

TOWN OF NORTH CASTLE

PLANNING BOARD MEETING

15 Bedford Road

Armonk, New York 10504

August 2, 2010

7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

John Delano, Acting Chairman
Steve Sauro
Jane Black

PLANNING BOARD MEMBERS ABSENT:

Peg Michelman, Chairman
Beata Tatka

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 7:01 p.m.

APPROVAL OF MINUTES

July 12, 2010

Ms. Black moved to approve the minutes from the July 12th meeting, as amended. The motion was seconded by Mr. Sauro and unanimously approved.

PUBLIC HEARING:

DUSANSKY

Special Use Permit

Section 2, Block 4, Lot 1- 14

2 Dellwood Farm Way

Frank Guiliano

Discussion

Consideration of approving amended special use permit resolution

Mr. Delano read the public notice for the record. Ms. Desimone noted that 13 out of 18 cards were returned and that all paperwork was in order. Mr. Delano asked if there were any neighbors present for the application. There were none.

Mr. Frank Guiliano was present for the application. He presented a site plan for the Board. He explained that the existing 6' high chain link fence would be completely removed from conservation zone. He indicated new fence area and new cabana and the clearing and grading limit line. He explained that the filter pad was placed just over the line, and they were seeking approval to modify that line in that area.

Mr. Kaufman explained that the Board had a resolution for consideration, which contained nothing usual. There were no questions from the Board. Mr. Guiliano said that that he and the applicant's attorney reviewed resolution and they had no issues.

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

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

EMPIRE STATE TOWING

Site Plan

Section 6, Block 6, Lot 56

152 Virginia Road

William O'Neill, AIA – O'Neill Assoc.

Discussion

Consideration of approving site plan resolution

Mr. Delano read the public notice for the record. Ms. Desimone noted that 29 out of 36 cards and two envelopes were returned and that all paperwork was in order. Mr. Delano asked if there were any neighbors present for the application. Mr. Joseph Viola of 36 Washington Avenue was present.

Mr. William O'Neill was present for the application. He explained that the applicant was seeking

approval for a tow yard. The application meets the requirements under the newly modified law. He indicated area that will be tow yard and the parking area. There would be a total of 7 spaces, which satisfies the parking requirement. Mr. O'Neill noted that there are a few encroachments from adjoining properties that the applicant would be removing. Much of the site is already paved but they were would be adding stormwater treatment to the site.

Mr. Delano noted that this project had been previously approved, and nothing has changed, the applicant was just seeking reapproval. Mr. O'Neill said that this was only different in that it now conforms to the conditions in the prior resolution.

Mr. Viola asked the hours of operation that the tow yard would function. Mr. Kaufman explained that it was based upon the law that was passed by the Town Board. He believed that no activity could occur between 7 pm and 8 am. Mr. Viola said that he heard activity, banging and backup alarms at 5:00 a.m. Mr. Delano said that once this was approved, the neighbors would have a legitimate basis to complain. Mr. O'Neill pointed out that Byram Concrete runs all night long, so that might be what Mr. Viola was hearing.

There were no other comments or questions.

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

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

20 BEDFORD ROAD LPC meeting & ARB approval

Amended Site Plan

Section 2, Block 14, Lot 13

20 Bedford Road

Mike Fareri

Discussion

Consideration of approving amended site plan resolution

Mr. Delano read the public notice for the record. Ms. Desimone noted that 16 out of 18 cards were returned and that all paperwork was in order.

Mr. Delano asked if there were any neighbors present for the application. Dr. David Fields, the owner of 40 Bedford Road was present.

Mr. Fareri was present for his application. He presented photos of the building prior to his construction on the garage in the rear as well as photos of the garage itself prior to his construction. It had been falling apart and was in disrepair. Mr. Fareri presented photos of the main building after construction. He explained that he was asking that the 97 sq. ft. porch not be included in the calculation. It cannot be enclosed according to the ADA standards. Mr. Fareri explained that the interior of the main building was constructed, and then they offered it for lease. The applicant also received approval to build an apartment in the garage on the rear of

the property. The main building was rented, and in the original approval, they had 585 sq. ft. of office space in the basement and 72 sq. ft. of office space in the attic. The previously approved plan had a total of 3,127 sq. ft., plus the 962 sq. ft. apartment. They were to provide one space for every 250 sq. ft. of office space and one for the apartment for a total of 17 spaces, which is what was provided. Mr. Fareri explained that they leased the entire building to an Armonk resident for a term of 7 years. The tenant does not require any office in the basement or the attic, so the overall square footage was reduced, and with it, the number of required spaces. Mr. Fareri explained that with the reduction, 14.5 parking spaces were required, and they have provided 16.

Mr. Baroni asked if there was any mention of the attic office on the applicant's plan. Mr. Fareri said that 72 sq. ft. should have been calculated; the omission was an error. Mr. Fareri explained the missing information to the satisfaction of Mr. Baroni.

Mr. Fareri said that with the "extra" square footage, they took the parking space out of the garage apartment, to provide more living space, and add a planting area. He presented an elevation of what the garage / apartment was going to be and how it was revised. He also presented the original floor plan of the apartment and the revised floor plan. Mr. Fareri added that they received ARB approval on the revised plan.

Mr. Fareri explained that he came to the Planning Board on June 1st and was placed on the agenda for June 28th. He had to get a letter of appropriateness from the LPC and he was on their June 15th agenda, but because of the birth of his grandson, he didn't attend the meeting. The LPC placed him back on the agenda for the July 15th meeting. They received ARB approval on July 7th and then went to the July 15th LPC meeting, but faced a problem. They didn't have a full board, and there was an argument about the "For Rent" sign in front of the building. They said he didn't have a letter of appropriateness for that sign. Mr. Fareri said that he told them it was not an issue because it was rented, so he would be removing the sign, which he did. Mr. O'Neill, the architectural consultant for the LPC, said that he didn't like the plan and disagreed over whether they were looking at dormers or gables. Mr. Fareri said he pointed out that the ARB had already approved it, but it made no difference at the LPC meeting. He said he left the meeting after an hour, and the LPC continued to argue. They were not able to approve it.

Mr. Fareri said that the LPC wanted him to return on August 5th. He said he did not know if they were going to approve this. Mr. Fareri said that he has spoken to the Town Attorney about what happened in the event the LPC didn't approve the dormer. If that happens, then he would have to go to the Town Board to see if they would overrule the LPC. In his opinion, the LPC created a lot of havoc in this town.

Mr. Fareri said that he had reviewed the resolution and it was satisfactory to him. He said it was his understanding that the Board could close the public hearing and approve this pending approval from the LPC.

He noted that he had his architect redraw the plan to have two smaller dormers on the side. Although this was not his first choice, he did this in an attempt to compromise with the LPC. He can't make them any smaller or he wouldn't get the necessary head room. Mr. Baroni pointed out that the alternative drawing would require the applicant to go back to the ARB for their approval on the new plan. Mr. Fareri recognized this.

He said that if he didn't get approval before September or October he'd have to put a tarp on in place of a roof and have to wait to do the roof until spring.

Mr. Delano asked if Dr. Fields wanted to comment. Dr. Fields expressed support for what Mr. Fareri is doing. He said that Mr. Fareri has improved the neighborhood. He saw the property and the dormer (or gable), and it looks fine to him. It doesn't change the appearance.

There were no comments from Board or the professionals. Ms. Black moved to close the public hearing. The motion was seconded by Mr. Sauro and unanimously approved.

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

Mr. Fareri asked if the Board would be OK if the LPC chose the revised plan with the smaller dormer and the Board said that either one was fine with them. Mr. Baroni noted he would just need to file the revised plan with the Board.

OLIVE BRANCH PLAZA
Amended Site Plan
Section 2, Block 14, Lot 10
386 Main Street
Vincent Mastromarco – Sullivan Architecture
Discussion
Consideration of approving amended site plan resolution

Mr. Delano read the public notice for the record. Ms. Desimone noted that all notices were mailed timely and that it was properly published, however, she did not have any green cards yet. Mr. Baroni explained that within the next few days the applicant would receive acknowledgments that the neighbors received the public notice.

Mr. Kaufman explained that the applicant was proposing adjustments to the circulation pattern and the sidewalk area. There has been some confusion about what the applicant needed to show. The plan that the Board was considering shows the same number of spaces that exist on the site today. The alternative / landbanked plan shows the number of spaces that are required by the last site plan. The conditions of the approved plan relate to the first submitted plan. If the applicant has addressed those issues, it is probably moot. Mr. Mastromarco said he did revise that, and submitted plans.

Mr. Kaufman said that the only real remaining issue was the southernmost parking space. In the resolution, it is required to either be eliminated or realigned. Mr. Mastromarco said that they would be able to cut the sidewalk back and make the space conform. Mr. Delano said that he was hoping that space would provide an opportunity to add some landscaping on the corner / side. It is a very unattractive area and anything that can be done to improve this would be beneficial. Ms. Black asked if there was enough room for both the realigned space and the landscaping. Mr. Kaufman said that there was not, but the Board did have the power to

landbank one more space and require the landscaping. The applicant did not object. Mr. Kaufman said that the condition would be revised to reflect this new requirement.

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

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

DISCUSSION:

69 ROUND HILL ROAD LOT #1

Special Use Permit

Section 1, Block 9, Lot 4-2

69 Round Hill Road

Discussion

Consideration of approving extension of time special use permit resolution

Ms. Black moved to approve the time extension. The motion was seconded by Mr. Sauro and unanimously approved.

69 ROUND HILL ROAD LOT #2

Special Use Permit

Section 1, Block 9, Lot 4-2A

69 Round Hill Road

Discussion

Consideration of approving extension of time special use permit resolution

Mr. Sauro moved to approve the time extension. The motion was seconded by Ms. Black and unanimously approved.

69 ROUND HILL ROAD LOT #3

Special Use Permit

Section 1, Block 9, Lot 4-2B

69 Round Hill Road

Discussion

Consideration of approving extension of time special use permit resolution

Ms. Black moved to approve the time extension. The motion was seconded by Mr. Sauro and unanimously approved.

COCKREN MIDDLE INCOME HOUSES

Site Plan

Section 2, Block 15, Lot 1

22 Old Route 22

Nathaniel J. Holt, PE – Holt Engineering

Discussion

Consideration of approving site plan approval

Mr. Nathaniel Holt, Mr. Peter Monteleone and Mr. William McClure were present for the application.

Mr. Delano noted that the applicant made a couple of changes since the last meeting. Mr. McClure said that was correct; the drainage was somewhat of an issue for the Board, so the applicant revised it. Mr. Delano said he wanted to make sure the Town Engineer had a handle on it.

Mr. Holt explained that they have added more landscaping in back of parking lots. There are eight on each side. He explained that sheet 1A addressed the Town Engineer's concerns regarding creating a streetscape. The sidewalk was shifted, so it would be parallel to right of way. He added that they were still tweaking the details with the Town Engineer on this issue.

Mr. Holt presented the grading plan on the pond to address the drainage concerns. He explained that the previous plan had conformed, but Mr. Kaufman and Mr. Coyne had been concerned with the look of it. They talked about screening it, but kept coming back to whether it was a good idea to have a hole on the property. After some review and consideration, they decided on a 200,' 48" diameter pipe on plan that has the same volume, same flow as the pond would have had. He indicated the line on plan. This has satisfied both Mr. Kaufman and Mr. Coyne. Mr. Holt added that this would have individual sewer services, so they would no longer need to go to the county.

Ms. Black said that her concern had been the landscaping and that was addressed. She had no other comments.

Mr. Sauro asked whether the decision to chip or blast would be made in the field. Mr. Holt said that they are showing a standard one on two cut on the rock cut. If they find that the rock is stable then we will go steeper and won't bother with building a wall at all.

Mr. Delano asked if Mr. Coyne was satisfied with the drainage and Mr. Coyne said although he hadn't seen the final calculations yet, he did not think there was going to be a problem. He also noted that the streetscape might need to be tweaked, but again, he did not see a problem.

Mr. Kaufman asked if the applicant was going to grade that area where the pond is going to be. Mr. Holt said that was probably the flattest area on the site. Mr. Kaufman noted that would be a good amenity for the housing units. Mr. Holt said that it would be a lawn area and hopefully the HOA would maintain it as a lawn.

Mr. Kaufman said that he had a couple of changes to the resolution and explained them to the applicant. He also noted that Ms. Desimone had gone back into the old files on the Cider Mill property and was able to confirm that the recreation fees had already been paid previously, so that condition can be eliminated.

Mr. McClure thanked the Board for their due diligence in finding the proof of the payment. Mr. McClure said that there was an issue with the comment #6 on page 5, dealing with the total number of bedrooms. They intended to put egress windows in the basements of the end units. That would not preclude someone from seeking approval from the town to add a bedroom. They'd like to have the possibility of having 24 bedrooms instead of 20. Mr. Baroni said that they would have only paid a two-bedroom price. Mr. McClure said that they would have to come back and be reassessed. Mr. Baroni explained that it was not a reassessment issue. Mr. McClure noted that they would not be able to recoup what they had to spend to get the third bedroom. Mr. Baroni asked if they would be told that in advance and Mr. McClure said that they would. Mr. Kaufman said that was fine, but the Board was approving two bedroom units, so the count should remain 20. Mr. McClure agreed.

Mr. Sauro asked Mr. Coyne about the applicant's representations about the pipe, and asked if there was a fail safe like a catch basin under the newly graded area. Mr. Holt explained that they would still have the catch basins in the parking lot, and the pipes will run through it. It will be taken care of, just in a different location. Mr. Holt added that they would also have another catch basin that would cause any runoff to drain away from the property.

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

SANTOMERO BUILDING
Site Plan
Section 3, Block 7, Lot 9.A
868 North Broadway
Michael Piccirillo, AIA
Declare Lead Agency

Mr. Kaufman explained that the Board declared intent to be lead agency. The applicant needs several variances for the property, but in order to do that, the Board has to make a SEQRA determination. Should the board choose to adopt a neg dec, it could do that and then the applicant could go to the ZBA. There would be very little work on the site. He said he had no concern on the environmental impact of this project.

Mr. Steve Lopez was present for the application. He explained that they have suggesting that the improvements would be a significantly net improvement to the town. The landscaping, lighting and architectural treatment would be improved. They would be subject to the ZBA approval for the necessary area variances, but the applicant did not foresee a problem. The applicant did not think this would have a deleterious impact, quite the opposite.

Ms. Black moved to adopt the neg dec. The motion was seconded by Mr. Sauro and

unanimously approved.

TURET

Preliminary Subdivision

East Lane, West Lane, Nichols Road

Discussion

Consideration of extension of time for preliminary subdivision approval

Ms. Black moved to approve the time extension. The motion was seconded by Mr. Sauro and unanimously approved.

TEDESCO

Special Use Permit

Section 3, Block 14, Lot 1.G

1462 Old Orchard Street

Petruccelli Engineering

Discussion

Steven Basini was present for application. He explained that the applicant was seeking approval for a special use permit for an accessory apartment in the back of the existing home. It is a two-story structure and the empty space downstairs is completely open. They plan to close it in and supply the owners with a two-bedroom, one bathroom apartment. It is not accessible through the main house and will have its own separate entrance. There is more than enough space for the required parking. There is also a single space in the garage for the owners. Mr. Basini noted that 5 spaces are shown and 4 are required.

Mr. Banini said that they meet the gross lot area. Based upon the lot size, they would actually be allowed to have a 980 sq. ft. apartment, but they are proposing a 704 sq. ft. apartment.

Ms. Black asked if there was anything in that area now and Mr. Basini said there was not. He said that this had been the applicant's intention all along, but it took them a while to get to this point. Ms. Black asked about the layout of the floor plan, which Mr. Basini explained.

Mr. Kaufman noted that there were some violations on the property for an illegal basement. Mr. Basini said that he met with Mr. Fon on this issue last year and showed him their proposed plan, which satisfied Mr. Fon. The violation would be cleared up by this application.

Mr. Kaufman noted that the Board hadn't conducted a site walk yet, but one needed to be scheduled. The Board agreed.

Mr. Delano asked about the strip in the back of the property. Mr. Basini said that it was not a paper street or a road. Mr. Kaufman said that it was never coordinated. He recommended that the applicant merge that lot with the tax lot to clean it up.

Ms. Black asked if the applicant was willing to merge that strip. Mr. Basini said he thought they intended to do something with that piece of property. Mr. Delano said that they would have to merge that. Mr. Kaufman said that without that merge, the applicant would have to give an

easement to himself. Mr. Basini said that it was not a separate tax lot, it was all the same lot. Mr. Baroni said it seemed to be a paper line and not a separate lot.

Mr. Delano said that there are a bunch of small issues that seems to be able to be resolved in the interim, based upon memos from the town engineer and town planner. They will have a site walk prior to the September meeting.

The meeting was adjourned at 8:11 p.m.
