

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
May 11, 2015**

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**PLANNING BOARD MEMBERS PRESENT:**

Art Adelman, Chairman  
John Delano  
Steve Sauro  
Christopher Carthy  
Michael Pollack

**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 Tiernan

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

**APPROVAL OF MINUTES:**

**April 27, 2015**

Mr. Adelman asked for a motion to approve the April 27, 2015 Minutes as amended.  
Mr. Pollack made a motion to approve. It was second by Mr. Delano and approved with five Ayes.

Mr. Delano read the follow letter into the record regarding comments from the CVS application at the April 27, 2015 Planning Board meeting. He apologized for his overzealous behavior at the last meeting and apologized to his fellow board members as well.

May 11, 2015

Board of Fire Commissioners  
North Castle Fire District No. 2  
400 Bedford Road, P.O. Box 188  
Armonk, New York 10504-0188

Dear Honorable Chairman Wuebber and Esteemed Board Members,

Please allow me to extend my deepest and most sincere apology for the unwarranted use of a derogatory connotation which I misdirected at your Board from my seat as a member of the Town of North Castle Planning Board, during our meeting of April 27, 2015.

My zeal in the matter of providing the safest and proper fire apparatus access to the CVS site from Maple Avenue, as a Planning Board responsibility, and the content of the ensuing discussion overwhelmed my sensibilities. I spoke further without first taking the time to form an intelligent statement, which action I truly regret.

Be aware that I do truly respect and admire not only you, but all those like yourselves whose give back to the Town as volunteers, especially in the Fire & EMS services. In days gone by I was an active member of the North White Plains Volunteer Fire Company for six years, and later came to serve on the Board of Fire Commissioners of the North Castle South Fire District No. 1 for over ten years in the recent past.

Regardless, kindly accept my gratitude for your continued volunteerism and consider accepting this apology from one who truly does appreciate your service.

Sincerely yours, John P. Delano

**CONTINUING BUSINESS:**

**KENSICO LITTLE LEAGUE & VALHALLA JR. VIKINGS FOOTBALL STORAGE TRAILER AT CLOVE ROAD FIELD**

**10 Clove Road**

**Section 122.08 Block 1, Lot 3**

**Installation of Storage Container for Sports Equipment**

**Robert Candrea, President Kensico Little League**

**Michael Sullivan, President Valhalla Jr. Vikings Football**

**Discussion**

Present for this application was Robert Candrea, President Kensico Little League and Michael Sullivan, President Valhalla Jr. Vikings Football.

The application is for the installation of a 20' x 8' trailer at Clove Road Park. The proposed trailer will be used to store baseball and football equipment at the Clove Road Park field. The trailer will be located at a minimum of 50 feet from the nearest property line (21 Clove Road).

Mr. Delano noted for the record that he coached 10 years for the Kensico Little League and was previously on the Kensico Little League Board of Directors. He opined that this would not impact his decision on this application.

Mr. Candrea stated that presently they are paying to store the equipment during the off season and purchasing vs. renting is cost effective and noted that carting the material from field to field has taken its toll on his volunteers vehicles over time as well.

The applicant was informed they had to get ARB approval for the container and had to return to the Planning Board for site plan approval. Mr. Kaufman noted that this container may be visible from the Bronx River Parkway and screening should be discussed with the ARB or tweaking the location to be less visible.

Mr. Delano inquired if the Town Board had to vote on this. Mr. Kaufman stated that he did not think so; he had spoken to the superintendent of Recreation and Parks Department who gave his approval.

**MONTESSORI SCHOOL**  
**67 Old Route 22**  
**Section 107.04 Block 2, Lot 8**  
**Amended Site Development for Swimming Pool**  
**Robert Peake, AICP, John Meyer Consulting**  
**Discussion**

The application is for the construction of a new 22' x 33' in-ground Swimming pool within the Town-regulated wetland buffer, at the Montessori School. The property is located within the RB and R-1A Zoning Districts.

Mr. Carthy recused himself from this application.

Mr. Peake was present for this application.

Mr. Peake reviewed the modified plan and oriented the board with the site. The pool was moved parallel to the side wall of the building, the existing rock slope will be a great screen to the neighboring commercial property. Most of the school and play area are in the wetland buffer. This application will need to go before the ZBA and Conservation Board. This pool will have a handicapped accessible ramp. The pool equipment pad was re-located closer to the building. This is a good orientation and minimizes the impacts to the slope. There was a pool previously on site that was filled in.

The Planning Board does not feel it is necessary to amend the Town Board Special Use Permit for the pool approval of the school.

It was noted that the referral was made to the ZBA at the last meeting and it was not necessary to do that again at this meeting.

**MADONNA – Age Restricted Project**  
**Route 128 & Old Mount Kisco Road**  
**Section 108.0, Block 1, Lots 27, 28, 30.3**  
**Referral from Town Board**  
**Kory Salomone, Esq. Veneziano & Associates.**  
**Frank Madonna, Applicant**  
**Discussion**

Present for this application was Mr. Frank Madonna, property owner and Mr. Kory Salomone attorney for the applicant. Also present was neighbor Mr. Craig Ussted, 124 Old Mount Kisco Road.

The Town Board referred the plan to the Planning Board for initial review and consideration of its proposed size, appearance and character, as it relates to the surrounding neighborhood. The property was recently rezoned to Floating Zone. An extension to Sewer District #2 was previously approved. The applicant is proposing 16 – 2 bedroom units which will be between 1,800 – 2,000 square feet. The same sewer

hook ups for the neighbors that was proposed previously is still in effect.

The Town Board was wrestling with two plans at their last meeting, a single structure or multiple buildings on site. The Town Board wanted some input from the Planning Board. Mr. Kaufman expressed his concerns with negative visual impacts a single large building would have on site. He wanted to make sure that it can be integrated and or screened from the neighborhood. One building would have a 50' setback vs. 5 buildings with a 10 - 15 foot setback. The Planning Board needs to decide if a single building can be integrated into the neighborhood and screened properly.

Mr. Adelman noted that the board has been out to the site a couple of times. He also recalled at the last meeting that Mr. Useted noted that during the winter months the snow gets plowed up against the homes and falls back onto the road reducing the two travel lanes to one. Mr. Madonna is considering widening the road with this proposal.

Mr. Baroni entered the meeting at this time.

Mr. Useted stated he lives across the street from this site and noted that there is not enough screening proposed for the 5 building plan. He prefers one building on site, he likes that it is 50' from the rear property line and will allow more screening and the structure will be further from Old Mount Kisco Road.

Discussions were had at this time to see if it were possible to recommend a footprint that would enable the applicant to extend the sewer along the entire street. Mr. Kaufman stated that to extend the sewer district would be a Town Board action. If the other residents would like the district extended they should reach out to the Town Board. Mr. Kaufman stated that based on his attendance at the Town Board meetings they want to minimize the footprint and make sure it is well landscaped. The board continued this discussion and considered neighborhood character, visibility, maximum sewer capacity and weighed the positive vs. the negatives on site and tried to optimize the best trade off.

Mr. Kaufman noted the single building will be 8' lower as it is closer to Route 128.

Mr. Madonna presented the landscaping plan at this time. The other plan had people looking at the back of town houses; the new plan will have people facing the front of a beautiful building.

Mr. Adelman noted a berm will be planted with optimal tree sizes with the best survival rate to further improve screening.

Mr. Kaufman stated that the zoning limits a two story structure which has a maximum height of 30'. Perhaps the board would increase the height to 2 ½ stories using dormers without increasing the height and reducing the foot print slightly.

Mr. Useted stated that there is a 3' stone wall about two feet off of the road. When the snow is plowed, the snow piles up and falls back onto the road. Mr. Salomone pointed

out where the stone wall was located and noted the road could be widened 8 – 10 feet, minus the poles, the DOT would have to move the poles, his client will widen the road but someone else will have to move the poles. Mr. Kaufman noted that could be discussed during site plan approval.

In response to Mr. Sauro's comment, Mr. Madonna was not sure what type of materials were going to be used at this time because that would depend on whether the structure was 2 or 2.5 stories for siding materials. He is considering cedar shake or hardy plank and he will review that with the ARB. In order to move forward he needs to know if the board would consider 2 or 2 ½ stories. With consideration of the 2 ½ story he could reduce the building from a footprint of 19,000 to 14,000 square feet. There will be a basement level garage when coming off of Route 128. There will be two parking spaces underground per unit and adequate visitor parking on the outside. He is presently proposing 16 – 2 bedroom units which will be between 1,800 – 2,000 square feet. This will be comparable to the Town House project with FAR and GLC, it will be just set up differently.

Mr. Adelman stated that in regards to neighborhood character, anything built will not be in character but this is a good tradeoff. He asked for additional landscaping to be proposed on the Route 128 side as well as the Old Mount Kisco Road side.

In response to Mr. Pollacks's comment, Mr. Madonna stated that the lot to the left when looking at the site from route 128 is 30 - 40 feet higher than the residences on Old Mount Kisco Road and that lot will remain vacant, as of now, for the privacy of the residents on Old Mount Kisco Road.

In response to Mr. Sauro's comment, this project is geared towards 55 and older, the floors are all one level and the penthouses will have terraces and based on the design of the first and second floor units, they will all have access to ground level. He has no preference regarding either plan, he is happy to provide what the board is looking for which is to minimize the footprint.

Mr. Carthy stated that this alternate form of housing is a good solution to that space. In response to Mr. Pollack's comment a traffic study has been done and Mr. Kaufman noted that there would be no impact to traffic along NYS Route 128. Mr. Cermele stated that no more extra impervious or extra drainage will be needed with the new plan.

Mr. Adelman asked for a motion to positively refer this application back to the Town Board with the apartment alternative due to the following benefits. Significantly more screening, reduction in height of the building, increased building setbacks. Senior housing is a better sense of place compared to the Townhouse alternative. Consideration of permitting 2.5 stories so the attic space could be converted to habitable space, 2.5 stories would enable a reduction in the building footprint without increasing the height of the building. The proposed amount of gross land coverage on the apartment alternative could not exceed that of the townhouse proposal.

Mr. Delano made a motion to positively refer this application back to the Town Board as noted by Mr. Adelman, it was second by Mr. Sauro and approved with five ayes.

## **NYCDEP KENSICO RD CLOSURE TRAFFIC IMPROVEMENT**

**Intersection of King St. (Rt 120) at Nanny Hagen Rd**

**North Broadway at Route 22**

**The DEP is proposing various traffic improvement measures to several intersections affected by the closure of Westlake Drive across the Kensico Dam.**

**NYCDEP - Maria Mandarino, PE Capital Planning, Chief**

### **Discussion**

The following people were present for this application, Zaidoun Ereifej, DEP; Rich Wilhelm, DEP; Melissa Beristain, DEP; Steve Seymour, HDR|GF JV; Stefanie Cassin, HDR|GF JV; Tejal Kuray, HDR|GF JV.

Ms. Cassin stated that they went to the Conservation Board after their last appearance before the Planning Board. She would like to get a wetland and tree removal permits in North Castle and approval for an MS-4 and schedule a public hearing. The plan has not been revised since they were last before the board.

Mr. Cermele noted there was a minor comment regarding the grading on the Route 120 site that needs to be addressed. He asked that the grading plan be submitted; he noted the cross section is show but the grading is not shown. He wanted to make sure the transition from the road to the grading for that swale works. He is fine with everything else.

Mr. Adelman asked that while the applicant is doing this work that they be considerate of Commuters on Nanny Hagen. Mrs. Cassin stated that there will be lane closures occur during the summer when there are fewer busses and more people are on vacation, the lanes will be closed down between 9:00 a.m. – 3:00 p.m.

Mr. Delano expressed his concerns to the applicant that they make sure there are great site lines to the North when exiting Nanny Hagen onto Route 120. Route 120 is a state Road and if a site clearing easement is necessary it should be considered at this time. Mrs. Cassin stated that she would look at it and it would be addressed.

A public hearing will be scheduled at the applicant's convenience and a resolution with all approvals will be considered at that time. ( At the applicant's request, a public hearing was scheduled for June 22, 2015)

**NYCDEP KENSICO RD CLOSURE TRAFFIC IMPROVEMENT**

**Intersection of King St. (Rt 120) at Nanny Hagen Rd**

**North Broadway at Route 22**

**The DEP is Proposing Engineering Test Holes in Wetland Buffer.**

**NYCDEP - Maria Mandarino, PE Capital Planning, Chief**

**Consideration of Wetland Permit Jurisdiction Waiver**

Mr. Adelman asked for a motion for the board to approve the wetland permit jurisdiction waiver regarding the installation of a geotechnical boring in a wetland buffer which will affect 84 square feet.. This is a minor project and the Town Engineer can issue the wetland permit. Mr. Delano made a motion to approve, it was second by Mr. Carthy and approved with five Ayes.

**25 LIMESTONE ROAD**

**25 Limestone Road**

**Section 108.03, Block 2, Lot 64**

**Amended Site plan**

**Ralph Mastromonaco, PE Ralph Mastromonaco Consulting Engineers**

**Discussion**

Present for this application was Ralph Mastromonaco and his client, Nicholas Shirriah.

The Planning Board previously issued site plan, tree removal and wetlands permit approvals for this property on October 20, 2014 for a 3,840 square foot two bedroom home. The Applicant is seeking small modifications to the previously proposed house design, size and footprint. The amended site plan application is for the construction of a 3,826 square foot two bedroom home in the R-1A Zoning District.

Mr. Mastromonaco stated that the prior owner who received the approval has sold the property to his client and his client has made some slight modifications to the house which requires amended site plan approval. The house is slightly smaller and a little shorter and the architecture is different.

Mr. Kaufman reminded Mr. Mastromonaco that he will have to get ARB approval and will have to have another neighbor notification.

When the applicant has scheduled an appearance before the ARB (May 20, 2015), they will let the Planning Board know so that a neighbor notification can be scheduled. Neighbor notification was scheduled for May 28, 2015, a resolution will be considered that evening as well.



**BRYNWOOD GOLF & COUNTRY CLUB**

**568 Bedford Road**

**Section 101.02, Block 1, Lot 28**

**Discussion of Proposed Local Law**

Present for this application was Bonnie Von Ohlsen, RLA, LEED Green Assoc., Senior project Manager, Mark Weingarten, Esq., DelBello Donnellan Weingarten Wise & Wiederkehr LLP; Nicole Emmons, AIA, Hart Howerton; Megan Maciejowski – Director at Corigin representing Brynwood Partners; .Bob Roth, PE John Meyer Consulting , Paul Sysak, PE John Meyer Consulting.

Mr. Adelman stated that the Town Board is considering amendments to the Town Zoning Ordinance, Town Comprehensive Plan and revisions to the Town Development Plan Map.

There was one neighbor present for this application.

Mr. Weingarten stated that his clients goal is to preserve the golf club. They purchased the property in 2009 and invested millions and brought in Troon Golf Management Company to run the club. It was a complete turnaround with a short term success. They want to turn this club into an upscale golf course community which is very successful around the country. It is designed for empty nesters, a unique housing choice with great marketing to those in the community who want to down size, remain in a home and stay close to friends and family within the community.

The application has been revised a number of times. The original application was for 243 units which was reduced to 88 units and proposed today are 80 units. There are two plans proposed the first one will have 10 Golf Cottages, 7 AFFH units, 63 golf residences and the second proposal is if the AFFH units are off site then there will be 10 golf cottages and 70 golf residences. Seven Club Buildings that were next to Route 22 have been eliminated which were replaced with five reduced height golf cottages further away from the road. The internal road from Route 22 was eliminated and 500' of linear roads was reduced on site. There is a 100' no housing buffer from all sides of the property. To address concerns regarding permanency of open space, paperwork regarding a conservation easement has been drawn up regarding the permanency of the golf course or open space. It was also agreed to enter into a collective benefits with the Town which has a number of items promised, most significantly each unit will be taxed as single family homes vs. condo taxed benefits. He noted if you live on site you must be a member of the club. This proposal will generate 1.4 million in building permits and 2.4 million in taxes, his client will join the water district.

Ms. Emmons stated that the architects from her firm have designed complete environments which include landscape, master plan and architecture. Her firm has worked in some of the country's top golf settings as well as in the Northeast. Her firm reviews all aspects of a plan which also includes context, traditions, heritage of the design and architecture and material used in the community. They are working with Reese Jones office who is also known as the "The US Open Doctors" they have

renovated more golf courses than any other firm in the country and have worked all over the world. The master plan is to blend the golf club with the residential component. Route 22 will be generously landscaped. These units are designed for empty nesters with a generous, large 2 bedroom unit to enable people to host a grandchild for the weekend, or a have a home office in the second bedroom.

Mr. Weingarten stated that there are some proposed amendments to the Town Zoning Ordinance and Comprehensive Plan that the board will be considering this evening - Adoption of the proposed Comprehensive Plan amendment to specifically recommend the approval of housing as a method of preserving large open spaces within the Town - Adoption of the proposed Town Development Plan Map to depict the Brynwood property within a new class entitled "Private Open Space/Housing - Adoption of proposed modifications to the Membership Club definition - Adoption of proposed modifications to the Golf Course Special Use Permit requirements with respect to permitted uses - Adoption of the proposed overlay zoning district. Discussions were also had regarding Section 213-25.A.G(1) be revised to eliminate the exemption that successor investors of sponsor units are not required to be members of the club and Section 213-25.A.D(2) be revised to significantly reduce the maximum permitted Building Coverage for the project. He also noted that a public hearing was scheduled with the Town Board on May 27, 2015.

Mr. Adelman inquired about the community benefits agreement for fee simple taxes on these units. Mr. Baroni stated that they have gone through a number of drafts and are finally to a point where they are ready to send the draft to the Attorney General's office for their review and approval. The agreement on the face is proposed to terminate if and when the town undertakes the revaluation of the Town and if it adopts the homestead exemption as part of that revaluation process. The homestead exemption in and of itself solves the condo vs. fee simple taxing problem, where everyone is taxed as fee simple. If the town takes those steps there would be no need for this part of the agreement to continue. There are not many condos in town. They are waiting to see how other communities have gone into this consortium, how they fare and we will be guided by that. Mr. Weingarten clarified that the other items in the Community Benefits agreement would still be in effect.

Mr. Adelman felt that there are hardly any compact cars in town, Mr. Delano agreed. Mr. Kaufman noted that can be discussed during site plan approval.

Discussions were had regarding if ownership failed, what would become of the site. What would happen to the property after the condos were sold. It was noted that there will be a COA (Condo Owners Association) after the Condos were sold, the residences of the Condos could be owners of the golf course, a bank could come in and foreclose and there will be a conservation easement for open space or a golf course. The beneficiary has not been designated if the land were to become open space. Housing will be on a separate lot from the golf course.

Mr. Pollack inquired about item G on page 4 of the Affiliation of Membership Club. He noted that the residents were required to join the club, while looking at the statute it

seems there is an exemption for the initial sponsor, but there is the potential for the sponsor to sell the units to investors who could then rent the units who would not be required to join the club. Mr. Weingarten stated that he did not think that was the intention of that but would look into that. Mr. Adelman asked that be made part of the comments back to the Town Board.

Mr. Vircillo, 14 Long Pond Road inquired about the single family homes vs. condo taxed benefits and when will that answer be available.

Mr. Adelman asked for a motion to positively refer to the Town Board the Adoption of the proposed Comprehensive Plan amendment to specifically recommend the approval of housing as a method of preserving large open spaces within the Town - Adoption of the proposed Town Development Plan Map to depict the Brynwood property within a new class entitled "Private Open Space/Housing - Adoption of proposed modifications to the Membership Club definition - Adoption of proposed modifications to the Golf Course Special Use Permit requirements with respect to permitted uses - Adoption of the proposed overlay zoning district. Discussions were also had regarding Section 213-25.A.G(1) be revised to eliminate the exemption that successor investors of sponsor units are not required to be members of the club and Section 213-25.A.D(2) be revised to significantly reduce the maximum permitted Building Coverage for the project. Mr. Delano made a motion to approve. It was second by Mr. Sauro and approved with five Ayes.

Mr. Adelman asked for a motion to adjourn the meeting. Mr. Delano made a motion to adjourn, it was second by Mr. Sauro and approved with five Ayes. Meeting was adjourned at 8:45 p.m.