

**TOWN OF NORTH CASTLE**  
**PLANNING BOARD MEETING**  
**15 Bedford Road**  
**Armonk, New York 10504**  
**October 14, 2009**  
**7:00 p.m.**

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**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

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The meeting was called to order at 7:01 p.m.

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**APPROVAL OF MINUTES:**

***September 30, 2009***

Mr. Delano moved to approve the minutes from the September 30<sup>th</sup> meeting, as amended. The motion was seconded by Ms. Black and unanimously approved.

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**PUBLIC HEARING:**

**JENNIE CLARKSON / ST. CHRISTOPHER'S INC.**

**Referral from Town Board**

**Section 3, Block 4, Lot 4**

**1608 & 1612 Old Orchard Street**

**Russell Gilmore, Director of Operations St. Christopher's Inc.**

**Discussion Consideration of preliminary subdivision approval**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 12 out of 16, and one envelope was returned and all paperwork was in order. Chairman Michelman asked if there were any neighbors present. Ms. Marjory Durand of 1610 Old Orchard Street was present.

Mr. Russell Gilmore was present on behalf of the applicant. He presented the site plan for the Board and indicated Ms. Durand's property. He indicated the existing houses on the property and explained that the applicant has gone through the Planning Board process to add the necessary lot size to the properties so that they could sell the lots. He pointed out that they would not be adding anything new. Ms. Durand asked the location of the houses. Mr. Gilmore explained to her satisfaction. The Board emphasized that there would not be any additional building associated with this. Ms. Durand had no additional questions.

Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Gilmore said that he had not. The Board gave him an opportunity to do so. Mr. Gilmore asked a question regarding a condition. Chairman Michelman explained that if any of the conditions have been met, they would be signed off on. Having reviewed the resolution, Mr. Gilmore said he had no issues.

There were no issues from Mr. Kaufman, Mr. Coyne or the Board.

Mr. Delano moved to close the public hearing. The motion was seconded by Ms. Black and unanimously approved.

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

**OBSERVATORY LOT 81**

**Special Use Permit**

**Section 1, Block 11, Lot 11-21**

**23 Cowdray Park Drive**

**Peter Gisolfi Associates Discussion**

**Consideration of Special Use Permit resolution**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 8 out of 10 cards were returned and that all paperwork was in order. Chairman Michelman asked

if there were any neighbors present for this application. There were none.

Mr. Frank Crane was present on behalf of the applicant. He presented the Board with the revised architectural rendering of the additional 74 sq. ft. of the observatory that would constitute a warming room, along with the additional square footage for a pathway. Chairman Michelman said the change was simple enough and asked if Mr. Crane had seen the resolution. He said that he had and had no issues.

Mr. Delano pointed out that there seemed to be some inconsistencies between the names and signatures in the paperwork and he suggested Mr. Kaufman make sure that everything is in order.

Mr. Delano moved to close the public hearing. The motion was seconded by Ms. Black and unanimously approved.

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

Chairman Michelman asked if the applicant was going to the ARB for this addition and Mr. Crane said that they already had and had been approved.

#### **OTHER BUSINESS:**

##### **SAMIT**

##### **Special Use**

##### **Section 2, Block 3, Lot 7-23**

##### **14 Wrights Mill Road**

##### **Nick Pouder, ASLA Pouder Design Group**

##### **Discussion Consideration of approving extension of time site plan resolution**

Dr. Matusow moved to approve the extension. The motion was seconded by Ms. Black and unanimously approved.

##### **MUCKELL**

##### **Final Subdivision**

##### **Section 5, Block 19, Lot 1**

##### **3 Morningside Place Susan Fasnacht, PE**

##### **Consideration of approving 2<sup>nd</sup> extension of time Final Subdivision Resolution**

Dr. Matusow moved to approve the extension. The motion was seconded by Ms. Black and unanimously approved.

Chairman Michelman noted that this was the last extension the Board was legally allowed to provide. Mr. Kaufman explained that this was noted in the resolution and the applicant has acknowledged this.

**MASSARO**

**Subdivision**

**Section 6, Block 5, Lot 2-3**

**54 Custis Avenue**

**Jim Vanolli, P.E.**

**Consideration of extension preliminary subdivision resolution**

Ms. Black moved to approve a six-month extension. The motion was seconded by Dr. Matusow and unanimously approved.

**ARMONK SHOPPING CENTER**

**Concept Plan**

**Section 2, Block 13, Lots 7.A & 10.A**

**450 Main Street & Maple Avenue**

**Al DelBello, Esq. – DelBello Donnellan Weingarten Wise & Wiederkehr, LLP**

**Discussion**

Mr. Bob Roth was present on behalf of the applicant, together with Mike Ziatyk, Steve Spina, Al DelBello and Martin Werber. Mr. Roth explained that they had reviewed the memos from the Town Engineer and the Town Planner and they will address those issues in writing and we will meet with the professionals to go over the details. He said there were several larger issues that needed to be discussed.

Mr. Roth acknowledged the memo from FP Clarke but said that he had not seen it yet. Mr. Kaufman said he had only received it today and he has some concerns about the traffic report, and what he feels needs to be revised and then some other comments. Mr. Kaufman said that when they sit down together, they would have to go over this memo as well

Mr. Roth presented the site plan. He explained that one concern of the Board was the drive from Maple Avenue. It is less than 22' wide and it is supposed to be 24' wide. The applicant plans to have a 24' wide driveway with a sidewalk. It is tight, but it works. Chairman Michelman thought that pretty much summed up the entire project: it is tight, but it fits from certain perspectives.

Chairman Michelman wanted to know at whose expense the driveway would fit. Mr. Roth explained that it would not encroach on the neighbor's property, but it would require the removal of some trees that are in the right of way. Chairman Michelman asked if the applicant would replace the trees they have to remove and Mr. Roth said they couldn't because there was no room. Mr. Roth explained that an alternative was to have a narrower driveway but that would require a variance.

Mr. Roth recognized that the loading area for the A&P was also a concern. The plans submitted by the applicant included truck turning templates, done using "Auto Turn" which is a computer program and a very conservative tool. The program determined that trucks entering the driveway would have to cross the double yellow line; however, this driveway will be larger than the existing drive and less steep. He added that the trucks manage to get

in an out just fine now, and the applicant plans to improve the entrance.

Mr. Roth noted that the A&P has reviewed the plans and there was some concern that they will have to come up in front of the store and then back into the loading area. Chairman Michelman felt this would be a cumbersome maneuver. Mr. DelBello said that he had a letter from the A&P, and they believe the proposed turning radius will provide adequate access. He gave a copy of the letter to the Board.

Mr. Roth also recognized the comments regarding the loading for the upper level retail area. They have redesigned this by "notching" the building out so the loading area is right in the building and the trash receptacle is enclosed. This would cause a reduction in the square footage of the building. Chairman Michelman pointed out that it would still have to be wheeled in and out. Mr. Roth presented a sketch and explained it to the Board. He explained that this caused them to lose one parking space, but they are still in conformity with the parking requirements.

Dr. Matusow asked how the tenant in a particular store would get his trash to the receptacle. Mr. Roth said they would have to carry it outside. He explained that it is similar to how the trash is handled by the stores on Main Street.

Mr. Roth noted that the ramp on the side of the recreation center continues to be an issue. He thought the applicant had been encouraged to build a circulation route but after a conversation with John Fava, it was suggested that the applicant construct a ramp from the back of the gravel lot and come into the back of the recreation center instead. Mr. Roth said that the applicant was willing and able to do this, but the wanted to know if the Board wanted them to go though that effort of developing it. It goes through the town park and is more disturbing. He wanted to know if the Board preferred having a ramp on the side of building, or having a retaining wall structure in the rear of the gravel lot.

Ms. Black asked if Mr. Galante's study preferred one over another. Mr. Kaufman said he did.

Chairman Michelman felt that the applicant was addressing the issues piecemeal, and while they were all issues that needed to be addressed, she thought that there were still bigger issues, and she was concerned about the entire plan. In each memo that has come out, the applicant has stated that this Board had approved a concept plan. That is true. Some of the Board members approved the concept plan because they were anxious to see a supermarket in town and they thought that the concept plan was workable. However, a concept plan is just a beginning process. It is not concrete. She recalled saying that this is merely a concept plan, and when they reached the site planning stage, they would have to get to all the other issues. A concept plan is not a final decision. The Board agreed with the concept that they would like to keep the A&P in town, but the density and the difficulty in creating some of these lots has caused concern for the Board. The Board has to be concerned about whether they are approving the right thing for the future of the town. If there are garbage issues now, it will get worse. There are issues of access, circulation and screening. Just by saying the applicant *can* put in a 30' wide driveway by removing a lot of

trees does not necessarily mean that they should. Chairman Michelman said that the Board needed to look at this carefully. Each one of the professionals' memos says "in our previous memorandum we raised this issue, and got no answer." Some of those issues were addressed verbally at meetings, but they are not on the plans. This is not a fait accompli. The Board needs to look at the entire project and determine whether this is the best way to retain the A&P and whether they should permit so much retail.

Mr. DelBello said he did not think the applicant's representatives ever said that the Board approved a concept plan. Chairman Michelman said that they have. Mr. DelBello pointed out that there was one time where the Board gave the applicant a consensus on the parking issue on Main Street. They have known that they would have to go through the plan in detail. However, he reminded the Board that this is one of a series of 14 plans that has been submitted. The original plan was very different, and the difference between then and now is a result of the conversations they have had with the Board. The applicant feels that they have come as close as they could to what they thought the town was looking for. Some of the density issues are an economic concern for the applicant. The more they had to add to the plan, the more the applicant needed to make the project successful from an economic perspective.

Chairman Michelman said she understood that the applicant needed to make money however, the Board has to figure out if this is the best way to do it. She had been told that this shopping center could make money through different ways. She said she recognized that this was one person's opinion, but the Board has to consider alternatives, and reconfigurations might be necessary. The Board is responsible for designing this site. The applicant's concerns are not really within the Board's purview to consider. This is a small property on Main Street that is currently in disrepair and the Board would like to see it improved. They have some responsibility to address the issues that are relevant as a Planning Board. She said the Board has listened carefully to their professionals' comments, who have great concerns about how this project is evolving.

Mr. DelBello said that the applicant has had a very good and very positive relationship with the town's professionals. All of the comments they have received have been responded to in writing, except for the most recent ones. Mr. DelBello said that if the responses were not adequate or satisfactory to the Board, then he needed to know.

Chairman Michelman said that the Board needed to see what they could do here because there were grave concerns. She understood that the A&P said they approve of the turning radius, but the Board may not, and the Board has other concerns. They have to reach a conclusion.

Mr. Delano said that there seemed to be a disconnect between the Town Board, the Recreation Department and the Planning Board. Everyone has a different take on this project. He knew the Town Board recently held a public hearing regarding the parking, but he felt that was discussing the details in a public forum before the larger aspects were worked out. He suggested perhaps having a joint work session. Mr. Delano said that they

have gotten too far into the nuts and bolts of this project too quickly. He knew the applicant needed to be able to make money, but that is not a consideration for this Board. The applicant has requested to go to the SC parking calculations. He considered the SC zone in North White Plains. That shopping center has two relatively small businesses associated with it, a laundromat and a restaurant. The parking there was appropriate. However, the single biggest element was used to determine the parking and here, the building barely breaks 50,000 sq. ft. and the discount is being sought for all the uses. He was not sure if that was appropriate and the Board needed to consider that. Parking on town-owned land is also a concern and one that was raised at the Town Board's public hearing.

Mr. Delano asked if anyone has determined what the recreation center needed in terms of parking. Mr. Kaufman said they had not. Mr. Delano noted that the code permitted the Board to allow adjoining users to combine parking, but not necessarily give discounts. Once they share parking between this property and the town's property, that land will be lost. If they were going to make that commitment, then they needed to ensure the numbers make sense.

Mr. Delano said he reviewed the Town Code and thought that the Board would get involved in the special use permit. Mr. Kaufman said that was correct. Mr. Delano said he did not know that the applicant could meet all those requirements at this point. It may be because everyone is jumping the gun in discussing the details.

Mr. Delano said that with respect to the site plan requirements, the Board has to keep an eye on the development plan, landscaping, parking, circulation and pedestrian and vehicular traffic. He did not know if this proposal supported the development plan. Mr. Delano added that there was no buffer here – it is all gone – and the Board must consider that in their review as well. As for the storm water review, he recognized that they always eventually got to that issue, but the code requires the Board to have it sooner rather than later. Landscaping is another concern and it falls short. The applicant is planning to seek a variance from the bare bones minimum landscaping requirement, and there is absolutely no buffer. He felt that this would be a sea of asphalt.

Mr. DelBello felt that the Board was giving the applicant the impression that they were not supporting the concept. Chairman Michelman said that was true. Mr. DelBello said that the plant was a result of the applicant's meetings with other members of the town.

Ms. Black pointed out that the applicant had stated that they have gone through 15 different plans, but this Board has only seen two. She said that it was in the interest of the town to have a larger more efficient supermarket in town, but her concern was the density. She asked if the owner of the property has considered having retail the same size as what is currently there. If the retail is limited to the current square footage, what kind of impact would that have on the landscaping, buffer and parking – would they be able to get more? These were her concerns.

Mr. Roth said that the store already has a variance for parking. One space for every 150 sq.

ft. is very excessive, but that is what the code requires. The applicant has 1/200. That is fine for a freestanding building, but the site as it is is built out unless there is a zoning change. Plus the applicant has to consider whether it is economically worthwhile to demo the building and add all the other amenities they are proposing.

Mr. Baroni asked if the applicant ever tried to purchase the property to the immediate north of their property. He said he believed it was for sale. Mr. DelBello said that they did try but it was determined to be of no value. Mr. Roth said it would not work.

Dr. Matusow said that the applicant was hearing many different ideas. This was a Board of five people and they are not allowed to sit around and talk about how they would like to approach this site with the applicant. The only time they are able to talk about this is during the meetings. It is not a very easy way for them to give the applicant a coordinated opinion of what "the board" thinks. The applicant was hearing certain individuals' concerns. He did not want Mr. DelBello to think he could tell the owner what "the board" wanted. Dr. Matusow said he shared some of the concerns that were expressed and he had others. He thought that a project like this, because of where and what it is, could be looked at in two ways. The applicant looks at it and says, 'here is the property I own, and this is what I'm going to do within the borders.' On the other hand, the Board looks at this and has to consider how this project fits in with and affects neighboring properties in the downtown area, because that is what this town will live with. He agreed that the buildings to the north would not be affected, but the ones to the south would be. He asked what this project would do to the properties and the prospects of the properties. The corner will not remain the way it is for long. He thought that a plan that has to have access from Maple Avenue had to take into consideration what effect it would have on the whole square on the corner (i.e. vehicular access). He said he had spoken before about how this driveway is adjacent to another driveway. He saw this as both a problem and an opportunity since this was in the early planning stage. There is an opportunity to make this a better deal for the town, and the downtown area of Armonk. Dr. Matusow did not think it is in the town's best interest to have a 30' wide driveway and sidewalk and tearing down a lot of trees. This is not what the Board was looking for. This is just the applicant saying 'we own it and we can use it, so here it is.' The applicant should look at this more, and talk to the owners of the nearby properties.

Dr. Matusow said that with respect to the recreation center, his personal view was that the new parking is not highly relevant to the rec center. However, he thought that the access that the applicant was planning to help with is important. He thought the plan to extend the ramp, as proposed now was not the right plan. Dr. Matusow explained how he thought it should be, which would use less of the parkland. However, this is one of the smaller details. The big issues need to be discussed. He did not think Mr. DelBello should tell his client that this Board was ready to scrap this plan. The Board wanted to see a plan that redevelops this property and was beneficial to the applicant, but also to the town.

Dr. Matusow thought the town has gone a long way in trying to make this attractive for the applicant, but the applicant needed to consider some of the Board's comments as things that they want to see worked out more to the benefit of the town.

Mr. Sauro asked about the sketches Mr. Roth had with him. Mr. Roth explained that it showed some of the history of the project. He explained that at the outset the plan was to have a supermarket and one 14,000 sq. ft. retail space on the lower level, with parking on the roof. That would have required a significant parking variance. So it evolved to a plan that continued to have a building on the lower level with parking on the roof, but to develop some parking on the town-owned land in exchange for parking to be accommodated by a curb cut with an access easement. There was a concern about the 14,000 sq. ft. space and the potential for having only a single tenant, and that more “mom and pop” shops should be introduced into the plan, so it was replaced with 8,000 square feet of retail on the upper level with parking in the front. Then later, the plan called for a particular space for parking and extending it all the way down to the recreation center with an access easement. Mr. DelBello said that the parks board saw this plan, and this issue was debated, and that board did not want the vehicular access – just the parking. That left the problem of having one way in and one way out. That led to a plan that closed it off and introduced a ramp on the side of the building, which eliminated six parking spaces. So the applicant changed the plan to replace those spaces by expanding it to the north, which required a wetland permit because of the buffer. That was the plan they discussed in July, which formed the basis of the concept plan they have been working with since then. This is how the plan formed the way it did, and how the parking situation got to be the way it is. Mr. DelBello pointed out that all of those changes have cost implications.

Mr. Baroni asked how the applicant would have met the parking requirement if they were not going to have the additional parking. Mr. Roth said that they would have had to go to the ZBA. Then they learned of the SC district, which would have made the parking work.

Mr. DelBello said that the applicant deals through the professional staff. They assume those professionals are communicating with the Planning Board. The applicant’s dealings are with consultants who represent the town. That is where they take their cues. Chairman Michelman said that was rightfully so, but there seemed to be many disconnects. The applicant was working for a long time with the recreation department because they have their own particular concerns, which rightfully need to be addressed, but perhaps it was like putting the cart before the horse.

Dr. Matusow said that the issue of the ramp was not really important right now. That would be worked out one way or another. The concerns are about the bigger details as they have been discussed.

Mr. DelBello said that the driveway connection was a concern for the Board. The Board agreed. Mr. DelBello said that the owner of the adjacent property has asked the applicant to provide access to the rear, and they would close off their side access. That didn’t make sense to the applicant. He added that there was an issue of another curb cut, which presented a liability issue for the applicant. He asked how the applicant should address the various Boards’ concern about the access.

Dr. Matusow suggested that instead of traffic in and out, the applicant create a traffic flow around in a circle so that there are only right turns involved. He noted that this was just a suggestion because he had no idea whether that would work, but felt that there had to be alternatives to consider. Dr. Matusow felt that the applicant's engineer could make something work.

Chairman Michelman said that she was concerned with the larger issues. The Board has to consider the overall density and the tightness of the property, which eliminates a great deal of the screening and buffers. She read somewhere that 90% of this property was asphalt and that did not make her comfortable. Mr. Roth pointed out that was pretty much how it existed today too. Chairman Michelman said that might be true, but the Board was hoping to improve this site. They want some acknowledgment of these issues without having the applicant come back and say this is what it is, and this is what we are proposing. The Board wants a supermarket in town, but they want it to be the best they could accomplish.

Mr. Roth said they should get together with Mr. Kaufman and Mr. Coyne and work out some of the technical issues. He also suggested that some kind of joint work session was necessary.

Chairman Michelman said she appreciated having the history of the project. She stated that she recognized that there were residents of the town present, and their names would be noted for the record (set forth below):

Ljubisa Jovasevic	6 Laurel Hill
Frank Lobello	31 Sunrise Drive
Borris Utko	5, 11, 15 Maple Ave
Al LaPorta	20 Maple Ave
Denise Corsi-Weiss	8 Dellwood Farm
Sara Doto	2 Hobby Lane
Mike Fareri	
Mike and Joan Dritz	20 Cole Drive

Chairman Michelman pointed out that although this was not a public hearing, the Board would take some questions if you have any. She cautioned them to only raise the issues that are relevant to the Planning Board.

Mr. Michael Fareri said he had a question. Chairman Michelman said this was not a public hearing and this was not the time for questions. Mr. Fareri pointed out that Chairman Michelman had just stated that the Board would answer questions. Chairman Michelman said she did not mean that they would do that at this time. Mr. Fareri said that rather than waste time, he thought the Board should hear some of the comments now. He understood that everyone wanted to see this move quickly, and by not hearing some of the comments the Board could end up delaying the project. He thought that this should be done quickly. He felt that the town needed assessables. He thought that it would be in the best interest to hear the questions so that possibly the applicant can address the issues at the next meeting. Mr. Fareri said that three

things that came up at the Town Board meeting need to be addressed before anything: (1) will the town allow 79 spaces on town owned property, (2) if so, what will the compensation be to the public and (3) if the property is only to be used for what they currently have, what are the ramifications. Even if the Board changed this to the SC zone, they'd only be allowed to have 35,000 sq. ft. of supermarket alone. All the charades are an absolute waste of time until these questions are addressed. No one on the recreation board is an engineer. They do not have the expertise to discuss parking and turnings and ramps. That is why the town has consultants. He said that they should not put the cart before the horse. He asked if the town would allow that property to be developed. He pointed out that it needs a wetland permit. He added that the trend in town requires open space and questioned whether the town would allow open space be turned into 79 parking spaces.

Chairman Michelman reiterated that the Planning Board could resolve the issues before the Town Board and explained that all of Mr. Fareri's questions deal with the Town Board issues. She asked if anyone had any questions that relate to the Planning Board.

Mr. Mike Dritz said he had no financial interest in this project but did feel that the town needed an improved supermarket. He asked why everyone was getting involved in all the details of why this could not be done as opposed to figuring out how it could be done. To him, the Board should be looking at what is good for this town. Everyone seems to agree that this is a good thing, so they should determine how to make it happen. Chairman Michelman said that was how the Board was looking at this but there are some limitations that they need to consider.

Mr. Ljubisa Jovasevic, a resident of town, thought that 1/150 parking requirement was somewhat extreme. He thought that the parking number could be significantly reduced to as much as 1/300. Some of his other issues concerned fire safety. He said that the Board would want fire trucks to be able to get all around the building and he did not think they could do that. He added that garbage was a concern. He doubted the Board would want people taking garbage out through the front of the stores. Additionally, due to the elevations of the parking and the street, he thought they would need a very large retaining wall at the street. He was concerned about traffic and truck access. He was also concerned about the placement of this building in relation to Main Street and the view of the side building from the street. This is not North White Plains or Mt. Kisco so the scale should not be the same. He doubted that this proposal would need that many parking spaces.

Ms. Denise Corse-Weiss said that one of her main concerns moving to this town was the poor shopping center. She said that she spends a lot of time in the grocery store and she felt that "if you build it they will come." She said that she did not always have the time to run into North White Plains. This area is in bad shape, but the Board would not be able to have a supermarket that will sustain an area without having blacktop.

Mr. Frank Lobello said that he was in the paper industry so he knew that trucks were increasing in size. The A&P's comment about the trucks coming in is something to consider. Once the store gets bigger the town won't see the same size trucks they have been seeing. The trucks will get larger. The town does need a supermarket, but the "super supermarket" will bring in larger trucks. Armonk Square will be going in soon and generating more traffic. He said that everyone had always considered having a new grocery store at the old bowling alley site but the board should be aware that this is the downtown area and the trucks will get larger.

**15 OLD ROUTE 22 – Gavi Restaurant  
Concept Plan  
Section 2, Block 11, Lot 11.C01  
15 Old Route 22  
Lucio Di Leo, R.A., AIA Studio Rai  
Discussion**

Mr. Lucio DeLio was present on behalf of the applicant together with the applicant himself. He presented a site plan to the Board and explained that the applicant is proposing to develop a section of the property. In keeping with the old farm stand that had been there, the applicant wanted to create a small, barn looking structure that would be a hamburger / hotdog stand. It would be a takeout place with a donut-making machine and some seats inside and an outdoor seasonal terrace for summer seating. He presented a floor plan to the Board. The applicant said that he was able to find the original donut-making machine from the old cider mill and that is the one he would use in his store.

Mr. DeLio said there would be some site improvement. They would have to level the area and have a retaining wall. There would be thirteen parking spaces with one handicapped space. They would improve the site to facilitate the use of the building.

Mr. Kaufman said the plans were confusing and asked if the scope of the proposed work is indicated in the red. Mr. DeLio said that it was. He thought that was how the Board wanted him to do it. Mr. Kaufman said that the Board had to look at the whole site; the applicant won't have enough parking without it. Mr. DeLio understood the Board wanted to see the whole site developed. Mr. Kaufman said that the concept was fine if the applicant could get this implemented. The applicant said he would have to sit down with the owner and talk about it. Mr. Kaufman said that the Board also had to consider whether the applicant met the requirements of a carryout restaurant.

Mr. Baroni said that the applicant would need to get the consent of the owner in writing. The Board advised him to look at Mr. Kaufman's memo and address those issues.

Dr. Matusow said that this was just like the Shell Gas Station situation. The applicant wants to do something relatively minor on the site, but it opens a Pandora's box. If the Board approves a site plan for this portion of the lot, then it would approve the site plan for the entire lot. Therefore, everything that the Board uncovers will have to be addressed. The applicant thought that it would be in Gavi's best interest to do this. Chairman Michelman said that it might be, but this could not be segmented.

The applicant said that he was renting the space from Gavi, who leases the entire property from the owner. He would be a subtenant of Gavi for this particular portion of the property.

Mr. DeLio asked what the next step was, assuming that they work things out with the landlord and owner. Mr. Kaufman said that they needed to submit a site plan showing all the improvements that would occur on the property with an application. That would be reviewed by Mr. Coyne and himself and then a public hearing would be required.

Mr. DeLio asked if, in general, the Board liked this plan. The Board said that they did, but the

applicant would have to look at the entire piece of property. Mr. Kaufman said that the rehabbing the building, reconfiguring the parking, and having outdoor area for eating are all positives, but the Board needs to have the whole site addressed.

**DEHMER**  
**Site Plan**  
**Section 2, Block 2, Lot 23.D01**  
**11 Annadale Street**  
**Fred Rucker, AIA**  
**Discussion**

No one was present for this application.

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The meeting was adjourned at 8:43 p.m.

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