

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
March 27, 2017**

PLANNING BOARD MEMBERS PRESENT:

John P. Delano, Chairman
Steve Sauro
Christopher Carthy
Michael Pollack
Jim Jensen

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

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

John Kellard, PE
Consulting Town Engineer
Kellard Sessions PC

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

:

Conservation Board Representative:
Zenaida Bongaarts

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

APPROVAL OF MINUTES:

February 27, 2017

Mr. Delano asked for a motion to approve the February 27, 2017 Planning Board minutes. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with three ayes. Mr. Delano and Mr. Carthy recused themselves.

March 13, 2017

Mr. Delano asked for a motion to approve the March 13, 2017 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Pollack were not present for the vote.

PUBLIC HEARING Con't:

BTD T PROPERTIES

18 Carolyn Place

100.04-1-5

Site Plan

Ralph Mastromonaco, PE PC

Frank Guiliano, Landscape Architect

Steve Marino, Tim Miller Associates, Inc.

Jacob Amir, Esq. DDWWW LLP

Discussion

Consideration of site plan approval resolution

Mr. Carthy recused himself from this application.

Present for this application was the applicant, Kirk Scuderi and his professionals, Jacob Amir and Steve Marino.

Mr. Delano noted all paperwork was in order for this application since the public hearing was adjourned at the last meeting. Noticed neighbor Penny Kramon was present for this application.

Mr. Amir noted that he had a favorable recommendation from the Conservation Board.

Co Conservation Board Chairman Bongaarts handed out material to the Planning Board members summarizing what was proposed and what was approved by their board at their last meeting.

Mr. Amir reviewed wording and content of several whereas clauses with the board.

In response to comments about the 2:1 mitigation for this site it was noted that there was a whereas clause in the resolution stating that the Planning Board and Conservation Board were aware that the 2:1 mitigation was not met but found the mitigation plan acceptable.

Mr. Amir noted that conditions 1-5 on the draft resolution were complied with. Discussions were had regarding the monitoring plan and the financial amount that should be set for that plan and the amount of time for that plan to be in place. Ms. Bongaarts reminded the board that The Conservation Board was in favor of the 5 year plan and noted this was discussed with John Fava, previous Conservation Board Chairman who was in favor of the five year plan as well. Ms. Bongaarts noted the amount of time was necessary because of the steep slopes and it would be more challenging for continued growth under these conditions.

Mr. Amir referenced other approvals the board had granted without a 5 year monitoring plan like the 25 Thornwood Road application that was approved on May 23, 2016. Mr. Delano noted that application did not have a steep slope or a ridgeline and also stated that the Planning Board has never disagreed with the Conservation Board

recommendations.

Conversations were had at this time regarding when the building permit could be issued, the applicant was informed that the resolution would need to be signed and plans submitted for final signature before that could be issued and that should not take very long.

Ms. Kramon stated that she had a copy of the RPRC application from the Town files for this site and noted that the application was filed out for the removal of 12 trees after the trees were taken down.

Ms. Kramon inquired what the "giant hole in the backyard" was for. Mr. Kellard stated that those were the footings that were not shown on the plans.

Ms. Kramon stated that according to the RPRC application the applicant cut down the trees before the RPRC application was submitted and was concerned about how we ensure repair of all the tree removal that has taken place and that it be maintained for five years. She noted that costs will be different from the estimate given today to five years from now.

In response to a comment from Mr. Pollack; Mr. Baroni explained to the board the status of the writ of mandamus and updated the board regarding tree removal on town property and the investigations by Westchester County on Westchester County property. Mr. Kellard noted that he walked the town property and there were 11 trees removed from the Town property, Mr. Baroni asked Mr. Kellard to submit the width and size of the trees to Joan Goldberg, Town Administrator for insurance purposes.

The board inquired what if a new property owner takes over the site, how the Town and County will access the site. Mr. Amir stated that an access license can be granted to the Town or County if they need access to the site after the approval date in the resolution. The board and professionals discussed a reasonable cutoff date to access the Town and County sites for replanting.

In response to comment #3 in the resolution, Mr. Kellard stated that he would like each of the applicants professional's plans to reflect the current conditions of the site and each professional's plans to show the same planting and mitigation as approved by the Conservation Board. Mr. Kellard noted that before they sign off on the plans, they will make sure that the Conservation Board comments are incorporated into the record set of plans.

Mr. Pollack made a motion to close the public hearing. Mr. Sauro second the motion and it was approved with four Ayes. Mr. Carthy has recused himself from this application.

At Mr. Pollack's request, Mr. Kaufman reviewed all of the changes to the draft resolution as noted and agreed upon this past hour by the board and the applicants professionals. The changes were as follows:

WHEREAS, the Applicant has removed tree(s) that were not approved by the Residential Project Review Committee (RPRC); and

WHEREAS, the applicant has provided a tree and wetland mitigation plan for the proposed disturbance consisting of 21 trees and 52 shrubs as depicted on the Giuliano plan; and

WHEREAS, the proposed mitigation falls short of this requirement; however, the Planning Board and Conservation Board has deemed the mitigation plan acceptable; and

WHEREAS, tree removal appears to have been conducted (by parties unknown) on property owned by Westchester County and/or the Town of North Castle; and

WHEREAS, the February 1, 2017 letter from Ralph G. Mastromonaco to the Planning Board states that the Applicant has offered a temporary access license that will only be available until July 31, 2017 (while the proposed house is under construction) or until the issuance of a permanent Certificate of Occupancy, whichever is later; and

WHEREAS, given the time constraints of the temporary access, it is imperative that the Applicant coordinate the County's plans with the Applicant's plan for restoration of their property; and

Mr. Sauro made a motion to approve the resolution as amended. No one second the motion. Mr. Baroni stated that just for the purposes of getting to a vote someone can second it, it does not bind anything, and it does not mean you support it; you seconded it for the purposes of a vote. Mr. Pollack second the motion for purposes of a vote. Mr. Sauro vote aye, Mr. Pollack voted nay, Mr. Jensen voted nay and Mr. Delano voted Aye. The motion was denied. Mr. Carthy has recused himself from this application.

Mr. Kaufman asked for some direction from the Town Attorney. Mr. Baroni stated that a judge will decide. In response to Mr. Amir's comment, Mr. Baroni stated the denial would be posted within five days.

78 LAFAYETTE AVENUE

78 Lafayette Avenue

122.12- 1- 29

Site Plan

Timothy Nanni, AIA Construct Architecture Studio

Consideration of Negative Declaration

Consideration of site plan resolution approval

Present for this application was the applicants professionals Tim Nanni and Pete Gregory.

The application for the construction of a new 10,253 square foot warehouse and office building within the IND-A Zoning District.

Mr. Delano noted this was a continued public hearing. No noticed neighbors were present for this application.

The board and the applicant discussed the draft resolution. The board and professionals noted there was a usually high amount of outstanding conditions to still be complied with.

The board asked the applicant to work on revising the plans to address as many of the outstanding conditions listed in the resolution as possible and resubmit to the board. The applicants agreed.

Mr. Delano asked for a motion to close the public hearing. Mr. Carthy made a motion to approve. It was second by Mr. Sauro and approved with five Ayes.

The board did not vote on the negative declaration or the resolution per comments as noted above.

PUBLIC HEARING:

850 NORTH BROADWAY (LITTLE SPOT)

850 North Broadway

122.12-5-62

Site Plan

Hudson Engineering & Consulting, Michael Stein, PE

Discussion

Consideration of site plan resolution approval

The application for site plan approval to permit several changes of use on the property. The proposed site plan would include a 1,095 square foot carry-out restaurant (Little Spot), an 865 square foot carry-out restaurant (Ralph's Ices) and a 1,175 square foot retail store. The property is located within the CB Zoning District.

Present for this application was Scott Rosenberg, applicant and his professional Michael Stein.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. The following neighbors were present for this application: Ed and Terry Loberman, 42 Nethermont Avenue; Nancy Battistelli, 15 Intervale Avenue; Michelle Fallot, 11 Kensico Knoll Place and John Junker, 5 Grove Road.

Mr. Stein presented the Ralph's ices application and noted Ralphs ices will be located in the 2 garage bays on site and a bagel/coffee store is being considered in the vacant space next to his shop and the little spot will remain and be upgraded. Presently there are no curbs or sidewalk along the property. The applicant is proposing a sidewalk along the site and there will be curb cuts for an entrance on the southern portion of the lot and a separate exit in the center of the lot with a right turn only and a third curb cut at the northern end of the site with options of left or right turn when exiting the site. He noted parking demands are opposite for a bagel shop than an ice-cream shop and compliments the use for parking.

Mr. Loberman inquired about page four condition #6 of the resolution. He wants clarification on how the applicant will develop a plan to eliminate vehicle back up on North Broadway. The police have reservations on this issue. What if the plan was not developed properly or acceptable, what are the ramifications if not acceptable. Mr. Kaufman stated that the applicant needs to demonstrate on the plan to the satisfaction of the police department, town planner and town engineer the performance standards which were given to the applicant and the applicant is aware of these standards and if not complied with the plan would not be signed and without signed plans no building permit would be issued.

In response to Mr. Loberman's comment, Mr. Rosenberg stated that he closed on the property on March 1, 2017 and now they need to probate the will and he went into the details as to why that was necessary. Joe Senior passed away and left the Little Spot to Joe Jr., Joe Jr. gifted it to his wife, In Joe Senior's will it was noted that the little spot

could not be gifted; it had to sell for monetary value and was not. The contract of sale turned into a 10 year lease so that he could get started. In order to resolve this matter, Joe Jr. needs to probate the will, it will take about 60 days, and 30 days have past so far.

Mr. Loberman stated that he was annoyed that people go before the Town Board and Planning Board where they claim to own property and they don't. He queried where else are they not telling the truth. Mr. Stein noted that his client has been clear since the beginning of this application that his client Mr. Rosenberg is the contract vendee with the intention of purchasing the property and that has not changed.

Mr. Junker inquired about the status of purchasing additional property from the Town for additional parking on site and wanted to know how far up the hill the town property goes. Mr. Stein stated they have not had a chance to look into that yet. Mr. Junker noted the staking he saw for that lot would require people to back out onto Route 22 if built.

Mr. Junker was also concerned about the amount of accidents (109) in this area and was concerned about high school students directing traffic. Mr. Rosenberg noted he would his cousin who is in his late 20's would direct traffic, not a high school student and in response to another comment, he stated there are 17 parking spaces. Mr. Junker expressed his concerns about people parking across Route 22 when none were available on site and encouraged the applicant to purchase the land from the town to develop more parking on site. He suggested some evergreens at the rear of the site to cut back on the noise to the abutting residents at the rear of the property.

Mr. Stein noted that the accidents were from a 10 -15 year period which included properties from 750 – 950 North Broadway. He will put up signage about no crossing of route 22. Only 12 accidents occurred on this site over this time frame and none of them were due to anyone pulling out onto Route 22.

In response to Mr. Pollack's comment, Mr. Rosenberg stated that his site would be open from 8 – 9 months a year. The Little Spot and coffee and bagel shop would be open all year.

In response to Mr. Jensen's comment about the loading dock, Mr. Rosenberg noted the bagel shop will have deliveries of the bagels between 3:00 – 4:00 a.m. and the ices will be delivered between 10:30 – 11:00 a.m. The board was considering whether to revisit the loading dock issue or not. Mr. Loberman was concerned about the access to the loading dock and future tenants. Mr. Rosenberg stated that he is the landlord; he can control the uses that go on site and make sure the delivery times work with the site.

In response to Mr. Delano's comment. Mr. Kaufman stated that when the building inspector is considering a change of use, he reviews the parking requirement; he did not think he considered the loading dock requirement. The board spoke more about this with the applicant. Mr. Rosenberg stated that a Chinese takeout wanted to come on site and he said no to that tenant, which would not work with the other uses on site.

Mr. Stein noted he has reviewed the resolution of approval and had no issues with the document.

Mr. Pollack noted that the applicant has done a good job balancing the hours of operation and peak demands on site. Mr. Rosenberg stated that since he owns the entire site he would not put something on site that would compete with one another, that does not make any sense. He had an architect approach him about the vacant space next to the ices and he said no because that would not be a good fit. He hopes the board would trust his judgement to not put people on site who would conflict with one another. Mr. Pollack asked what could be put in the resolution to make sure we don't get a site with three peak demands at the same time. Mr. Kaufman stated that a change of use would require site plan approval and have to come back to this board.

Discussions were had regarding a left turn out of the site and DOT comments. Mr. Stein stated that there are three curb cuts, both the middle and northern curb cuts have full site distance in both directions but only the northern curb cut will permit you to turn left or right while exiting. The center curb cut will only permit right turns. He has submitted the site distance information to the DOT along with the proposed exit options for the site; he is waiting on their response. Based on comments from the DOT is how they will put entrance and exit signs on site. Signs will be put up at the northern and southern curb cut noting no pedestrian crossing.

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

Discussions were had regarding DOT approval and where appropriate to put that condition in the resolution regarding sign off. The applicant suggested posting a bond regarding the completion of the exterior renovations because he was not sure when DOT would get back to him. The DOT approval was regarding circulation on site along with sidewalks, they don't have any comments on the retaining wall. Discussions were had at this time regarding this matter. The board concluded to have a bond prior to the issuance of any type of Certificate of Occupancy which would include a Temporary CO and hopefully provide enough time to get comments back from the DOT. If the DOT came back with a significant change, the applicant would have to come back before the Planning Board, if the change were minor in nature, it could be considered as a field change. Mr. Kellard stated that he would follow up with the DOT regarding the status. The bond will have to be posted to get a TCO or CO, the applicant was willing to take that risk.

Mr. Delano asked for a motion to approve the site plan resolution as amended, moved condition #3 under prior to signing the site plan to under prior to the issuance of the CO. Mr. Pollack made a motion to approve. It was second by Mr. Sauro and approved with five ayes.

CARQUEST
215 Business Park Drive
114.01 - 1 - 1
Amended Site Plan
Michael Finan, EP LEED-AP Langan Engineering
Discussion
Consideration of Negative Declaration
Consideration of site plan resolution approval

Present for this application was Eric Kingsbury, Langan Engineering was present for this application.

The application for a proposed 44,658 square foot warehouse and office expansion and various additional site improvements. The property is 36.76± acres and is located at 215 Business Park Drive within the PLI Zoning District. The site is currently developed with a 112,000± square foot warehouse/office building. The proposed warehouse expansion will be located within the NYSDEC adjacent area for state wetland G-1 and within a Town-regulated wetland and wetland buffer.

Mr. Delano read the affidavit of publication for the record. No noticed neighbors were present. Mrs. Desimone noted all paperwork was in order for this application.

Mr. Kingsbury stated that he received ARB approval on March 15, 2017 and Conservation Board approval on January 25, 2017. He had no issues regarding the draft resolution as prepared and will address any questions. He presented the application at this time.

Mrs. Bongaarts, Conservation Board Co-Chair reviewed minutes from their meeting regarding removal of the fragmites and invasive plants by hand and this note was not added to the plans that she reviewed. The applicant will update the plans to add removal by hand and will remove the note regarding herbicides to be sprayed. Mrs. Bongaarts thanked the applicant for these changes to the mitigation plan and the resolution will be updated accordingly.

Mr. Junker inquired what was inside the building. Mr. Kingsbury stated that his client does not have a tenant at this time but it will be a warehouse distribution facility. Mr. Delano noted that will be under the review by the Building Inspector and Fire Marshal and will have to be in compliance with the State code.

In response to Mr. Jensen's comment, the board concluded to move conditions 2,3,4 under prior to Building Permit will be moved to prior to signing the site plan. Mr. Jensen's comments were answered to his satisfaction.

Mr. Delano asked for a motion to close the public hearing. Mr. Sauro made a motion to close. It was second by Mr. Carthy and approved with five ayes.

Mr. Delano asked for a motion to approve the negative declaration. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with five Ayes.

Mr. Delano asked for a motion to approve the resolution as amended. Mr. Sauro made a motion to approve. It was second Mr. Carthy and approved with five Ayes.

CONTINUING BUSINESS:

11 NEW KING STREET PARKING GARAGE

11 New King Street

119.03-1-1

Proposed automated airport parking facility

Nanette Bourne, AKRF

Bill Null, Esq. Cudy & Feder

Consideration of acceptance of FSEIS

Present for this application was William Null, attorney for the applicant and Justin Seeney from AKRF.

Mr. Null stated he has submitted a revised FSEIS for the consultants review and comment. He has reviewed those comments and made the final revisions. He was hoping to return to the April 24, 2017 Planning Board meeting for acceptance of the revised FSEIS.

Mr. Kaufman noted that there is one comment that both he and the Town Engineer have regarding this application which is the enhancement vs. the disturbance of wetlands and mitigation ratio.

Mr. Delano noted that a new letter was received today from the NYCDEP. It was noted the question of the variance has not been resolved. Mr. Null would like to discuss the DEP comments further with the town's professionals.

It was noted that the DEP comments received were well after the comment period and the applicant was frustrated and disturbed to get comments this late after the deadline passed. Mr. Null will submit the requested material and see the board on April 24, 2017.

SOUL CYCLE

45 Bedford Road

108.03- 1-65

Referral from Town Board

Dan Hollis, Esq. Shamberg Marwell Hollis Andreyck & Laidlaw,pc

Rob Aiello, PE John Meyer Consulting

Discussion

The Applicant is seeking various zoning text amendments and site plan amendments to permit the creation of a Soul Cycle inside of the existing Garden Market Building.

Present for this application was the applicant Paul Fusco and his professionals Dan Hollis, esq.; Rob Aiello, PE and Marc Petraro, PE from John Meyer Consulting.

Neighbors present were Linda Fernberg, Wampus Avenue.

Mr. Hollis stated that he is seeking a referral back to the Town Board. The additional traffic information was submitted to Mike Galante at FP Clark Associates and he has provided a memo to this board dated March 22 or 23 with his comments. Mr. Galante was satisfied with his submission and he would like the board to make its recommendation to the Town Board at this time. Mr. Kaufman agreed with Mr. Hollis that the board should discuss this and can make a referral back to the Town Board at this time.

In response to Mr. Carthy's comment, Mr. Kaufman stated that the Town Board referred the Zoning Petition to the Planning Board along with that referral the Town Board asked for specific comments from the Planning Board regarding traffic and operations on site. That is why we were waiting for this traffic information and getting good information on what the impacts would be on and around the site. The Planning Board is required to provide input and comment back to the Town Board. If the Town Board grants the amendment, the applicant will return to Planning for Site Plan approval. If the Town Board does not grant the amendment, the applicant will not return to the Planning Board.

Discussions were had regarding the most recent traffic material the applicant submitted and FP Clark comments regarding that submission. In response to Mr. Carthy's comment, Mr. Kaufman read the last paragraph of the FP Clark memo which stated that with the video detector and timing improvements the intersection of Bedford Road and Maple Avenue will operate at similar or better levels of service and vehicle delays as the no built condition during all three peak hours and the sensitivity peak hours conditions. Mr. Delano noted that Kent Place would be positively affected as well. Mr. Carthy confirmed with Mr. Kellard that his office also agreed with FP Clark's comments, Mr. Kellard agreed. Mr. Kaufman reminded the board that this was not the only item the Town Board asked the Planning Board to review, they also asked this board to determine if this was an appropriate use in this location.

Mr. Carthy stated that he felt this was an appropriate use at this location and works well

there and will enhance the quality of the town. The site can accommodate the additional parking and will be landscaped beautifully. The economic sustainability of that corner is important and to its neighbors, such as the historic district. Whatever can be done to preserve that corner as opposed to letting it depreciate or fall apart is important. If we don't take the big picture into consideration we run risks and preserving this facility has certain value to the Town and the corner. This is a well-stocked applicant, this applicant is investing what could be 2 million dollars and that represents a long term interest and projection of success there. That also abates some other concerns that people might have there about what could happen in that corner. This is a good use and good for the town and we should move forward with it.

Mr. Jensen noted he was surprised that just by adjusting the camera at the intersection that would be enough to minimize the impact at that intersection which has been confirmed by our traffic consultant. In regards to the use, he struggles with it because this is pretty distant from the Mariani Garden main business the peak demands for this use are very different than what was intended for the Mariani property and is wondering how we put these two together.

Mr. Delano noted this lot has been before this board a number of times over the years and more often than not those past handful of times have been for an expansion on the change of use in the building because apparently the nursery business does not support the lot and buildings on site. He has reviewed the code and the definition of the NB district, it is explicit what the intent of the town was with the NB district. Perhaps the Town should sit back and determine what it wants for the NB district. The applicant is not able to keep the site with only his primary business. The permitted uses have been expanded and we have always made sure the nursery is the primary use. He is torn about this use and is aware the traffic issues have worked out.

Mr. Hollis noted that this nursery is a luxury lifestyle and goes with the high end uses and business that exist in this town like Hickory and Tweed and DiCicco's. Soul Cycle is a high end use similar to the other High end uses in town. Mr. Jensen stated that he appreciates that point regarding clientele but the intensity of use is very different than what is there today. He appreciates the comments on the signaling but wanted to make sure that we thought through what that intensity would look like and he is not sure if we have or not.

Mr. Hollis stated that the mix of uses helps like it did with the Little Spot or Moderne Barn, with the time of day and seasonal aspect, which helps.

Mr. Sauro stated that he likes the use of high end life style. He thinks it will be a great fit, he does not think they should preclude a property owner in changing times, as technology advances and with less and less structural office space, as you can see the applicant is not going to make it on such a large lot. He opines that food and an exercise facility can work very well. He would like some caution in regards to the sound and how it would impact St. Stephens Church. Mr. Hollis stated his client spends a significant amount of money to encapsulate the area to make sure there is no sound that emulates. During the public hearing he will have decibel counts that he will present regarding examples of that extenuation or suppression. He was happy that the traffic

report showed no increase with the build out of Soul Cycle. He thinks this can be a great fit and will work. We have a very good vibrant down town and some areas are food, food, hair and nails and there are a lot of vacancies out there and we need to think outside the box as long as we don't step on any toes. We also need to pay close attention to the historic district and St. Stephens Church, we don't want to disrupt the flavor of the town as well. Mr. Hollis noted he is aware of neighbors' concerns and or opposition and will do as much as possible to be reasonable in his approach. He is comfortable that the sound, parking and traffic will not be an issue with this application.

Mr. Pollack stated that he feels this is an application worthy of consideration. He was comforted by the fact that the Town's traffic consultant agreed with the applicant's traffic consultant. He noted that this type of use will lead to traffic that is very "lumpy", the people will arrive all at once and leave all at once. This is not a traffic pattern that is evenly distributed and will have high intensity periods and if there is a way to manage that, it would be great.

In response to comments, Mr. Hollis stated that there will be 56 bikes on site and every class will not be filled to capacity. The parking will be built to accommodate classes to capacity, but based on other classes in other locations, to capacity is not typical. Soul Cycle is owned by Equinox and Equinox is owned by Related.

Mr. Carthy stated that he went out to Soul Cycle locations in Ryebrook and Bronxville and stood inside and then outside the shop. He spins five times a week and can hear the classes outside the room. He stood outside the Soul Cycle store and you would have thought you were outside a dress shop, which is how quiet it was. He spoke to them about their sound attenuation, the whole of construction is principally sound attenuation, which is the big driver there. He agrees with Mr. Sauro's concerns about a ghost town. One thing that we do here by creating interesting economic activities we negate that possibility. We have to look into that in the future about constantly negating that possibility and staying ahead and remaining a vibrant community.

Mr. Carthy also suggested the applicant check out the AA meeting schedule held at St. Stephens Church and if the Soul Cycle Classes cannot be scheduled at the same time in order to prevent "Lumpy" traffic as Mr. Pollack noted earlier. Mr. Carthy noted that the accident report showed at that intersection a lot of side swipes and he would like to pass back to the Town Board that he would like the applicant to look into having a left turn only lane and a second lane going straight/right turns to help alleviate congestion in that location. He would really like that intersection looked at in this manner. Mr. Pollack agreed that people do drive a bit crazy at that intersection and squeeze in the right lane to go straight or make a right turn.

Ms. Fernberg, Wampus Avenue and member of the LPC (Landmarks Preservation Committee). Inquired how the video camera regarding the traffic going from North to South on Maple Avenue alleviates traffic going East to West. Mr. Petraro answered her question to her satisfaction.

Mr. Baumann, resident of Armonk and a member of St. Stephens Church. He stated that there has been a lot of conversation this evening about how this zone has to

evolve. It is not the purview of this board or the Town Board to make changes in a zone unless it agrees with the Comprehensive Plan. He is on the Comprehensive Plan Steering Committee along with Mr. Carthy and Mr., Jensen. The Comprehensive plan currently states that if the use changes it should be to Recreation use or Municipal use. We started with a catering hall on site for seven days a week, 365 days a year. There was a wine bar proposed which is not operational. It is important that this board understands its role - he would like Mr. Mariani to be successful, which is good for our town. He has no concern with Soul Cycle being in our town, it is the location of the Soul Cycle that is his concern. People are suggesting that Mariani's is struggling, do we know that for a fact?. This board is putting a lot of strength into the change of the traffic signal. Please remember that there are over 11 fields in town and that is an enormous amount of traffic in our town on Saturdays and Sundays during baseball, soccer and football seasons.

Mr. Baroni stated that to the point of the comment regarding the Town Comprehensive Plan. He is assuming that the action by the Town Board, if they take one, would include an amendment to the Town Comprehensive Plan if it currently does not fit. Mr. Kaufman stated if they needed to do that. Mr. Baroni stated that if that does not fit, there is a way to handle that concern. The Comprehensive Plan can be amended even though it is dated now and we are waiting for a new one to be put in place that is the way that we would handle that concern, should the Town Board entertain this.

Mr. Bauman stated that after reading the state law. If a Comprehensive Plan is amended, it must be for the clear benefit of the greater community. It can't be done for the benefit of a landlord or property owner. Mr. Hollis stated that localized opposition is not a reason not to do it either.

Mr. Hollis noted that he will provide adequate parking and screening and the screening will help with the noise attenuation with any neighbors.

The board discussed the recommendation options at this time.

Mr. Carthy was in favor of this application. Mr. Jensen expressed his concerns regarding the intensity of the traffic during entry and exiting of the site.

Sharon Tomback – Co-Town Historian and member of the North Castle Historical Society. She stated that we have one of the few historic districts in Westchester County. If we keep chipping away and chipping away there will be no historic district. She inquired if it has to be black and white zoning change. She was concerned about children walking into town. She understands that we don't want empty store fronts like Mount Kisco and White Plains but you can go too far in the other direction as well.

Mr. Hollis stated that the amendment is to permit the use as a special permit use. The conditions of the special permit have to be met as part of the site plan review.

Ms. Fernberg, stated that if Soul Cycle fails and then another cycle place can come, that means it is permanent.

Mr. Carthy stated that there will always be surges or intensity's or lumpy. The applicant needs to look at them like the mass schedule across the street or when the AA meetings are and work around that. That is the best way to address it.

Mr. Carthy made a motion to positively recommend this referral to the Town Board regarding the Soul Cycle application at Mariani Gardens for amendment to the Zoning Chapter in the Nursery Business District to add indoor cycling and fitness studios as a special use permit and to add specific off street parking requirements with no evident global planning issues with respect to the requested zoning amendment. The proposed indoor cycling use would complement the existing mix of luxury lifestyle uses currently permitted on the property. The Town Traffic consultant has concluded that with video detector and timing improvements, the intersection of Bedford Road at Maple Avenue will operate at similar or better Levels of Service and vehicle delays as the no-build condition during all three peak hours and the sensitivity peak hour conditions. The traffic consultant recommends that the Applicant construct the proposed land banked parking spaces at this time. The Planning Board also recommends that the Applicant widen Maple Avenue between NYS Route 22 and Bedford Road to accommodate appropriate turning lanes in an effort to further improve intersection operations. Mr. Sauro second the motion and it was approved with three ayes - by Mr. Sauro, Mr. Carthy and Mr. Pollack. Mr. Delano and Mr. Jensen both voted nay.

Mr. Loberman stated that he would like clarification of the duties of this board. Is it in the best interest of the Town or the best interest of the applicant?

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McMANUS

19 Glendale Avenue

108.01-5-51

2-Lot Subdivision

Mark P. Miller, Esq. Veneziano & Associates

Consideration of bond recommendation to Town Board

Mr. Pollack made a motion to positively refer the bond amount to the Town Board. Mr. Jensen second the motion and it was approved with five ayes.

GREEN DROP LLC

660 North Broadway

122.20-1-33

Site Plan

Michael Piccirillo, Architect, Michael Piccirillo Architecture PLLC

Consideration of bond recommendation to Town Board

Consideration of field change

Present for this application was Marc Petroro, PE from John Meyer Consulting.

Mr. Petroro stated that the board has approved the site previously and his firm was brought on in regards to assistance with the NYSDOT permit. He has made the submission to the DOT and they came back with two comments regarding detail of the pavement and access to Route 22 be consolidated with at least 100 feet further away from the traffic signal. The interior layout has been updated due to the driveway update from DOT. There is a curb cut on Cloverdale for entrance and exit to the site and entrance/exit to the site off North Broadway. The number of parking spaces remained the same. The neighboring property owner reached out to them and they did not want the proposed landscaping and they agreed to a privacy fence and the fence will not be the full length of the south property as requested by the property owner, Ralph Pisani. Mr. Pisani wanted the privacy fence to go along the east side where the garage used to be and along the south side of the property. He noted that the arborvitae per town code had to be planted. Mr. Petroro met with Mr. Pisani in the field today and agreed to these changes.

Mr. Loberman's comments were answered to his satisfaction.

Mr. Junker's comments were answered to his satisfaction. He was surprised that two access's to the site were so close to each other with two exits so close to one another that would allow turns left and right. He also inquired where all the trees went that bordered Westchester Expressway. The board reviewed the approved plans at this time with Mr. Junker regarding his comments about the trees.

Mr. Pollack made a motion to approve the field changes as described. Mr. Sauro seconds the motion and it was approved with five ayes.

Mr. Jensen made a motion to positively recommend the bond to the Town Board. Mr. Carthy second the motion and it was approved with five ayes.

At 10:40 p.m. Mr. Delano asked for a motion to go into Executive Session for advice from counsel, Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with five Ayes. All Planning Board members were present as well as the Director of Planning , Town Engineer, Town Attorney and Planning Board Secretary.

At 11:05 p.m. Mr. Delano asked for a motion to adjourn the Executive Session, Mr. Pollack made a motion approve. It was second by Mr. Sauro and approved with five Ayes. All Planning Board members were present as well as the Director of Planning , Town Engineer, Town Attorney and Planning Board Secretary.

Mr. Delano asked for a motion to adjourn the meeting. Mr. Pollack made a motion to adjourn; it was second by Mr. Sauro and approved with five ayes.

Meeting was adjourned at 11:06 p.m.