

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
July 30, 2018**

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PLANNING BOARD MEMBERS PRESENT: Christopher Carthy, Chairman  
Steve Sauro  
Michael Pollack  
Gideon Hirschmann

Absent: Jim Jensen

ALSO PRESENT: Adam R. Kaufman, AICP  
Director of Planning  
  
John Kellard, PE  
Consulting Town Engineer  
Kellard Sessions Consulting, PC

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

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

Conservation Board Representative: John Krupa

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The meeting was called to order at 7:02 p.m.

**APPROVAL OF MINUTES:**

**June 25, 2018**

Mr. Sauro made a motion to approve the minutes. Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

**July 9, 2018**

Mr. Pollack made a motion to approve the minutes. Mr. Hirschmann second the motion and it was approved with three ayes. Mr. Sauro abstained. Mr. Jensen was not present for the vote.

**July 24, 2018**

Mr. Hirschmann made a motion to approve the minutes. Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

**PUBLIC HEARING:**

**34 CREAMER ROAD [18-002]**

**34 Creemer Road**

**108.04-2-14**

**Single Family Home Site Plan**

**Ralph Alfonzetti, PE Alfonzetti Engineering**

**Joseph Palumbo, AIA JM Palumbo Architect LLC**

**Jay Fain, MS, PSS, CPESC, CERP Jay Fain & Associates**

**Discussion - Consideration of site plan approval**

Mr. Carthy made a motion to reconvene the public hearing. Mr. Sauro second the motion and it was approved with four ayes, Mr. Jensen was not present for the vote. The applicant's professionals Ralph Alfonzetti and Joseph Palumbo were present for this application.

Proposed new 5-bedroom 8,100 square foot home on vacant two-acre lot. The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board and Conservation Board is warranted.

Noticed neighbors present for this application was Jim & Sheryl Dempsey – 38 Creemer Road; Dawn Sanders – 37 Creemer Road.

Mr. Alfonzetti stated that the site was staked and this board as well as the Conservation Board has walked the site. The applicant has Westchester County Dept. of Health approval for the well and septic. The applicant has Conservation Board and Architectural Review Board approval and does not need any variances.

Mr. Alfonzetti continued and reviewed the house and driveway location and noted why there were in the optimal spots. He noted no wetlands were being disturbed but about 15,000 square foot of wetland buffer disturbance was proposed on site. There is an extensive wetland mitigation of over 31,000 sq. ft. proposed. The existing stone wall will be moved back on site to increase visibility 200' in both directions from the driveway. Mr. Palumbo reviewed the architectural plans at this time and tried to incorporate some similar architecture to this house as there are with other houses in the neighborhood.

In response to Mr. Carthy's comment, Mr. Palumbo stated his client intends to build the home and sell it.

Mr. Dempsey presented a photo to the board of his house to the rock wall. Mr. Dempsey was concerned about the water accumulating on his lot as shown in the

photo. He inquired where the wetlands and wetland buffer were on his property and where they were measured from on his property to the applicant's lot. He noted someone spoke to him last fall about flagging the wetlands and never came back. Mr. Kellard explained how wetlands are defined by vegetation hydrology and soil makeup, and how a wetland scientist verifies the wetlands and how the wetlands were also verified by his office as well. Mr. Alfonzetti was under the impression that the professional was turned down by Mr. Dempsey to access his lot. Mr. Alfonzetti explained the drainage path of the water on the applicants site and how the infiltration works.

Mrs. Sanders stated that this driveway was almost directly across from her driveway and the speed limit is 30 mph and cars go much faster and this is on a hill. You can't see the cars coming up the hill. She has been in an accident and has seen accidents. She is concerned with the safety of the people and the workers on site. What kind of protection will there be? Mr. Alfonzetti explained how the site lines will be increased by moving the stone wall back. Mrs. Sanders expressed her concerns again regarding the safety of everyone as well as the accidents she has seen and was a part of. Mr. Kaufman noted that the applicant's task was to provide visibility 200' from both sides of the driveway when exiting the site, not fix the entire road. Mrs. Sanders noted she was concerned about her safety exiting and entering her own driveway as result of the construction in the area. Mr. Alfonzetti stated that there will be flaggers on both sides of the lot when loading and unloading materials. Mr. Alfonzetti stated that they have reviewed and moved the driveway sideways and the professionals determined that this location was the best. Mr. Carthy thanked Mrs. Sanders for her comments.

Continued discussions took place at this time regarding Mrs. Sanders concerns. She wanted to know what guarantee is there that flaggers will always be on site to ensure safety on the road. She also noted that people walk on the road as well.

Mr. Woodyard noted that 38 Creemer Road was an historic site and the street was named after the owner of the house William Creemer. He would like the people to be cognizant of the fact when they do work on site that there may be some historic artifacts on site and please do their due diligence as they go through the site and he hopes the applicant will be respectful of that.

No further comments were made at this time.

Mr. Carthy made a motion to close the public hearing. Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

The board discussed the draft resolution and requested that it be amended with wording to reflect that work in the right a way regarding loading and unloading be prepared given the existing road conditions.

Mr. Pollack made a motion to approve the resolution as amended. Mr. Sauro second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

**11 NEW KING STREET PARKING GARAGE [09-032]**

**11 New King Street**

**119.03-1-1**

**Site Plan & Special Use Permit referral from Town Board**

**Bill Null, Esq. Cudy & Feder**

**Discussion**

**Consideration of site plan approval**

Construction of a multi-level automated parking structure at 11 New King Street to alleviate an existing parking shortage at Westchester County Airport. The proposed project would involve construction of a building with an approximately 31,493 square foot footprint and would house an enclosed automated parking structure capable of accommodating 850 vehicles.

Present for this application Justin Seeney, engineer from AKRF and Chris Fisher from Cudy & Feder.

Mr. Carthy made a motion to reconvene the public hearing. Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote. No noticed neighbors or members of the public were present this evening.

Mr. Seeney reviewed the application briefly and updated the board with recent Conservation Board approval on July 17<sup>th</sup> and Architectural Review Board approval on July 18<sup>th</sup>. He noted that a wetland buffer account has been created with the town which the applicant is contributing to and the applicant received approval from the Town Board on 7/25. The applicant has been in touch with the NYSDOT regarding the traffic mitigation for the EIS and we thought we had an approval. Preliminary discussions with the DOT indicated that we were in agreement, there is now a new regime at the DOT and they do not necessarily agree with their predecessors. A meeting with the DOT was set for August 9 and they will regroup after that meeting and make a submission. The applicant will return to the Planning Board at the September 5, 2018 meeting.

Mr. Seeney presented a color rendering at this time with the median details and he noted this information was presented to the fire chief as well as to the town's traffic consultant. He noted the DOT was concerned with exiting off I-684.

Mr. Pollack made a motion to adjourn the public hearing. Mr. Carthy second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

Mr. Carthy thanked the Conservation Board Co- Chair's Zenaida Bongaarts and Jane Black for their detailed comments from their meeting regarding this application.

**NEW AND CONTINUING BUSINESS:**

**MARIANI RESIDENTIAL [18-021]**

**45 Bedford Road**

**108.03-1-65**

**Zoning Petition - Referral from Town Board**

**Anthony Veneziano Jr. Esq. Veneziano & Associates**

**Discussion**

The Town Board has been presented with a zoning petition that would result in the demolition of the existing structures on the property and the redevelopment of the site for residential use. The project would contain five 4-bedroom townhouse units of approximately 4,000 square feet, sixteen 3-bedroom townhouse units of approximately 3,000 square feet and a multifamily apartment building with 22 1 bedroom (16 units) and 2 bedroom (6 units) units. Ten percent of the apartments will be AFFH units and will be located on-site.

The above would be permitted via the adoption of a new zoning district – the R-MF-DA (Residential Multifamily Downtown Armonk) that would replace the current NB (Nursery Business) Zoning District.

Present for this application was Mark Miller, Attorney from Veneziano & Associates; Rob Aiello, Engineer from John Meyer Consulting and Jon Halper, architect for the applicant.

Mr. Miller stated this was referred to the Planning Board from the Town Board and briefly reviewed the application as noted above for the board. He noted they will be meeting with representatives from St. Stephens Church, LPC Chairman and a member of the Historic Society. They are aware of that this site buffers the historic district right across the street. He has reviewed the professional's memos. If the zoning change is approved by the Town Board he would return to the Planning Board for site plan approval.

Mr. Aiello reviewed the existing conditions on site and the current setback requirements of the NB district and proposed setbacks of the site and their desire to maintain the beauty and the view of the church when entering town. He also reviewed the proposed setbacks for the new zoning district, parking on site as well as vegetation and grades of the site and the layout and locations of the different units.

Mr. Halper reviewed the view from Bedford Road, the internal view of the site, Ariel view and some backyard amenities.

Mr. Hirschmann expressed his concerns with the additional traffic for 43 units going in and coming out of the site in the morning and afternoon. He was concerned about the impacts to Bedford Road and Maple Avenue intersection and queueing. Mr. Aiello noted he was preparing a traffic study and queueing analysis to show if there is an interference or not with the driveway or intersection. Mr. Aiello will submit the reports. Discussions were had regarding the amount of traffic this site would generate and its

proximity to the school and those impacts.

Mr. Miller stated that all of this information is being worked on and will be submitted to the Town Board. He reminded the board that part of this lot is deed restricted and that his client has to demonstrate the water sewer capacities.

Mr. Baroni stated that this project was all rental units and 10% of the units will have to be AFFH units.

Mr. Carthy noted that the deed restriction needed to be addressed in order to move forward. Mr. Baroni noted that the Town Board will look for some input from the Planning Board regarding the deed restriction if this was not addressed in the new Town Comprehensive Plan and if the plan would have to be amended. A handout was presented to the board highlighting the verbiage of the deed restriction.

Some members of the public were present and wished to make comments. Mr. Carthy thanked them for their time but noted this was not a public hearing and premature to accept comments at this time.

**NOBLES / WAMPUS MILLS LLC [18-022]**

**43 Old Mount Kisco Road & 585 Main Street**

**101.03-2-11 & 108.01-1-27**

**Lot Line Change**

**Kory Salomone, Esq. The Law Office of Kory Salomone PC**

**Discussion**

Proposed 4,000 square foot land transfer from the Old Mt. Kisco lot (Madonna) to the Main St. lot (Nobles).

Present for this application was one of the applicants Mr. Nobles and Kory Salomone, attorney for both parties.

Mr. Salomone stated that Mr. Nobles lot is .43 acres and zoned R-10 and Wampus Mills LLC is known as the senior housing project and is 3.6 acres and zoned RMFSCH. He pointed out the strip of land attached to the senior housing lot and stated that Mr. Madonna would like to transfer 4,000. Feet to Mr. Nobles. After the transfer of property, the lot will be more compliant, both curb cuts for Mr. Nobles lot presently belong to Mr. Madonna. In exchange for the land. Mr. Nobles will connect himself to the sewer lines. Mr. Baroni reminded the applicant of the quid pro quo that Mr. Madonna set up with the Town Board by agreeing to connect all the residents on that street to the sewer and water lines. He suggested doing this under a different form, if done as suggested that may trigger Mr. Madonna to return to the Board. Mr. Salomone will discuss that with his clients.

Mr. Kaufman noted this will be an uncoordinated review. A public hearing was scheduled for Wednesday, September 5, 2018.

**12 MAPLE AVENUE [18-024]**

**12 Maple Avenue**

**Site Plan**

**108.01-6-26**

**RJK 12 Maple, LLC & GMS 12 Maple, LLC**

**Discussion**

Temporary gravel parking area proposed as a result of on-going construction activity associated with the CVS sidewalk to Maple Avenue.

Present for this application was one of the owners Randy Katchis and his business partner George Stone was not present this evening.

Mr. Katchis stated that he has been working with Town and CVS to create an easement to build the sidewalk. He has lost a lot of parking spaces due to the side walk and as a temporary solution he would like to remove five trees on site and put down some gravel, about 1800 square feet over some of the grass area in the rear for some temporary parking. He noted that when their site plan application comes before the board within the next two months, those same five trees were proposed to be removed, the shed was also removed. They will pitch this new parking area to the drainage area from the sidewalk already on site. They were hoping to get this work done prior to the beginning of school. He noted that some of the trees are already dead and or dyeing.

Mr. Kaufman reviewed the code with the board at this time. The board discussed and determined if this request falls within the guidelines of the code. Mr. Kaufman stated that if the board finds this acceptable then he will communicate that to the Building Inspector. The board continued discussion on this matter and concluded that it was correcting an oversight that was seen at the time of the approval of the sidewalk. The rest of the board agreed. Mr. Kaufman will follow up with Mr. Cromwell in the Building Department.

**DANIEL [18-020]**

**7 Hadley Road**

**107.04-2-19**

**Site Plan**

**Joseph Daniel - owner/applicant**

**Discussion**

Construction of a new 7,256 square foot single-family home on a 2-acre parcel. The project also includes the construction of a driveway, new in-ground pool and the construction of associated drainage improvements.

The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board and Conservation Board is warranted.

Mr. Daniel introduced Zoey from Lites office. Mr. Daniel stated that the board was out

to the site for a site walk, he has ARB approval and part of that approval was an additional planting of 15 trees which he showed the board the update planting plan. He recently spoke to one of the neighbors who appears to be happy with the plan.

Mrs. Desimone noted that one of the neighbors, who was 91, was here earlier and got tired and left, Mrs. Desimone introduced the neighbor to Mr. Daniel while he was waiting in the hallway to go before the board and they spoke for a while. Mr. Daniel stated that he spoke to her for a while in the hallway and answered her questions.

Mr. Daniel stated he was scheduled for a public hearing on August 6, 2018. The board was happy to see the plans agreeing with one another and the trees shown to remain on site. The board was alright with the removal of the 6-8 trees marked in the field.

**TURET [08-018]**

**East Lane, West Lane, Nichols Road**

**Final Subdivision, Tree Removal, Steep Slope and Wetlands Permit**

**108.03-3-36, 108.03-3-38, 114.01-1-4, 108.03-3-39, 114.01-1-5**

**Tim Allen, PE Bibbo Associates**

**Subdivision of an existing 8.28-acre lot into four residential building lots.**

**Consideration of 4th extension of time for final subdivision approval**

In response to comments from the chairman, Mr. Kaufman, Mr. Baroni and Mrs. Desimone noted that the applicant has been making good progress with complying with the conditions in the resolution and is close to final signature.

Mr. Carthy made a motion to approve the extension of time resolution for the Turet application. Mr. Sauro second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

**PATERNO DAM [15-154]**

**17 Windmill Road**

**101.04-2-67 & 29, 101.04-3-50 & 51**

**Spillway Channel**

**PW Scott Engineering & Architecture, P.C.**

**Consideration of extension of time resolution**

In response to comments from the Chairman. Mrs. Desimone stated that all the conditions have now been complied with, we are in the process of signing the plans and the resolution expires in the beginning of August and we just wanted to be cautious and have the extension approved and not risk the expiration of this application.

Mr. Pollack made a motion to approve the extension of time resolution. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

Mr. Carthy made a motion to adjourn the meeting. Mr. Sauro second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote. Meeting adjourned at 8:38 p.m.