

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
January 27, 2014**

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PLANNING BOARD MEMBERS PRESENT:

Art Adelman, Chairman  
John Delano,  
Steve Sauro  
Guy Mezzancello  
Christopher Carthy

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:  
John Fava

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

**PATTI  
30 Palmer Avenue  
Section 122.16, Block 4, Lot 59  
Construction of three parking spaces and retaining wall with second curb cut  
Anthony Patti, applicant  
Discussion of site walk  
Referral to the ZBA**

The board returned to the site for a second site walk which was held on Friday, January

17, 2014. Those that were not able to attend January 17 walked the site/revisited the site on their own. Mr. Adelman noted that the board walked the entire length of Grove Road to be more familiar with the area.

Mr. Delano recused himself from this application due to a conflict of interest.

Mr. Carthy appreciated being able to return to the site a second time. He opined that the applicant has more of a right to park on his property than the neighbor's right to park in front of his property on the street. The neighbors were concerned about the fumes from the cars; he suggested pulling into the spaces so that the fumes would be less intrusive. He liked the proposed railing and spindles on site which could be wrought iron or simulated wrought iron. He also preferred the spruce trees vs. the arborvitaes proposed which are more deer friendly. He also likes the stucco on the north and south side of the wall to make it more attractive.

In response to Mr. Sauro's comments, Mr. Patti stated there were three parking spaces proposed and the width of the space would be 33'10" which is standard width for three parking spaces. There is plenty of on street parking in that area, when the snow ordinance is in effect that is when parking is difficult.

Mr. Mezzancello stated that he likes the evergreens and everyone else is doing this in that area and he does not have a problem with it. He would like a simple plain railing with spindles and wrought iron; he does not want it to look commercial.

Mr. Patti noted that you can't make it invisible but he will do the best that he can to screen it and have it look real nice. He noted parts of the wall will be from two feet to twelve feet. As noted by Mr. Adelman at the last meeting, he cannot make it invisible but he will do the best he can to make it aesthetically pleasing.

In response to Mr. Sauro's comment, Mr. Patti stated that this was only one tax lot, he has not looked into subdivision for the lot and was not intending to at this time. Mr. Carthy noted that if the lot was subdivided and a house built on the lot that would be a lot more intrusive than building three parking spaces.

Mr. Adelman asked Mr. Ken Kauffman to not repeat anything he had already said at the last meeting, to address all comments to the board and to be brief as this is not a public hearing.

Mr. Ken Kauffman, 35 Grove Road, read a letter into the record on his behalf and also read a letter into the record on behalf of his neighbor Don Ahrenberg, 31 Grove Road. Both letters stated that Mr. Adelman was an Auxiliary police officer at the same time Mr. Patti was a police officer in town and Mr. Adelman should recuse himself due to a conflict of interest regarding this application. Mr. Ahrenberg also stated in his letter that he was opposed to this application and Mr. Patti should parallel park on the road and not build a massive structure which would be a good compromise.

Mr. Adelman stated that he has been a resident of North Castle for 40 years and has

served with the Friends of the North Castle Library, he started and ran Armonk Senior Net for 8 years, was Scout Master of the Armonk troop and probably knows 90 or near 100% of the residents of the Town of North Castle and would have to recuse himself from every application. Mr. Ken Kauffman stated that it is different from being an auxiliary police officer and knowing your neighbors. Mr. Adelman noted that he heard what he said and in a written comment put into the file he noted that this request has no merit and rejected the comment.

In response to Mr., Ken Kauffman's comment, Mr. Adelman stated that the board was familiar with the Steep slopes code. Mr. Ken Kauffman inquired how the board justifies this structure on this property. Mr. Adam Kaufman stated that this was not an ordinance to necessarily prohibit development on steep slopes but if development is done on steep slopes, that it be done in a responsible manner, like erosion on site and the impacts of that erosion will be calculated and provided to the Town Engineer. It is an issue the board has to consider. Mr. Ken Kauffman stated and the board does not have a problem with that. Mr. Adelman stated that was correct. .

Mr. Ken Kauffman continued to read from the code and said the approval authority shall not grant the necessary approval if there is a suitable alternative which in the opinion of the approving authority is reasonable and practical and would help to preserve the steep slope. If there was an alternative, should that not come into play? Mr. Kaufman stated that was discussed at the last meeting, whether there should be two or three parking spaces and the board decided that three were appropriate.

Mr. Ken Kauffman stated that pretty much everyone parallel parks on the street, the neighbor to the north put up a wall smaller than four feet. For this applicant to put up a 12 foot wall when his lot is already 3 feet below grade, he feels there is an alternate.

Mr. Adelman noted that one of the alternates is doing nothing, the board has considered the alternates.

Mr. Patti stated that a lot of that information and questions will come out at the Neighbor Notification.

Mr. Adelman asked for a motion to positively refer this application to the ZBA. Mr. Sauro made a motion to refer this application, it was second by Mr. Mezzancello and approved with four Ayes. Mr. Delano has recused himself from this application.

Mr. Kaufman reminded Mr. Patti to make sure the exact amount of land coverage was submitted correctly to the ZBA. One of his comments in his memo was that it was possible that not all of the gross land coverage was calculated. Mr. Patti stated that he will be well prepared for the ZBA.

Mr. Patti inquired about notification to the police and fire department. Mr. Kaufman answered his question to his satisfaction.

**AMEC CONSTRUCTION, LLC**  
**2 Bates Lane**  
**Section 102.04, Block 1 Lot 19**  
**Sy Gruza, Cuddy & Fedder**  
**Discussion regarding administrative wetland permit**

Mr. Kaufman stated that we have made good progress with this application.

After much discussion, the board reached the following conclusions. The Planning Board determined that sorting is a use customarily incident to the permitted building material storage and sales use. No processing shall be permitted. The applicant will need to address the noise abatement. Details shall be submitted regarding the noise on the sorting machine. The applicant will meet with the Town's professionals to discuss whether a Special Use Permit for contractor's equipment storage or landfill is needed. The applicant will have to address dust, noise, whether a wetland permit is necessary and what the permitted start and stop time of work on site is. Mr. Gruza stated that his client will keep the walls below four feet in order to avoid appearing before the ARB. The board members were concerned about the dust and noise from the machine and its impacts to the surrounding neighbors as well as the start and stop time of work on site.

A meeting will be set up with the Town Planner, Town Attorney and Sy Gruza

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**GJONAJ**  
**7 Pine Ridge Road**  
**Section 102.01, Block 02, Lot 7**  
**Preliminary 3 lot subdivision**  
**Paul Sysak, RLA, ASLA John Meyer Consulting, PC**  
**Discussion**

Mr. Sysak presented the changes to reduce the impacts on Lot 3. The mitigations proposed on the plans will reduce the impacts by 1700 square feet. The board was happy with the proposed changes. Based on comments from the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase I Archeological Survey is warranted for all portions of the project that involve ground disturbance, unless substantial prior ground disturbance can be documented. Mr. Sysak stated he will address this request.

Mr. Sysak will have to address the comments in the memos, revise the SWPPP and driveway profiles along with the Archaeological study. As long as he can get all of this material submitted by Monday February 10, 2014 by noon, a public hearing regarding

this application will take place on Monday, February 24, 2014. If not, the meeting will be scheduled once the applicant makes his submission.

**ZERO OTTO NOVE**  
**55 Old Route 22**  
**Section 107.04 Block 2, Lots 10**  
**Amended site plan application**  
**Joseph Crocco, Joseph Crocco Architects**  
**Discussion**

Present for this application was Joe Crocco, Chris Crocco and Michael Fareri.

Mr. Crocco stated that the applicant would like to get a re-approval of the addition that was to be approved in 2001. The applicant would also like to move the garbage further away from the building to the rear of the site. Mr. Crocco raised the issue of parking and seating as referenced in Mr. Crocco's memo.

Mr. Carthy suggested moving the two handicapped parking spaces out front to the rear of the site and provide some additional landscaping in front of the site. Mr. Kaufman suggested land banking those two spaces and Mr. Fareri opined not to landscape in front of the site and keep the two parking spaces.

Mr. Fareri reviewed the history of the site at this time, from when it was a gas station to the restaurant and all of its changes. Mr. Fareri stated that no additional seats are proposed, only 500 square feet of storage is proposed and it has been operating fine for the past 15 years. People will park on Old Route 22 like they do at Beehive and Gavi Restaurants. The applicant would like to open his restaurant in April.

Mr. Crocco noted that there are 144 seats presently and the applicant is proposing to reduce it to 114 seats. Mr. Fareri stated that historically this restaurant has operated ok and now with less seats and parking on Route 22 it will continue to operate ok.

Mr. Adelman stated the board can arrange for interior work to be done on the existing restaurant and give a positive recommendation to the ZBA.

Mr. Kaufman noted that the ARB approval is needed for this application.

In response to a comment made, Mr. Crocco stated that deliveries will be made during off hours before 11:00 a.m.

Mr. Adelman asked for a motion to positively refer this application to the ZBA. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with five Ayes.

Mr. Kaufman will send a draft of the letter around prior to its delivery to the ZBA.

**99 BUSINESS PARK DRIVE**  
**99 Business Park Drive**  
**Section 108.03, Block 1, Lot 57**  
**Amended Site Plan**  
**Dan Holt, PE Holt Engineering & Consulting PA**  
**Discussion**

The Applicant previously received approval for the project on August 6, 2012. The Applicant is now seeking amended approval to eliminate the existing detention basin and to construct an additional 56 parking spaces in that location.

Mr. Kellard stated that this is a significant application and not minor in nature and raised some comments about this proposal and noted details regarding this application need to be submitted. Conceptually it appears ok but the details need to be submitted in order to know for sure.

Mr. Fareri reviewed the Town Planner's memo to make sure that he understood all that was required to do for his memo as well. Mr. Fareri was clear on what needed to be done in the memo.

The applicant was informed that a public hearing was tentatively scheduled for February 24, 2014 based upon if the applicant can submit all of the required materials from the memos by noon on Monday, February 10, 2014.

**MAOUNIS**  
**5 Ashfields Lane**  
**Section 102.03, Block 2, Lot 34**  
**Amended Site Plan**  
**Geraldine Tortorella, Esq. Hocherman Tortorella & Wekstein, LLP**  
**Discussion**

Present for this application was Robert Cardello & Dave LaPierre from Robert Cardello Architects; Victoria Landau from Jay Fain Associates; Louis DiMarzo from Redniss & Mead and Geraldine Tortorella, esq. from Hocherman Tortorella & Wekstein, llp.

The Applicant is now seeking amended approval to reduce the size of the proposed home, change some exterior materials and relocate the construction staging area. A wetland permit and ARB approval will be necessary for this application. Neighbor notification will also be necessary. The Applicant is scheduled to go before the ARB on February 19, 2014 and will have their neighbor notification and amended resolution on Monday, February 24, 2014.

The board and professionals had no comments or concerns regarding this proposal. The board was happy that the applicant was still proposing a geo thermal house. The Chairman asked to visit the geo thermal house once completed if the applicant was

agreeable. The professionals sounded like that would be a good possibility.

**CVS**

**450 Main Street**

**Section 108.01 Block 6, Lots 22 & 27**

**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.**

**Discussion of Field Change**

John Kellard discussed with the board various minor field changes required for the site. Additional trees to be removed, relocation of a light pole and modification of generator grading. Per recommendation of the Town Engineer, the field changes were approved by the Planning Board. A note describing these changes was attached to the original resolution of approval.

**STONE MANORS AT ARMONK, LLC**

**2 Daphne Lane**

**Section 1, Block 11, Lot 5.A5**

**New Construction of a 9,648 square foot residence**

**Consideration of 6<sup>th</sup> extension of time site plan resolution**

The resolution was not granted by the board because several changes to the Town Code have been made since 2008 to expedite residential development in the Town. One major change is that the Planning Board is no longer required to issue site plan approvals for all new residential construction. In addition, the Town Code has been revised to eliminate the Planning Board special permits for Gross Land Coverage and Gross Floor Area. The Town Code has also been revised to create a new Residential Project Review Committee (RPRC) which is empowered to review and recommend approval of proposed residential construction. Since the new regulation has been enacted since the original approval, specifically the RPRC (residential project review committee). It was noted that the RPRC will have access to the previous approvals by the Planning Board and has the ability to recommend issuance of a building permit should the submission be the same (or similar) as compared to the previously approved plan.

Based on the comments listed above, the board agreed not to grant a site plan extension of time resolution at this time.

**STONE MANORS AT ARMONK, LLC,  
4 Daphne Lane.**

**Section 1, Block 11, Lot 5.A6**

**New Construction a 9,056 square foot residence**

**Consideration of 6<sup>th</sup> extension of time site plan resolution**

The resolution was not granted by the board because several changes to the Town Code have been made since 2008 to expedite residential development in the Town. One major change is that the Planning Board is no longer required to issue site plan approvals for all new residential construction. In addition, the Town Code has been revised to eliminate the Planning Board special permits for Gross Land Coverage and Gross Floor Area. The Town Code has also been revised to create a new Residential Project Review Committee (RPRC) which is empowered to review and recommend approval of proposed residential construction. Since the new regulation has been enacted since the original approval, specifically the RPRC (residential project review committee). It was noted that the RPRC will have access to the previous approvals by the Planning Board and has the ability to recommend issuance of a building permit should the submission be the same (or similar) as compared to the previously approved plan.

Based on the comments listed above, the board agreed not to grant a site plan extension of time resolution at this time.

Meeting Adjourned at 8:50 p.m.