

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
April 25, 2016**

PLANNING BOARD MEMBERS PRESENT:

John Delano, Chairman
Steve Sauro
Christopher Carthy
Michael Pollack

Absent:

Jim Jensen

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

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

Joseph Cermele, PE
Consulting Town Engineer
Kellard Sessions PC

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
George Drapeau

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

Mr. Delano welcomed George Drapeau, Conservation Board Representative.

APPROVAL OF MINUTES:

April 11, 2016

Mr. Delano asked for a motion to approve the April 11, 2016 Planning Board minutes as amended. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with four Ayes. Mr. Jensen was not present for the vote.

March 21, 2016

Mr. Delano asked for a motion to approve the March 21, 2016 Planning Board minutes as amended. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with four Ayes. Mr. Jensen was not present for the vote.

DISCUSSION:

SWISS RE

175 KING STREET

113.04-1-2

Solar Panels

Gerhard M. Schwalbe, PE Divney Tung Schwalbe, LLP

Discussion of site walk

The application for the installation of an approximately 9,000 panel photovoltaic (PV) array at the Swiss Re site to supply electricity to the headquarters campus. Project activities will take place within a 9.6-acre area located on the southeast portion of the site in an open meadow and wooded area adjacent to NYS Route 120. The panels will be surrounded by a chain link fence enclosure and accessible via on-site existing access roads. Town-regulated trees around the perimeter of the array will also be removed.

Mr. Schwalbe stated that each panel will generate 2.2 megawatts and once installed the array will produce 60% of the energy on site. He noted that there were not too many neighbors around the site and there are some limited views from King Street. The applicant is proposing to plant 100 trees and 300 shrubs. He presented a conceptual planting plan to the Board at this time. He noted that the array is proposed on the downhill as viewed from King Street.

Mr. Schwalbe handed out a visual analysis at this time. He noted the machine pushes the posts in the ground and that is how the panels are installed. There will be no increase in impervious surface. He noted that they have reached out to the FAA in regards to a glare study and initially there were no issues so far. In response to Mr. Pollack's comment, Mr. Schwalbe stated it will take 4 ½ years to recover the cost of installation.

Mr. Null noted that Swiss Re investing in their site is good for the Town of North Castle.

Mr. Kaufman noted that the Building Inspector, Michael Cromwell, determined this is not a permitted use. Mr. Kaufman emailed the board earlier this afternoon draft legislation he prepared regarding solar panels which includes ground mounted solar panels. An operation manual for the different levels of arrays is included in this draft legislation. Discussions were had regarding where the ground mounted panels would and would not be permitted around town.

Mr. Null asked the board for a recommendation this evening to the Town Board so they could get on their April 27, 2016 agenda.

The board did not declare lead agency intent.

Mr. Delano asked for a motion to refer the solar panel concept of legislation to the Town Board and that it was alright with the Planning Board for the Town Board to act as Lead Agency. Mr. Sauro made a motion, it was second by Mr. Carthy and approved with four Ayes. Mr. Jensen was not present for the vote.

USHERENKO

9 Winkler Farm Road

95.01-2-77

Site Plan

Pete Gregory, PE Keane Coppelman Gregory Engineers, PC

Discussion

The site plan application is for the construction of a new 20'x40' in-ground swimming pool in the R-2A Zoning District. The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board and the Conservation Board is warranted.

Present for this applicant were the applicants professionals Pete Gregory and Ken Thompson.

Mr. Thompson stated that the applicant thought they had a pool approval years ago with a 35 foot setback and the setback today is 50 feet. The Board of Health agreed to keep the previously approved 35 foot setback. The pool has been reduced to 18 x 36; an extensive landscaping plan has been submitted.

Mr. Gregory presented stormwater mitigation area on site as well as a proposed rain garden and mitigation plantings. He noted his client needed a referral to the ZBA regarding the setback requirements.

Mr. Delano asked for a motion to make a recommendation to the Zoning Board of appeals regarding the Usherenko application. Mr. Pollack made a motion to approve, it was second by Mr. Sauro and approved with four Ayes. Mr. Jensen was not present for the vote.

Mr. Delano noted that the proposed landscaping should be on the Usherenko property and not the neighboring property.

It was noted that the septic location was directly behind the house in the back yard which then pushed the location of the pool to the side of the back yard instead of directly behind the house in the back yard.

The applicant was instructed to apply to the Conservation Board regarding the wetlands.

A site walk was scheduled for Friday, April 29, 2016 at 8:00 a.m.

MADONNA

Route 128- Mount Kisco Road

108.01-1-30.3

Site Plan

Kory Salomone, Esq. The Law Office of Kory Salomone, PC

Discussion

Present for this application were the professionals Kory Salomone and Ralph Alfonzetti and the applicant Frank Madonna.

The application to construct a 40,000 square foot 16 unit multi-family building on the 3.8 acre property.

Mr. Salomone noted that 16 units were proposed for this site, 7 units on the first floor, 7 units on the second floor and 2 penthouses. There are 43 parking spaces proposed and nine of those spaces will be designated as visitor parking outside the building. The architectural plans and landscaping plans will be submitted within a couple of weeks.

After a brief discussion, it was noted the endangered species report was already submitted and within the Planning Board files. It was also noted the sewer district was all in order for this application and if the applicant were to move the AFFH units off site that would be a town Board decision.

Mr. Madonna noted that he is working with the roof lines of the building in order to make it more of a colonial look which was the request of the Town Board. Originally submitted was a Dutch Colonial.

Discussions were had regarding the stone wall proposed along Route 128 and the entrance gate into the site and a suitable turnaround for people who entered the site by accident.

It was noted that the wetland was not pristine and a mitigation plan has to be worked out with the Conservation Board. It was also noted that the applicant needs to follow up with regards to the DEC approval.

It was also noted that the garbage enclosure will be in the basement and the applicant has reached out to a carting company to make sure they can access it that way and was informed they could.

GJONAJ

7 Pine Ridge Road

102.01-02-7

Preliminary 3 lot subdivision

Paul Sysak, RLA, ASLA John Meyer Consulting, PC

Consideration of 3rd Extension of Time

Present for this application was Mr. Miller, attorney for the applicant as well as the engineer for this application, Paul Sysak.

Mr. Miller reminded the board that preliminary subdivision approval was granted for this site for a three lot subdivision and one of the conditions in the resolution pertains to Lot #3. There is an existing shared driveway easement that provides for a shared driveway between Lot 3 and the neighboring property, each of which lots is improved with a single family dwelling. The existing driveway does not comply with the current code in that both the driveway itself, as well as the platform adjacent to Bedford-Banksville Road, exceed the maximum permitted grade. The approved final subdivision plat requires improvement of the driveway which is shared by Mr. Gjonaj and the neighboring property owner: Mr. Zeng. The approved plat would bring both driveways into compliance with the grade requirements. That work would take place mostly within the shared driveway easement but would also necessitate some additional work outside the shared easement area on the neighboring property. Such work would require a temporary easement from the neighbor to perform that work, all at the expense of our client, including repaving of Mr. Zeng's driveway. Although the resulting driveways would benefit both properties, to date all our efforts to work with the neighbor have been rebuffed. Phone calls have not been returned and a letter to the attorney for the neighbor, Bellantoni, was just returned to the office today. Mr. Miller will send the letter to the new address.

Mr. Miller stated that he is still trying to work with the neighbor but to date has not reached an agreement and in the event that it can't be resolved he would like to present four alternatives to the board that would allow his client to continue with the application and address the issues in the resolution and move on to Final Subdivision. He presented the four alternatives to the board at this time. Mr. Delano noted that he wants to give the resident the safest driveway according to the code. The board agreed that they liked alternative #4 the best.

Mr. Miller requested a public hearing to be scheduled for the May 23, 2016 Planning Board meeting.

DEER RIDGE SUBDIVISION

7 Deer Ridge Lane

100.04-2-20

Preliminary Subdivision

Ralph Alfonzetti, PE Alfonzetti Engineering PC

Dan Merritts, Thomas C. Merritt's Land Surveyors

Discussion

Present for this application were the applicants professionals, Mark Miller and Ralph Alfonzetti.

The application is for a five lot subdivision of the existing 17.11 acre parcel located within the R-2A Zoning District. The site currently contains a single-family residence, which is proposed to remain, along with a guest house and greenhouse which are proposed to be demolished. The new single-family residences are proposed to be accessed via a new Town Road with all lots served by on-site wastewater treatment and wells.

Mr. Miller noted that he submitted the preliminary subdivision plat earlier this evening to the Planning Board Secretary. He would like to schedule a public hearing this evening.

Mr. Miller noted that the corner lot is a separate building lot and not part of the subdivision. The tree removal information provided includes the other lot. He also pointed out the infrastructure and how it relates to the subdivision and the separate building lot. He also reviewed the easement as it relates to the subdivision and the separate building lot. If the subdivision does not happen for whatever reason, the basin will be reduced in size and the present owner will grant an easement from the existing driveway to the proposed driveway of the separate building lot.

Mr. Miller stated that there has been some discussion about sending this to the LPC. Cici Saunders has been hired in regards to historical perspectives and will prepare a Phase I Archaeological report and will submit that prior to the public hearing.

In response to comments from the board, Mr. Cermele stated that there is adequate sizing to date regarding the drainage and storm water for this application, there are some minor comments to be addressed but nothing that would hold up the applicant.

Mr. Kaufman noted that he and Mr. Cermele have not had a chance to review the plat that was submitted this evening and worst case scenario, the public hearing could be kept open but he did not foresee that happening based on what was submitted to date.

A public hearing was scheduled for May 23, 2016.

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WESTFIELD DAY SCHOOL INC.

7 North Greenwich Road

108.03-3-16

Site Plan

Nathanial Holt, PE Holt Engineering & Consulting

Discussion

Present for this application is Peter Schoenholtz, Clinical Social worker and founder of Westfield Day School and his associate Pam Heldman, Administrator and Educator.

Mr. Schoenholtz stated that this is a safe place for kids struggling in school to attend. The school accommodates kids from grades 6-12. A proper diagnosis and assessment is made for the students and the school provides emotional support for the student to get better in a small nurturing setting. Presently there are 22 students in the school and 20 staff members. Not all of the staff is there full time. The teachers come in, teach and leave. There are 10 - 11 adults on site at any given time. There are two part time administrative assistants. Four mini school buses arrive on site between 8:45 & 9:15 daily and are provided by the school district. A typical school day was then presented to the board. Lunch is on site and dismissal is at 2:30 p.m. All of their students move on to a higher form of education and take New York State regents exams. This school has been open for 16 years. The public schools accept the credits from this school when they return to public school. Landscaping is proposed on site along with painting and replacing rotten wood on site. Lunches will be ordered from local businesses daily and the arrival and dismissal times will not clash with your local school schedules.

It was noted the applicant was scheduled to go before the ZBA on May 5, 2016. .

The applicant noted that they were looking into renting the gym at St. Patrick's a couple days a week and a bus or van will be rented to take the children to and from the site.

There is summer school from 9:00 a.m.-12 p.m. during the summer months on Tuesday, Wednesday & Thursday's for six weeks. Students utilize this to prepare for regents exams offered in August or to get acclimated with the school before beginning in the fall. Previously there have been between 4 – 6 students. .

Discussions were had at this time regarding the professional's memos and comments regarding bus maneuverability on site. The applicant's professional did not feel there was sufficient space for a loop around the building to accommodate the bus route on site. They reviewed an alternative plan for bus drop off at this time. She noted that with kids graduating this spring they will have about 16 kids enrolled this fall. Mr. Delano noted that we do not want to create a scenario where buses will have to back up on site and risk the safety of the children.

In response to comments from the Town Engineers memos, they have begun conversations with the Board of Health regarding water and septic on site. They can address the other comments in the memo on the next set of plans. The patio proposed

is really a place for a picnic table for our teachers to sit on and eat during lunch.

It was noted the off street parking requirements will need to be submitted.

In response to the applicants comment, Mr. Kaufman stated that the applicant will need to go before the ZBA for a public hearing, then the Town Board for a Special Use Permit public hearing and after that a public hearing for site plan approval with the Planning Board.

The board scheduled a site walk on Friday, April 29, 2016 at 8:30 a.m.

ARMONK PROFESSIONAL CENTER

355 Main Street

108.03-1-74

Amended Site Plan

Vatche Simonian, RA Simonian Rosenbaum Architects

Discussion

The application for the construction of a new 337 square foot elevator/lobby addition at 355 Main Street. The property is located within the PBO Zoning District.

Present for this application was Vatche Simonian, Architect and Robert Schmidt both from Simonian Rosenbaum Architects.

Mr. Vatche stated this elevator is needed in order for Mr. Cardile to access the second floor of the building. He presented a 3-D photo of the proposed elevator.

Mr. Kaufman noted a variance is needed for the side yard setback. If the board is comfortable with this concept they can make a recommendation to the Zoning Board.

Discussions were had regarding the additional floor area for the elevator and how that gets calculated. There are 116 parking spaces that exist and with the land banked parking spaces there are a total of 140 on site. Two more spaces would be land banked as a result of the elevator. Discussions were had on this matter and it was noted that the last time a change of use was granted on this site was a site plan waiver. Since this is a multi-tenanted building there is a lot of floor area like the lobby and hallways not generating any parking demand. Mr. Kaufman noted the code was not clear on whether to use the Gross Floor Area or not in that area when calculating the parking demand.

Mr. Fareri noted that he owns the building next door and has no objection to this application.

The board concluded that off-street parking calculation excluding common areas are appropriate and when the applicant goes to the ZBA all they will need is a side yard setback. Once obtained, the applicant can return to the Planning Board for a public

hearing and site plan approval. .

The applicant was reminded to go before the ARB and ZBA.

Mr. Delano asked for a motion to recommend this application to the Zoning Board of appeals. Mr. Pollack made a motion, it was second by Mr. Sauro and approved with four Ayes. Mr. Jensen was not present for the vote.

A site walk was scheduled for Friday, April 29, 2016 at 9:00 a.m.

37 & 41 MAPLE AVENUE

37 & 41 Maple Avenue

108.01-6-35 & 108.01-6-33

Referral from Town Board

Michael Fareri

Discussion

The proposed special use permits have been referred to the Planning Board for comment and recommendation by the Town Board. The application for the merger of the 37 Maple and 41 Maple Ave lots, demolition of the building at 41 Maple Ave and the construction of additions to 39 Maple Avenue to provide three two-bedroom and three one-bedroom AFFH apartments along with 831 square feet of retail space. The total gross floor area on both properties is proposed to be increased to 8,550 square feet from the existing 8,260 square feet.

Mr. Fareri noted he can address the comments in the memos from both professionals. Mr. Baroni inquired if Westchester County understood that all six AFFH units were being located to this site. Mr. Fareri stated he had a letter to that effect from Westchester County. Mr. Baroni noted he did not recall seeing that letter and requested a copy from Mr. Fareri.

The Planning Board reviewed and discussed the above referenced referral regarding the issuance of a special permit for first floor apartments and more than one apartment in the proposed building. Mr. Delano asked for a motion to positively recommend to the Town Board that there were no global planning issues with respect to issuing the requested special use permits. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with four Ayes. Mr. Jensen was not present for the vote.

SCOTT

80 MIANUS RIVER ROAD

96.01-1-8

Proposed 5 Lot Subdivision on 38 acres with proposed common driveway.

J.D. Barrett & Associates

Consideration of Extension of Time

Mr. Delano asked for a motion to approve the extension of time request. Mr. Sauro made a motion to approve. It was second by Mr. Pollack and approved with four Ayes. Mr. Jensen was not present for the vote.

Mr. Delano asked for a motion to adjourn the meeting. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with four Ayes. Mr. Jensen was not present for the vote. Meeting was adjourned at 9:15 p.m.