

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
October 22, 2018**

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

Also Present: Adam R. Kaufman, AICP
Director of Planning

Joseph M. Cermele, P.E., CFM
Kellard Sessions Consulting

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

: Craig Benedict
Conservation Board Representative

**OZDOBA/MADONNA ENTERPRISES [18-035]
811 Mount Kisco Road/ 1 Shoemaker Lane
101.03-2-5 101.03-2-7.1
Lot Line Change
Kory Salomone, Esq., The Law Office of Kory Salomone PC
Discussion**

The property owner is seeking a 0.13-acre lot line realignment from 1 Shoemaker Ln (Madonna) to 811 Mt. Kisco Rd (Ozdoba) so that retaining walls, underground propane tanks and utility pole encroachments can be placed on the 811 Mt. Kisco Road property. No new building lots will be created.

Present for this application was Korry Salomone.

Mr. Salomone described the application as noted above and noted both lots will be in zoning conforming after this lot line exchange. The board did not feel a site walk was necessary for this application.

A public hearing was scheduled for November 26, 2018.

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

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

No one was present for this application.

The board stated that a tree removal would be needed because there was a tree too close to the foundation of the proposed garage and landscaping plans need to be submitted to finalize the application.

Mrs. Desimone stated that the applicant's professional was informed through email that the board would be discussing the site walk this evening.

The board asked Mr. Kaufman to follow up with the applicants professional regarding what was discussed this evening.

GECAJ [18-025]
3 Vincent Lane
101.01-1-6
Residential Site Plan
James A. Ryan, RLA JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC
Discussion of site walk
Discussion of Conservation Board recommendation

Proposed driveway realignment and expansion with associated stone walls, gate, and retaining walls. Maintenance of existing rock slopes in front of property and excavation or rock slope associated with new patio. New cantilevered deck on side of existing house. Wetland permit is required for work performed in 100' Town-regulated wetland buffer. Planning Board site plan jurisdiction has been reserved, via a plat note, for all lots within the North Castle Associates Subdivision.

Present for this application was Lucile Munz.

Ms. Munz stated that it was a very successful site walk with the Planning Board and Conservation Board. The survey was recently updated and the wetlands have been

flagged, they are working on finalizing the plans per the professional's comments. Cross sections will be submitted with the next submission. She is reviewing the plan with her client right now regarding the Conservation Board request to reduce the parking spaces on site by two spaces because of some of the work that is in the wetland buffer. This is a tight space going up and down the driveway and that is why the applicant wanted additional parking for visitors.

Mr. Cermele stated that when the plans are revised they want to get a clear level of understanding regarding the amount of disturbance to build the walls for the parking and construction access to build the deck and he recalled some discussion about a pool but did not know what the status of the pool was at this point.

Ms. Munz stated that they just received the new survey and they sketched the pool on the plan but was not sure when the applicant would build the pool because they have young children.

After discussions with the board regarding pool approval. The applicant would like to put all of the infrastructure in now for a pool later on. The Conservation Board recommendation needs to be received regarding this application and the applicant needs to decide if they want the pool or not and exactly where it would be located on site. The board asked the applicant to submit revised plans addressing the outstanding comments from both professionals.

Mr. Cermele suggested that a note be put in the resolution that the applicant could return to the RPRC instead of the Planning Board for their swimming pool approval. Mr. Baroni stated the board had the authority to do that.

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 of site walk

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

Present for this application was the applicants professional Rich Williams and one of the principal owners of GDC Equities, Steven Toby.

Mr. Williams stated since the last meeting they have reviewed the front of the building with the client and have concluded that all of the parking go in the rear of the site.

Mr. Kaufman discussed the email he sent out to the board regarding his conversation with the Department of Justice. It read as follows:

I spoke with the Department of Justice regarding the 873 N. Broadway project.

DOJ said we should attempt to provide a parking space in front of the building. The Board and NYSDOT will need to evaluate whether that condition is safe. If deemed safe, the space should be provided. If not deemed safe, the space should be provided at the rear of the site. DOJ acknowledged that rear handicapped space would not be useful for someone in a wheelchair, but they noted it could be useful for someone with a cane or crutches. DOJ recommended keeping a record of the PB and NYSDOT review of the situation and the Town's decision.

Mr. Kaufman stated that if the board concurs with the applicant; that it is really not that safe to have parking in front of the building then it would be appropriate to have the handicapped parking space in the rear of the building. The board further discussed this email.

Mr. Williams stated he will create retail use on the lower level for people who use the handicapped parking space at the rear of the building, there will be a call service bell.

In response to comments from the board. Mr. Williams stated his client has opened many dry cleaners and his client has to abide by the county and state regulations.

Mr. Carthy discussed the applicant wanting a TCO with a performance bond. He recalled at the site walk Mr. Jensen's comment that the Town is not in the construction business. Perhaps an execution clause could be added to the bond to discourage people from having the town use the bond. Mr. Cermele stated that when the estimates for the bonds are done, a 10% contingency was added for anything unforeseen. Discussions were had regarding if the bond were to be used and the differences between a cash bond and the insurance company and how they use the bond.

Mr. Williams will submit a parking plan for the next meeting and the plans will also address the professional's memos and detail which items he would like to address now and which ones to address later.

Mr. Baroni reminded the board that the Building Inspector issues the TCO not the Planning Board. Mr. William stated that he spoke with the Building Inspector and he said if the Planning Board is OK with a TCO then he is OK with a TCO.

Mr. Jensen noted this survey was between 7-10 years old and Mr Williams stated there was a more updated survey and he will submit that to the board.

In response to Mr. Cermele's comment, Mr. Williams stated that he has been speaking with the other property owner next door regarding improvements to the access easement and sidewalk.

In response to comments from the board. Mr. Williams stated that the applicant is using greener chemicals and because of using greener chemicals the use and monitoring of them is only at the county level, not the state. If you are a regular dry cleaner, you need approval from the county and the state.

In response to comments from the board regarding discharge to the sewer, it was suggested communication be made to Sal Misiti, water and sewer department. Mr. Baroni reminded the board that the sewers in this are a bunch of pump station and transmission mains that go to the County Plants and that would be part of their review and that is what we may hear back from Sal

Misiti.

NORTH BROADWAY TOWNHOUSE DINER [14-097]

720 North Broadway

122.16-3-31

Amended Site Plan

Joel Greenberg, Architectural Visions

Recommendation to Town Board regarding Release of Bond

The applicant has requested a release in the amount of the construction Performance Bond currently in place for the North Broadway Town House diner. The present value of the bond is \$41,822.00, for the construction of the parking lot improvements, the installation of additional landscaping and a refuse enclosure. The Town Engineer prepared a memo and made a recommendation to the Planning Board that the bond be released.

Mr. Carthy made a motion to release the bond. Mr. Pollack second the motion and it was approved with five ayes.

TEDESCO [15-121]

1462 Old Orchard Street

123.01-1-1 & 15

2 Lot Subdivision

Nathaniel J. Holt, Holt Engineering & Consulting

Discussion

Consideration of extension of time resolution of approval

Mr. Pollack made a motion to approve the 1st extension of time for 90 days. Mr. Sauro second the motion and it was approved with five ayes.

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 5th extension of time for final subdivision approval

Mr. Cermele stated that the applicant and his professionals have been making progress with the conditions in the resolution.

Mr. Hirschmann made a motion to approve the 5th extension of time resolution. Mr. Pollack second the motion and it was approved with five ayes.

PARKING FEE IN-LIEU

Referral from Town Board

Continued Discussion

Application #18-037

Mr. Carthy read the draft law.

In the CB, RO or CB-A Zoning District, the Planning Board shall have the authority to accept a cash payment to the Town of North Castle Public Parking Fund in lieu of providing some, or any, of such parking, and the Planning Board, in its discretion, may elect to accept such payment on behalf of the Town. The amount of the cash payment required for each parking space shall be as set forth in the Master Fee Schedule. The expenditure of parking fund revenues shall be limited exclusively to those actions designed to provide parking spaces to serve properties within the vicinity of the subject property.

Mr. Kaufman noted that the Town Board does not want the Planning Board to be the approving authority regarding this law, The Town Board wants to be the approving authority on whether to accept the cash or not.

In response to comments from the board, Mr. Kaufman stated that the Planning Board has to provide a recommendation back to the Town Board whether to accept this law or not and they can provide comments with that recommendation if they want. The zoning districts picked are areas that the Town owns to build the parking spaces that are in close proximity to the applicant so the applicants users can park there.

(this proposed law would not permit money received from an applicant in NWP if there is no property within the vicinity to build additional parking spaces. You would not be able to take money from an applicant in NWP and use it for parking in down town Armonk)

The board discussed this draft law and raised many questions. The Planning Board wanted to know where the parking lot location is, how much will it cost and how long will it take to generate the money to build the parking lot. You need to service the people

who are given an approval and tell them when will they get the service. If this legislation is adopted, the applicant would not have to go to the ZBA, they would go before the Town Board.

Mr. Kaufman stated that the Town Board will know whether to grant the approval for payment of the parking spaces and the Town Board will know the long term goals and when it will be built. Mr. Hirschmann stated that it would be simpler to provide an opinion on an actual plan that shows the exact location, the total amount of parking spaces with a proposed dollar amount. Decisions are being made based on no plans and a future promise. Mr. Sauro noted this was a vague proposition, you don't know if the parking lot will be near Hergenhan or Kent Place and behind Kent place will require a bridge to cross the wetlands, and it may take 10 years to raise 2 million dollars.

Mr. Kaufman stated that the boards comments are well taken. Some of the issues going on with the Town Board right now are the Eagle Ridge project, Airport Campus and Mariani's where they expect some community benefit agreements from these projects. The Town Board is expecting some potential money to help pay for these things. This is another tool in the tool box, all of these things are happening and the Town Board has a work session next month with a parking consultant. This is another tool in the box for the Town Board to use to get the parking the hamlet needs.

Mr. Jensen referenced development incentives that are done in other communities to maintain the core of town. He noted Lake Forrest in their code has an incentive for parking- an in lieu of fee and a greater density for FAR – i.e. if a barber needed four parking spaces, he needs only three parking spaces now. Mr. Carthy stated that would be a benefit of a shared parking district, they are called a benefit districts, which is the whole concept of that.

Mr. Jensen stated that communities are experimenting with different triggers and they evolve from there. He was not sure if this was the first step and then modified over time, there are different fees and there is a wide spread for what they actually charge, do they want market rate or the present value of maintenance of the parking or charge for the parking. The cash stream coming in vs. the maintenance. These are all different ways that can be considered. Mr. Hirschmann noted in other communities they charge for parking, he inquired if a parking fee of \$100.00 could be added to everyone's taxes.

Mr. Baroni stated that they have been working for over twenty years to form a parking district on the west side of Main Street. More recently, it was suggested that the parking district on the west side of Main street would also include the library, but 51% of the assessables need to think it is a good idea. You can't create a benefit district without the majority of the district agreeing to it. The Key is the library needs to contractually obligate itself. You need to sit down with all the property owners and go over a plan and explain this is what your annual debt will be on a 2 million dollar borrowing and this is what it going to cost each of you because the library will pick up whatever their percentage is every year. The idea of the library making a contribution is a new twist that he has not been able to present to the property owners yet.

Mr. Carthy stated we should start thinking more outside the box.

Mr. Hirschmann suggested moving all of the milling behind town hall to an alternate location to free up space closer to main street for additional parking. Mr. Baroni stated the milling pile is temporary. Mr. Hirschmann suggested moving the Salt and salt structure up to the town property in the Banksville area and reuse that location for public parking in town. He also suggested that some of the parkland at the corner of Maple and Bedford road be used for the town employees to park and where they park now could be used for additional parking for people coming into town. We should review all the properties the town owns and see if there is anything we can shuffle around, the parking district has not worked for the last twenty years, lets work with what is within our control to change.

The board commented again that if we had an exact location or a couple of locations were priced out, it would be helpful.

Mr. Hirschmann was concerned that if enough submissions don't come in and we have only accumulated 600,000 in in 10 years and the money is only allocated towards parking and we still don't have enough money, what happens then.

Discussions were had regarding a parking structure behind Kent Place and the cost of that vs surface parking or adding money to everyone's taxes to pay for the parking or have tier pricing depending on where the parking spaces would go.

Mr. Kaufman reminded the board that this is not the only item standing on its own to resolve the parking issues in town, the Town Board is working on other matters to address this issue.

Mr. Sauro inquired how would a restaurant owner who is 15 parking spaces short at \$13,000 a space for a total of (195,000.) be able to open its doors. This may dissuade people from coming into town to start a business.

Mr. Kaufman stated that the ZBA has stated there is a parking problem in town and will not entertain any more parking waivers in the hamlet.

Mr. Pollack inquired if the money paid would go with the land or the owner. Mr. Kaufman stated that it would run with the land.

Mr. Kaufman reminded the board that just because this board makes a recommendation one way or the other does not mean that the Town Board will automatically accept it. The Town Board has to evaluate all of the variables; how close are we to providing the parking, how close is the parking going to be to this use; is it an acceptable amount of spaces, is it an acceptable amount of spaces given that it is two, three or four years before we get the parking. All of these things have to be considered before they take the money.

Mr. Pollack stated that he has a hard time taking the money and not providing the spaces at the time of the use. This is the struggle, you are taking the money and you are not providing the resource that is acknowledged that is needed under the zoning

code use and creating a further shortfall on the hope that at some point in the future that you will have the ability to meet the shortfall. Without seeing how all the pieces of the puzzle result in the end game, it is difficult to justify exacerbating the problem for money that is going to be trapped for some period of time. The board members noted this was a good summary of the issues.

Mr. Baroni inquired if the board would rather see these community benefit funds become a reality before you would have the individual store owners make contributions.

Mr. Pollack stated that when his clients due a real estate deal and builds a project, they have to fill out the capital stack: You have so much debt here and so much capital source and so much equity source and it does not all come from one place, it comes from different places but you still have to fill out all the capital sources and if we could see how this bridges the gap then this is a lot easier to analyze. Looking at this in isolation makes it very difficult when you are only looking at one piece of the puzzle and you don't know where it goes or how it fits into the puzzle or what to do with it.

Mr. Carthy opined that we have some good feedback for the Town Board at this point. Mr. Pollack noted that if you are going to go through a short term sacrifice in anticipation of a long term benefit, you expect that benefit to be greater and this appears to be a zero sum and he does not see the value add. Mr. Kaufman stated that the value add is the functionality of the hamlet, right now if there is a vacant store that really only wants to be rented by the market as a restaurant – that is what the market wants – but it can't open because there is not enough parking. Mr. Pollack noted this benefit will be deferred for a long time. Mr. Kaufman noted it can't be a long time. The board noted that was one of the questions the board started this discussion with, how long is this going to take or be allowed to continue if enough money is not collected. The board is concerned that that this could continue for a very long time before enough money is collected. The board would like a time frame built in.

The board would like to see more parts of the puzzle before they can comment. Mr. Baroni stated that it sounds like the board is not in favor of adoption of the proposed law in its current state. Mr. Carthy asked the board how could the law be improved to provide a positive recommendation to the Town Board. Mr. Kaufman suggested speaking about the concept of the legislation and if the board was in favor of the legislation, they can continue discussing the time element of the legislation.

Mr. Hirschmann stated that he is not comfortable with the concept. He understands this is one vehicle to reach the ultimate goal of additional parking. He was not sure if he understands or knows the other vehicles and how much they are to bring in. He needs this information to give him a sense of when or how long it will take to accumulate significant money so that we can move onto the next step. He does not know what the plan is. He does not know which lot is going to be developed, how much it will cost, what the other resources are and when it will be done. Mr. Pollack noted that if you put a cap on, you can see how it fits into the budget need. Right now it is very open ended.

Mr. Jensen noted that all the communities that have entered into this have to have an

implementation plan. He would be curious to hear the feedback of the parking consultant on the matters raised by the board this evening.

The board agreed with Mr. Jensen's comment and concluded that they would like to be part of the work session with the Town Board and the parking consultant.

Mr. Carthy made a motion to defer the recommendation on this law to the Town Board until after the joint work session with the Town Board so they can get a better understanding of the unanswered questions. Mr. Pollack second the motion and it was approved with five ayes.

8:40 p.m.

Mr. Baroni left the meeting at this time.

WORKSESSION:

TOWN COMPREHENSIVE PLAN

Discussion of implementation of priority recommendations

Application #18-036

The board and professionals continued discussing the list of items to be implemented from the recently adopted Town Comprehensive plan.

Mr. Carthy made a motion to adjourn. Mr. Sauro second the motion and it was approved with five ayes. Meeting adjourned at 9:31 p.m.