (e) Upon adoption by the Town Board of the Town of North Castle of a local version of Westchester County's model ordinance provisions with respect to affordable

affirmatively furthering fair housing units, and upon the transfer of the Cockren property to a builder or developer chosen by Westchester County and the expiration of time within which to appeal the adoption of the model ordinance, any and all bonds, letters of credit, and/or escrow deposits made by the Applicant, and all remaining Certificates of Occupancy, shall be released to the Applicant forthwith.

- (f) In the event of litigation, all time periods set forth in this condition shall be tolled until the final non-appealable resolution of any such litigation.

Mr. Veneziano stated that these conditions move toward the development of these units. If the board grants approval of these amended resolutions this will open some more units to be developed at the Cider Mill site which are the same owners as the Armonk Square applicants. If the board grants these approvals this evening they are not moving anything forward or backwards, the town is just getting more security.

Mr. Delano noted that this approval was granted in 2002 and it is now 2011 and the MIU's were still not built. Mr. Veneziano stated that part of that is due to the market and the original owner flipped the ownership to his client who is trying to keep up his end of the bargain.

Mr. Delano asked Mr. Baroni if he was satisfied with this agreement. Mr. Baroni stated that they had been trying to structure a deal for a long long time, this is a compromise and he thinks this represents our best effort in reaching a solution which unties things and gets something going in the town. The security is sufficient and he recommends the board moves forward with this so we can see some development accrue in our down town Armonk. Mr. Delano asked Mr. Baroni if in his perspective we were - Mr. Baroni stated that this is a compromise, it is not everything that he wanted but this is the best that we are going to end up with. Mr. Delano asked if we are covered reasonable well, Mr. Baroni stated the best that we can get. Mr. Veneziano stated that it was more than what his clients wanted to give.

Mr. Delano asked is there was anyone present who had any comments.

Resident Stuart Kovensky, 18 Long Pond Road inquired what is the value of the security relative to what it costs to build the units. Mr. Baroni stated that it is not security, it is a forfeiture bond. It is not tied to the value of the units because the obligation is not dismissed because there is no performance. The obligation continues but if they are not built by a certain date then the town takes the forfeiture bond and the obligation still exists to build the units.

Mr. Kovensky inquired if the applicant surrenders the deed and the bond, does the applicant still have the obligation to build the units. Mr. Baroni stated yes they do. Mr. Kovensky stated the applicant can not get any more C.O.'s until the units are built. Mr. Baroni stated that the applicant can get the C.O.'s but the town will have at the end of the day, monies in excess of \$800,000 dollars in forfeiture bonds and the property and the applicant still has the obligation to build the units. Mr. Kovensky stated that at the end of the day we want to see these units built in the town and that was part of the deal as we measure one against the other - Mr. Delano stated that the obligation still lies with the applicant and the town will have \$800,000 more and the applicant will have \$800,000. less. Mr. Kovensky thanked the board for its time.

Mr. Veneziano stated that this is to act as a motivation; we do not want to lose \$800,000. And we understand there are time limits to get this done.

Mr. Delano asked if there were any further comments or questions from the board or the public. No comments were made.

Mr. Delano asked for a motion to close the Public hearing, Ms. Black made a motion to close the public hearing. It was second by Ms. Tatka and approved with five Ayes.

Mr. Delano asked for a motion to approve the amended subdivision resolution for the Cidermill application. Ms. Black made a motion to approve the resolution. It was second by Mr. Mezzanello and approved with five Ayes.

Mr. Delano asked for a motion to approve the 6<sup>th</sup> amended site plan resolution for the Cidermill application. Ms. Black made a motion to approve the resolution. It was second by Mr. Mezzanello and approved with five Ayes.

## **DISCUSSION:**

### **ASSISTED LIVING FACILITY**

#### **Referral from the Town Board**

#### **90 Business Park Drive**

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

#### **Anthony Veneziano, Esq. Veneziano Associates**

#### **Discussion**

#### **Consideration of approving a negative declaration**

#### **Recommendation to the Town Board**

Also present besides Mr. Veneziano for this application was Mr. Steve Krieger from the Engel Berman Group and Steve Grogg – M.C. Laren PC, as well as John Saccardi – VHB Inc.

Mr. Veneziano stated that there was a discussion at the last meeting regarding sewer and water and FAR (Floor Area Ratio) for the site. Mr. Kellard's recollection was accurate at the last meeting. Mr. Delano apologized to Mr. Kellard from the last meeting. The applicant will have to pursue the expansion of the plant by 50,000 gallons which is proceeding well. We have also concluded that the FAR will remain at .6 .

In response to Mr. Veneziano's comment Mr. Kaufman stated that we typically, we do not approve a conditioned negative declaration. In this case, with the sewer plant expansion still in need of approval by the DEC that was the best approach and the condition of the negative declaration is the state has to approve the expansion of the plant and that would be a condition of site plan or special permit issued. We thought it was also appropriate to include in the negative declaration. The Negative Declaration also talks about the potential impact on flood plain, wetlands and stormwater and all those issues and how the ultimate findings of this document is that there will not be a significant environmental impact. If the board would like to talk about

anything specifically we can, but he felt that the most critical part was the reasons supporting the determination, which is about three pages long. If the board is comfortable with everything in the document and feels it is appropriate, then they can vote on a conditioned negative declaration. There is a 30 day comment period and we will have to post it on the environmental notice bulletin.

The board had no comments regarding the negative declaration.

Mr. Delano asked for a motion to approve the conditioned negative declaration. Ms. Black made a motion to approve a conditioned negative declaration. It was second by Ms. Tatka and approved with five Ayes.

A referral was made back to the Town Board back in March, 2011. The Density has been since been reduced to .6 since the original referral and the board is much happier with the density reduced to .6.

## **THE MARKET AT ARMONK SQUARE**

### **Referral from Town Board**

#### **Section 2, Block 14, Lot 8**

#### **29 Maple Avenue**

#### **Anthony Veneziano, Esq. Veneziano & Associates**

#### **Discussion**

Also present for this application is John Collins, John Collins Engineers;

The Town Board referred the following application to the Planning Board for its study and recommendation. The application for the construction of a new mixed-use development consisting of three new buildings, parking areas, and site amenities in downtown Armonk. Located within the CB-A and CB zoning districts in North Castle, the site is approximately 3.43 acres in size and is proposed to include a 10,324 s.f. of residential space (10 Units), 4,301 s.f. of retail, 2,930 s.f. of office, a 3,814 s.f. bank, 2,425 s.f. of restaurant space, a 600 s.f. building for DEC, 3,601 of circulation space, and a 25,000 s.f. grocery store (total of 59,995 s.f.) together with 190 parking spaces.

Mr. Veneziano stated that the Applicant is seeking approval to amend the Armonk Square site plan to include a 25,000 square foot supermarket. In order to obtain approval, the Applicant is seeking the following:

- 1) Amendment of the Town Code to allow parking for all uses in the CB-A district, except residential and office uses, to be changed to 1 space per 200 square feet of gross floor area (similar to existing language in the SC Zone).
- 2) Placement of the former Beascakes property into the CB-A Zoning District (currently in the CB Zoning District).
- 3) Town Board Special Use Permit approval for a retail store in excess of 5,000 square feet (grocery store).

Mr. Veneziano reviewed the site layout for the board's reference and pointed out where the retail would be eliminated and a supermarket put in its place. He stated that due to the shared parking

on site his client was requesting a 25% reduction in the 190 parking spaces required for this site due to the reciprocal use on site. His client would also like to make sure the truck access works with the entrance to CVS across the street, as well as making sure the water & sewer works with this use, the main street retail stores will remain along with the apartments on top of them. Eleven apartments will be lost on site with this revised proposal.

John Collins, Traffic Engineer stated that this proposal maintains the same two access points of Bedford Road and Maple Avenue and he will update his traffic report to reflect the supermarket. The increased traffic from the proposed supermarket might be enough to trigger a traffic light at Bedford Road and Main Street intersection which presently has a blinking light.

Mr. Delano inquired about the truck traffic. Mr. Collins stated that the trucks will enter via Maple Avenue and exit onto Bedford Road. The smaller trucks like the U.P.S or potato chip trucks will enter the site from Maple Avenue or Bedford Road depending on their route.

Mr. Baroni inquired how many large trucks will come in and out each day. Mr. Collins stated for a large supermarket 2-3 tractor trailers and for this size supermarket it would be some what less. A supermarket of this size would probably generate smaller trucks like wb 40 would come on site with a smaller trailer size.

Mr. Delano was concerned about the architecture along the loading dock which abuts property on Maple Avenue. Mr. Collins stated that he was not able to address architecture questions.

Ms. Tatka inquired how wide the access way would be. Mr. Collins stated that it would be 20' wide, if they made it any wider it might attract two way traffic and that is not intended. Generally the trucks do not come when there is a lot of traffic.

Ms. Black inquired where the front of the building would be. Mr. Collins stated that was an architectural question and was not sure but thought there may be two fronts to the store. Ms. Black inquired if car traffic would have access from Maple Avenue and Bedford Road going in either direction. Mr. Collins said yes you would have access in either direction off of either road.

Mr. Mezzancello inquired if the revised traffic report would include information for just this site or with the CVS traffic as well. Mr. Collins stated during the summer months you can't take traffic counts because they will not be accurate. He is using existing count information which was taken when the A&P was across the street and this will be his base information. With the assumption that if the A&P moves there will be traffic generated by CVS that will replace the A&P trips. He is not taking any credits for diversion of trips, this is the most conservative analysis, we take what is there. He added other developments and superimposed this development on top of it and this is exactly what we did in the previous Armonk Square application.

In response to Ms. Black's question Mr. Collins showed the board where the CVS entrance was located on Maple Avenue vs. the truck entrance to Armonk Square, which was basically across from the truck entrance to the Armonk Square site. That is why this is a good entrance for the trucks which creates less conflict on the road.

Ms. Tatka inquired about the impacts on Main Street. Based upon what the previous studies we have shown and the types of trips we would anticipate, we are sure we can make it work. The trucks try generally not to be there when there is heavy shopper activity. The geometrics will have to be shown on this entrance way or any entrance way that the traffic will not back up on Maple Avenue or Bedford Road.

Mr. Mezzencello inquired if the trucks would have a turn around or would they have to back out onto Maple Avenue or turn around in the loading area to exit the site. Mr. Collins stated that they are going to make it a nice clean movement for the trucks.

Mr. Baroni inquired, wasn't the loading supposed to be on the side, it is not really a dock? Mr. Collins stated that we don't know that information because it depends on the dock, the tenant dictates. Usually smaller stores have a side loader and a larger store has a rear loader on a dock. We are assuming this is 25,000 square foot market which will be a little on the high side.

Mr. Veneziano stated that the Town Board is acting as lead agency in this matter and the Town Board is looking for environmental information regarding this application. We will provide whatever information the board would request to make this recommendation back to the Town Board. He also reviewed the items the Planning Board has to make a decision on at this point and wanted to know the board's concerns.

Mr. Delano expressed that his biggest concern was regarding the appearance of the rear of the building and the loading dock area along with traffic.

Ms. Tatka inquired what the height of the building is. Mr. Dominick Dioguardi stated that it should not be any taller than what was previously approved, he was not certain at this point because they do not have a specific tenant.

Ms. Black stated that she was alright with the zoning change for the Beascake property. She is alright with the change of use to a supermarket. She wants to make sure that it blends with the Maple Avenue facade and does not want the loading dock visible and wants this to benefit Main Street. She feels it will hurt Main Street if the supermarket is built in Business Park.

Mr. Veneziano stated that the supermarket could be smaller depending on who the client is for the supermarket. He is hopeful this will support down town

Mr. Veneziano stated that he hopes this use will benefit Main Street businesses.

Mr. Sauro stated that the previous Armonk Square application had more of a pedestrian feel. Without narrowing potential tenants that may be attracted to this area, is there a way we can try and maintain that pedestrian feel in one area of the site by reducing the size of the supermarket or the store size, or would you be limiting your store clients by reducing the size of the supermarket. Mr. Veneziano stated that the client comes to them with the prototypes. The supermarket size is between 18,000 – 25,000 feet in size. Based on the geometry of the site and 2% slope he was not sure if they could fit in a "pocket park".

Ms. Tatka stated that the proposed use is over scale for the location. She is concerned that the

town will lose the feel of what it has now.

Mr. Veneziano stated that he will work with the concerned citizens and the Town Board regarding their input as what goes on site.

Ms. Black stated that the original approval was beautiful; this maintains the beautiful structure on Main Street with the pedestrian entrance and a restaurant with outdoor seating.

Mr. Sauro stated it can fit and if we all work together and massage this site, we can make it something that will work and be a useful site.

Ms. Tatka would like to see a traffic study to make sure it all works.

Mr. Kaufman stated that at some point the board can refer this matter back to the Town Board. The board will need to decide how much information it needs i.e.: review the traffic report, preliminary site plan and preliminary architecture information before it makes its decision.

Mr. Veneziano stated that the architecture on Main Street will remain the same and will match Maple Avenue as well. He is aware of the boards concerns regarding truck traffic, architecture on Maple Avenue, loading area and rear of the site, in addition to traffic on Main, Maple and Bedford Road. He reminded the board that the Town Board is lead agency on this matter and his client would like to proceed.

Mr. Kaufman stated that the board also has the choice of making a recommendation back to the Town Board and express's the concerns mentioned this evening. Mr. Veneziano reviewed the items that were referred to the board this evening.

The board spoke amongst themselves regarding these three issues. Mr. Veneziano reminded the board that usually they would need all of this environmental information before making a recommendation but in this case the Town Board is lead agency. We understand the boards concerns regarding traffic, architecture on site and loading area.

Ms. Tatka would like to see the architecture of the building before making a recommendation. She was not totally comfortable with this application.

Mr. Baroni inquired what the size of the present A&P was and what the size of the proposed supermarket is. Mr. Dioguardi stated that the present A&P is 17,500 square feet and the proposed supermarket would be approximately 25,000 square feet.

Mr. Veneziano stated that Mr. Collins mentioned that the food store cycle is weak Monday, Tuesday and Wednesday are very active Thursday, Friday, Saturday and picks up Sunday afternoon's.

Ms. Tatka noted that her office was previously located on the corner of Main St. and Maple Avenue and there was constant traffic there and that was without a CVS and a new grocery store location. She is very interested in the traffic studies.

Mr. Kellard stated that with the truck entrance off of maple Avenue, you won't have that tractor trailer movement from Maple Avenue onto Main Street which is probably the most difficult turn in town. It will be much better because a lot of people will exit out onto Bedford Road instead of Maple Avenue. He also believes that there will be less traffic on Maple Avenue because people coming off of Route 22 will access the store from Bedford Road and that will lessen the Maple Avenue traffic. There are pluses with this plan. The key is the truck turning on site and into the site. Eventually the Town wants to fix up Maple Avenue and improve it so that it lines up with Whippoorwill Road East.

Mr. Howard Arden, Resident, 12 Cole Drive, inquired about the residential component of the project. He noted that there were 10 MIU's left to be built on the Smith/Cockren site on Old Route 22. Most of us agree that the location of the MIU's on old Route 22 are not at the best location and suggested they be built at the Armonk Square site. He felt this location would be better suited toward the MIU's since they would be located closer to the grocery store and transportation. He felt this would be a win win for everyone. This would be a better location.

Mr. Veneziano stated no, market rate units are proposed on this site and the Cockren site is all set to go with the MIU's. Whether the location is better here or not would be a long debate. Mr. Veneziano asked the board if they would be comfortable making a recommendation to the Town Board.

Ms. Black stated that she supports the three zoning issues and would like the concerns of the board raised this evening expressed to the Town Board.

Mr. Delano asked for a motion to positively refer the three zoning changes back to the Town Board along with the Planning Board concerns as expressed this evening. Ms. Black made a motion to positively refer this application back to the Town Board. Mr. Mezzancello second the motion and it was approved with four Ayes. Ms. Tatka voted Nay.

## **LANDER**

### **Special Use Permit**

### **Accessory Apartment**

### **Section 2, Block 12, Lot 4.I**

### **24 School Street**

### **Bill O'Neill, RA O'Neill Architects**

### **Discussion**

In response to Mr. Delano's questions, Mr. Kaufman stated that Mr. O'Neill was not able to attend the meeting this evening and he had been in contact with him with regarding this application.

Mr. Kaufman stated that this applicant was ready to be scheduled for a public hearing and the board needs to let him know if they would like the meeting scheduled and if they would like to consider a resolution of approval the same evening.

Mr. Delano inquired about the Conservation Board approval and asked if the board were going to get a 2:1 wetland replacement. Mr. Kaufman stated no, it is a plan that is built to the maximum extent that the Conservation Board felt was reasonable. Mr. Delano asked if that decision presented any issues for the Planning Board. Mr. Kaufman said that it did not.

The board agreed to schedule a public hearing and a resolution for consideration of approval at the August 1, 2011.

## **SCHRANK**

### **Site Plan – Accessory Apartment**

#### **Section 6, Block 7, Lot 22**

#### **35 Custis Avenue**

#### **William O’Neill, AIA – O’Neill Assoc.**

#### **Consideration of approving site plan resolution**

Mr. O’Neill was not able to attend the meeting this evening. Mr. Schrank was present for this application.

Mr. Delano asked Mr. Kaufman if he has spoken to Mr. O’Neill regarding this resolution. Mr. Kaufman stated that he had spoken to him prior to preparing the resolution but not after it was prepared.

Mr. Delano asked the board, professionals and applicant if they had any questions or comments regarding the Schrank Accessory Apartment resolution. No questions or comments were made. Mr. Schrank was ok with the resolution.

Mr. Delano asked for a motion to approve the Schrank resolution. Ms. Black made a motion to approve, it was second by Mr. Sauro and approved with five Ayes.

## **HAHN**

### **Special Use Permit**

#### **Accessory Garage**

#### **Section 1, Block 04, Lot 10.-22**

#### **31 Windmill Road**

#### **Discussion**

Mrs. Hahn was present for this application. The board conducted the site walk earlier this evening. Mrs. Hahn stated that this application was to add on a third garage onto the existing two car detached garage for storage and an addition on the second floor for a multi use room.

The board had no issues while out at the site walk and liked the application. The applicant will need to address the comments in both professionals’ memos and receive Architectural Review Board and Conservation Board approvals. Once those approvals have been granted the applicant can come back before the Planning Board for their public hearing and resolution.

**BRYNWOOD GOLF & COUNTRY CLUB**

**Referral from Town Board**

**Section 2, Block 8, Lot 7.C1A**

**568 Bedford Road**

**Mark P. Weingarten, Esq. DelBello Donnellan Weingarten Wise & Wiederkehr, LLP**

**Discussion**

Also present was Mark Weingarten, Jeff Mendell, a North Castle resident and Brynwood partner. A. James Tinson, CEO of Hart Howerton.

Professional regarding this application are Mark Weingarten, Esq.: Rees Jones, Golf Course architect, Civil Engineer - John Meyer, John Meyer Consulting; Planning by Saccardi & Schiff/VHB; Jay Fein, Jay Fein & Associates Wetlands professional, Traffic Consultant – John Collins Engineers.

This application is for an adult oriented residential community at the existing Brynwood golf/country club. The residential community would include a mix of 1, 2 and 3 bedroom condominium units, with 207 units being 2-bedroom units, 30 one-bedroom units and 6 three- bedroom units (townhomes), for a total of 243 units. Club improvements include relocation of tennis courts, construction of a tennis viewing pavilion, as well as a new outdoor pool and patio area and expanded parking within a two-level parking structure. Renovations and improvements to the existing 18-hole golf course are proposed, as well as upgrades to the existing on-site sewage treatment plant. Water supply is proposed to be from Town of North Castle Water District #2, which currently supplies the clubhouse as an “out of district user,” and is proposed to be extended to encompass the site.

The Proposed Action includes amendments to the North Castle Zoning Ordinance, a special permit for the “golf course community,” site plan approval and wetlands permit. Approval may also be required to subdivide the “golf course community,” from the golf/country club.

Mr. Weingarten stated that this use meets the need of those residents and people whose children are grown and left the house and they would like to remain in the community and live in something smaller than their present 5,000 square foot home and live in a country club environment. These types of communities are all over the country and are not presently in Westchester. The the unit size would be between 1,500 – 2,000 square feet. There will be an increase tax revenue between three – five million dollars a year in taxes and with the recent tax cap this will be very beneficial to the community. There will not be a lot of school children. This will create between 75 -100 jobs. Presently over 50% of the members of the club are North Castle residents. People who will live here will shop in your stores and support the community. His client looks forward to meeting with neighbors in the community to discuss the project. He believes that they will be able to accommodate the water needs on site but also they are looking into possibility of expending the captial expenditure for the residents of windmill to improve and become part of their water system and show them the economic benefit of that.. There will be affordable houses as well, the applicant is not sure where the houses will go or if they will be built off site and will work that out with the town.

Mr. Tinson stated that they know how to create a community and integrate this use into the community and make it unique. He has designed 7 out 10 top golf communities in the country. He is also a member of the Brynwood club. The starting point is that this is a great location and we let the land tell us what to do. There are people who live in these communities that are not golfers, they live there because of the

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green space and its beauty. He continued to review the brief overview of the project and professionals on the team for this project. He and his team has a commitment to getting a project done.

Mr. Weingarten stated they have been working on this project for a long time and will be meeting with the Windmill Club Board tomorrow evening and will be happy to meet with members of the community as well.

Mr. Delano asked the applicant when they were before the Town Board did they ask the Town Board to be lead agency in this matter. Mr. Weingarten stated that item was left open at the town board meeting.

Mr. Delano thanked the applicant for his presentation and stated that the board will need to discuss the density, traffic, water, location of MIU's and items to be amended in the code before a recommendation can be made back to the Town Board.

Mr. Weingarten stated that he clearly understands the concerns of the density of the site but there are presently 400 families that are members of the club and go there every day. He anticipates that some of these members will then sell their houses and live on site and at certain times of the day it may reduce the impact of the traffic as people can walk and play golf instead of driving and playing golf. He asked that the board keep an open mind on density and noted that the amount of units had been scaled back from the original proposal because he thought there were impacts with more units that were not beneficial. They are trying to create a 12 month community. This gives the ability for divorced families to live close by which has worked in a similar project in another community. This kind of lifestyle is being targeted, the site is not kid oriented, there are no back yards and no playgrounds.

Ms. Black inquired if the MIU's would be on site or not. Mr. Weingarten stated that there is no room on site presently for the MIU's and his team is actively looking for sites in the community. He has a strong feeling that it will not work on site. He did not feel that people who lived in MIU's would be able to contribute to the annual fees. All alternatives will be reviewed.

Mr. Mezzancello inquired how long would it take to build, a member of the audience stated that it would take 2 – 3 years to build, the club house and golf course would be built first and the 9 holes would be done on the first off season and the second 9 holes would be built on the second off season.

Ms. Tatka inquired if there would be an age requirement like 55 years of age. Mr. Weingarten stated that in these economic times it would be even harder to get a loan with restrictions on it like an age requirement to live on site. Mr. Mezzancello suggested a percentage of people be 55 years and older. Mr. Weingarten stated that if you are going to restrict it, you must comply with the federal law and that would be very difficult.

Ms. Black asked if the applicant had met with the windmill club. Mr. Weingarten stated that they have had some informal meetings with some of the residents. A meeting for tomorrow evening with the Windmill Club Board is scheduled.

Mr. Delano asked what the next step was. Mr. Weingarten stated that the Town Board said if the Planning Board would like to be lead agents due to their expertise on the matter, they would have no issues and if the town board has any issues with that they can say or request lead agency status themselves during the 30 day intent period. Mr. Kaufman agreed with Mr. Weingarten's recollection from the Town Board meeting.

Mr. Delano asked for a motion to declare lead agency intent. Mr. Mezzancello asked for a motion to declare lead agency intent, it was second by Mr. Sauro and approved with five Ayes.

Meeting adjourned at 8:47 p.m.