

TOWN OF NORTH CASTLE

PLANNING BOARD MEETING

15 Bedford Road

Armonk, New York 10504

July 12, 2010

7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

Peg Michelman, Chairman
Steve Sauro
Jane Black
Beata Tatka
John Delano

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.

Chairman Michelman noted that she had received a call from a resident in town suggesting that the Board identify the areas in town where the projects are located and the Board will try to do that.

APPROVAL OF MINUTES

June 14, 2010

Ms. Black moved to approve the minutes from the June 14th meeting, as amended. The motion

was seconded by Mr. Delano and unanimously approved.

June 28, 2010

Ms. Black moved to approve the minutes from the June 28th meeting, as amended. The motion was seconded by Mr. Sauro and was approved by all except for Mr. Delano, who abstained due to his absence at the June 28th meeting.

PUBLIC HEARING:

DAVIS

Special Use Permit

Section 2, Block 2, Lot 3-28

19 Wampus Lakes Drive

Andrzej Marian Golka, AMG Architecture & Design

Discussion

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 10 out of 11 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present. There were none. Chairman Michelman explained that this was in the Wampus Lakes area.

Ms. Tatka recused herself from this application. Ms. Lee Ann Davis was present for the application.

Chairman Michelman asked if there were any questions. Mr. Delano noted that on drawing T1 and the plan submitted by Barry Naderman, the Town Engineer's name was spelled incorrectly. Mr. Delano pointed out that there is a certain square footage required for lighting and ventilation and asked if these rules applied to the lounge area in the basement. Ms. Davis noted that there is an open hallway in that area, which provides an egress. Ms. Davis was not sure if the light requirement was required for that area. Mr. Delano said that 8% light 4% air was required and based upon his quick review; he thought that they had those figures for the habitable space, but not the lounge area. He recognized that it was ultimately a question for the Building Inspector. Ms. Davis thought that it was probably acceptable since Mr. Fon had reviewed the plans.

Mr. Delano noted that, on the resolution near the bottom, (the last two bullet points) the plans were not actually prepared by Herb Lackner. They were his plans but the current architect, Mr. Golka, adopted them.

Mr. Delano thought that based upon his questions about the building item 1 on page 5 should be moved to prior to signing of the site plan. He asked the Board if that was something they wanted to do. The Board said that since it was a question for the Building Inspector, they didn't need to move it.

Mr. Delano asked about the "hit" someone takes as a result of the Health Department

regulations by adding a kitchen to an accessory apartment because it might impact the septic. Ms. Davis said that she and Mr. Naderman would speak with the Health Department on this issue; she recognized it was a condition. Mr. Delano suggested that they move it to another section of the resolution. The Board agreed.

Mr. Delano also noted that the resolution needed to be reviewed to make sure the applicant's name was being used instead of the architect name.

There were no other issues.

Chairman Michelman asked if Ms. Davis had reviewed the resolution. She said that he had and had no issues.

Mr. Delano moved to close the public hearing. The motion was seconded by Ms. Black and unanimously approved, by all except for Ms. Tatka, who had recused herself.

Mr. Delano moved to approve the resolution as amended. The motion was seconded by Ms. Black and unanimously approved, by all except for Ms. Tatka, who had recused herself.

LINE DRIVE

Site Plan

130 Business Park Drive

Section 2, Block 16, Lot 18A

Drew Marino, Owner Line Drive

Discussion

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 8 out of 12 cards were returned and that all paperwork was in order. Chairman Michelman noted that this property was in Armonk Business Park.

Chairman Michelman asked if there were any neighbors present. There were none.

Mr. Drew Marino and Ms. Wilhelmson were present for the application. Mr. Marino explained that they were proposing a baseball-training center with multiple sports and professional training. It will be a 12-month business and will be utilized to encompass North Castle boys and girls softball.

There were no issues from the Board concerning the application.

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

Mr. Delano pointed out a typo on page 1 in the 4th whereas clause. Mr. Kaufman made a note.

Chairman Michelman asked if Mr. Marino had reviewed the resolution. He said that he had and had no issues.

Chairman Michelman wanted it noted that this initial application for amended site plan came in

on June 14th – today is July 12th – not everything takes forever when you have cooperation from the applicant, as the Board did here.

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

DISCUSSION:

ARMONK SQUARE

Site Plan

Section 2, Block 14, Lots 3, 8, 9

Main Street, Maple Avenue, Bedford Road

Mark Miller, Esq. – Veneziano & Associates

Consideration of extension of time amended site plan resolution

Mr. Mark Miller was present for the application. He explained that the applicant was seeking a one-year extension of approval, which was set to expire on July 13th. At the last meeting there was a discussion regarding moving the fence and making that a condition of the extension. In the interim, he's had numerous conversations with his client and the town. The applicant is prepared to accept a condition as part of the extension of time. They are proposing to move the fence back 12' in keeping with Mr. Kaufman's suggestion. This would be done at the applicant's cost and expense. They would then cede the property at their cost and expense. There will be indemnification from the town in accordance with the emails exchanged with the Town Attorney.

Mr. Miller said that based upon conversation between the applicant and the Town Supervisor, they will agree to mow and pick up the trash in the area occasionally. They will have to go to the DEC, but he did not foresee a problem. Within 15 days, they will make all necessary applications and use their best efforts to get the DEC approval. They cannot move the fence without that approval and they can't guarantee that the DEC would grant the approval, but the applicant would use their best efforts to secure the approval.

Mr. Miller added that Bill Holmes wanted to do something with his building, and the applicant wanted to make sure that it wouldn't impact his construction.

There were no other comments.

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

Mr. Peter Monteleone and Mr. William McClure were present for the application. Mr. McClure explained that this property was in proximity of the abandoned bowling alley in the southern part of Armonk.

Mr. McClure explained that as part of their discussions and prior meetings, they have been to the ZBA and received a unanimous decision granting the requested variance for carports and garages. They went to the ARB and received an approval on the design concept of the buildings. One comment concerned the planting and landscaping in the front of the building. Mr. McClure said that he explained to the ARB that they couldn't commit to anything because this Board still had to issue their approval.

Chairman Michelman noted that the applicant would still have to go back to the ARB for several items. The ARB issued a preliminary design concept approval. Mr. McClure recognized that, but would like for this Board to set a public hearing for this application.

Chairman Michelman asked if the Board had sufficient engineering information for the public hearing. Mr. Delano said that he usually pushes to have the drainage resolved prior to the public hearing. Mr. Coyne explained that the applicant submitted the drainage plans, and he has gone through most of it, and doesn't see any problems. He noted that it was up to the Board if they wanted to wait. Mr. Delano asked if the drainage would work, and Mr. Coyne said that it would.

Mr. Kaufman noted that one issue at the last meeting concerned where the buildings would be on the site vertically. The applicant will lower it 3' as suggested at last meeting, and will add screening on the Route 22 side. Mr. Kaufman pointed out that the applicant might need DOT approval from those plantings, so they should look into that. Mr. Kaufman pointed out that they also talked about sound attenuation. Mr. Monteleone explained that they would use double the sheet rock in the back of the building. Mr. Kaufman asked about possibly upgrading the windows. Mr. McClure did not think that would be necessary; they were using standard double glazed windows.

Mr. Delano noted that the sketches used at the ARB show some of the planting with elevations. He noted that lowering the building might require some retaining walls in the back. Mr. Monteleone recognized that.

Mr. Sauro asked if this was 2x6 construction and Mr. Monteleone said that it was 2x4 construction with double sheetrock in the back. They could make it a 2x6, but it would take away from the room space. Mr. Monteleone pointed out that it would actually be cheaper for them to do a 2x6, but since they would lose the space and lose the double sheetrock, it was not being considered by the applicant.

Mr. Kaufman said that the other issue was what to do with the streetscape. The Board had seen some preliminary plans for the whole street. He asked Mr. Coyne about the plans for this property. Mr. Coyne said they would have on-street parallel parking in front of this site and other areas along Old Route 22. Mr. McClure said that they were expecting that.

Mr. Kaufman said that the Board should discuss the recommendation from the County to provide a sidewalk to the bus stop on Route 22. After some discussion the Board did not think it was necessary to provide a sidewalk as suggested by the County. Mr. Monteleone pointed out that the applicant was still planning on installing a sidewalk in front of the property.

The Board said that a public hearing could be scheduled for August 2nd.

CONGREGATION B'NAI YISRAEL OF ARMONK
Amended Site Plan
Section 1, Block 8, Lot 6-1
2 Banksville Road
Pete Gregory, PE Keane Coppelman Engineers, PC
Discussion

Chairman Michelman noted that this property was north on Route 22 in Armonk.

Mr. Peter Gregory and Mr. Nick Pouder were present for the application. Mr. Gregory explained that the applicant was looking to remediate the septic on the property. At the last meeting, the Board asked the applicant to take a look at the size of the septic and why they need it and possibility of reducing its size. They looked at the uses on the property and they were able to come up with average daily flows and they were able to separate occurrences where they would have larger than their daily flows. They are in agreement with the Health Department with how they calculated these flows.

Mr. Gregory noted that they were able to reduce some of the septic area, but it was not in an area that would allow them to save a cluster of trees. They also reduced the size of the leeching area by 200 lineal feet between the building and Route 22. This allowed for additional landscaping to occur in that area. They also provided a larger flow tank to compensate for the days that they would exceed the daily flows.

The numbers on their daily flows were comparable to when they were at their peak. The flows have reduced over the last year or so, but they have sufficient area to address the flows that come out at a regular daily basis.

Mr. Gregory said that the Health Department had a concern regarding the application rate that they'd apply the affluent over the area. If the Health Department wanted the applicant to look into that, they might have to increase the size of the flow tank. He added that they expect to hear back from the Health Department soon.

The Board thanked the applicant for their efforts.

Chairman Michelman noted that the applicant talked about the area inside, near the wall, and that they were planning to put in river birches. Mr. Pouder explained that they were fast growing trees that like wet soil. Chairman Michelman asked what they would look like in the winter. Mr. Pouder said that since they are deciduous, they would be bare branches. Chairman Michelman said that was a concern for her since they would not shield that corner of the building in the winter. Mr. Pouder said that it would be broken up by the branches, but you will be able to see through it. Chairman Michelman asked if there was some alternative; she didn't want to screw up the design, but she was concerned about this view in the winter. Ms. Black asked about using lower shrubs. Mr. Sauro suggested using some combination of deciduous and evergreens.

Mr. Pouder asked what view the Board was concerned about and they said they were most concerned about the view coming north on Route 22 (indicated). Mr. Pouder asked if he would be able to do shrubs within 10' of the system and Mr. Gregory said they were allowed to do that. Mr. Kaufman agreed. Mr. Pouder said he'd look into doing that and thought he could make it work. Mr. Pouder noted that there was a sign in that area, but he'd probably be able to relocate the sign to make it work.

There were no other comments.

Mr. Pouder recognized that there was a memo that referenced the DOT right of way and he wanted to know where the state's ended and the town's began. Mr. Kaufman and Mr. Coyne were not sure. Mr. Kaufman said that they could try and get something from the DOT saying that they did not need approval. Mr. Pouder noted that if they had to have a maintenance agreement, it would be easier to have it with the town as opposed to the state.

Mr. Kaufman noted that no public hearing was needed, so the Board could either approve it, and prepare a resolution after the fact, or they can ask to see plan again. The Board decided to add conditions that would make the approval subject to these additional comments from tonight's meeting.

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

BARON

Final Subdivision

Section 2, Block 1K, Lot 2

6 Hidden Oak Lane

Barry Naderman, P.E. – Naderman Land Planning & Engineering

Consideration of final subdivision approval

Mr. Delano recused himself from this application. Mr. Barry Naderman was present for the application and he explained they were seeking final subdivision approval.

Mr. Naderman explained that the applicant was in contract to sell the lot to DEP. He read the resolution and the only comment he had was to request the Board reconsider requiring the recreation fee. There will be no new burden on the town's recreation facilities, as there would

not be any new house, family, etc. He noted that the town's code allows the Planning Board to consider this on a case-by-case basis.

Mr. Kaufman noted that in the other cases they've found where lots were given to the DEP, there were lot line changes, not subdivisions. The one other case they found was the Wyman application, and the Board did require fees in that situation. Mr. Naderman distinguished the Wyman project by saying that he was only in negotiations with the DEP and not actually under contract like this applicant.

Mr. Baroni noted that the DEP has the ability to get out of the contract. He suggested the Board collect the fee, and then have the applicant apply to the Town Board for a refund and see if they would be willing to do that. Mr. Naderman suggested putting it in escrow, and if the sale didn't close by a certain date, the money would be forfeited.

Chairman Michelman pointed out some changes that had to be made in the resolution. Mr. Kaufman made a note. Item six would be revised to reflect the placement of the \$10,000 in escrow. Up to town board to decide whether to refund the money.

There were no other issues.

Ms. Black moved to approve the resolution as amended. The motion was seconded by Mr. Sauro and unanimously approved by all but Mr. Delano who had recused himself.

METRO PCS NEW YORK, LLC
Site Plan
Section 2, Block 16, Lots 9 & 10A
15 Business Park Drive
Discussion
David Boring, Metro PCS NY, LLC
Lucia Chiochio – Cuddy & Feder, LLP

Ms. Lucia Chiochio was present for the application. She explained that Metro PCS is licensed by the FCC, but new to the cell phone area. They are seeking approval to co-locate on the tower on the sewer district property. It is consistent with the other providers in the area.

She recognized that they still had to get the town information on the wetlands and that they would have to go to the Conservation Board. Mr. Kaufman said that they would also have to go to the ARB.

Ms. Chiochio noted that the antennas would be below all the existing antennas, right at the tree line. Mr. Kaufman said that the only other issue was the equipment. Otherwise, this was a very comprehensive submission by the applicant.

Once all that has been addressed, they'd be able to schedule a public hearing.

SENIOR HOUSING

Referral from Town Board

Section 2, Block 12, Lot 2-2, 2-1, 3

123 & 125 Old Mt. Kisco Road

Mount Kisco Road

Kristopher L. Kellard – Kristopher Lawrence Consulting, LLC

Discussion

Mr. Kristopher Kellard was present for the application together with Ralph Alvenetti, the engineer.

Mr. Kellard explained that they were before the Board to discuss a senior housing project off of Route 128. He presented a rendering and said that these were just conceptual plans. HE felt that it basically answered most of the comments in the memos. Mr. Kellard said that they could deal with most of the issues at the site plan stage.

Chairman Michelman said that the Board had to address the concept of what they were doing. She said that the Town Planner did not believe this concept integrates well with this neighborhood. That is an issue for the Board.

Chairman Michelman asked if the applicant planned to extend the water when they extended the sewer and Mr. Kellard said that they did. Chairman Michelman noted that it was not shown on the plans.

Chairman Michelman said that the idea of the senior housing is good, but it requires a lot of work together with the planners to put it together in a way that would be consistent with the neighborhood and that would work with it rather than be exclusive of it. The way this is designed, it doesn't seem that it would. There is a lot of concrete, and a lot of driveways. It doesn't look like it would work.

Chairman Michelman said that there were many issues and she did not know if this was the time to go over them all. She said that Mr. Kaufman's memo was clear, and that the Board agreed with his comments.

She said that she was also concerned about an apartment house being in the middle of this road and the density is a concern for her as well. She did not know that it was in keeping with the character of the neighborhood to have these units right in the middle of this area.

Mr. Kellard said that they were willing to work with the Board on the design. They want to find something that works for everyone. Once the zone change was implemented, he thought they could work on those issues.

Mr. Kaufman said that he doubted the applicant would be able to get to the application to change the zone until they dealt with some of the site plan issues. They might only want to go to the .40 if the density and other issues are adequately developed. He did not think the applicant needed to fully engineer the site, but they needed more details.

Ms. Black said that she was concerned with the density. She also noted that the applicant describes this as "luxury housing," but it didn't appear to be luxury housing. Ms. Black also didn't think a one car garage would be adequate, but recognized there was not room for a second.

Mr. Kellard said that their price point was going to be \$650,000-750,000. At that price, a second car garage comes into question. Mr. Kaufman said that could be dealt with by having a one car garage with adequate on site parking. He just didn't think that one in the driveway behind one in garage was reasonable.

Chairman Michelman said that there were not a lot of amenities on the plan either and that belied 'luxury housing' as well.

Ms. Black said that the architecture in the rendering left a lot to be desired; she contrasted this to the Cockren plans but she recognized that this was beginning stage.

Mr. Kellard thought that this was a good location for senior housing. The Board thought that it could be in that it was a nice property and close to town.

The Board thought that the next step was for the applicant to sit down again with Mr. Kaufman. They would like to see this project happen, but it had to be workable.

Mr. Kellard said that they plan to screen this very densely behind the units and make it feel like it's its own area off of Route 128. Mr. Kaufman thought that could work, but you have to show how that would happen.

Mr. Delano asked the location of the sewer. The applicant's engineer indicated where it was and where they planned to extend it. Mr. Delano asked if this was in the wetland. The engineer said that it was not in the wetland, but it was in the buffer. Mr. Delano noted that they would also need an easement for the town to take it over.

Mr. Kellard said that they would like these residents to connect into the sewer district ultimately.

Mr. Delano noted that the applicant had not made any provisions on the concept plan to deal with storm water, and unfortunately more than half of the property is in the wetland. They had to deal with that issue.

Chairman Michelman asked if any buildings were planned in the wetland. The applicant's engineer said that pieces would be in the buffer.

Mr. Kellard said that they have looked into the storm water in several ways. They are trying to figure it out now, but it is a big step to take. Chairman Michelman recognized that, but said that it needed to be considered because it takes up space on the site.

Mr. Baroni asked which units would be MIU's. Mr. Kellard indicated. Ms. Tatka asked how many units would be MIU's and Mr. Kaufman explained that the formula requires 15% of the floor area to be MIU's.

Mr. Delano thought that there was a county drainage channel in that area which would need to be looked into.

Chairman Michelman said that the Board was in favor of the concept. The property seems to be appropriate for it. She recommended that the applicant sit down with the Town Engineer and the Town Planner and that the applicant look at the issues in Mr. Kaufman's memo.

Ms. Tatka asked the setback of the closest unit and Mr. Kellard said that it was approximately 20' from the property line and over 50' from the road.

Ms. Black asked if they had a neighbor and Mr. Kellard said that they did, and planned to screen it well.

Mr. Delano said that in reading though the town's master plan in the sections that talk about providing places for the elderly, the word "luxury" never appears. In fact, it is the opposite; they talk about congregate care. Mr. Kaufman felt that discussed a different type of zoning. They are asking the Town Board apply a different requirement for this property. The applicant's engineer said that they would be seeking approval for 55 and over. Under the federal law, 80% will have to have 1 person over 55 and 20% could be under 55.

Mr. Baroni asked if anyone declared intent to be lead agency and Mr. Kaufman did not think so. Chairman Michelman asked if there was an issue with who wanted it (this Board or the Town Board). Mr. Kellard said that the Town Board had deferred to the Planning Board.

Mr. Kaufman said he did not think they had enough information right now to declare intent but perhaps that could occur at the next meeting.

Mr. Delano suggested the applicant start working with Jim Hahn, who is the town's engineer for this project.

The meeting was adjourned at 8:27 p.m.
