

TOWN OF NORTH CASTLE

PLANNING BOARD MEETING

15 Bedford Road

Armonk, New York 10504

June 28, 2010

7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

Peg Michelman, Chairman
Steve Sauro
Jane Black
Beata Tatka

PLANNING BOARD MEMBERS ABSENT:

John Delano

ALSO PRESENT:

Adam Kaufman
Town Planner

Roland A. Baroni, Jr., Esq. Town Counsel
Stephens, Baroni, Reilly & Lewis, LLP
(Arrived at 7:06 p.m.)

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

Valerie Desimone
Planning Board Secretary

The meeting was called to order at 7:00 p.m.

PUBLIC HEARING:

JACOBS

Special Use Permit

Section 1, Block 12, Lot 3A.09

6 Round House Court

Teo Seguenza, AIA Discussion

Consideration of approving Special Use Permit Resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 19 out of 25 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present. There were none.

Mr. Teo Seguenza was present for the application. Mr. Seguenza explained that they were proposing a staircase consisting of an additional 62 sq ft. of gross floor area. The gross area of the property, including the small addition for the open staircase is below the maximum allowable and above the basic.

Chairman Michelman noted that it was only 68 sq. ft. below the maximum. She cautioned the applicant to be very careful with the construction to make sure they do not go over.

Chairman Michelman asked if there were any issues from the Board or the professionals. There were none.

Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Siguenza said that he had, and had no issues.

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

Ms. Black moved to approve the resolution. The motion was seconded by Ms. Tatka and unanimously approved by all those present.

DISCUSSION:

COCKREN MIDDLE INCOME HOUSES

Site Plan

Section 2, Block 15, Lot 1

22 Old Route 22

Nathaniel J. Holt, PE - Holt Engineering

Discussion

Mr. Nathaniel Holt was present for the application together with Mr. Peter Monteleone and Mr. William McClure.

Mr. McClure explained that they were before the Board for discussion and hopefully to have the

Board declare themselves lead agency so they can move ahead with the approval process. He noted that the application was scheduled to go to the ARB on July 7th, and they needed to go back to the ZBA for the variances.

With respect to the streetscape, Mr. McClure said that Mr. Holt has developed a plan that would lower the northern units by 3'.

Chairman Michelman noted that this Board had already declared themselves lead agency and that the applicant needed the Board to adopt a neg dec. Mr. Kaufman clarified that the time period expired, so they already became lead agency, but they still needed to make a finding in terms of SEQRA.

Chairman Michelman explained that the issue of the height is one of paramount importance to the Board. They are concerned with the visuals and the height. The second floor is looking at Route 22 or at the hillside. Mr. McClure noted that it was more at the hillside than Route 22.

Chairman Michelman recognized that Mr. Holt had come back to the Board with modified proposals, which the Board would consider, but noted that Mr. Coyne had some suggestions as well. Mr. McClure said he understood that there were issues with this project, but pointed out that this was the town's project, and this was the area that was designated by this Board for these MIUs. Chairman Michelman recognized this, but said that since this is the site they had to deal with, the project has to look that much better.

Mr. Holt presented a plan showing the sections to the Board and provided copies to each member of the board. He pointed out that one of the sections showed the worst point on the plan (a section through Unit #3 at the northernmost building on the site). He explained that the separation from Unit #1 to the street is approximately 45'. Mr. Holt pointed out that the Beehive Restaurant is approximately 6-8' from the street.

Mr. Holt explained that he lowered the building 3' and they were now about 8' above street level. He added that the distance from the back to Route 22 was also approximately 45'. He explained that the second floor elevation is 399 and the windowsill is at 402. Route 22 is at approximately 405. They were approximately 3' lower than Route 22. The southernmost building is approximately 3' closer, but also lower. They would be grading down so that it creates a front yard and not a drop off. They are at the same approximate location that the old Cockren house was. The only difference was that Cockren was at 403, and they would be around 390.

Mr. Holt further explained that he made an attempt to drop the height by more than 3', but any lower and they would no longer be able to drain the property into the retention basin, nor would they be able to drain the footings. One thing they did to reduce the height was to propose that they reinstall the town drainage in a new location so that they can lower the buildings. However, even if they lowered the drainage system further they still wouldn't be able to drain the site if the height was reduced more.

Ms. Black asked about the proposed screening on the section and whether that was on the plan. Mr. Holt said that it was not. It was included to give the Board a sense of what they were proposing.

Mr. Holt presented photos to the Board that showed the roof of Beehive from Route 22, as well as a photo of the site and its vegetation as it currently exists. Multiple discussions were had regarding the photos. The issue is whether the Board was concerned about what is seen from Route 22 or with what people will see from their homes. People in the homes will see Route 22, which Mr. Holt did not see as much of an issue; it happens all over. When you look from Old Route 22, people will see a building approximately 45' back, which will be attractive structures with screening.

Chairman Michelman said that the Board wanted to make this as attractive as possible. There are issues that the housing board is concerned with. These units have to be positioned properly. She noted that Mr. Coyne had comments in his memo suggesting other things that can be done.

Mr. Coyne said that if the Board wanted to lower the buildings further, then the storm water shouldn't get in the way of that. They could lower the pipe in the street or have detention structures under the lot so you don't have to drain the northern building to the southern property. If they flipped buildings, they might be able to relocate the drain. The issue of draining is a function of the site plan and the way it is laid out. Maybe there are other ways to design this.

Mr. Holt disagreed and said that the site plan design was a function of the topography of the site. There is a lot of rock on the site. They chose an area with the best soils and the least rock. They have already lowered the system, and lowering it any further won't work. He did not think that flipping the drainage around would work either.

Mr. Coyne said that the buildings weren't going to be below the street. He did not know how much the Board wanted them lowered. If the Board was comfortable with what the applicant was proposing, then they can move ahead. Mr. Coyne noted that the applicant doesn't necessarily need a pond. They could have a structure under the lot. Mr. Holt said that, ideally, you wouldn't have a structure under a lot. That would add a lot to the HOA responsibility and the Town would have to rely too much upon them to ensure it was being cleaned and treated properly. He did not think that was the way to go, if they could avoid it.

Ms. Tatka said she wanted to hear the ARB's recommendation.

Chairman Michelman said it was her understanding that the applicant was originally scheduled with the ARB and then it was postponed. Mr. McClure said that was incorrect. Chairman Michelman said that, given the issues, perhaps the applicant should consider having a joint meeting with this Board and the ARB. There are architectural issues here. Mr. McClure asked if there were really architectural issues or if it was just about the height. Chairman Michelman recognized that they were dealing with prefab buildings, which don't have a lot of flexibility, but maybe there are other options. These are a bunch of houses that will look exactly the same. Mr. McClure pointed out that it would be similar to Whippoorwill Hills; those units are all the same type of units. Chairman Michelman recognized this, but felt that because that was in a different location, it was different. Mr. McClure showed the Board a rendering of what the buildings will look like. The Board noted that there would be an underground basement that will be screened. They thought that the basement would be a good idea.

The Board asked about the three bedrooms that the housing board wanted. Mr. McClure noted that each of the four end units would have an access window that would permit, under the code

to have a 3rd bedroom. There will be only 2 bedrooms in the unit when built, but if the owner so desired, that access window could permit the owner to create a third bedroom.

Ms. Tatka wanted to see elevations of the buildings. The applicant did not have them with him at the meeting. She noted that the ARB would want to see them.

Mr. Baroni explained that the issue of whether the units would be two- or three-bedrooms needed to be resolved in advance of the sale. Someone who pays for a two-bedroom unit would not be legally able to convert to a three-bedroom under the laws relating to MIUs.

Ms. Black asked if anyone knew why the housing board did not want a third bedroom. Mr. McClure explained that originally, the housing board requested the third bedroom, but when the applicant designed it in the basement, the housing board did not like it there, so they withdrew their request. The applicant made this plan to have the access window on the four bedroom units as a benefit. If they don't put the access window in then they can't have a third bedroom.

Mr. Monteleone explained that, as it is, they plan to have a storage room and utilities in the basement. They just tried to maximize the space that they have.

Chairman Michelman asked about the natural light in the bedrooms upstairs. Mr. McClure said that there is already precedent in Cider Mill. These units are not the same size, but at Cider Mill, there are two buildings, one with five units and one with six units. Only two are end units. Chairman Michelman asked about these units. Mr. Monteleone explained that the units would conform to code. They all have large windows in the front and the back. They will look at the hillside on Route 22 or Gavi on Old Route 22. They meet NYS code. The bathroom is in the center with no window.

Ms. Black asked if the four end units would have additional windows and Mr. Monteleone said that they would each have four additional windows on the side.

Mr. Sauro asked if the issue of the skylights had been resolved. Mr. McClure said that the applicant would not be doing the skylights. Mr. Sauro thought that was better; he didn't like the idea of the skylights.

Mr. Sauro suggested having a tray ceiling, which might make a bedroom look a little larger. Mr. McClure pointed out that these are MIUs and without the basement they are 1045 sq. ft. They are already adequately sized.

Ms. Black noted that the housing board suggested adding a shower in the first floor bath. Mr. Monteleone said that they have agreed to many requests of the housing board, but they objected to that request; a shower in the first floor bathroom was not a necessity.

Mr. Sauro asked the likelihood of putting the drainage under the parking lot as Mr. Coyne had suggested. Mr. Holt said that it was doable, but not preferable. He thought the pond was a better way to go. Mr. Sauro asked how often the systems had to be cleaned out and Mr. Coyne said that they would have to be cleaned once or twice a year. The detention ponds normally don't need that maintenance. They just need to be checked once every five years. Mr. Coyne said that the issue is what the desirable height. If it has to be lowered, then he would sit down

with the applicant and work it out. There were other options to be vetted.

Mr. Kaufman said that his concern was the impact of the bedrooms and Route 22. They don't want to create a situation where there is a lot of noise. It will be close. The elevation on Old Route 22 is not as much a concern to him. He'd like them to be as low as possible, but if it is a few feet below, he thought that was fine.

Ms. Black said that the Board's primary concern was the view and the sound impact from the second floor because of Route 22. She would like the applicant to plant the conifers on the proposed plan; that would help in terms of noise and visual impact. The photos shown by the applicant are all deciduous.

Mr. Monteleone said that if they lowered the building too much, when you go out the back on the first floor, there would be a wall of rock. There wouldn't be much light if you lowered it much more.

The Board said they might be willing to keep the buildings at the current height if the applicant was willing to add evergreen screening. Mr. Holt said he understood what the Board was asking and would work on revising the plans.

Mr. Coyne asked if there was any handicapped accessibility to these buildings, and if so how. Mr. Holt said that he was waiting to hear back from Rich Fon on this issue.

Mr. Coyne asked about stabilizing the rear slope. Mr. Holt explained his plan to Mr. Coyne's apparent satisfaction. Mr. Coyne said that he would need to know that information sooner rather than later. Mr. Holt agreed.

Chairman Michelman pointed out that the Board needed to adopt a neg dec so this can proceed. Ms. Black moved to adopt a neg dec. The motion was seconded by Ms. Tatka and unanimously approved by all those present.

Mr. McClure requested that the Board schedule a public hearing for August. Chairman Michelman thought that they needed to hear from the ARB and the ZBA first. They also might want to have a joint session before the public hearing. Although it is a possibility they could still get on the August agenda, it could not be scheduled now.

DUSANSKY
Special Use Permit
Section 2, Block 4, Lot 1- 14
2 Dellwood Farm Way
Frank Guiliano, RLA, ASLA
Discussion

Mr. Guiliano was present for the application He asked if the Board had received copies of the plans and elevations he submitted. The Board said they did not, and Mr. Guiliano distributed them. He explained that they were seeking approval for the cabana.

He said that he reviewed the memos from Mr. Coyne and Mr. Kaufman, and didn't see any issues. The applicant's engineer is working on addressing Mr. Coyne's comments.

Mr. Guiliano explained that they were proposing to take down the illegal fence on the conservation area, reinstall the pool fence around the pool and to move the clearing and grading limit line (indicated).

Due to the grade of the cabana being so low, the architect took into consideration the rooflines. It has been broken up into two structures with a breezeway in between. Mr. Guiliano noted that the architect specializes in pool houses and cabanas.

Mr. Guiliano explained that the applicant was also proposing a stonewall and wood fence in the front area where the chain link fence is currently. They will have 10' arborvitae to provide screening.

Chairman Michelman asked if the arborvitae were in lieu of the original plan that was never implemented and Mr. Guiliano said that it was. The prior plan was a mix of evergreen and deciduous, but this will match exactly what is on the other side. Ms. Black noted that the screening was the same, but more formal less natural. Mr. Guiliano agreed and pointed out that the house itself is very formal.

Chairman Michelman said that initially, the issue was the size of the pool house, but this is well designed. She thought it was a good idea to split it up, and to situate it near the hillside. She did not think it would have much impact. Ms. Black agreed and felt that the two structures break up the mass.

Chairman Michelman pointed out that the applicant still had to go to the ARB. Mr. Guiliano recognized that, but said he just wanted to get this Board's input first. Chairman Michelman said that the Board couldn't schedule the public hearing until they hear from the ARB. The applicant was advised to contact the office to see about scheduling the public hearing after the ARB meeting.

There were no other issues.

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

Mr. Dan Hollis was present on behalf of the applicant together with Michael Piccirillo and Steve Lopez. Mr. Hollis explained that they had received the memos from Mr. Coyne and Mr. Kaufman. He asked if the Board had started lead agency process and Mr. Kaufman said they had not. Mr. Kaufman said that there were several variances required, so it might be easier to do uncoordinated review and let each Board make their own SEQRA determination. Mr. Hollis said that they would not be able to get an approval from the ZBA until lead agency was determined. Mr. Kaufman said that was correct, but the ZBA did not like to hear an application

without SEQRA being completed. Mr. Baroni pointed out that the ZBA would also rather this Board do SEQRA. Mr. Kaufman said that the ZBA could not have it both ways. However, in this case, he'd recommend that that the applicant not even go before the ZBA until SEQRA was completed here.

Mr. Hollis said that they would probably go to the ZBA in September, so if they came to this board on August 2nd, then they could go to the ZBA either three days after that or a month after that. He requested that the Planning Board consider referring this to the ZBA with a comment that there wouldn't be any harm to the character of the neighborhood.

Chairman Michelman noted that parking will be a major issue of concern. Mr. Hollis said that they would continue to work on that issue. He noted that it was dependant on the function of the site. Chairman Michelman said that the Board was told that there would be five employees, and occasionally six, but there were only six spaces. She questioned where the tenants would park when they had their appointments. Mr. Hollis said that wouldn't happen very often. Chairman Michelman said that may be true, but this still had to be dealt with. The applicant had to look into this issue. Mr. Hollis said that they would. He added that they have been considering stacking the employee parking.

Ms. Black moved to declare intent to be lead agency. The motion was seconded by Ms. Tatka and unanimously approved by all those present.

Mr. Kaufman said that if the applicant or the Board had anything they wanted to discuss, it should be done at this meeting.

Mr. Lopez talked about Mr. Kaufman's comment about taking up pavement and said he was concerned about the circulation in the lots. Mr. Kaufman said that they talked about putting flower window boxes in the front and he thought that would be a great resolution to the vegetation issue.

Mr. Lopez said that after meeting with the ARB, they added flower boxes, changed the lighting and mounted spotlights on inside of the columns. They will be luminaries, which would not be seen from the street (indicated the locations). There will be two-tiered planters, instead of shrubs.

Mr. Lopez was concerned about turning movements if they wanted anything in the parking lot. Mr. Kaufman said that would not be required.

Mr. Piccirillo noted that the loading area was next to one of the existing bays. After speaking with the client, there will be no real deliveries to the buildings with any large trucks or vehicles. The drivers would pick up any materials that are needed, so there wouldn't be a need for a loading area per se. No trucks will be unloaded there.

They will have an automatic gate with an electronic door opener. As far as parking and the number of employees and tenants, the tenants come once a week, one at a time on a regularly scheduled basis. The owner is fully aware of the constraints of the site. He recognized that the handicapped space would have to be tenant parking. He reminded the Board that there is an interior space, even if it did not count toward parking. They are also willing to stack employee

parking. He noted that Mr. Kaufman has tried to work with the applicant to find alternate parking, but there is no room. The only other place to put a car is to have parking in the front and the applicant would prefer not to do that. They'd prefer to make the streetscape more attractive.

Mr. Kaufman said that despite all of that, there was no reason not to refer the applicant to the ZBA. They Board could still refer them, and save them a trip back here, even though it couldn't be heard until SEQRA is complete

Chairman Michelman thought this was very adaptable and acceptable to the current applicant, but it may not be a long-term solution for what should be done on this site. The Board is creating a situation with the variances that may be a problem in the future. Mr. Kaufman said that was exactly what the ZBA would have to consider.

Mr. Hollis said that the applicant was aware of and understood the risks. He pointed out that any change of use that occurs on this property would have to meet the requirements of the statute.

Ms. Black moved to refer the applicant to the ZBA. The motion was seconded by Mr. Sauro and unanimously approved.

Mr. Hollis added that, with respect to the encroachment, they would have to work with Mr. Baroni on that issue.

**23 MILLER CIRCLE – BLASI
Amended Site Plan
Section 2, Block 11, Lot 8-25
23 Miller Circle
Kevin Kelly, AIA
Discussion**

Mr. Kevin Kelly was present on behalf of the applicant. He explained that at the last meeting, they reviewed the existing deck, which was built without any permits. The Board walked the site and the consultants suggested additional landscaping. The applicant supplied the Board with a modified site plan showing evergreens on either side to screen the deck. Additionally, Mr. Kaufman suggested that they go to the HOA and get a letter from them ensuring that they were ok with this deck. That letter has been submitted.

Chairman Michelman asked if Mr. Kelly had seen the resolution. Mr. Kelly said that he had not. The board gave him an opportunity to do so.

Mr. Kaufman noted that the Board wanted to add a "whereas clause" that said that the Board was not approving the construction of the deck, and that the Building Department would still have to approve the plans. Mr. Kelly said that was acceptable.

Ms. Black asked where the additional landscaping and screening was shown and Mr. Kelly said that it was on the site plan.

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

Tatka and unanimously approved by all those present.

ZENG

Site Plan

Section 2, Block 17, Lot 2G-1

46 N. Greenwich Road

Walter Nestler, Landscape Architect, ASLA

Discussion

Mr. John Wicker and Mr. Walter Nestler were present on behalf of the applicant.

Mr. Wicker explained that this was 3.8-acre parcel with a pond on site. The applicant is proposing a single-family home, part of which will be in the wetland buffer. The house is sited as best it could be given the limits of the wetland. They are proposing a 31' wide x 100' long house. They will have one central curb cut with a central drive. As proposed, it is 4,800 sq. ft., five-bedroom house, with approved septic. With the garage, they are at approximately 5,700 sq. ft.

Chairman Michelman noted that there may not have been a consolidation here. It seems that the Board was looking at a set of plans designed by the architect, but the Conservation Board was looking at another plan designed by someone else. This is disturbing and not efficient. The disconnect is disturbing. Mr. Zeng said that there was never a second set of plans. Chairman Michelman said that was not the information she had. The landscape architect had one set of plans, which is what the ARB and Conservation Board reviewed, and this Board reviewed another set. Mr. Zeng said that the only difference was where the rain garden was going to be. They didn't intend to deceive. Chairman Michelman said that the Board was not suggesting the applicant intended to deceive them.

Mr. Kaufman said that the Board needed to find out which plans the Conservation Board reviewed. The Conservation Board representative said that they didn't have any information regarding a patio. Mr. Wicker said that it was on some of the plans. Mr. Kaufman recognized that it was on some of the plans, but it was not on all of them. The site plan does not have it, nor does the drainage plan, and those two plans should not be different. Mr. Wicker claimed it was not unclear; the applicant will be putting a patio there. Mr. Kaufman recognized that was what the applicant was proposing, but noted that was not the point. The issue was that the plans were not consistent. Mr. Kaufman added that this was not the most important issue.

Mr. Nestler noted that he had showed the Board a set of plans, which have the areas and impervious surfaces. Mr. Wicker's plans have been updated. The biggest area that seems to be of confusion is how they will be handling the storm water.

Chairman Michelman noted that the Conservation Board had some recommendations, including the applicant trying to reduce the size of the house so there wouldn't be so much disturbance. She noted that had also been one of Mr. Kaufman's continuing comments. The Board recognized that the applicant was limited by the topography, but they had to consider these comments. She noted that it was positive that the septic would be outside the buffer.

Mr. Wicker stated that it was difficult on a 3.8-acre site to build such a small house. Chairman

Michelman said that there were some major constraints on this site that indicate that the structure should be smaller.

Mr. Wicker noted that they were 72' from the road. They are concerned with bringing the house too close and staying away from the septic system. It becomes hard to build a smaller house that is sellable and comparable to the neighbors. They did the best they could do on this property. They are hoping to stay at this size, and not to have to make it any smaller. There are mitigation plans for all the displaced area, and they will work in any way possible with the site of the house, but the applicant really does not want to reduce the size.

Mr. Zeng said that he had six people that lived in my house; if he made the house any smaller, he would have no reason to move here. Chairman Michelman said the size of the house was a concern of this Board and the Conservation Board. Mr. Zeng noted that the Town Board Liaison to the Conservation Board bid on this property and did not get it. He thought that might work against him. The Board disagreed.

Chairman Michelman noted that the applicant talked about clearing out the invasive species, but the Board didn't know what was in there, what would be coming out, or what would be going back in. Mr. Nestler said that they planned to remove all the invasive species in the wetland and the buffer area on the west side of the pond. They were not counting the 1,600 sq. ft. rain garden and the storm water area. Mr. Nestler said they were probably mitigating 165%.

Mr. Nestler presented a plan to the Board, which explained his mitigation. Mr. Kaufman asked if the Conservation Board commented on this plan, and Mr. Nestler said that they had not yet. The Conservation Board representative said that their preliminary comments were that they didn't want this in the wetland area. Mr. Nestler said that it wasn't in the wetland, it was in the buffer. Mr. Coyne said that he needed to meet again with the applicant and Mr. Rucker to discuss the issues of the rain garden.

Mr. Kaufman noted that in the preliminary comments from the Conservation Board, they didn't receive any feedback on the proposed mitigation plan. Mr. Coyne said that until the storm water system was designed, and the rain garden was sized, it was difficult to understand what the mitigation would be. Mr. Nestler said that they have one beyond what is required? The Board recognized this, but some issues still need to be worked out.

Mr. Kaufman said that the issue would be whether the Conservation Board wanted the applicant to go in to the wetland and remove the invasive species. The Conservation Board representative said that they wanted the applicant to indicate what clearing they will be doing. Mr. Nestler said that they would not be clearing out the natives, just the invasives, but this would be clarified.

Mr. Nestler said that they had no intention of going into, near or around that pond. However, the neighbors did ask, and were concerned about the inflow and outflow channels, which have been blocked. The applicant will clear that out to remove the blockage.

Mr. Coyne noted that the approved septic plan shows what is / was a pool house and a cistern tank to be removed, but the new plans don't. He did not know if the Health Department looked into this issue, but it needed to be resolved.

Mr. Coyne said that he needed to see the plan for the fill for the primary septic area and the tree removal. Mr. Nestler explained that the tree removal plan has been revised to show the trees we wish to keep.

Chairman Michelman said that the initial request is that the applicant's representatives meet with Mr. Coyne to clarify this issues. Mr. Wicker said that meeting has already been scheduled.

The Board felt that, given the size of the house, it would not look that massive from the street. They said that it was sited well. The issue is really the impact on the buffer.

The Board will await final comments from the Conservation Board.

OLIVE BRANCH PLAZA
Amended Site Plan
Section 2, Block 14, Lot 10
386 Main Street
Vincent Mastromarco, Sullivan Architecture
Discussion

Vincent Mastromarco and the applicant were present for the application. Mr. Kaufman explained that the applicant was seeking a change in the circulation of the parking lot. Chairman Michelman asked if the applicant had seen Mr. Kaufman's memo and Mr. Mastromarco said he had not. Ms. Desimone explained that it was posted on the web.

Mr. Mastromarco explained that there are currently 38 spaces, however the 1988 plan shows 42 spaces. Mr. Mastromarco I don't know how they got 42 spaces there.

Ms. Black asked what number of spaces were required and Mr. Kaufman said that he did not do the calculations; he assumed what was approved was what was required. What exists now is not in accord with what was previously approved. This Board can't approve fewer spaces than what was previously approved. The Board can ask the applicant to show a feasible plan that shows all the 42 spaces, and which ones will be landbanked.

Mr. Mastromarco explained that the flow is not changing, except for the one-way traffic. Mr. Kaufman said that he was not saying the applicant had to change the plan, just show the plan that was approved in 1988. Then the Planning Board could approve an alternate plan, showing that the spaces are landbanked. Mr. Kaufman reiterated that the Board could not approve fewer spaces than what was approved before.

Mr. Kaufman said that assume that 42 spaces were what were required when approved. If the math doesn't require 42 spaces, then the Board might be able to approve fewer spaces. Mr. Kaufman said that the applicant could do the calculations.

Chairman Michelman said that it sounded like Mr. Kaufman was asking the applicant to create a plan that is not functional. Mr. Kaufman said that he was not; it is a functional plan, with some modifications. Multiple discussions were had at this time.

Ms. Black asked if Mr. Kaufman was suggesting that the applicant find four additional spaces that they can landbank, or simply resubmit the 1988 plan as the landbank plan. Mr. Kaufman said the applicant could do either.

Mr. Kaufman thought that it was necessary to do an accurate calculation to find out what was required. Mr. Baroni didn't think the Board should rely on something that is 25 years old. Mr. Kaufman said the uses haven't changed on the site. Mr. Baroni thought that the applicant needed to find out what is required and what he can build, and the difference would become a landbanked area.

Mr. Fareri, a resident in the audience, asked if the second floor had been used as a restaurant, and Mr. Mastromarco said that it was. Mr. Fareri suggested making a condition that the applicant can't use the second floor until they have a plan that shows 42 spaces or landbanks the difference. The Board said that was not the issue. They were trying to figure out a way to legally resolve this issue.

Mr. Mastromarco said he'd rather show the four extra spaces. Discussions were had regarding the best way to accomplish the legalization. The applicant will have to come back for the public hearing and amended site plan approval. The Board indicated that they would not have a problem with accepting the site as is.

DAVIS
Special Use Permit
Section 2, Block 2, Lot 3-28
19 Wampus Lakes Drive
Andrzej Marian Golka, AMG Architecture & Design
Discussion

Ms. Tatka recused herself from this application. Mr. Andrzej Marian Golka was present for the application.

Chairman Michelman said that the biggest issue was the ownership of the property. The Board understood that it was owned by a trust. They need some letter from the assessor indicating that. Ms. Davis is the trustee of the trust. Mr. Kaufman said that the records of the town originally showed the incorrect owner of the property. The assessor's office acknowledged the error and made the correction. Mr. Baroni said that since that was on the record, nothing else was needed.

The Board said that there were no other issues. The next step was to schedule a public hearing and a resolution for the same night.

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

Mr. Michael Fareri was present on behalf of his application. He explained that he was requesting an amended site plan approval. He submitted an exhibit, which was made part of the record.

Chairman Michelman said that the Board was aware of the history of the site and therefore no presentation was required in that regard. Mr. Fareri explained that the building, as approved was 3,927 sq ft. and required 15.7 parking spaces. Additionally, they had a one-bedroom apartment, so the total required parking was 17 spaces and that is what they provided. Mr. Fareri explained that they recently found a tenant for the building. The 3,927 sq. ft. consisted of two floors and a basement. The basement had 584.9 sq. ft. of office space and 643 sq. ft. of mechanical space. There was 1,622 sq. ft. of office space on first and second floors and 72 sq. ft. of office space in attic. There was also a porch and an apartment and garage. Because they rented the building, the basement area became storage space and the tenant was not using it as office. They feel that we shouldn't have to use the covered porch in the FAR calculations.

Mr. Kaufman noted that in the code, it talks about what should be counted toward gross floor area. If the applicant can demonstrate that a space is not capable of being enclosed, it wouldn't count. Mr. Fareri said that the porch is really just a handicapped ramp. It is 97 sq. ft. and if it was enclosed, it wouldn't be handicapped accessible.

Mr. Kaufman said that it was sufficient for the applicant to make that representation on the record. Mr. Baroni said that it should also be made a condition of approval.

Mr. Fareri said that they would need 15 spaces under the revised calculations, and he had provided 16. They changed the garage area to living space, and created a planting area in the front. Mr. Kaufman and Mr. Coyne didn't think 16 spaces were required, so he eliminated it from the plan. The plan conforms to the code. Mr. Fareri said that, aesthetically, there were no changes, except for the garage and relocating the front door.

Unfortunately, since this is in the historic district, Mr. Fareri said he would have to go back to the LPC. He was able to get on to the June 15th LPC agenda, but was unable to attend the meeting. He has been rescheduled for the July 15^h meeting. He has to get a letter of appropriateness. He also thought that he would need to go back to the ARB. He is proceeding as if he had an approval. He noted that he does have a building permit.

Mr. Fareri said that he made one other change. He changed the roofline by adding two dormers to add more light. He thought that it would make it much more attractive.

Mr. Fareri said that he did not see him receiving approval much before October. He might be

able to get to the ARB on July 7th, then the LPC on the 15th and back to this Board for the August meeting. He requested that the Board schedule the public hearing. Mr. Kaufman said that the Board could do this, and if there were no decisions, the Board could open and continue the public hearing.

Chairman Michelman asked if there were any other thoughts of adding a garage on this property. Mr. Fareri said that he'd like to be able to do it, and it would make it much more marketable. He noted that in the code, the garage space is not counted toward the FAR. He said that he may in the future; put a garage in a particular area (indicated). Chairman Michelman suggested he consider doing that now. Mr. Fareri said that he might have problem with the setback. Mr. Kaufman said that he might also be getting close to the maximum building coverage. Mr. Fareri said that he was not; he's at 20% and the maximum is 30%. Mr. Fareri recognized that he might have to come back through the process for a fourth time, but the tenant wants to move in as soon as possible and he did not want the construction to take place once the tenant moved in.

Chairman Michelman noted that the year on Mr. Coyne's memo was incorrect. Mr. Coyne made a note of it.

LINE DRIVE

Site Plan

130 Business Park Drive

Section 2, Block 16, Lot 18A

Drew Marino, Owner Line Drive

Discussion

Mr. Drew Marino was present for his application. He explained that he was proposing a baseball / softball training center on Business Park Drive. The Board had a site walk. It is currently a wide-open warehouse. He plans to install turf inside with a small reception area in the front (indicated on plan). They will have men's and women's room, and a party room. The facility will be open to all people ages 8 and up. It could be used as a multiplex to have other sports like soccer, because the ceiling height allows for that.

There were no issues from the Board. The members thought it was a good idea. The next step was to schedule a public hearing.

The Board said that they would be willing to try and make the Friday deadline for the newspaper so that he applicant could be on the July agenda.

Ms. Lois Wilhelmsen, architect, said she'd be able to respond to Mr. Kaufman's comments. She corrected the parking count and made a note of it on the plans. They have 152 existing spaces, and they have landbanked 38, for a number of 190. They now have a surplus of two extra spots. She noted that the parking is currently extremely underutilized. There are no problems with parking on the site. She didn't believe there would be any impact on traffic. This business would have a constant low flow of people, not a surge of customers.

In terms of plumbing, there are two showers shown. Ms. Wilhelmsen doubted anyone would

ever use the showers, but she'd show the water saving devices.

Ms. Wilhelmsen added that the sign is now shown within the property line and that everything has been updated on the site plan.

The Board advised the applicant should resubmit the updated plans the next morning.

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 he was seeking a one-year extension of approval, which was set to expire on July 13th. There were no changes in terms of the plan. They have seen the resolution and had no issues.

Chairman Michelman pointed out that the applicant was here a year ago for the phasing approval. The resolutions indicate that the applicant was ready to proceed with the underground and the infrastructure, but that has not happened. Mr. Miller said the economy has prevented them from moving forward. At that time, they talked about the intent to complete the infrastructure first and asked for authority to go with "A" and "B" buildings first or "C" and "D" buildings first. The decision was that when the tenant had enough tenants then they would come back here for the subsequent approvals. That hasn't changed. The market does not justify the expense at this point. The applicant still intends to do the infrastructure first, but not yet. They need to get the extension so that the approval doesn't expire and then they'd have to go back to square one. He also noted that there could be indemnity issues.

Chairman Michelman asked about the fence on Main Street and the requests that it be moved. Mr. Miller said that they would be happy to work with the town on this issue. He was advised that there are two test wells behind that fence and that a neighbor plans to do work on his property. So, they would have to make sure the fence relocation would not impact those things.

Mr. Baroni asked if Mr. Miller would be comfortable with adding that as a condition to this resolution. Mr. Miller did not think that would be appropriate. He said that the Board had the applicant's word to work with the Town. They understand the town wanted it done sooner rather than later, but it is important to get the extension and then continue the dialogue.

Mr. Baroni said that the problem is that the dialogue has been going on for a year. Ms. Black asked the distance the Town Board was asking for. Mr. Kaufman said that he was not sure, but they would work within the parameters.

Mr. Miller said that if the Board insisted on that condition, he'd request that they put the vote off until the next meeting. They could have a discussion in the interim.

The Board agreed, and the applicant would be at the July 12th meeting.

MBIA

Site Plan

Section 3, Block 4, Lots 3, 3A, 3A1, 3B, 3C, 3D, 3F, 3G, 3G1, 3H, 3-1, 3-3, 3-6, 3-7, 3-8, 3-9

King Street, Cooney Hill, Weber Place

Mark Miller, Esq. – Veneziano & Associates

Consideration of extension of time site plan amendment resolution

Mr. Mark Miller was present for the application. He explained that they were seeking an extension of time. In 2004, when they received the original special use permit and site plan approval, the Town Board granted the applicant a 10 year period of time on the special use permit. The applicant sought a similar time period from this Board, but it was not permissible under the code. They have since obtained an amendment to the code, so now the Planning Board has the authority to extend that period of time as long as the period of time for the special use permit.

Mr. Miller explained that the applicant has obtained an additional five-year extension on the [*inaudible*], and they were seeking an extension of time to be coterminous – until March 24, 2014.

Mr. Kaufman pointed out that in the resolution, they propose extending the approval until 2013. He thought it better to have this Board approve that period of time. They did not know exactly what was going to happen in this corridor. He thought the Board should revisit the issue some time sooner than the 2014.

Mr. Miller requested the additional year to save everyone time and effort. The traffic issues were examined by the DOT itself. The applicant believes this has been fully dealt with and there is no real basis to shorten the time frame. He noted that they would still have the special use permit. It would not make sense to shorten the period by a year; it would create additional work for the town and expense for the applicant.

Mr. Baroni agreed with Mr. Kaufman. He thought that the changing economic structure of corporate campuses would be all the more reason to want to see it sooner rather than later, if for no other reason than to see what is going on there. He noted that a major portion of the site is currently being marketed.

The Board decided they were comfortable with the extension until 2013.

Mr. Miller said that that MBIA, Inc. is the parent company. The property was transferred from one subsidiary of MBIA, Inc. to another subsidiary of MBIA, Inc. They are all related entities of the same parent company. Mr. Kaufman made the correction in the resolution. Mr. Miller will follow up on the exact language with Mr. Kaufman.

Ms. Black moved to approve the resolution as amended. The motion was seconded by Ms. Tatka and unanimously approved by all those present.

The meeting was adjourned at 9:41 p.m.
