

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
September 23, 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

Mr. Adelman called the meeting to order at 7:20 p.m. due to the fact that the Planning Board and Town Board work session regarding sewer capacity ran late.

Mr. Adelman also noted the NCTV channel 39 Verizon Fios was not working and Verizon is aware of the situation and is working to resolve this issue.

CONTINUING PUBLIC HEARING:

COX AVENUE SUBDIVISION

95 Cox Avenue

Section 108.01, Block 2, Lot 28

3 Lot Subdivision

Frank Madonna

Consideration of Preliminary Subdivision resolution of approval

Present for this application was Tony Veneziano and Kory Salomone attorneys from Veneziano and Associates as well as the applicant Frank Madonna.

Noticed neighbor Jeanne Hinrichs, 3 Rose Hill Drive was also present.

In response to Mr. Veneziano's comment, Mr. Kaufman stated that he has had verbal communications from the fire department.

In response to Mr. Delano's comment, Mr. Veneziano stated that the house will be removed after final subdivision is granted but prior to the plot plan being filed.

Mrs. Hinrichs followed up on her comment from the last meeting regarding her concern about the house size on these lots as it relates to houses presently in the neighborhood. Mr. Veneziano pointed out the condition in the resolution which states if a house size is over 3,500 square feet it will have to return to the Planning Board for site plan approval.

No more questions were asked at this time.

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

Mr. Adelman asked for a motion to approve the resolution as amended. Mr. Delano made a motion to approve. It was second by Mr. Sauro and approved with five Ayes. Mr. Kaufman noted that the resolution also included the Negative Declaration.

CONTINUING BUSINESS:

MADONNA

Route 128 – Mount Kisco Road

Section 108.01, Block 1, Lot 30.3

Application to apply senior floating zone to property and construct 14 townhouse units on the 3.8 acre property.

Kory Salomone, Esq. Veneziano & Associates

Consideration of Negative Declaration adoption

Referral back to Town Board regarding Zoning Petition

Based upon the work session that the board just attended regarding sewer capacity the

board agreed to include in their referral back to the Town Board language that Mr. Baroni suggested which read as follows: The Town of North Castle Town Board shall determine that sufficient capacity exists at the Sewer District #2 wastewater treatment plant for the Proposed Action or the Town Board shall adopt a plan demonstrating how the Sewer District #2 wastewater treatment plant can be expanded so that adequate sewer capacity can be provided for the Proposed Action.

Mr. Adelman asked for a motion regarding the conditioned negative declaration as amended. Mr. Carthy made a motion to approve. It was second by Mr. Delano and approved with five Ayes.

Mr. Adelman asked for a motion to positively refer this application back to the Town Board. Mr. Carthy made a motion to approve. It was second by Mr. Delano and approved with five ayes. Mr. Kaufman stated that the referral would include affordable units vs. middle income units, the age requirement would be 55 and over and floating zone was acceptable. Mr. Kaufman will send a draft of this referral to Mr. Adelman prior to it going to the Town Board. Mr. Adelman stated that one of the neighbors had a concern about the age requirements. He stated that the age requirement was a Town Board issue and that should be brought up at the Town Board.

MARIANI GARDEN CENTER

45 Bedford Road

Section 108.03, Block 1, Lot 65

Proposed site plan amendments.

P. Daniel Hollis, Esq. Shamberg, Marwell & Hollis PC

Consideration of site plan resolution

Present for this application was Megan Collins, Esq. from Shamberg Marwell and Hollis as well as Rob Aiello, John Meyer Consulting.

Mr. Baroni stated he had spoken to Ms. Collins earlier today and condition #4 should change the word should attain to shall attain. Ms. Collins also noted that the plan dates in the resolution should be updated to include the most recently submitted plans dated August 21, 2013. Mr. Kaufman will revise the resolution accordingly.

Mr. Adelman asked for a motion to approve the resolution as amended. Mr. Carthy made a motion to approve, it was second by Delano and approved with five Ayes.

Mrs. Collins thanked the board for their time and attention to this application.

23 BEDFORD BANKSVILLE ROAD

23 Bedford Banksville Road

Section 102.04, Lot 1, Block 9

Referral from Town Board regarding Outdoor Nursery sales – George

Bridge Boxwood Nursery

Robert Peake, AICP John Meyer Consulting

Paul Sysak, RLA ASLA, Project Manager, John Meyer Consulting

Discussion

Present for this application from John Meyer Consulting was Paul Sysak and Bob Peake,

Mr. Sysak stated that this application was for the outdoor nursery sales to landscapers. The ARB has granted approval for the sign. He has reviewed both professionals' memos and is in agreement with most of the comments. Mr. Sysak confirmed that he they were only going to restripe the parking lot and the wetlands conformed and followed the existing pavement line. He noted that he had ARB approval for a sign on site, Mr. Kaufman asked for a copy of the approval for the file. Mr. Sysak stated that landscaping and sidewalk will be eventually done on this lot but not with such a small plan and due to economic reasons it would not be done with this application. Mr. Sysak noted the Special Use Permit public hearing was scheduled before the Town Board on Wednesday, September 25, 2013. If open and closed in one meeting, he would like to come back before the Planning Board for a public hearing and resolution.

Mr. Adelman stated that the board had discussed and asked for landscaping and a sidewalk to be shown on this plan. There are several places in town like Old Route 22 and Kent Place where development occurs; we try to put together some improvements to the street scape. Mr. Peake stated that his client has no issues with the landscaping and sidewalk but feels it would be more appropriate for a more significant project on site. The property is currently on the market and at some point will be sold and will have to return to the board for site plan approval for whatever they do on site. The landscaping and sidewalk can be addressed at that time. His client feels that landscaping and sidewalks are disproportionate to what is being proposed at this time. His client feels it is not appropriate at this time. Mr. Sysak noted there was landscaping on site, Mr. Adelman noted it was not installed on site. This does put a perspective buyer on notice what the board is expecting and the board does not know how long it will take to sell the lot and perhaps it should be reflected on the site plan.

In response to Mr. Adelman's comment, Mr. Kaufman stated that ultimately this will be the board's decision and potentially the Town Board may have something to say when issuing the special permit Wednesday evening. It is a policy decision by the board whether it is during the short term or during the long term development of the site. There is no right or wrong answer.

Mr. Adelman stated that we are trying to be equitable here but we are having other applicants do it upon the initiation of their projects. Multiple discussions were had at this time regarding this subject, Mr. Carthy suggested that only the landscaping be installed and hold off on the sidewalk for the real construction, the applicant is in the landscaping business. Mr. Peake stated that the site does look nice when driving by and it would not look so nice after November 30th.

Mr. Delano stated that he questions our consistency if we don't put in the required landscaping in with our approved site plan, we recently had an applicant in down town with special circumstances and we got some landscaping in there anyway, tied to a time line. We had

another applicant on Old Route 22 that came in for a site plan and we pushed for and got some landscaping from that applicant as well. To err on the side of consistency, we should try and get the landscaping. There is not a lot that goes on in Banksville but we need to start somewhere. We try to get it done on all the projects that are before the board and we should try and be consistent with that.

Mr. Adelman stated that we recently requested landscaping at Kent Place and on Old Route 22. Mr. Peake stated that those are significant areas in town and this applicant has a licensing and the Town Board wanted this to be an approved use within the zoning, the applicant is not even putting a shovel in the ground.

Mr. Mezzancello stated that he does not think the landscaping is necessary at this time, the site looks great now and the applicant should put something there during the winter months from December through April to make it look as nice as it does now.

Mr. Sauro stated that he feels it is cost prohibitive; the board will get another chance when the property transfers ownership. With new ownership there is no guarantee they will come back before the board. He opined that in this instance he does not feel it is wise to require them to hardscape right now.

Mr. Carthy stated that it makes sense for the applicant not to install the hardscape but some landscaping should be installed to give it more of a street scape feel.

In response to Mr. Sauro's comment, Mr. Sysak stated that the width of the property is 201 feet and holiday items are not sold in December.

Mr. Peake stated that if the sidewalk was installed it may interrupt or get in the way of the plans of the future owner.

Mr. Adelman, Mr. Mezzancello and Mr. Sauro were in agreement for no landscaping and no sidewalks at this time. Mr. Delano and Mr. Carthy agreed that landscaping at a minimum should be installed. Mr. Delano stated there is a site plan before us and that is the time to get the curbing, sidewalk and landscaping on site. If a new property owner comes that is that much less he has to do.

It was confirmed that the owner of the property was before the board, not the tenant. Mr. Carthy noted that the finances of how this work would be done, is not of concern of this board. This site plan is before the board for approval and we can't confirm for sure if the new property owner would come back before the board. Mr., Peake stated that his client will have to make a decision if the landscaping and sidewalk were required whether to invest at this time or walk away from the nursery business. If it does not happen on this application, it will happen on the next application.

Mr. Adelman stated that in fairness, we have had the other applicants install landscaping and Amore put up a bond for future sidewalks. A law was recently approved to help improve the lots in Banksville. Mr. Adelman noted that three board members are in favor of the landscaping and the hardscape. Mr. Kaufman noted that information should be provided on the next submission.

Mr. Mezzancello inquired if there was as master plan to be followed in Banksville, if there is no plan how we can implement something.

Mr. Adelman stated that he thought it was good to be consistent with this approach or nothing will get done.

Mr. Cermele noted that there were two curb cuts on site presently, not knowing who will come on site in the future and what type of use there will be, and they may want to eliminate one of the curb cuts or change its location. Would it make sense to only do the landscaping instead of a future owner ripping up curbing or a sidewalk that does not go anywhere? Mr. Carthy and Mr. Adelman stated that they would be alright with that, doing landscaping only.

Mr. Delano stated that he would like to see some improvements done, he is aware there are multiple curb cuts. We can have a fully reinforced sidewalk across the front of the property and swap out a curb and drop in a curb cut as long as the sidewalk can handle it. This will start the ball rolling in Banksville.

In response to Mr. Delano's comment, Mr. Kaufman stated that we don't have a specific plan but we have a pretty good template of what we are doing in the other hamlets.

Mr. Kaufman stated that the next time this applicant is before the board there will be a public hearing and resolution and the applicant should submit plans showing landscape and hardscape.

Mr. Mezzancello inquired if Banksville has the same street scape as Armonk or North White Plains? Mr. Kaufman stated that there is nothing really there for the formation of a street scape. This is going to be the first property. He presumed what would be asked for is a concrete side walk. Mr. Mezzancello stated that the applicant will prepare the design. Mr. Baroni inquired if the same pavers would be put down in Banksville that are in Armonk. Mr. Kaufman stated that the board can have a discussion on what they want to see in Banksville and if they want the pavers, lights and benches, we should know about that. Mr. Mezzancello stated that is what he was trying to get at with the details of the streetscape, what does the board, the town or Banksville want?

Mr. Adelman stated that in order to do that properly we should do a plan like what was done on Old Route 22. Mr. Kaufman stated that the Planning Board is empowered to create a small area plan. Mr. Adelman stated – lets make that happen.

Mr. Delano made a motion to refer this application back to the Town Board with a positive recommendation for Special Use Permit. Mr. Mezzancello second the motion and it was approved with five Ayes.

Mr. Delano made a motion for Mr. Kaufman and Mr. Cermele work together to create a small area plan for Banksville as noted. Mr. Sauro second the motion and it was approved with five Ayes.

WHIPPOORWILL CLUB TURF MANAGEMENT MAINTENANCE FACILITY

Whippoorwill Road

Section 100.04, Block 1, Lot 41 .

**Referral from Town Board for the Construction of a 14,400 sq ft two story Turf Management & Maintenance Facility to replace existing 4,000 square foot facility
Michael Kapareiko, Senior Hydrologist - LBG Engineering Services, P.C.**

Considerations of issuance of Administrative wetland permit for test well construction

John P. Sullivan, FAIA, Sullivan Architecture, PC.

Discussion of Turf Management & Maintenance Facility

Mr. Kaufman stated that the Planning Board has jurisdiction over this type of wetland permit. However, there is a provision in the wetlands law that if the board believes there is a project minor enough in their jurisdiction that a vote by this board can process this administratively. There will be minimal disturbance associated with these test wells.

In response to Mr. Delano's comment, Mr. Kaufman agreed that both the Town Engineer and the Conservation Board will review the Administrative Wetland Permit.

Mr. Adelman asked for a motion to recommend an Administrative Wetland Permit for the test wells on site. Mr. Delano made a motion to approve, it was second by Mr. Sauro and approved with five ayes.

The amended site plan application is to construct a 14,400 square foot two story Turf Management & Maintenance Facility that replaces the existing outdated Facility.

Mr. Sullivan stated that this application was a Special Permit application before the Town Board who referred it to the Planning Board. He presented various maps showing the survey, Ariel photo, existing conditions, proposed building and parking on site, 29 foot elevations. He noted the interior would have a kitchen, showers, bathroom for both sexes and storage.

Mr. Baroni suggested that the Whippoorwill Club give some consideration to removing the old water tank. Mr. Baroni stated that Sal Misiti, Water Superintendent said we don't use it and it serves no purpose to water district #5. It would be beneficial for the club to demolish it.

Mr. Sullivan stated that it does appear structurally to be in good shape. Mr. Gonzalles from the Whippoorwill club stated that the tank is empty and the club would not use it for irrigation and has considered taking it down, there was some question as to who actually owned it. Mr. Sullivan stated the removal of the water tank could be included as part of the site plan approval.

In response to Mr. Adelman's comment, Mr. Sullivan stated that there is a wash down structure for the vehicle which is environmentally friendly and uses reclaimed water.

Mr. Mezzancello inquired about the safety of the chemicals on site. Mr. Sullivan stated that his client is very aware of issue regarding the safety and storage of chemicals on site, the chemical will be stored neatly on the first floor.

In response to Mr. Carthy's comment, Mr. Sullivan stated that this building will not have fire sprinklers, according to building code requirements, but if we had the ability to do it, without it being overly cost prohibitive, we can look into that.

A site walk was scheduled with the Planning Board, Town Board, and Conservation Board on Tuesday, October 1, 2013 at 8:30 a.m.

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

Present for this application was Paul Sysak and Bob Peake, both from John Meyer Consulting.

Mr. Sysak stated that the wetlands have been reflagged and some wetland areas have been expanded. A technical SWPPP was submitted. A second site walk was scheduled with the Conservation Board on Wednesday, October 2, 2013.

Mr. Kaufman stated that he would like to get some comments from the Conservation Board and is primarily concerned with lot #3 and potentially minimizes the impacts, the Town Engineer had some comments on the infiltration system and to minimize that disturbance. Mr. Cermele stated that to get that system in the front yard would require 14' - 16' of cut. Mr. Sysak will look into that further. Mr. Kaufman asked for the applicant to look at some screening for that lot. Mr. Sysak stated he will do an individual blow ups of each driveway entrance and landscape plan. Mr. Kaufman was also concerned about school bus access to this lot and finding a safe location.

Mr. Adelman requested the applicant to submit a conservation subdivision layout; he would like to see if this plan would be less invasive to the wetlands. Mr. Sysak stated that a conservation subdivision was not characteristic in the neighborhood and noted his client started to work on the architectural design of the houses to fit into the lay of the land. Mr. Fava asked for these sketch plans within a week or so, prior to their 10/15/ 13 meeting.

Mr. Sysak stated that lot #3 is the mirror image of 200 Bedford Banksville Road. Mr. Kaufman noted that is not a great example.

In response to a comment made, Mr. Sysak stated that the proposed footprint of the homes was approximately 3,400 square feet. The applicant is proposing a house for himself, his mother and another family member.

61 & 67 OLD ROUTE 22

61 & 67 Old Route 22

Section 107.04, Block 2, Lots 8 & 9

Consideration of approving third extension of time site plan resolution

Present for this application was Bob Peake, John Meyer Consulting.

Mr. Kaufman noted that the applicant has requested extension of times for the subdivision applications but did not request an extension for the site plan approval which expired in June, 2013. The applicant was directed to resubmit the application, fees and drawings and this was made a condition of tonight's extension of time resolution.

Mrs. Desimone noted that the Mylar is all set to be filed with Westchester County, the only outstanding item was condition # 15 which in summary states that the person who prepared the plat must provide a letter stating there are no liens on the plat so that it can be filed. This was explained to Mr. Babu when he was in the office last week and he was very upset about this and said that the Planning Board was not a bill collector and this was not the town's job.

Mr. Adelman asked for a motion to grant an extension of time resolution regarding 61 & 67 Old Route 22. Mr. Carthy made a motion to approve, it was second by Mr. Mezzancello and approved with five Ayes.

Meeting adjourned at 8:25 p.m.