

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
March 11, 2013**

PLANNING BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Joseph Cermele, 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

The meeting was called to order at 7:25 p.m. (Meeting started late due to the work session with the town board prior to this meeting ending after 7:00 p.m.)

APPROVAL OF MINUTES:

February 25, 2013

Mr. Adelman asked for a motion to approve the February 25, 2013 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Mezzancello and approved with three Ayes. Mr. Carthy abstained and Mr. Delano was not present for the vote.

PLANNING BOARD BUSINESS:

NYCDEP BOWLING ALLEY

1 George Smith Place

Section 2, Block 11, Lots 11.A, 11.A1-2, 11A1-3

Wetland Permit & Parking Area

Laura Csoboth, HDR

Discussion

Present for this application was Todd West, DEP, Laura Csoboth, HDR, John Roebig, HDR; Bryan McDermott, HDR; Maria Mandarino, DEP; Jose Nieves, DEP; Melissa Beristain, DEP.

The NYCDEP application will require a wetlands permit approval for the proposed Wetland and Open Water Mitigation at the former Armonk Bowling Alley. The DEP will also be constructing a parking area adjacent to old Route 22 for approximately 20 cars.

The wetland project compensates for the permanent loss of wetlands, open water and submerged aquatic vegetation (SAV) that will occur at three DEP-sponsored projects within the Kensico Reservoir Watershed. The Project proposes to restore the Bear Gutter Creek to its historic location, as a meandering stream, and create adjacent floodplain wetlands. A total of 3.13 acres of open water and wetlands would be created on the Bowling Alley Mitigation site. In order to achieve the stream realignment, approximately 0.05 acres (151 linear feet) of Bear Gutter Creek would be permanently filled, but this would be off-set by on-site habitat enhancement and creation.

NYCDEP has offered, at the Town Board's request, to construct a parking area adjacent to Old Route 22 that is consistent with the Town's Streetscape Improvement Project for Old Route 22. All truck traffic entering and exiting the site will be directed to NYS Route 22 so as to avoid additional truck trips through the Armonk Hamlet. The NYCDEP previously committed to re-surfacing Old Route 22 as part of this current project due to the extensive truck traffic associated with the previous approved (adjacent) Kaysal Court mitigation project.

Mr. Adelman clarified with the applicant that all equipment involved in the project will enter and exit Old Route 22 at the end close to Labriola Court, i.e. they will not travel Old Route 22 and enter or exit where it meets Route 128. The applicant agreed with this requirement.

Originally this unlisted action had a public hearing in 2011 and since it has been over one year since the original public hearing, it is no longer valid and must be done again. The property was originally purchased as part of the land acquisition project.

Mr. Adelman reminded the applicant that the neighbors who live on Pheasant Drive which abuts this site are close and are concerned with sound attenuation.

In response to Mr. Carthy's comment, it was noted that the DEP will own the parking lot when it is completed and the town will pay a small maintenance fee annually.

In response to another comment made there will be no trout in the stream.

In response to Mr. Sauro's comment, the applicant will install two lamp posts and a sidewalk according to the street scape plan.

Mr. Kaufman stated that the next steps would be to submit the SWPPP, storm water pollution, prevention, plan and schedule a public hearing.

A public hearing was scheduled for April 8, 2013.

STAMATELOS

36 Mianus River Road

Section 1, Block 07, Lot 5-2

New House Construction

Alan Pilch, RLA Evans Associates

Discussion

At the request of the applicant, this application was adjourned to April 8, 2013 meeting.

BRYNWOOD GOLF & COUNTRY CLUB

568 Bedford Road

Section 2, Block 8, Lot 7.C1A

Proposed Golf & Country Club

Robert W. Roth, PE, CPESC, SCDP Principal John Meyer Consulting PC

Discussion – Wetland Permit for Test Wells

Mr. Roth stated that he is proposing to drill two test wells located in the wetland buffer; the first location is at the south east corner and approximately 10 feet into the wetland buffer. The second location is at the central western portion which drains towards I-684. These test wells are needed in order to complete the environmental review. Well sites 3, 4, 5 have been approved by the board of Health. Since this is data need to complete the environmental review, the applicant felt an administrative wetland permit could be issued by the Conservation Board and Town Engineer. This is a type II action.

Mr. Nokes, Conservation Board Representative, stated that his board did not have any concerns with issuing an administrative wetland permit.

Mr. Adelman and the board members were agreeable with this request and did not have any concerns. Mr. Delano made a motion to approve the Brynwood administrative wetland permit, it was second by Mr. Sauro and approved with five Ayes.

CB-B ZONING DISTRICT

Referral from Town Board regarding additional permitted principal uses in the CB-B zoning district.

Report back to the Town Board

The Applicant is proposing a zone text amendment to permit several new permitted principal uses in the CB-B Zoning District, including nurseries, recreation centers, arts and crafts occupations, and storage. The Applicant is proposing specific changes to the CB-B District. The board reviewed the relevant portions of the petition and offered comment on each component.

1. Addition of Nursery as a permitted principal use in the CB-B Zoning District.

The Planning Department believes that a nursery use would be appropriate in the CB-B Zoning District. In addition, it is noted that nurseries are permitted in all commercial zoning districts of the Town of North Castle except the SC (Shopping Center Zone – Stop & Shop) and the CB-B Zoning District. Zoning Districts in which nurseries are permitted include the Nursery Business (NB), CB-A (Central Business Armonk - Armonk Square), CB (Central Business – Main Street Armonk and North Broadway), RB (Roadside Business – Bedford Road and Old Route 22) and the GB (General Business – Banksville).

The Planning Department recommends that the Town give consideration to permitting additional uses as permitted in the NB, CB-A, CB, RB and GB districts by including the following language: “Any nonresidential uses permitted in an R-5 District, as permitted and regulated therein.”

The above language would permit not only nurseries, but also allow governmental uses, farm uses, schools, religious or charitable institutions, membership clubs, public telephone booths, public utility transmission lines, exchanges or substations, watershed or water supply facilities not part of the Town’s water system, convalescent or nursing homes, scientific research centers and private stables.

After discussing the item listed above, Nursery as a permitted principal use, the Planning Board made the conclusions listed below.

2. Addition of Nursery as a permitted principal use in the CB-B Zoning District.

The Planning Board believes that a nursery use would be appropriate in the CB-B Zoning District. In addition, it is noted that nurseries are permitted in all commercial zoning districts of the Town of North Castle except the SC (Shopping Center Zone – Stop & Shop) and the CB-B Zoning District. Zoning Districts in which nurseries are permitted include the Nursery Business (NB), CB-A (Central Business Armonk - Armonk Square), CB (Central Business – Main Street Armonk and North Broadway), RB (Roadside Business – Bedford Road and Old Route 22) and the GB (General Business – Banksville).

The Planning Board also recommends that the Town give consideration to permitting additional uses as permitted in the NB, CB-A, CB, RB and GB districts by including the following language: “Any nonresidential uses permitted in an R-5 District, as permitted and regulated

therein.”

This above language would permit not only nurseries, but also allow governmental uses, farm uses, schools, religious or charitable institutions, membership clubs, public telephone booths, public utility transmission lines, exchanges or substations, watershed or water supply facilities not part of the Town’s water system, convalescent or nursing homes, scientific research centers and private stables.

The Planning Board then discussed the addition of Arts and Crafts occupation as a permitted principal use.

3. Addition of Arts and Crafts Occupation as a permitted principal use in the CB-B Zoning District.

The Planning Department believes that this is an appropriate use within the CB-B Zoning District. However, it is recommended that the use in the CB-B and the GB Zoning District (where it is already permitted) should be renamed “Artisan’s Workshop.” In addition, it is recommended that Section 213-3 be revised to include a definition of Artisan’s Workshop as follows:

ARTISAN’S WORKSHOP -- An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, cabinetry, sculpture, pottery, leathercraft, hand-woven articles, and related items.

It is also recommended that Section 213-23.C(3)(a) of the Town Code be revised as follows:

- (a) No fabrication or manufacturing shall be permitted, except that which is incident to and on the same premises with a permitted use, ~~and further provided that such incidental fabrication or manufacturing shall not occupy more than 25% of the gross floor area of the use nor use motor power other than electric.~~

After discussing the item listed above, addition of Arts and Crafts Occupation as a permitted principal use in the CB-B zoning district the Planning Board made the conclusions listed below.

4. Addition of Arts and Crafts Occupation as a permitted principal use in the CB-B Zoning District.

The Planning Board believes that this is an appropriate use within the CB-B Zoning District. However, it is recommended that the use in the CB-B and the GB Zoning District (where it is already permitted) should be renamed “Artisan’s Workshop.”

In addition, the Planning Board recommends that an Artisan’s Workshop less than 5,000 square feet be permitted as a principal permitted use in the CB-B Zoning District, and an Artisan’s Workshop over 5,000 square feet be permitted as a special permit use in the CB-B Zoning District.

Furthermore, it is recommended that Section 213-3 be revised to include a definition of Artisan's Workshop as follows:

ARTISAN'S WORKSHOP -- An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, cabinetry, sculpture, pottery, leathercraft, hand-woven articles, and related items as well as small group instruction related to the creation of artwork, jewelry, furniture, cabinetry, sculpture, pottery, leathercraft, hand-woven articles, and related items.

It is also recommended that Section 213-23.C(3)(a) of the Town Code be revised as follows:

- (a) No fabrication or manufacturing shall be permitted, except that which is incident to and on the same premises with a permitted use, ~~and further provided that such incidental fabrication or manufacturing shall not occupy more than 25% of the gross floor area of the use nor use motor power other than electric.~~

The Planning Board then discussed the addition of whole sale uses and storage uses and wholesale and storage uses as a permitted principal use in the CB-B zoning district.

5. Addition of Wholesale and Storage Uses as a permitted principal use in the CB-B Zoning District.

The Planning Department does not recommend adding this use to the CB-B Zoning District. The CB-B Zoning District is intended to meet the local shopping needs of the Eastern District. Wholesale and Storage uses are more appropriately permitted in industrial districts as opposed to business districts. It is noted that no other business district (other than the semi industrial GB Zoning District) permits wholesale and storage uses. The Planning Department believes that the addition of this use to the CB-B Zoning District is not supported by the intent section of the CB-B Zoning District as described in the Town Code.

After discussing the item listed above, the addition of whole sale uses and storage uses and wholesale and storage uses as a permitted principal use in the CB-B zoning district use, the Planning Board made the following recommendations.

6. Addition of Wholesale and Storage Uses as a permitted principal use in the CB-B Zoning District.

The Planning Board generally does not believe adding this use to the CB-B Zoning District since Wholesale and Storage uses are more appropriately permitted in industrial districts as opposed to business districts. However, in an effort to support the adaptive reuse of existing large buildings within the CB-B Zoning District, the Planning Board recommends permitting, by special permit, Wholesale and Storage uses within existing buildings that are a minimum of 10,000 square feet and where a minimum of 25% of the floor area fronting the street is used for any other permitted use in the CB-B Zoning

District.

The Planning Board then discussed the addition of Recreation Centers as a permitted special permit principal use in the CB-B Zoning District and reached the following conclusion.

7. Addition of Recreation Centers as a permitted special permit principal use in the CB-B Zoning District.

The Planning Board believes that this is an appropriate use within the CB-B Zoning District. It is noted that the Grand Slam tennis facility is already established within the CB-B Zoning District demonstrating that the use is compatible with other permitted uses in the District and a benefit to the community.

Mr. Delano made a motion to approve the CB-B changes as noted above. Mr. Carthy second the motion and it was approved with five Ayes.

495 MAIN STREET WAIVER

495 Main Street

Section 2, Block 2, Lot 22.C

Referral from Town Board regarding Special Permit for place of Worship at Chabad of Armonk

Consideration of site plan waiver

Present for this application was Bill O'Neill and Rabbi Butman.

The application is before the Planning Board this evening for a site plan waiver as well as for a referral from the Town Board for a special use permit for the establishment of a new place of worship. The Planning Board will review the special use permit and make a recommendation back to the Town Board. Chabad of Armonk is a Jewish organization offering small group and individual religious education and worship services. The Applicant is proposing to utilize 878 square feet for individual and small group instruction and 389 square feet for religious services. The property is located on the first floor of the Townsend House, located at 495 Main Street (same location as the hardware store) in the CB Zoning District. Previously in this location was Ruthie Z's (clothing store).

In response to Mr. Carthy's comment, Mr. O'Neill stated that no outdoor use was part of this approval.

Mr. Carthy noted that the sign for the entire site was not compliant and was taken down and when put back up, it was not in the place the ARB previously approved. The board agreed to send a letter to the ARB informing them of their concern about the sign being in disrepair and in the wrong location according the approved plans. The Planning Board would like the sign put in the correct location and a nice sign displayed for the

site. The Planning Board would like the sign to be aesthetically pleasing and similar in color and design of the previously approved plan.

Rabi Butman confirmed that each individual sign inside the building had to be approved by the ARB,

PUBLIC HEARING Con't:

DEHMER (Continued From 2/11/13 Meeting)

11 Annadale Street

Section 2, Block 02, Lot 23.D01

**Change of use of the existing building to an apartment, office
and storage space with the outdoor overnight storage of a fuel vehicle**

Barry Naderman, PE Naderman Land Planning and Engineering

Discussion

Consideration of site plan approval resolution

No noticed neighbors were present this evening.

Present for the application was Barry Naderman, Mr. Dehmer, his daughter and husband Robin and Tom Massoni as well as Mr. Dehmer's granddaughter.

Mr. Carthy noted that he said what he had to say the last time this applicant was before the board. He does not feel it is ok to parallel park a truck on site and screen it with landscaping.

Mr. Adelman addressed some of the comments made by Mr. LaPorta at the last meeting. The property is zoned CB-B and the truck was parked there when he purchased his house a few years ago and if his property value was diminished it was Mr. LaPorta's advantage when he purchased the lot and now screening is being added.

Mr. Delano suggested the following revisions to tighten up the resolution. He wanted to make sure the owner of the oil truck was the occupant of the office in the house and that the truck was not just parked there and another business was run out of the site. He would like the resolution to be specific to one truck and only one" oil truck" parked on site, no other trucks can be parked on site, just one oil truck. He also suggested that a maximum capacity and weight of the oil truck be permitted on site to ensure a larger oil truck is not parked on site in the future.

After a brief discussion with Mr. Dehmer regarding the existing size of his truck today; Mr. Dehmer agreed that his truck was less than 3,000 gallons to weight and capacity and the board agreed to add in this condition as well as all of Mr. Delano's comments listed above to the resolution.

Mr. Delano made a motion to close the public hearing, it was second by Mr. Adelman and approved with five Ayes.

Mr. Delano made a motion to approve the resolution as amended. It was second by Mr. Mezzancello and approved with four Ayes. Mr. Carthy voted nay.

Meeting adjourned at 8:55 p.m.