

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
July 11, 2016**

PLANNING BOARD MEMBERS PRESENT: John 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

 Joseph Cermele, PE
 Consulting Town Engineer
 Kellard Sessions PC

 Valerie B. Desimone
 Planning Board Secretary
 Recording Secretary

 Conservation Board Representative:
 Zenaida Bongaarts

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

Minutes were not considered for approval at this meeting.

PUBLIC HEARING:

DEMASI/FEIT/GIZZI LOT LINE CHANGE

6, 4 & 8 HUNTER DRIVE

101.03-4-6&5

Lot Line Change

Barry Naderman, PE, Naderman Land Planning & Engineering

Discussion

Consideration of preliminary subdivision resolution of approval

Barry Naderman was present for this application. 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.

The application is for a land exchange between the Demasi, Feit and Gizzi properties. No new building lots will be created with the proposed land exchange. All three properties are located within the R-1A Zoning District.

Mr. Naderman stated he had received ZBA approval for this application and briefly explained where the lot lines line exchanges would occur and why.

In response to Mr. Pollack's comment regarding Lot #2, Mr. Kaufman stated that there was not enough frontage to create a new building lot unless a new road were constructed to extend Hunter Drive and since the board was out there and familiar with the site, this would be quite an undertaking.

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 preliminary subdivision resolution. 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 final subdivision resolution. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with five ayes.

CONTINUING BUSINESS:

17 CREEMER ROAD

17 Creemer Road

108.04-2-4

Lot 1 & Lot 2 Site Plan

Joseph Daniels, Contract Vendee

Dan Collins, Hudson Engineering

Discussion

Present for this application was Dan Collins and Joseph Daniels.

Mr. Collins noted the memos were pretty straight forward and he could accommodate the requests of the professionals. He was hoping to hear back from the Board of Health on Tuesday or Wednesday this week. Mr. Delano noted that ARB approval was needed for both lots, that meeting takes place on July 20, 2016. Mr. Kaufman noted that without the signed subdivision plat the site plan public hearing could not take place. If they get it signed timely a public hearing can take place on August 1, 2016. The applicant will keep the board informed.

ARMONK CLOSE

162 Bedford Road

108.03-1-42

Site Plan

Mike Fareri

Discussion

Present for this application was Mike Fareri and Steve DeLaurentis.

The site plan application for the redevelopment of the former Bedford Road Lumber Yard site and the Green property located next door. The property is located in the R-MF-SS Zoning District. The proposed redevelopment contemplates the demolition of all existing structures and the construction of an approximately 46,560 square foot, three story, building that contains 4 studio apartments, 20 1-bedroom apartments and 24 2-bedroom apartments. All units are proposed to be AFFH (Affirmatively Furthering Fair Housing) units.

Mr. Delano reminded the 15-20 people present in the court room that this application was an item for discussion before the Planning Board and not a public hearing. This is a meeting for the Planning Board to understand what the applicant is proposing and for the board, the professionals and applicant to discuss the application. The board may or may not accept comments from the audience after the initial presentation.

Mr. Delano noted that he had some comments regarding the application packet and plans that were submitted for tonight's discussion, he also noted that some plans that

were omitted from this submission. He made those comments at this time. He noted that Mr. Fareri could respond or not to these comments.

It was noted that the proposed parking spaces on Bedford Road would have to adhere to the town ordinance parking requirements regarding time of day or year that you could park on the street or not.

Mr. Delano stated that he has received comments from the Water and Sewer Department and the district has been extended for a couple of projects and along with this change, the board will need further comments from the Water and Sewer Department. Mr. Baroni noted there was an engineering report from GHD, the new Sterns & Wheeler who completed their report this past spring. Mr. Delano noted he would like to see how that report relates to Mr. Holts and the Town's numbers. Mr. Baroni stated that depending on what the applicant comes back with the board can have that reviewed by GHD and they can tell the board where this application fits. Mr. Fareri stated that he will address all of the deficiencies noted by Mr. Delano and come in with an amended application and this submission will not have an additional impact on the sewer and water. He noted the original approved plan had 36 units with 55 bedrooms. Mr. Fareri stated he would submit an amended plan with 55 bedrooms that will not impact sewer and water.

In response to Mr. Kaufman's comment, Mr. Fareri said that he was not sure how many units he was going to submit but no more than 55 units and that will not impact sewer and water provided we have the proper amount of parking. We have an approval right now for 36 units which have 55 bedrooms; he thought it best that this plan works and we have 17 additional bedrooms then the 36 unit plan which had been approved. Mr. Kaufman noted that these types of units and the number of bedrooms are not necessarily comparing apples to apples. The types of units are very important, especially for trying to quantify the impacts of that development. Fifty-five bedroom mixed development made up of studios, one and two bedroom units are very different from 55 units of all one bedroom units. He referred Mr. Fareri to the studies that Planners typically use, the Ruckers studies which will give the quantification of the number of people expected in the units based on the bedroom count.

Mr. Fareri noted he would like to discuss all of the options afforded to him, afforded to the Town and Afforded to Westchester County and he would like to come up with an amicable solution and plan that would be acceptable to the Planning Board, to the residents and that is viable.

In response to Mr. Kaufman's comment, Mr. Fareri stated yes we do have an approved plan; he would like to amend the approved 36 unit plan. The reason why he is amending the plan is because it does not work. Incorporated into his approval he had to provide 20% AFFH units (6 AFFH units and 30 Market rate units). He finds it difficult from a social and economic point to be able to migrate 30 luxury units with 6 AFFH units. The AFFH units sell for \$200,000. per unit and then there is a neighbor who is purchasing his unit for \$750,000. there is a problem in operation that occurs; a condo building has a common charge that is divided by 36 units. His experience has shown

him that the residents who live in the 30 luxury units have different standards for maintenance and upkeep of a building than the 6 AFFH units. He has provided MIU's at Whippoorwill School and the last 10 years there have been fights between the MIU's and market rate unit owners regarding this subject.

Mr. Kaufman stated that he thought that issue was resolved, the 30 units would be built at the Lumberyard and the 6 AFFH units were going to be transferred to Maple Avenue. Mr. Fareri stated that was one of his alternatives and that was presented to the Town Board and that required two special use permits. He presented his application to the Town Board on Sept 27, 2015 and the Town Board turned him down. Mr. Baroni noted that Mr. Fareri returned to the Town Board in February, 2016 and the Town Board immediately put the zoning in place for Mr. Fareri's application. Mr. Baroni continued and stated that Mr. Fareri then cancelled his public hearings before the Town Board regarding this matter two different times.

Mr. Fareri thanked the board for their time and noted he would proceed in another direction. Mr. Delano asked Mr. Fareri if he would like to discuss the professional's memos. Mr. Fareri stated no, not at this time and left the podium and the room.

Mr. Delano confirmed that there was nothing further they could do at this time regarding this application as the applicant indicated he would resubmit. Mr. Kaufman noted that it sounded like the applicant would be submitting a different plan than what we have in front of us. Mr. Baroni noted that the model ordinance provides that the Planning Board controls the bedroom allocation of units, not the applicant. The applicant returning with a plan for 55 1 bedroom units can be readily rejected by the Planning Board, the submission accomplishes nothing. Westchester County would not want it, he did not think the town would want it but this board controls that, it is right in the code.

The board and professionals agreed at this time that there was nothing further they could do with this application.

Mr. Delano asked for a motion to adjourn the meeting. Mr. Sauro made a motion, it was second by Mr. Carthy and approved with five Ayes. Meeting was adjourned at 7:51 p.m.