

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
SEPTEMBER 28, 2015**

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PLANNING BOARD MEMBERS PRESENT:                      Art Adelman, Chairman  
   Steve Sauro  
   Christopher Carthy

Planning Board Members Absent:                      John Delano  
   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:  
George Drapeau

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

**APPROVAL OF MINUTES:**

**September 10, 2015**

Mr. Adelman asked for a motion to approve the September 10, 2015 minutes. Mr. Sauro made a motion to approve the minutes, Mr. Carthy second the motion and it was approved with three Ayes. Mr. Delano and Mr. Pollack were not present for the vote.

**June 3, 2013** – minutes were not voted on as there was not a quorum of those present at that meeting to vote on these minutes this evening.

**PUBLIC HEARING:**

**NORTH BROADWAY TOWNHOUSE DINER  
720 NORTH BROADWAY  
122.16- 3-31  
Joel Greenberg, Architectural Visions  
Discussion  
Consideration of Amended Site Plan Approval**

Present for this application was the property owner Mr. Koutros and his professional Joel Greenberg.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Four residents were present for this application.

The application is for site plan reapproval as the original site plan expired. The application is to reconfigure the existing off-street parking lot with defined curbcuts and improved circulation, construction of new handicap access ramp as well as a new sidewalk, landscaping and lighting.

Mr. Greenberg reviewed what was proposed on site as requested by one of the neighbors. He noted the new entrance along the side to the property with a one way traffic pattern around the site as well the other improvements proposed.

The board and the people present had no further comments at this time. Mr. Adelman reminded the applicant of the one year expiration of this approval.

Mr. Adelman asked for a motion to close the public hearing, Mr. Sauro made a motion, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Pollack were not present for the vote.

Mr. Adelman asked for a motion to approve the amended resolution. Mr. Sauro made a motion, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Pollack were not present for the vote.

**DISCUSSION:**

**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 Final Subdivision Resolution of approval**

Mr. Adelman asked for a motion to approve the Scott Final Subdivision resolution. Mr. Sauro made a motion, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Pollack were not present for the vote.

**DIPIETRO**

**20 Banksville Avenue**

**102.04- 2- 43**

**Site Redevelopment – Office & Garage**

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

**Dan Holt, PE Holt Engineering and Consulting**

**Discussion**

Present for this application was Dan Hollis and Dan Holt.

A public hearing regarding this application was scheduled for October 26, 2015.

**SANTOMERO BUILDING**

**868 North Broadway**

**122.12-5-63**

**Amended site plan approval**

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

**Michael Piccirillo, AIA , Michael Piccirillo Architecture**

**Discussion**

Present for this application was Dan Hollis, Attorney for the applicant and Michael Piccirillo, architect for the applicant.

The application is for amended site plan approval for the modification of the previously approved building and the construction of a retaining wall at the rear of the building. There are some revisions to the original approval regarding the grade, soil and water issues. The property is located within the CB Zoning District.

Discussions were had regarding the construction easements from the Town and the abutting neighbor as well as the variance needed for parking the proposed aisle width from 24 ' to 20' will also need ZBA approval. Discussions were also had regarding the pipe that runs along the property line. Mr. Hollis stated that the next set of plans will

show the retaining wall moved in and construction easement to the north. A variance will also need to be obtained if over 6'.

In response to Mr. Adelman's comment, Mr. Hollis stated that he will work with the NYSDOT during construction regarding the sidewalk. In response to a comment made regarding the bus stop, it was suggested the applicant reach out to Westchester County regarding the bus stop location and requirements.

One of the residents inquired if the applicant would be digging further into the hillside. The applicant will not be digging further into the hillside. The applicant did try and purchase some property from the abutting property owner but the price was too exorbitant.

Mr. Cermele inquired if the applicant has any intention of resolving any of the construction issues that have been left unaddressed at the site, he was referring to the inspection memos he prepared. Mr. Hollis stated that he had received a copy of the violation, during the storm that day, the stormwater measures may not be attractive but were functioning. Mr. Cermele suggested that Mr. Hollis read his report. Copies were emailed out to the board and the applicant's professionals the following day.

Mr. Hollis would like to return to the Planning Board regarding this application at the 10/26/15 meeting. He was told the submission deadline was Friday, October 9, 2015 by 12:00 p.m.

In response to one of the neighbor's comments, the applicant does not know what the use will be for this building at this time. Originally the applicant was going to move into the site but has since relocated and will not be moving in here.

## **AMORE PIZZERIA AND PASTA**

**1 Kent Place**

**108.03- 1- 76**

**Proposed Change of Use on Second Floor**

**Robert W. Roth, PE CPESC John Meyer Consulting**

**Kevin R. Masciovecchio, Designer John Meyer Consulting**

**Discussion**

**Present for this application was Bob Roth and Kevin Masciovecchio,**

The application is for the conversion of 885 square feet of attic space to restaurant space within the existing Amore restaurant. The proposed conversion would require 12 additional parking spaces. The property is located within the CB Zoning District.

Mr. Roth stated that Amore has been in business on this site for 2 ½ years. His client would like to put in 36 seats upstairs on the second floor. This additional seating is necessary in order for his client to stay competitive and unique. A parking study was

included with the submission that was completed prior to school letting out this past summer.

Mr. Kaufman stated that the amended site plan is for internal changes and there will be a staircase up the back of the building.

Mr. Roth noted he has received and reviewed the memos. His client is in favor of a parking district. Discussions were had regarding the Kent Place parking lot behind Amore and the land that Amore owns is not very usable. Mr. Roth stated that his client is happy to cooperate regarding the parking district but cannot do any more fees regarding the parking lot.

Mr. Carthy stated that he has some reservation about this request. The Applicant previously obtained a 32 space off-street parking variance from the Zoning Board of Appeals and is now asking for an additional 12 parking spaces for the second floor use for a total of 44 parking spaces. Mr. Carthy questioned - Is this really respecting our zoning laws when in fact we really don't have 12 additional parking spaces to provide.

Mr. Kaufman stated that ultimately the zoning board will make that decision whether to allow the additional 12 parking spaces, the planning board cannot deny the request to go to the ZBA but can decide whether to attach a recommendation whether it be positive, negative or with no recommendation at all. Mr. Kaufman also stated that he pointed out in his memo that he shared some of those same concerns as Mr. Carthy about how are those spaces going to be utilized and who should pay for those spaces. Ultimately that is the Zoning Board who will make that decision.

Mr. Roth stated that this is an area variance, not a use variance and the ZBA has to determine if the benefits to this existing business, this establishment that is trying to survive competitively, outweigh the detriments. That is why we have gone to this length to prove that it does. His client has been in business for 20 years and basically he wants to take the chairs outside and put them upstairs. He would hope that from a practical standpoint, in addition to dealing with the practicality of the zoning from the Town, that the Town would look favorable towards his client.

Mr. Adelman noted as Mr. Roth stated earlier that the seating outside would not be in use during the colder weather and winter months. He noted that while attending events at the library in the evening, other local shops are closed while Amore is open and he has always seen available parking when driving by during the evening.

Mr. Sauro stated that he felt this could work even though the parking is not perfect and agreed that there are businesses closed in the evening and felt the synergy of this could work.

Mr. Kaufman stated that if the variances were granted, there would be no incentive for the property owner to join the parking district or contribute financially.

The applicant decided not to have the board vote on the referral to the ZBA at this time with only a three person board. The applicant was hoping to get a positive recommendation from the Planning Board and based on the comments this evening he did not think he would get a positive referral; he would like to wait to the next meeting for the full board to make their recommendation.

## **1 BYRAM BROOK PLACE**

### **1 Byram Brook Place**

**108.03- 3- 76**

#### **Amended site plan approval – Parking Expansion**

**Bob Roth, PE, CPESC, Principal John Meyer Consulting**

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

**Present for this application was Bob Roth.**

This application is regarding the “after the fact” site plan approval to convert the office building to office and medical office, to expand the existing parking lot by 13 spaces, to construct a retaining wall, install landscaping, lighting and drainage improvements as well as conduct parking lot restriping (with 1/3 of the off-street parking spaces proposed as compact car parking). In addition, a wetlands permit for the disturbance of 3,600 square feet of Town-regulated wetland and 9,400 square feet of Town-regulated wetland buffer is requested. The property is located within the PBO Zoning District.

Mr. Roth stated that 1 Byram Brook is an existing two story 22,000 square foot office building built over 30 years ago. A referral will need to be made to the Conservation Board as the parking lot is within the wetland and wetland buffer, there will be mitigation at 2:1 ratio and stormwater management and treatment are proposed and currently do not exist. This was approved as an office building and now has a dentist office on site and the site plan has to be updated. The Town sent a memo to the applicant asking them not to park on Byram Brook Place and his client hired him to address the issue. He can comply with the items in both professionals’ memos.

In response to Mr. Adelman’s comment regarding compact car parking spaces on site, Mr. Roth stated that the parking spaces were striped at 10’ widths and 9’ is acceptable per the code. Non transient parking lot can have 1/3 compact spaces which is needed in order to reach the parking requirements and 8’ should be sufficient without shopping carts and people going in and out all day long. We will delineate 9’ wide parking spaces for patients only. He will supply a letter from the dentist regarding the daily staff present on site. He is doing his best to bring the parking lot into conformance.

The board will continue its review once comments are received back from the Conservation Board. The applicant will submit an application to the Conservation Board.

**McMANUS**  
**19 Glendale Avenue**  
**108.01- 5- 51**  
**2-Lot Subdivision**  
**Mark P. Miller, Esq. Veneziano & Associates**  
**Barry Naderman, PE Naderman Land Planning and Engineering**  
**William O'Neill, AIA O'Neill Architects**  
**Discussion**

The application is for preliminary subdivision approval of a two lot residential subdivision in the R-5 Zoning District.

Mr. Miller stated that the current house was built in 1951 and the applicant would like to subdivide the lot into two 6,000 square foot lots whereas 5,000 square feet are needed for each lot. The applicant would like to stay in the current house while the new house is being built which would require a temporary variance. Mr. Miller presented a good series of protective measures like a temp CO, time frame to move into the house, time frame to demolish the old house. He has reviewed the memos and the comments can be addressed.

Mr. Baroni stated that he has reviewed the info and needs to see the terms of the bonds, it legally can be done.

Mr. Adelman asked for a motion to declare lead agency intent. Mr. Sauro made a motion, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Pollack were not present for the vote.

**MADONNA**  
**Route 128- Mount Kisco Road**  
**108.01- 1-30.3**  
**Senior Multifamily Development**  
**Kory Salomone, Esq. Veneziano & Associates**  
**Chris Crocco, AIA Crocco Architects**  
**Discussion**

Present for this application was the applicant Frank Madonna, his attorney Kory Solomone and Architect Chris Crocco.

There were five residents present for this application.

The applicant is proposing to construct a 40,000 square foot 16 unit multi-family building on the 3.8 acre property and zoned RMFSCH (Residential Multi Family Senior Citizens Housing).

Mr. Solomone stated that originally a 22 unit single structure was proposed and has been revised to a 16 unit single structure which was presented to the Town Board. The

Planning Board made a positive recommendation back to the Town Board with a vote of 5 – 0 regarding the single structure proposal. The Town Board had a further discussion and as a result of that discussion, the applicant reduced the size of the structure. The Town Board requested that the applicant prepare a “Hybrid Plan” that combines a single structure and townhouses for the property and referred this back for discussion and consideration to the Planning Board. Mr. Solomone handed out the Hybrid plans at this time for discussion.

Mr. Madonna stated that he was able to reduce the size of the building per the Town Board’s request from 22,000 to 16,000 square feet. He would like a zoning text amendment so he can add another ½ story in height to his building which would provide an additional two penthouse units. They will not be going any higher in elevation, this plan is much better as it is screened from the neighborhood and is 40 – 50 feet from any of the property lines and will provide much more open space on site.

Mr. Adelman opened up the discussion to the neighbors for their comments at this time.

Christine Eggleton at 129 Old Mount Kisco Road would have liked to have seen these plans prior to this meeting. She does not like the single building; the surrounding houses will always look smaller and this extends Town further than anyone ever thought it would be. She felt the Hybrid plan looks even bigger than the single structure plan, it all still feels very big.

Mr. Madonna stated that the plans have different sized units depending on whether access is from Old Mount Kisco Road and the single building is now 1/3 smaller, he reviewed all of the differences of the plans and location of the buildings on site. He noted he has another subdivision application down the road and will now propose infrastructure along all of Old Mount Kisco Road.

Mrs. Eggleton stated that she liked the design of the building better and liked the setback better and this is the first time seeing it. She is concerned about the impact to the block. Mr. Adelman noted that the building is set lower and further away from Old Mount Kisco Road and this gives the applicant ability to screen more. She is concerned with the long sides of the building. Mr. Madonna stated that this will not look like a box. He still needs to go to the ARB.

Mr. Sauro reviewed quite a few of the Architectural details that he noted on the plans of the single structure which would help break up the long sides of the Building. He also noted that the traffic is heavy enough on Old Mount Kisco Road and additional traffic for access to town houses off of Old Mount Kisco Road would not be a benefit to the neighborhood. Mr. Adelman agreed with Mr. Sauro’s pertinent comments.

Mr. Ussted stated that he lives directly across the street from this project and he and his family are in favor of the one building proposal. The setbacks are nicer with one building and likes the design better than the previous design. He would rather look at beautiful landscaping than the back on three buildings. He also agreed that he was not in favor of any additional traffic on Old Mount Kisco Road.



The board continued discussing the plans along with the input from the neighbors, applicant and marketability of the units.

Jeffery Zahn, 127 Old Mount Kisco Road likes the one building proposal.

Mr. Madonna noted that Mr. Zahn is just north of this property whereas Mrs. Eggleton lives further down the road.

Mr. Adelman asked the neighbors present if they knew how the other neighbors felt about this application. Mr. Useted stated that there are 7 houses directly around the site which will be impacted 24/7 but did not comment on how they felt about the project. Mr. Madonna noted he has spoken with a lot of the neighbors and he felt they were on board with this application.

The board noted that If there was access off of Old Mount Kisco Road the neighbors would be looking at the rear of the houses. The site lines off of Route 128 are better than Old Mount Kisco Road.

Mr. Useted stated that with seniors living on site, Route 128 is a state road and will get plowed more often than the secondary road like Old Mount Kisco Road. He does not like any of the plans with the perimeter options.

Nancy Granados 116 Old Mount Kisco road, confirmed with the applicant that the sewer proposal was still proposed by the applicant. She inquired if that area would be zoned multi family, she was told probably not. She noted she had enough property to subdivide and was informed that she would have to submit an application if she wanted to know if she could create an additional building lot.

Mr. Adelman stated that the board thoroughly reviewed this application the last time it was before the board and liked the one building recommendation and still likes the one building recommendation and is not in favor of the Hybrid plan. Mr. Sauro stated that he likes the plan that was originally proposed and is not in favor of any plan that would have vehicles entering and exiting from Old Mount Kisco Road. Mr. Carthy stated that the Town Board should be made aware of our comments this evening regarding not exiting or entering off of Old Mount Kisco Road, not turning the buildings around so the neighbors would look at the back yards and how the elevation supports this single building. The architecture proposed minimizes the size as well as the increased setbacks with the single structure.

In response to Mr. Baroni's comment, Mr. Madonna stated that the town houses would be fee simple.

Mr. Adelman asked for a motion to advise the Town Board that the Planning Board is remaining with its original recommendation regarding this application. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three ayes. Mr.

Delano and Mr. Pollock were not present for the vote. The Director of Planning will include the reasons supporting this decision in the referral to the Town Board.

**TAITZ**

**9 Davis Drive**

**94.04- 1- 10**

**Special Use Permit for Accessory Structure in excess of 800 s.f.**

**Lou Demasi, AIA Goewey & Demasi Architects**

**Discussion**

Present for this application was the applicant Mr. Taitz and Lou Demasi his professional.

The application is for the legalization of the basement in an accessory structure over 800 square feet on a 4.2 acre lot located within the R-2A Zoning District. The proposed cabana contains a playroom, sitting room, storage area and two full baths.

Mr. Demasi stated that there is an existing flat roof cabana which was designed with the house back in 1983. This is a 20 x 40 structure on the first floor with an unfinished basement. Before his client purchased the house the basement was finished and through the basement is access to the pool. In 2007 the house was renovated and this year the cabana was proposed to be updated. When the renovation began it triggered an accessory structure that was over 800 square feet. The Special Use Permit would legalize the basement. A septic system was designed with a bathroom in mind. The Board of Health is alright with the bathroom as long as this is not turned into a residence with a sleeping and cooking area. There is also a tennis court on site. There are three septic systems on site, two for the residence and one for the cabana.

Discussions were had regarding the survey that was submitted as it noted the words "approximate" regarding the location of the structures on site and the professionals wanted clarification that none of the buildings violated the setbacks. It was noted that setbacks were not violated. In response to Mr. Demasi's comment, Mr. Kaufman stated that ARB approval for the basement is not necessary.

A public hearing was scheduled for the October 15, 2015 Planning Board meeting. The board will consider a resolution the same evening.

**37 & 41 MAPLE AVENUE REDEVELOPMENT**

**39 & 41 Maple Avenue**

**108.01-6-35 & 108.01-6-33**

**Site Development Plan**

**Michael Fareri**

**Discussion**

This application was taken off of the agenda at the applicant's request late this afternoon.

**WAMPUS BROOK PARK SOUTH**

**2 Business Park Drive**

**108.03-1-Lot 46**

**Proposed Park Plan**

**Planning Department and Town Engineer**

**Discussion**

This application is being submitted on behalf of the Recreation and Parks Department. Joe Cermele presented the application to the board.

The application is for site plan, wetland permit and tree removal permit for the establishment of a new park on a 2.73 acre property located within the R-10 Zoning District. The Town of North Castle is seeking approval to create a new park at the intersection of Maple Avenue and Bedford Road. The land was severely damaged during Superstorm Sandy with many trees damaged or destroyed. The proposed new park will create new landscaped areas, a path along the Wampus River, two new lawn areas as well as other park appurtenances.

Mr. Cermele reviewed the proposed park with the board. A task force was created a couple of years ago and this park is what the committee came up with. This plan has been approved by the Parks and Recreation Board as well as the Town Board and is now going through the Planning Board and will need a referral to the Conservation Board. There are a number of outside agencies that the Town will need approval from regarding this application as well: Westchester County Stream control permit, nothing is proposed within the floodplain, the stream is a locally regulated and a wetland permit is necessary. The western side of the stream is in the process of being transferred from the NYSDOT to the Town. The Eastern side of the stream will still be owned by the NYSDOT but maintained by the Town of North Castle. Twenty parking spaces are proposed on site. A figure eight pedestrian walkway is proposed with planting and seating areas, access off of Bedford Road will remain for the Water Department to get to the pump station. The stream is really overgrown and will be cleaned out and the embankment will be planted with a natural seed mix. An irrigation system is proposed and water service will also be proposed for a possible water feature. No site lighting is proposed at this time. Mr. Kaufman stated that he noted that in his memo and that

should be discussed with Matt Trainor, Superintendent of Recreation & Parks Department. Mr. Kaufman also suggested water fountains on site as there are none at Wampus Brook currently.

Mr. Adelman asked for a motion to declare lead agency intent. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Pollock were not present for the vote.

Continued discussion was had regarding this application by the board and the professionals.

In response to Mr. Carthy's comment, Mr. Cermele stated that during the original task force meetings, electricity was not anticipated. Mr. Kaufman noted that if site lighting was brought on site there would be electricity on site.

Mr. Kaufman also noted that the siren will remain on site. The sewer district pump station will also remain.

Mr. Sauro inquired if there are picnickers or people who walk their dogs, who will clean up after these activities. The recreation board wanted a more passive park to keep it clean and simple with no play equipment.

In response to Mr. Carthy's comment, Mr. Cermele stated that this would be done by the spring 2016. Phase I Archeological study needs to be done on site.

Mr. Adelman asked for a motion to adjourn the meeting. Mr. Sauro made a motion to adjourn, it was second by Mr. Carthy and approved with three Ayes. Mr. Delano and Mr. Pollock were not present for the vote.

Meeting was adjourned at 9:25 p.m.