

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
Thursday October 11, 2018**

PLANNING BOARD MEMBERS PRESENT:

Christopher Carthy, Chairman
Michael Pollack
Jim Jensen
Gideon Hirschmann

Absent:

Steve Sauro

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

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Brian Hildebrand,
Kellard Sessions Consulting

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

George Drapeau
Conservation Board Representative:

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

APPROVAL OF MINUTES:

September 5, 2018

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

September 24, 2018

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

SCOTT/MIANUS RIVER GORGE [18-029]

78 Mianus River Road

96.01-1-8.1

Subdivision

Rod Christie, Executive Director Mianus River Gorge, Inc.

Discussion

Consideration of preliminary and final subdivision resolutions of approval

The property owner is seeking to subdivide the lot into two lots (2A and 2B), one of which will be a 5.74 acre building lot and another non-building lot of 10.7773 acres. The non-building lot will be sold to the Mianus River Gorge, Inc. and made part of Mianus River Gorge Preserve for permanent protection. The 5.7 acre lot has a house site as previously proposed.

Present for this application was the applicant Rod Christie.

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

Mr. Christie explained the application as noted above.

Mr. Jensen's questions were answered to his satisfaction.

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

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

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

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

NEW AND CONTINUING BUSINESS:

GDC EQUITIES, LLC [18-032]

873 North Broadway

122.12-4-27

Site Plan

**Rich Williams, PE Insite Engineering Surveying & Landscape Architecture, P.C.
Discussion**

Proposed establishment of an industrial/commercial dry cleaning facility in an existing building.

Present for this application was the applicants professional Rich Williams.

Mr. Williams oriented the board with its location and cross streets and reminded the board that previously on this site was an auto repair shop and then a training studio/and BAC Electric. He noted that presently on site is an asphalt area in the front of the lot and item #4 in the rear of the site, there is an access easement from Washington Place to this parking area. The Dry Cleaner business proposed is mostly institutional and has two vans to pick up and bring the items to the site and then back to the sites the following day. The business plan shows 20% retail/walk in business. His clients were not expecting site plan approval and were hoping to move in as soon as possible.

Mr. Williams stated the present plan shows striping in front of the building for a handicapped parking space with steel bollards separating the building from the parking area, currently there is asphalt area which goes to the front doors. The customer parking will be located in the rear of the site and stairs are proposed for rear access as well as lighting on site. A closed in dumpster and stormwater management areas are proposed in the rear of the site and he is still finalizing the stormwater design.

Mr. Williams requested some feedback from the board regarding how to proceed with the site improvements and how it relates to timing and their ability to open for business. His client would like to pave the parking area in the rear and the front but appearing before the NYSDOT would take 3-6 months. His client would like to install the improvement by the end of November, which is not realistic as we are close to the end of paving season and if that window is missed, his client will not be able to repave the area until late March early May depending on the weather. If we have to pave the parking lot as part of the site plan that would hold up his client from opening. He has spoken to the Building Inspector regarding phasing site improvements with temp CO's. He reviewed the architectural plans at this time and noted the garage door will be removed and replaced with windows.

Mr. Kaufman stated that Mr. Cermele suggested bonding the parking lot. Mr. Williams stated he followed up with the Building Department regarding the Performance Bond who noted that was pending Planning Board input.

Discussions were had regarding what would be done at the front of the building on North Broadway. Mr. Williams stated that temporally his client does not want to go

through the NYSDOT permitting process and they would create an ADA accessible route to the building, there is not one right now. He would delineate the handicapped parking space out front and it could be accessed from either direction. He noted that previously cars pulled on into the building and would back out on Route 22 and it is a free for all right now. Mr. Carthy recalled the boards concerns with parking in this location and matters with a raised sidewalk with the prior applicant. If a TCO were issued, the paving may not be done and this could fester longer and turn into a perpetual TCO like the diner down the street.

Mr. Williams noted that long term his client would put in additional parking up front which was approved with the other applicant. If the board were agreeable, the next time he comes to the board he will present Phase I (temporary) and Phase II (Final). He asked the board if they were open to parking in front of the building or no parking, his client would prefer some parking spaces up front. Mr. Carthy noted that he would also like to see a plan without any parking in front of the building and expressed his concerns regarding safety of a handicapped parking space in front of the building.

Discussions were had regarding the handicapped access to this site and if in this case a variance could be granted to eliminate the space for safety reasons. Mr. Carthy and Mr. Kaufman were not convinced handicapped parking out front of the building was a safe alternative and noted this was a challenging site for handicapped parking.

Mr. Carthy summarized the applicants requests at this time. The applicant was looking for the board's comments on a performance bond for the parking lot and temporary vs. final measures for the site. Mr. Williams also inquired about SEQR procedures and if the board wanted to schedule a site walk.

Mr. Hirschmann inquired is there was any special licensing or environmental requirements for Dry Cleaners. Mr. Kaufman stated the town does not cover that. Mr. Williams stated he would look into that and get back to the board. Discussions were had by the board regarding how the board would have oversight or not of this application vs. another application like Oamic Ingredients on Labriola Court.

In response to comments from the board, Mr. Kaufman noted the town does not regulate dry cleaning facilities. If there are any specific building code requirements, the building department would do that review. If there are any additional licensing requirements that the applicant needs to do for the State or County, they will have to comply with that as well. The Town does not monitor that or accept their registration or collect their licenses, the onerous is on the applicant to get whatever operating permits are required. As far as the Town is concerned, the dry cleaning use is a permitted use in this zoning district.

Discussions were had regarding the calculation of the parking spaces on site, the total amount of parking spaces on site, the option of landbanking some of those spaces, where those landbanked parking spaces would go and where the overnight storage of the vans would be on site.

Mr. Jenson noted that in the past the board has projected where they thought the NYSDOT would go and where they ended up was different, like the green drop site

further down on North Broadway.

The board discussed the TCO and how it relates financially to what the NYSDOT would approve or not approve and how that would affect the applicant. Mr. Williams stated that he has never seen the DOT turn down a sidewalk and if the parking is turned down out front that is a risk that is on him and client not the board.

In response to Mr. Kaufman's comments, Mr. Williams noted that two small vans, box trucks would make 8-10 deliveries per day.

In response to Mr. Carthy's comment, Mr. Williams noted his client was looking to have already been open for business when they had met for the first time, right now they are looking for renovations to be completed mid winter. This will have to go to the ARB as well.

Discussions took place regarding TCO and performance bonds and their effectiveness on past applications. It was noted the TCO was not effective in the past, a performance bond has been more effective. The board expressed their concerns regarding the outcome of the NYSDOT and how that could set the applicant back.

After a discussion with the board and professionals it was conclude that a cost estimate will be provided so a performance bond can be calculated on three different plans, one with the handicapped parking space in front of the building or with parking spaces in front of the building or a handicapped parking space at the rear of the building and no parking in front.

Continued discussion was had at this time. The board encouraged the applicant to submit to the NYSDOT as soon as possible.

Mr. Pollack inquired where and when do ordinary circumstances become extra ordinary circumstances. Where is that line for promising to do later what I should have done before? We don't want extra ordinary circumstances to become the standard. Mr. Williams reminded the board that as far as this site being a little unique, this is not a new site, this is a redevelopment of an existing site. This lot was referenced in the 2018 Master Plan as an area for opportunity, an under-utilized commercial area that you would want to seek to invite for redevelopment. We are looking to improve the building and the façade. He will follow up with his client regarding full access to the building from the rear of the building.

The applicant will have to submit more information regarding turning radius and safety regarding any type of parking in front of the building. He will submit three sets of plans with no parking up front and handicapped parking in the rear, handicapped space upfront or 2-3 parking spaces upfront.

Mr. Carthy made a motion for the board to declare lead agency intent for this application. Mr. Pollack second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote. A site walk was scheduled for Tuesday October 16, 2018 at 8:30 a.m.

100 BUSINESS PARK DRIVE [17-019]

100 Business Park Drive

108.03-1-51

Amended site plan

Paul Sysak, RLA ASLA John Meyer Consulting PLLC

Discussion

Amended Site plan modification to permit additional outdoor storage of material and the placement of a sand stockpile area in an existing paved area.

Present for this application from John Meyer Consulting was Paul Sysak and Paul Dumont and the applicant Rob Triccoli, principal, the Jantile Group, A&R Realty.

Mr. Sysak familiarized the board with the site location and stated that one year ago site plan approval was granted for outdoor storage for the 62,000 square foot building that is zoned PLI. The applicant is proposing additional outdoor storage with 20' wide aisles per comments from the Armonk Fire Department. This additional outdoor storage will accommodate the day to day operations.

Mr. Kaufman inquired about the outside storage of the Muriatic Acid 2-part Epoxy Resind to be stored outside. He noted that it should be stored inside the site. Mr. Triccoli stated that it is not an acid it is a 2-part Epoxy Resind. Mr. Sysak noted it would not be mixed on site. Mr. Triccoli stated this is a transient operation and that is why it is stored outside, this is only 5-8% of the outdoor storage. The business is an in and out, the 55-gallon drum is delivered and shipped out again, it is not used on site, that is why it is outside. Mr. Kaufman noted it should be stored inside incase of spillage, the site is near wetlands. Mr. Triccoli asked if some of the 2-part Epoxy Resind could be store inside and some outside. Mr. Sysak asked if an outdoor metal storage container could be used. Mr. Jensen reminded the applicant this site is close to the Byram River and we must be sensitive of that.

Mr. Kaufman reminded the applicant that the original approval was only for storage of title and marble outside. He also noted that the board would need confirmation from the fire Department that the 20' wide aisle is sufficient. The board also agreed that the chemicals should be stored inside. It was also confirmed with the applicant that the proposed additional materials are the same as the existing materials that are stored outside and these can be stored outside with the exception of liquids. It was also noted that the sand piles were already part of the preexisting outdoor storage.

A public hearing was scheduled for November 5, 2018. Submission deadline for that meeting is Monday, October 22, 2018 by 12:00 p.m.

DIMATTEO [18-031]
16 Birch Grove Drive
101.04-1-20
Site Plan
Lucio DiLeo, R.A. AIA Studio RAI
Discussion

Proposed front additions, rear addition, detached garage, pool and terrace.
The subject project Planning Board approval as the detached garage is over 800 square feet in size.

Present for this application was Lucio DiLeo and Paul Berte from Fushion engineering.

Mr. DiLeo presented the application as noted above. He stated that there will be an extension to the family room, breakfast nook and kitchen as well as three car garage with storage above the garage. He presented architectural to show the board what it would look like and the second floor master bedroom suite. A new basement will be added under the new addition to the rear of the house.

In response to comments from the board, Mr. Kaufman noted that this was before the board because the proposed garage was over 800 square feet and accessory structures over that size required special use permit. The board will be approving site plan for the addition and special use permit approval for the garage.

Mr. Hildebrand inquired if the applicant was going to build the pool and if it was part of this approval. Mr. DiLeo stated that he was going to put in the infrastructure for the pool now and not have to dig up the lot again when the applicant was ready to install the pool. Discussions were had at this time regarding the pool and the best way for the applicant to proceed. It was noted the infrastructure could be installed and when the applicant was ready to build the pool he could go before the RPRC and get that approval at that time.

The applicant will resubmit revised plans removing the pool. A site walk was scheduled for Tuesday, October 16, 2018 and the public hearing was scheduled for Monday, November 5, 2018.

IBM PARKING LOT EXPANSION [17-017]

1 North Castle Drive

Section 108.03-1-62

Amended site plan for construction of additional off-street parking

Pietro Catizone, PE Catizone Engineering, PC

Discussion of field change

Mr. Catizone reviewed the prior approval which included four phases. The bids have come back with higher figures than what was expected. His client has re-evaluated what is most important on the site. Presently the 28 parking spaces are being built at the front entry along with some lighting in the same location. Mr. Catizone is before the board this evening to construct a smaller patio in roughly the same location, the patio will be reduced to 1725 sq. ft. from the original approval of 2240 sq. ft. The board was comfortable with the Town Engineer reviewing this field change.

Mr. Hirschmann made a motion to approve the field change. Mr. Carthy second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

Mr. Carthy made a motion to adjourn the meeting. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

Meeting adjourned at 8:28 p.m.