

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
April 21, 2014**

PLANNING BOARD MEMBERS PRESENT:

Art Adelman, Chairman
Steve Sauro
Guy Mezzancello
Christopher Carthy

PLANNING BOARD MEMBER ABSENT:

John Delano

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, Chairman

APPROVAL OF MINUTES:

**April 7, 2014 Joint Work Session
April 7, 2014 Planning Board Meeting**

The board did not vote on the minutes this evening.

PUBLIC HEARING:

MONTEFORTE

35 Orchard Drive

Section 107.02, Block 4, Lot 11

Subdivision, lot line, wetland permit and site plan approval for building expansion and renovations of existing structures

Rob Aiello, PE John Meyer Consulting

Discussion

Consideration of site plan resolution

Present for this application was Rob Aiello and Juan Yeppes from John Meyer Consulting and Fred Shaffren, project manager for Mr. Monteforte.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. The following noticed neighbor was present, Eric Moran from 32 Annadale Street.

The Monteforte application is for the merger of the two existing lots, the construction of a second floor addition on the principal home and various site improvements within the R-10 Zoning District. The property currently contains two lots that share a common septic system and driveway. The Applicant has abandoned the previously proposed subdivision.

Mr. Aiello reviewed all of the site improvements proposed, he noted the cottage will remain on site and a new well is proposed that will service the main residence and the cottage and there will be two septic systems. A stormwater management system is proposed as well as a new curtain drain. There is a DEC class C watercourse located on site as well as a local wetland. The total wetland disturbance is 6,900 sq. ft. with 2:1 mitigation proposed. He reviewed the changes made to the plan per the most recent Conservation Board memo.

Mr. Moran stated his home was closest to the existing cottage and no changes proposed to the cottage, he requested landscaping in front of the cottage to help screen the addition proposed to the residence on the second floor. Conversations went back and forth regarding this subject of additional screening. Mr. Aiello stated that in an R-10 zoning district you cannot completely shield a home. Mr. Adelman noted a two story home is reasonable and noted large trees when planted do not have a good survival rate and smaller trees have a much better survival rate.

Mr. Moran inquired about what lot changes were made to the site. Mr. Aiello reviewed them all again for Mr. Moran.

In response to Mr. Sauro's comment, Mr. Aiello noted that the neighboring wells and septic systems were the proper distances from one another. In response to Mr. Adelman's comments, Mr. Cermele stated that he had no issues with this application at this time.

Mr. Adelman asked for a motion to close the public hearing. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with four Ayes. Mr. Delano was not present for the vote.

A resolution will be considered at the next meeting.

170 BEDFORD ROAD

162 Bedford Road

Sec 108.03, Block 1, Lot 42

Chris Crocco, Joseph R. Crocco Architects PC

Site plan development of 20, 2 bedroom units on the former .80 acre lumber yard site

Discussion

The site plan application is for the redevelopment of the former Bedford Road lumber yard site. The proposed redevelopment contemplates the demolition of the existing structures and the construction of an approximately 29,766 square foot 25 unit residential apartment building.

Present for this application was Mr. Fareri, property owner; and his professionals for the project, Jerry Barrett; Landscape architect; Joe Crocco and Chris Crocco, architects; Dan Holt, engineer.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. The following notice neighbors were present, Robert Dean, 2 Macdonald Avenue; John and Debby Cooley on behalf of Roderick Green from 156 Bedford Road.

Mr. Fareri reviewed the history of the property since he purchased it approximately 10 years ago. He noted the application complies with zoning.

Mr. Crocco reviewed the plans he just presented to the Town Board at this time. Forty eight parking spaces are needed and fifty one will be provided. He is working on a lighting plan and reviewed the height of the building. Parking garages as well as vacant parking spaces are both proposed at this time.

Mr. Holt reviewed three proposals, one without garages, one with garages and one with garages across the full back of the lot and a variance would be needed for that option. He noted truck access for dumpsters and service access would be provided. He also reviewed the drainage on site. He met with Sal Misiti from the water department and will increase the pipe size from 4 inch to 6 inches. He will address the comments in Mr. Cermele's memo.

Mr. Barrett reviewed the landscaping plan and how it would make the site look more residential. He reviewed the details of specific landscaping proposed as well as the landscaping proposed on the side which borders I-684.

Mr. Adelman was very happy with the proposed landscaping plan.

In response to Mr. Kaufman's comment, Mr. Barrett reviewed the proposed open space on site. In response to Mr. Carthy's comment, Mr. Kaufman stated that there was no specification for how much open space there was per unit or per person on site.

Mr. Fareri stated that there are 10 one bedroom units proposed and 14 two bedroom units proposed and of the 24 units there would be 4 one bedroom MIU's and 4 two bedroom MIU's. He noted the Architecture would be similar to the buildings across the street with a Hardi Plank. He presented the basement plan and noted half of the space would be mechanical room and common laundry and the other half of the basement would have 10 x 12 storage units for each apartment.

Mr. Fareri wants the garages in the rear of the site for clear separation from the school. Two of the garages were removed from either side to make them compliant. The garages are a good buffer to keep the kids balls on the sports field vs. hitting the cars in an open parking space. Mr. Fareri reviewed the history of the lot and how the lot was totally covered when the lumberyard was in operation. He then reviewed the advantages of approving the plans at this time.

Mr. Dean stated that he has been aware of this application for some time and he concurs with Mr. Fareri regarding the need for apartments in town. He gets 3 -5 calls a month for his apartments, this is an outstanding project and the board should approve it.

Mr. Kooly stated that he is glad something is going to be done on this lot.

The board likes the proposal with the garages on site. It was noted that the public hearing for the Fair and Affordable Housing (which is regulated by Westchester County and the Federal Government) would open Wednesday night before the Town Board. It was noted that anything approved but not yet built is fair and affordable housing.

Mr. Adelman asked for a motion to close the public hearing. Mr. Sauro made a motion to close, it was second by Mr. Mezzancello and approved with four Ayes. Mr. Delano was not present for the vote.

96 – 98 COX AVENUE SUBDIVISION
96-98 Cox Avenue
Section 108.01, Block 2, Lots 55 & 54
3 Lot Residential Subdivision
Frank Madonna
Discussion

Present for this application was Tony Veneziano, attorney for the applicant and the applicant - Frank Madonna.

The 96 - 98 Cox Ave three lot residential Subdivision is located on 1.33 acres. The property is located at 96 & 98 Cox Ave and known on the North Castle Tax Maps as Section 108.01, Block 2, Lot 55 & 54 and located within the R-10 Zoning District.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted that all paperwork was in order for this application. The following noticed neighbors were present, Mr. & Mrs. Hendricks, 3 Rose Hill Drive; Mr. Clohosey, 1 Rose Hill Drive, Marilyn Donnelly at 32 School Street, George Dale at 102 Cox Avenue, Mr. Della Vechia at 99 Cox Avenue and Mary Brigante at 110 Cox Avenue and Jose Berra at 6 Rose Hill Drive.

Mr. Berra noted for the record he was present in the capacity as a noticed resident and that he and the Hendricks have spoken to some additional neighbors who were not able to make it here this evening ie Mrs. Carroll at 8 Rose Hill and some other neighbors that could not be identified as Mr. Berra was not speaking into the microphone at the time. In response to Mr. Adelman's comment, Mr. Berra stated that did not have a proxy from the neighbors to speak on their behalf. Mr. Berra has a good sense of what their concerns are.

Mr. Veneziano reviewed the conditions that he felt were completed, the conditions he felt should be deleted and the conditions to revise at this time. He asked to listen to public comments at this time.

There was an unidentified resident who was listening to this application for the first time. Mr. Adelman noted that from the last time this application was before the board it came to our attention that Post Office dropped the ball in a serious way about delivering the certified mailings timely and this was addressed with the Post Office. Mrs. Desimone stated that a report regarding the mailings was submitted to the Inspector General a month ago, the Inspector General spoke to the Planning office three weeks ago and all of the information was presented on the phone and all the hard copies with supporting evidence were scanned and sent to the contact from the Inspector General's office, the office has not heard back from the Inspector General's office since we spoke three weeks ago.

Mr. Veneziano stated that the board should consider modifying the notice provision. Mail plus some type of certification, the return receipt is what is causing the problem here. The people are not home, a notice is left to go to the post office and people are

not able to get to the post office. If they could be mailed regular mail, everyone would get the notice. Mr. Baroni stated that the mailing requirements are in our local codes. In response to Mr. Adelman's comments, he Baroni stated he has not considered changing the local law and would have to look into that. Mr. Adelman suggested he give it some consideration. Mr. Baroni noted it was done the same way in all of the municipalities. Mr. Carthy noted he did a mailing in another town and all he had to provide was proof of mailing, once it was entered into the system of the post office, it would be mailed and delivered just like the Con Ed bill. This would be an improvement for the town to consider. Mr. Baroni noted that if someone comes and says they did not get the letter then they run the risk of the public hearing being null and void. If they come to the public hearing they waive their notice, but if they stay away and come in after the hearing is closed and that person comes in the next day, the applicant would have to re-notice.

Mrs. Hendricks stated that in this particular case the neighbors are not even getting the slip in the mailbox, she does not know where they all are. She noted that for this public notice, again she did not get a notice in her mailbox that a certified letter was in the post office waiting for pick up. In response to Mrs. Hendricks comments, Mrs. Desimone stated that 18 green cards were returned out of the 76 that were mailed. Of the 18 that were returned there were cards that were delivered out of town or down on School Street, these were not cards that were delivered to the abutters.

Mr. Adelman asked Mr. Baroni to research and get back to him about how we can better the system in this matter. Mr. Baroni stated he would get back to him on that. Mr. Carthy suggested doing a regular mailing and a proof of mailing to show it was actually mailed. Without the return receipt mailing, it would be significantly cheaper. Mr. Veneziano suggested certified mailings to abutters and regular mail to the rest of the noticed list. He noted this was not fair to the residents or to his client. Mrs. Desimone stated that she has reviewed all of the information for this public hearing, the notices were mailed timely (no less than 10 days prior to the meeting), everyone on the list was mailed a letter and we have the white slips to prove that, the fact that everyone is not getting their letter is out of our control.

Mr. Veneziano presented the application at this time.

Mrs. Brigante stated that when there is a heavy rain, a lot of water collects in front of the Victorian house which stays for days, sometimes weeks. The storm water drain does not hold the water at the corner of Rose Hill. Mr. Adelman noted that the other neighbors were concerned about drainage as well.

Mr. Cermele stated that preliminary stormwater and preliminary mitigation plans have been presented. His office has witnessed the deep hole tests and percolation tests. As a result, the applicant was directed to increase the 12 inch pipe to a 15 inch pipe. The water will be stored temporarily on site and then slowly released into the system.

In response to Mrs. Brigante's comments, Mr. Cermele stated he has been out to the site during a really bad rain storm. The flows will be equal to or less than what is on site

now. The drainage pipe will be increased from 12 inches to 15 inches which will alleviate some of the drainage issues. Mr. Adelman asked Mr. Cermele to follow up with the Highway Department regarding the drainage of Rose Hill and Meadow Hill.

Mrs. Brigante stated that if we reduce development, we reduce drainage. Mr. Adelman stated that everyone has a right to build and pay taxes. Part of the approval process from the Planning Board is that the professionals review the project to make sure all water from that project is contained on site and slowly dissipates into the town sewers. The water will not discharge onto anyone else's property.

Mrs. Brigante was concerned what if the drainage gets worse after development and noted the dynamics and beauty of Armonk are changing, she noted that so many of the trees on school street were removed and now five new houses in this neighborhood, all within the same year. Mr. Adelman noted that the owner has a right to build on his property. Mr. Veneziano stated that the stormwater will not be perfect but will be better. This lot is out of character with the neighborhood, presently it is more of an estate vs. in character with the neighborhood.

Mrs. Hendricks appreciates the board listening to all of the comments and concerns as well as educating the residences during this process. Mr. Adelman stated that he appreciates the public comments.

In response to Mrs. Hendricks comment regarding the size of the existing house, not going above 3,500 square feet, the resolution will be updated with that comment.

Mr. Payle inquired about how the newly proposed pipe will be installed and properly connected to the existing pipe and how deep the pipe will be buried to line up with the existing pipe. Mr. Cermele answered his questions to this satisfaction. He also noted that the pipe was designed for the 10 year storm.

Mr. Berra stated that he feels this application is moving ahead quickly and there were still a lot of outstanding conditions in the draft resolution before the board this evening. He is concerned about more water going into the stormwater. Mr. Cermele stated that it is rate vs. volume. A lengthy discussion was had at this time explaining how drainage works on site. Mr. Berra will follow up with Mr. Cermele regarding the equal to or less drainage on site.

In response to an unknown resident, the house septic will go into the sewer system.

Mr. Della Vechia is excited about the development and water mitigation proposed. He has been watching the Town Board and Planning Board meetings from home.

Mrs. Donnelly at 32 School Street abuts 95 Cox Avenue and is concerned about the water and layout of the plan. She was informed that application was not before the board this evening. Mr. Adelman reminded her the meetings were televised and she could watch them from home.

Mr. Veneziano reviewed the conditions in the resolution and discussed the status of each one of the items with the board members.

Mr. Adelman was not in favor of closing the PH due to post office snafu and decided he would like to keep the public hearing open one more meeting. He suggested the neighbors speak to the other neighbors and tell them to watch the meetings to help keep informed. Mr. Carthy agreed. Mr. Sauro stated that the neighbors may be adverse to new homes and the proposed stormwater mitigation plan, he has every confidence in the professionals and the applicant has addressed the comments. Mr. Mezzancello stated that we would give the applicant the chance to address the comments and have the highway department come out and comment on the existing drain on site.

Mrs. Brigante stated that this board has all the responsibilities on its shoulders.

The Town Engineer will have some dialogue with the Highway Department regarding the drainage. The Planning Board sign will be put up on the site prior to the next meeting.

Mr. Adelman noted the hydrology issues were addressed and this has given the neighbors a chance to get informed.

Mr. Adelman asked for a motion to adjourn the public hearing to the May 5, 2014 meeting. Mr. Sauro made a motion to approve. It was second by Mr. Mezzancello and approved with four Ayes. Mr. Delano was not present for the vote.

CONTINUING BUSINESS:

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

Present for this application was Tony Patti.

Mr. Patti stated that his revised site plan has made the project a little bit smaller and reduced the amount of gross land coverage and no longer requires a variance. Originally it was 33'10" wide and 24' in length and now it will be 31' 2" wide and 21' in width.

Mr. Patti presented his landscaping plan at this time to the board. He reviewed with the board how he came to his decision regarding the plant species chosen. Based on comments from Mr. Ken Kauffman at previous meetings he has added spindles to the plan to address his comments. The proposed landscaping will be 4 'to 5' tall and will grow to 12 -15 'in height with a three foot spread. He has taken pictures of all the

houses within 250' of his property, except two, to show what presently exists in the neighborhood and will present that at the Neighbor Notification. He noted the Town Planner's memo was in favor of this application due to not being able to park the cars outside of the garage due to the sidewalk and the width of the street. Mr. Patti stated that he will be able to present the construction sequence plan and erosion control plan and the limits of disturbance will be addressed.

In response to Mr. Patti's comment from Mr. Cermele's memo, Mr. Cermele stated that the applicant may want to keep the walkway to the house from the driveway as it may be slippery especially when it snows. Mr. Patti stated that the walkway has been moved to keep it entirely on his property. Mr. Patti stated he has walked down the road to his house when it was slippery over the past 20 years that is no problem for him.

In response to Mr. Adelman's comment, Mr. Kaufman stated that neighbor notification would be the next step. Mr. Adelman asked the board if they had any further comments or questions at this time. Mr. Sauro stated that he was comfortable with this application.

An unidentified voice asked if they could speak at this time, Mr. Adelman noted that could be done at the neighbor notification. The unidentified voice said we are not allowed to speak here tonight. Mr. Adelman stated that he did not want to hear things repeated. The unidentified voice asked for two minutes of the board's time. Mr. Adelman stated that since you are speaking tonight you will not be present for the neighbor notification. The unidentified voice asked what that meant. Mrs. Desimone stated that the neighbors wanted to submit some written comments to the board this evening that was not submitted timely to go out in the packets on Friday. The unidentified voice left copies for the board with the secretary. Mr. Adelman noted that the time for the neighbors to speak would be at the neighbor notification. In response to the unidentified neighbor's comments, Mr. Adelman noted that the neighbors would be notified via mail about the neighbor notification and would be able to speak at that time and not tonight, there are no variances needed for this application at this time, this lot conforms.

The unidentified voices stated that they have an engineer's report that contradicts that. The Zoning Board had some current concerns about some other variances which we were never able hear about yet because now Mr. Patti is coming back to this board. Mr. Kaufman stated that this was in reference as to whether the wall itself needs a variance in terms of the height. To close that loop since there has not been a subsequent Zoning Board meeting, he had a meeting with the Building Inspector and the attorney for the zoning board and determined that a variance is not needed for the height of the wall, for retaining walls a variance is not needed. The unidentified voices stated that they did not agree as he had three attorneys and three engineers review the code and do not agree with that interpretation of the code. Mr. Kaufman stated that you can request an interpretation of the code. The unidentified voice stated that they would challenge that interpretation.

The unidentified voice asked that the Zoning Board look at these issues and not the Planning Board. Mr. Kaufman stated that the Planning Board cannot abdicate their

jurisdiction, they are the approving authority. The variance is no longer necessary based on the revised plan that was submitted. The unidentified voices stated that they don't agree with that and want the ZBA to finish their review and make that decision, the Planning Board is sweeping this under the rug and going through the back door on this thing.

Mr. Kaufman asked what other issues need to be addressed by the ZBA. The unidentified voices stated that the site line needs to be addressed. Mr. Kaufman inquired why would the ZBA need to comment on that issue.

Mr. John Junker, 5 Grove Road, instructor -national safety council, stated that there is a safety issue at that intersection. When coming up Rock Ledge you can't see where he is planning to build. Coming down Grove Road there is a 5 ½ 'wall. Mr. Adelman stopped Mr. Junker and as he reminded the other neighbors, the time for this conversation is at the Neighbor Notification. Mr. Junker suggested the board review the notes from the ZBA meeting, the other concerns raised at that site besides the line of site and access through the area, there are too many violations in that area already. If you read the ZBA minutes you will see the board did not vote but if they had they would have voted it down.

Mr. Adelman stated that he would like to get all of the information in order before the neighbor notification. It was noted that all of the neighbors' concerns were listed in the material that was handed out to the board members this evening. Mr. Kaufman stated the site line issue is within the Planning Board's purview not the Zoning Board, the Town Engineer would comment on the site line issue. The wall issue was resolved with the Building Inspector. He was not familiar with any other issues.

The unidentified voices began to ask more questions. Mr. Adelman suggested at that time that the neighbors submit in writing all the complete and final questions, concerns and problems that they see that they would like answered. Mr. Adelman stated that they will address it with the appropriate boards and departments. The unidentified voice said that was fine, we just want a fair shake, that's all. Mr. Adelman continued and stated what you can't do is submit it and then say we left out this item. In order to do right by you and the applicant, give us your best shot, complete shot and solid shot and we will give it our total attention with all of the responsible parties to get this thing flattened. The unidentified voices stated that was fair, that is all they wanted.

Mr. Patti stated that as noted in the Town Planner's memo, the site plan was forwarded to the Chief of Police, Fire Inspector and the North White Plains Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issues deemed important to providing emergency services on January 14, 2014. The application for site plan approval was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on January 14, 2014. This referral is required because the subject site is located within 500 feet of NYS Route 22. If there were any concerns like Mr. Junker raised earlier this

evening, these people and organizations would be the ones to say if something was unsafe. Mr. Kaufman noted that was one avenue.

The unidentified voice asked if the board had been up to the site lately and seen where Mr. Patti parks his truck right now. It is parked almost in the middle of the road so that people cannot get by. During the ice storm on Wednesday, the plow could not get by; the police had to be called. Mr. Patti parks in the middle of the road so that people cannot get by. He has pictures to prove it.

Mr. Patti stated that was not true and referenced two police reports. One that Mr. Ahrenberg is speaking about, Mr. Patti noted he was going to raise this issue at the Neighbor Notification, he noted he was parking legally. At the January 13 and the January 27, 2014 Planning Board meeting Mr. Ken Kauffman made a statement, which he confirmed with the building department, you cannot park a vehicle on a property unless there is a curb cut. Mr. Ahrenberg interrupted and stated that Mr. Patti has been parking that way for 20 years. Mr. Patti asked to continue uninterrupted. Mr. Adelman noted Mr. Patti will make his point and this will end until the neighbor notification. Mr. Patti stated that it is against the law to park on his own property, which he has been for 21 years. He did not know until the January 13, 2014 meeting when Mr. Ken Kauffman brought it to the attention of the board and himself that it was not legal to park where there was no curb cut and that is why he has come before the board to get a curb cut. Mr. Ahrenberg is doing the same exact thing, he has pictures of that and was going to discuss this at the Neighbor Notification. Mr. Ahrenberg is parking on a neighbor's property, she neighbor is living in Arizona and he spoke with her, and she does give him permission to park there. Mr. Ahrenberg has two vehicles, might be one now, his pictures show two cars, that have been parking illegal, doing the same thing he was doing, on his property without a curb cut. Mr. Ahrenberg is still parking that way today. Mr. Patti noted he is parking his car on the roadway legally. One of the neighbors walked out of the room at this time.

Mr. Patti read the most recent police report that was dated April 16, 2014. North Castle Highway Department contacted the police department regarding a truck parked in the roadway at stated location. The highway truck was unable to get through the roadway. Officer Sergio Gurgitano responded and reports that the vehicle, which was his vehicle, was legally parked. The narrow width of the location makes it difficult for the plow truck to pass. The officer reports that matters were adjusted. Mr. Patti noted he was not doing anything illegal. He is trying to correct this condition by building three parking spaces to keep the cars off of the roadway. He could put four parking spaces from property line to property line; he chose to build three spaces, which is all he needs. For the 21 years that his car was parked there, there was not one complaint from any neighbors that his vehicle was causing an unsafe condition and if he gets this approval it will be legal and he guarantees the board that he will not get any reports that his vehicle is blocking the roadway. The second police report was dated March 23, 2014. The report says that the caller reports a white pickup, which is his truck, the caller; she is concerned that emergency vehicle may have trouble passing due to the size of the truck. Vehicle 72 responding, the vehicle is parked in a legal spot and emergency vehicles will be able to pass safely, no violations were observed. Mr. Patti stated this is

a matter of record, anyone can obtain this report. Unidentified voices started speaking again and said that Mr. Patti should park in front of his own house. Mr. Patti stated he is parking in front of his own property, the parking is worse on Palmer Avenue. Mr. Adelman stated that was enough and reminded the unidentified voices to submit letters to the Planning Board Secretary for distribution.

Mr. Carthy stated that Gentlemen you should know one thing, there is no run around here, he did not appreciate that comment, there is absolutely no run around and there is no bypassing the just process, you almost make it sound like there is an agenda. The unidentified voice stated that is the way it seems like it is going. Mr. Carthy stated that he was sorry that it does seem that way and he can tell you that he is sitting next to very honest Planning Board Members and he promised that they will give it all due consideration. Mr. Patti stated he has been working on this for two years; he is not doing this underhandedly. In response to the comment made by the unidentified voice, Mr. Adelman stated he will review the material that was submitted this evening.

Mr. Patti noted he will make the rest of his comments at the neighbor notification, he feels he has to defend himself with this and he has done his best to meet all of the requirements.

Mrs. Desimone inquired who the unidentified voices were: Mr. Patti noted that it was Ken Kauffman, 35 Grove Road, Don Ahrenberg, 31 Gove Road and John Junker at 5 Grove Road.

Mr. Patti noted that he hopes this is resolved prior to the next snow ordinance which goes into effect on November 15th. If not, he will have a hardship with no place to park. Currently he is legally parked on the road; he has three vehicles to park. Mr. Adelman noted that he hopes to get this matter resolved soonest.

WORLD MISSION SOCIETY

901 North Broadway

Section 122.12 Block 4, Lot 51.

Special Use Permit

Dennis Noskin, AIA LEED AP, Dennis Noskin Architects.

Discussion

This application has been reviewed by the Town Board for a Special Use Permit and the Planning Board for site plan approval regarding the renovation and adaptive reuse of 6,520 square feet of the existing 31,350 square foot office building as a church. The property is located at 901 North Broadway and located within the CB (Central Business) Zoning District.

Present for this application was Dennis Noskin.

After briefly reviewing the application, Mr. Noskin informed the board that the World Mission Society was founded in 1964 in Korea and is now worldwide and the Sabbath is

on a Saturday and has services three times a day. He noted the present business on site is empty on the weekends. It was noted that if the church and the office were occupied at the same time they would be short 39 parking spaces, the operations section will be addressed by the Town Board. Based on comments made in Mr. Kaufman's memo, Mr. Noskin will verify the site plan is accurate regarding the parking count. Mr. Kaufman stated that the satellite view and site plan parking count do not match in the back corner of the lot. Once the parking count has been verified a referral can be made to the ZBA. He will submit an application to the Town Board for a Special Use Permit. Mr. Noskin submitted the use breakdown to Mr. Kaufman at this time.

Mr. Noskin was informed that the Planning Board would grant him some extra time beyond the submission deadline in order to verify the existing parking conditions vs. what was submitted to the board.

Mr. Cermele suggested the applicant use the site plan for your base information and remove the details not necessary for the site plan and put the parking summary on the plan and we will then have an updated plan for the site.

MITTMAN

643 Bedford Road

Section 94.04 Block 2, Lot 30

Lot Line Change

David Cooper, Zarin & Steinmetz.

Discussion

The application is for the land exchange of 17.085 acres from 655 Bedford Road to 643 Bedford Road. Both properties are located within the R-2A Zoning District.

Present for this application is Scott Fisher from Wilkin Architects and David Cooper, attorney for the applicant.

Mr. Cooper stated that his client was proposing a new tennis court and the tennis court exceed the maximum amount of lot coverage and triggered the applicant to appear before he ZBA. While at the ZBA the Board determined that there was a viable alternative as the property owner owns the abutting lot and could do a lot line change with the Planning Board and with that lot line change the lot coverage would not exceed the maximum amount of coverage and a variance from the ZBA would not be necessary.

The board was agreeable to this logic and presentation and a public hearing was scheduled for May 19, 2014.

BAC ELECTRIC

877 North Broadway

Section 122.12 Block 4, Lot 27

Amended site plan

Barry Naderman, PE Naderman Land Planning & Engineering

Discussion

Present for this application was Mr. Naderman and his client J.R. Cavallaro.

Mr. Carthy recused himself due to a business relationship with Mr. Cavallaro.

This application is for an “after the fact” site plan approval of a proposed change of use to electrical contractor office, retail sales and personal training uses. The property is located within the CB Zoning District. The Applicant previously received approval of a site plan on April 9, 2012, but that approval has since expired.

Mr. Naderman stated that his client received approval in April, 2012 and the site plan has since expired. His client would like re-approval of what was originally approved. His client will be staying on site and will address the comments in the resolution. His client would like to remain with the prior approval with nothing new added to it.

Mr. Kaufman stated that since we do have another bite at the apple, his comments refer to the improvements along North Broadway, specifically the aesthetic improvements, potential parking and sidewalks. These items were discussed previously and at that point with the board, they decided not to require those improvements. He recommended to the board that they do require those improvements today.

Mr. Naderman stated that the adjoining lot is vacant and the sidewalk that was once along this stretch is virtually gone. The concrete does not start again until the next lot which is the old school. He noted Mr. Cavallaro did clean up the site on his own when he first moved in prior to site plan approval. This site plan will continue that. He would like to proceed with the site plan as previously approved. Mr. Cavallaro is the second generation of this business which has been in operation since 1978.

In response to Mr. Mezzencello’s comment regarding what else needs to be done from the original approval. Mr. Naderman stated that the following still needs to be done: some improvements to the back of the parking lot, some drainage work, some screening, handicapped parking space and dumpster enclosure area, a paved path to the building for the handicapped parking space, access from the lower lot to the upper lot to access the trainer which will be with Belgium block treads. There was commitment to do screening on other areas of the lot and an agreement would have to be made with the abutting property owner in order to install that screening and his client is ready to pursue those access and easement agreements to do that work and provide access, lighting also has to

be installed at the rear of the building. That is what is left to do regarding site improvements on site.

In response to Mr. Sauro's comment, Mr. Kaufman stated that the board spoke about how the Planning Board was trying to implement sidewalk networks a piece at a time. The applicant stated that he financially could not bear the burden of that cost and the Planning Board at the time said ok don't do it, it was not the case that the board did not want to. In fact, it was noted at the May 23, 2011 Planning Board meeting that the board requested the applicant to amend the site plan and depict the construction of the sidewalk. After that meeting the applicant asked not to do the sidewalk and the Planning Board agreed. Mr. Cavallaro stated that Mr. Greene, Chairman at the time, stated he was not going to hold Mr. Cavallaro responsible for 50 feet of pavement in the middle of 400 feet of unpaved sidewalk area.

In response to Mr. Sauro's comment regarding parking in front of the building presently and how dangerous is that parking in front of the building. Mr. Cavallaro stated that people do park in front of the building to the north all the way down and there has never been an issue. Mr. Naderman noted those parking spaces are not part of the count for the required spaces on site.

Mr. Adelman noted that the only problem with alleviating this sidewalk is that it sets a precedent for everyone else and nothing ever gets done. The board recently required construction of a sidewalk on Old Route 22 under similar circumstances from two applicants.

Mr. Cavallaro stated that Gerster Electric did not put in a sidewalk. He parks his trucks in front of his building where as he parks behind his building. Mr. Kaufman stated that the board is trying to correct those types of site plans. Mr. Adelman noted that the only opportunity is when an applicant is before the board. This board gets everyone to put in a sidewalk while before the Planning Board. Recent applications that put in sidewalks were Amore – Kent Place; Nail Salon – North Broadway; Zero Otto Nove – Old route 22; Montessori school and Indian Café - 61 & 67 Old Route 22, NYCDEP Bowling Alley on Old Route 22, none of these applicants were happy about putting in a sidewalk but have done it.

Mr. Naderman did not want to preclude the cars from parking up front as they do now. Anything done in the NYS right of way will require a permit. Mr. Adelman noted that if they want the improvements, they will issue the permit. Mr. Adelman noted that like Mr. Cavallaro stated earlier that Gerster did not put in a side walk, the next applicant will come in and say BAC was not required to put in a side walk and we will never get anywhere with the sidewalks. Mr. Cavallaro stated that he is just asking for the approval that was granted two years ago. If he has to put in the sidewalk, it will create a problem for the use of it and him remaining on site. He has looked into this and stated that he has

met with NYS. This will make him turn around and make him leave. This is just not a financial burden; there will be a change because it is in the right of way.

Mr. Naderman stated that the DOT stated they are not going to preclude the continued use of that area as it always has and once you start to make improvements to it has to meet all current requirements. Mr. Kaufman asked the applicant wouldn't that be a good thing, aesthetically it would be a very good thing. Mr. Naderman stated that functionally it kills it. Mr. Cavallaro stated that he might as well just move. Mr. Kaufman inquired why functionally to Mr. Naderman. Mr. Naderman stated that cars would not be able to informally park in front anymore. Mr. Kaufman stated that is why we are creating a parking lot in the rear of the site. Mr. Naderman stated the parking lot was being created to meet the site plan requirements. Under this approval, they were not going to lose their ability to park up front. Mr. Kaufman stated that Mr. Naderman just stated that the DOT did not think that was a safe condition. Mr. Naderman clarified that the DOT does not have a problem with the continued use of that area but once you apply for permits to do something in there is has to meet all of the current codes. Mr. Kaufman stated that is exactly what we are saying; we want to bring that up to current standards. Mr. Adelman stated that is what the board is saying as well.

Mr. Cavallaro stated that this is a financial and functional burden. If he can't use the front the way we have been, he noted he has spent \$34,000. to date on this approval, he stated that he might as well pack up and leave North Castle.

In response to Mr. Sauro's comment, it was stated that there is 50' of frontage.

Mr. Cavallaro suggested a flush side walk to drive over. Mr. Kaufman and Mr. Cermele suggested Mr. Cavallaro and Mr. Naderman approach the DOT with that suggestion and see what they say.

Mr. Kaufman suggested a lawn in front of the site and the same policy should be used to get updates on the other sites.

In response to Mr. Mezzancello's comment, Mr. Cavallaro stated he was not the property owner, Sigma is the property owner. Mr. Mezzancello noted if Mr. Cavallaro was the property owner that he would have to go to the DOT.

Mr. Adelman stated that the only hook to get this done is when an applicant is before the Planning Board and no one else is on the horizon to get it done at this point.

Mr. Sauro, Mr. Mezzancello and Mr. Adelman agreed that they would like some input from Mr. Delano, who is not present this evening, regarding the sidewalk and would like comments as suggested by Mr. Cavallaro from the DOT regarding the flush sidewalk to drive over.

Meeting Adjourned at 11:10 p.m.