

**TOWN OF NORTH CASTLE
PLANNING BOARD MEETING
17 Bedford Road
Armonk, New York 10504
November 10, 2009
7:00 p.m.**

PLANNING BOARD MEMBERS PRESENT:

Peg Michelman, Chairman
John Delano
Jane Black
Gene Matusow
Steve Sauro

ALSO PRESENT:

Adam Kaufman
Town Planner

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

Ryan Coyne, P.E.
Kellard Sessions Consulting, P.C.
Consulting Town Engineers

Valerie Desimone
Planning Board Secretary

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

APPROVAL OF MINUTES

October 14, 2009

Ms. Black moved to approve the minutes from the October 14th meeting as amended. The motion was seconded by Mr. Delano and unanimously approved.

October 26, 2009

Mr. Delano moved to approve the minutes from the October 26th meeting as amended. The motion was seconded by Ms. Black and unanimously approved.

PUBLIC HEARING (continued):

SHELL GAS STATION

Site Plan

375 Main Street

Section 2, Block 11, Lot 6-6

Walter Gorman, PE

Discussion

Chairman Michelman noted that this was a continued public hearing. She asked if there were any neighbors present. There were none.

Mr. Douglas Mandart was present on behalf of the applicant. He explained that since the last appearance, the applicant made some changes to the plan. Chairman Michelman thanked the applicant for listening to the Board; the plans were a marked improvement from what they had previously presented.

Mr. Delano said that he had made some changes to the applicant's plan for their consideration. He pointed out that he was almost in an accident when he was leaving Kent Place and a customer of the gas station exited from a northern point of the site. He felt that the entrance was too dangerous and should be eliminated. He noted that in looking at the plan, there are some discrepancies between the proposed construction plan and the surveyor's base plan. At some point these will need to be addressed. Mr. Delano noted the addition of the sidewalk, which the Board felt was a wonderful addition. He thought that the narrow strip for planting flowers was a poor choice because he felt the flowers would not survive. He thought it would be more appropriate to have a decorative finish like a brick inlay. He felt that the northerly entrance should be shut because the southern entrance works for all purposes.

Mr. Delano felt that the applicant would be able to extend the little island at the intersection which would be less obtrusive. He thought they could fit another island in there. That would get another planting island in the area and another opportunity to get some landscaping in the site. Mr. Delano also suggested a tapered island along the very west edge. He didn't see any problem with the three parking spaces against the building or with the air or vacuums there. He did think the spaces should be angled more as he indicated. As far as the backyard, the entire thing was proposed to be asphalted and he thought that would be a little excessive, as it is within a buffer and it was not far from the stream. Mr. Delano thought there were other alternatives for that. He thought that everything should be pitched toward the dumpster area and treated in some way with an oil / water separator. Then the applicant would have an opportunity to plant additional plants in that corner.

Mr. Delano thought they should look into moving the handicapped space. Additionally, in looking at the spot grades, there is an existing drain line that runs along the edge of the property in the north / west corner. There is a low point that might create a puddle there. In all likelihood it will be puddles of automotive products. This presents an opportunity to treat in that area. Mr. Delano recognized that everything being done on Kent Place would have to be dealt with the town, but he didn't think it would be a problem because the town would be getting a lot in return.

Chairman Michelman thought that the plans, as revised by the applicant and Mr. Delano addresses some of the issues in the memos from Mr. Coyne and Mr. Kaufman. She noted that both memos felt certain that the concepts were getting better, but that there were issues with the plans. They had requested a meeting with the applicant. She thought they were making great progress and that the Board was very happy with the progress. She thought that the application could move forward.

Mr. Kaufman said that if the applicant agreed in principle to this plan, then they should be able to work out the details in our private meeting, and move this ahead quickly.

Mr. Mandart said he liked many of the adjustments made by Mr. Delano. He said he has some concerns about some of the changes, particularly a 12' curb. Mr. Delano thought that because the principle user of that area would be staff, it would not create a lot of volume. Additionally, Mr. Delano noted that the parking from the restaurant next door seems to overflow onto the applicant's property. The applicant needs to take control of their property and prevent the people next door from using the applicant's property.

Mr. Delano noted that this applicant originally sought a wetland permit to install an oil tank and wanted to know the status of that. Mr. Kaufman said he did not believe they have taken any action in that regard. Mr. Delano said that would still need to be resolved. He added that there was an owner's authorization in the file but it only covers the application for the fuel tank; the Board would need an amended authorization that covers the entire site. If the Board was going to bless a site plan, then they need to deal with everything on the site. Mr. Delano noted that he still saw a water well on the plans. Mr. Mandart explained that was a DEC monitoring well and it was not used to get water.

Mr. Mandart said he'd like to schedule a meeting with Mr. Coyne and Mr. Kaufman regarding the revisions. Mr. Delano said that the applicant could take the plan that he had worked on; he noted that the town's professionals and the Board have identical copies of the plan.

Ms. Black noted that the Conservation Board memo recommended a different kind of tree. Chairman Michelman agreed with Mr. Delano about the paving of the space in the back. Mr. Delano stated that if the entire area was curbed and the area pitched a little, that would enable them to treat the runoff; untreated runoff could result in a lawsuit against the applicant / owner.

Dr. Matusow thought that the resolution should contain a detailed description of what the Board will permit / prohibit in the parking in the back. Ms. Black asked if the plan showed the fences in the accurate location and Mr. Mandart said that it did. Ms. Black said she appreciated the effort to get the sidewalk in there.

Mr. Mandart asked if it was possible to get some kind of temporary permit to install the concrete under the tank. He said that it was an environmental concern not to have it, and the applicant needs to deal with it. The Board told the applicant to talk to the Building Inspector on this issue.

Mr. Sauro said that the plans represented a tremendous improvement on the site, but he was concerned about the applicant getting approval to install the concrete pad and then not coming back to finalize the proposed site plan. Mr. Kaufman said that he could speak to the Building Inspector and see if he could condition any approval upon the applicant finalizing this

application before this Board. Dr. Matusow noted that without an approved site plan the applicant would be subject to multiple other violations on the site.

Mr. Delano moved to adjourn the public hearing. The motion was seconded by Dr. Matusow and unanimously approved.

CONTINUING BUSINESS:

MASSARO

Final Subdivision

Custis Avenue

Section 6, Block 5, Lot 2-3 54

Jim Vanoli, P.E.

Consideration of approving final subdivision resolution

Mr. Jim Vanoli was present on behalf of the applicant. Mr. Vanoli said that he had received the memo from the Town Engineer and the resolution. He said he did not understand item seven on the Town Engineer's memo. Mr. Kaufman explained that this condition was reflected in the resolution as well. Mr. Coyne explained that it was just a matter of the applicant resubmitting the additional sets for signature. Mr. Vanoli asked how many sets the Board needed and Mr. Kaufman said that they needed six. Mr. Coyne explained that if Mr. Vanoli still had the five unsigned copies, he could simply submit those.

Mr. Vanoli said that the final subdivision plat with a private road is what was submitted to this Board. The applicant was told to take that plan and get it approved by the Health Department, and that is what they did. He said that this Board has the original. Mr. Kaufman said that was not in conformance with what should be on a final plat. Mr. Vanoli said that was the exact drawing that was submitted. Ms. Desimone said that she had the mylar set, she just hasn't processed that because the final subdivision has not been finalized and signed. Mr. Vanoli asked if the Board wanted him to do a whole new plat and go to the Health Department again and get it signed. Mr. Kaufman stated that the code was very clear that preliminary and final subdivision plans require different things. The applicant wouldn't get final Health Department approval until they got a final subdivision resolution.

Mr. Coyne asked whether the fact that the houses were shown on the plat would lock the town into anything that wouldn't normally be required. Mr. Delano said it would be an issue because if any revisions are made other than approving signatures, they have to go back to the Health Department for approval. Mr. Vanoli disagreed. Mr. Delano said he was merely relaying his experience. Mr. Vanoli said this had not been his experience. He said that Planning Board has to approve the site plan for all these homes, so this plat that shows the homes schematically are exactly that. Whoever is going to build on those lots would have to come back here.

Mr. Baroni asked the differences in the code between the plat that is here and what was filed in the Health Department. Mr. Kaufman said it was the proposed houses. Mr. Vanoli said that all he's been doing is trying to follow the directives given to him by this Board. He said he was told by the Board to get this plan approved by the Health Department.

Mr. Coyne said that as long as showing the houses and driveways would not lock the town into having to build them, he did not see the need to resubmit to the Health Department. Mr. Baroni said that would create a problem because they would end up with a plat that is on file with the county that shows houses and locations. Mr. Vanoli disagreed; the only thing that is carved in stone are the lot lines. Mr. Baroni thought this would be a problem if they have filed a limit of disturbance line and he goes beyond it. Multiple conversations were had at this time.

Mr. Vanoli said that this was the problem with the whole approval process and that was why they have four pages stating how many times this plan has been revised and why it has taken six years to get to this point of the approval process. The Health Department has no problem with this; they signed it, and this Board has total approval over the sites.

Mr. Baroni said again that he thought there would be a problem if the applicant violated the limit of disturbance line. Mr. Vanoli did not see how. Mr. Baroni said that he thought there would be because the applicant would have violated what they voluntarily put on the plan. Mr. Vanoli said that he did not put that on the plan voluntarily. Mr. Baroni and Mr. Kaufman said that something like the limit of disturbance was put on the plan voluntarily by the applicant because that is not something that the Board wants on this plat. Mr. Kaufman said that something like that would normally be placed on the integrated plot plan.

Mr. Vanoli asked what he should do. Mr. Kaufman said that the easiest thing would be to have only what is required by the code. Mr. Baroni agreed; he felt it would only create problems down the line. Mr. Kaufman said that this information would be on the other documents the Board was approving, but not on the plat map.

Mr. Vanoli asked about the comment requiring the IPP to be revised to depict an area that will provide a safe and suitable place for school bus stop. He wanted to know why it could not be the same location where one already existed (indicated). Mr. Kaufman said that the code simply requires it to be identified on the plan. If there is a bus stop now then the applicant could indicate that; or get a letter from the transportation department that says one isn't required. Someone, who did not identify himself, wanted to know why he was not told about this before. Mr. Kaufman said that it was required in the Town Code. Mr. Delano moved to waive the requirement to show the school bus stop location on the plan. The motion was seconded by Ms. Black and approved by all, except Chairman Michelman, who abstained.

The Board members pointed out typographical errors. Mr. Kaufman made note of them. Mr. Delano noted that one of the "whereas" clauses seems to require sprinklers. Mr. Vanoli said that the applicant did not agree to that condition as written, merely that if it is required it will be put in, but if it is not, then it won't. Mr. Kaufman explained that was not a condition – it was a whereas clause; it was just recapping what the North White Plains Fire Department had requested. Mr. Kaufman said that he could add a clarifying whereas clause.

Ms. Black moved to approve the resolution as amended. The motion was seconded by Mr. Delano and unanimously approved.

ARCHER STABLES (Rose Hill Farm)
Referral from the Town Board
35 – 61 Bedford Banksville Road
Section 1, Block 11, Lot 11-37
Mark P. Miller, Esq. Veneziano & Associates
Anthony Nestor, RLA John Meyer Consulting
Discussion

Mr. Mark Miller and Mr. Bob Roth were present on behalf of the applicant. Mr. Miller explained that the applicant was before this Board on a referral from the Town Board with respect to the applicant's special permit request. The applicant is seeking approval to enclose the existing riding ring. The only open item since the last meeting was what would and would not be visible from the surrounding properties. The applicant was seeking a positive referral on the permit to the Town Board. If and when the special permit is granted the applicant would be back to this Board for site plan approval and a public hearing.

Mr. Roth presented an aerial photo to the Board. He recognized receipt of Mr. Coyne's and Mr. Kaufman's memos. He explained that he has taken a number of sections from Conyers Farm and Bedford Banksville Road. There is a great distance between this property and the surrounding roads. He indicated the locations of the existing ring, paddocks, and the proposed ring and presented a series of sections from nearby properties to the various structures on the site. Mr. Roth recognized that in some situations in the winter it would be a filtered view rather than a blocked view.

Chairman Michelman said that the remaining question was where the applicant stood with park (?) and Conyers Farm. Mr. Roth explained that in early October they had sent everything they had given the Board to Conyers Farm, and then recently sent them these sections. They have been corresponding with their consultant but the applicant just learned that they would have to submit a \$15,000.00 application fee to Conyers Farm before they will even review the application.

Dr. Matusow asked the authority for Conyers Farm to demand that fee and Mr. Roth said that they are the HOA and presumably they have the authority.

Chairman Michelman noted that the Board had no idea whether Conyers Farm would accept this plan or not. This Board wants to refer something to the Town Board that is a done deal and they cannot do that without the approval from Conyers Farm. Mr. Miller said that the Town Board was looking for this Board's opinion on this plan. Chairman Michelman said that this was a different approach than what this Board normally takes with Conyers Farm. Dr. Matusow asked if Conyers Farm had given any kind of time frame about when they will review this. Mr. Roth said they did not; they only seem to be saying that they would not begin to review this until they get the fee.

Mr. Kaufman said he assumed that if this Board made a recommendation to the Town Board, and it was positive, that the Town Board would put a condition in the special use permit that they come back here for site plan approval. Before this board signs any site plan, they would

want the OK from Conyers Farm.

Dr. Matusow said that the bigger question was whether the HOA would approve the basic footprint of this plan. He said he did not see any reason why they wouldn't, but they would need to hear from them. Mr. Roth said that he thought the fundamental element is whether the Town Board would even grant the special use permit. He thought it was still early to be talking about roof shingles, etc. Chairman Michelman said it was not just that, it is the entire general concept. The Board has no way of knowing if Conyers will approve this. Mr. Roth said that at the end of the day that is between Conyers Farm and the applicant. Dr. Matusow said that the Board would prefer not to cross swords with the HOA, and cooperate with them if possible. The Board does not want to get into that kind of relationship with the HOA; they'd like to coordinate these things a little better.

Mr. Miller said that they applicant would proceed with Conyers Farm and keep this Board apprised.

Mr. Kaufman wondered if there was a way to get the HOA to approve of the basic principle of this plan. Mr. Roth said that the HOA really hasn't responded beyond saying they need the fee. Dr. Matusow thought that Chairman Michelman should send a letter on behalf of the Board to the HOA chairman saying that they were looking to move this forward. The Board agreed.

Mr. Kaufman asked if the Board was comfortable with the plan. The Board said they were. The cross sections really demonstrated that there is very little visibility from nearby houses. Mr. Delano advised the applicant not to forget about the procedural comments in the memo. He added that the town's wetland consultant still had to confirm the wetlands and that ARB approval was necessary too.

39 & 41 MAPLE AVENUE

Site Plan

Section 2, Block 14, Lot 5 – 39

Section 2, Block 14, Lot 6 – 41

Mike Fareri

Discussion

Mr. Steve DeLaurentis was present on behalf of the applicant. Mr. DeLaurentis explained that the plan calls for the demolition of a substantial portion of the building, reducing it from 3,025 sq. ft. to 1,224 sq. ft. He indicated on the site plan what would be removed and what would remain and presented an elevation of what would remain on the site.

Chairman Michelman asked if the building would have two retail spaces. Mr. DeLaurentis said he was not sure yet. They laid out the parking requirements based upon retail uses, because that had the highest requirement. He noted that the site meets the parking requirement; they need 6.1 spaces and they show seven.

Mr. Kaufman said that the plans represented a great improvement to the site. His only comment was that he would recommend a sidewalk and a walkway be constructed to enable pedestrian access. Mr. DeLaurentis said that he added a sidewalk in the front and then one perpendicular from Main Street. He indicated this on the plan. He added that there was also a sidewalk in the rear. Mr. Kaufman said that he had not yet seen the revised plan. Mr. DeLaurentis said that he would be submitting it. Mr. Kaufman questioned whether the door in a particular area would be accessible based upon the new sidewalk alignment. Mr. DeLaurentis said he could look into relocating it but he was not sure what that would do to a particular parking space. Mr. Kaufman said that if the applicant proposed office space on the second floor, then that would reduce the parking requirement by one. Mr. Kaufman said that if the sidewalk in the rear was not an issue for the Board, then it was not an issue.

Mr. Baroni asked if this became a Type II action under SEQRA because of the reduced square footage and Mr. Kaufman said that it did. Mr. Baroni noted that this was listed as an unlisted action. Mr. Kaufman explained that this was based upon the prior application but it was now a Type II.

The Board reviewed the plans. Multiple discussions were had regarding the potential for sidewalks and parking spaces. The Board did not see the sidewalk in the rear as an issue. They see it as more of a protective strip.

Dr. Matusow thought that the applicant needed to submit a different application since the project has changed. Mr. Kaufman said that was unnecessary because the application has been modified by the applicant and in terms of record-keeping, it all tracks.

Mr. Kaufman said that the next step was to schedule a public hearing. A resolution could be prepared for the same night.

Mr. Kaufman asked if the applicant had been to the ARB, and Mr. DeLaurentis said he had not yet. Mr. Kaufman said that the applicant needed to get ARB approval for both of his applications, so the Board's public hearing could not be scheduled until after the ARB approval was received.

20 BEDFORD ROAD
Amended Site Plan
Section 2, Block 14, Lot 13
20 Bedford Road
Mike Fareri
Discussion

Mr. Steve DeLaurentis was present on behalf of the applicant. He explained that the applicant was seeking approval for a proposed apartment in the rear corner of the building.

Mr. DeLaurentis read two letters to the Board, one from Sue Shimer and one from Dori Watson. The Board noted receipt of these letters. The Board said it was not necessary for Mr. DeLaurentis to review the plans. They felt that the application was a big improvement to the site.

Mr. DeLaurentis presented photos to the Board.

In response to a question from Ms. Black, Mr. DeLaurentis noted that this was not a proposal for a tear down, it was a restoration.

Mr. Kaufman said that it would make sense to find an alternate location for the garbage since where it is now would be converted into an apartment. He said the applicant should choose a location away from the residential portion of the site. Mr. Kaufman also thought the applicant should consider removing some of the grass crete. Mr. DeLaurentis knew where Mr. Kaufman was referring to and he said it would not be a problem. Mr. Kaufman said that the applicant still needed to submit some documentation concerning the square footage of the main building. Mr. Kaufman suggested a letter or a certification from Mr. Crocco. He added that the plans should be revised to show the utility connections.

A public hearing would be needed and a resolution could be prepared for the same night. Once the applicant received ARB approval the public hearing could be scheduled.

The meeting was adjourned at 8:37 p.m.
