

TOWN OF NORTH CASTLE

PLANNING BOARD MEETING

15 Bedford Road

Armonk, New York 10504

May 24, 2010

7:00 p.m.

PLANNING BOARD MEMBERS PRESENT:

Peg Michelman, Chairman

John Delano

Steve Sauro

Jane Black

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 7:00 p.m.

Chairman Michelman noted that the Zeng application had been withdrawn from the agenda.

APPROVAL OF MINUTES:

April 26, 2010

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

May 10, 2010

Mr. Delano moved to approve the minutes from the May 10th meeting as amended. The motion was seconded by Mr. Sauro and approved by all except for Ms. Black, who abstained.

PUBLIC HEARING:

COOPER

Special Use Permit

4 Terrace Circle

Section 2, Bloc, 3, Lot 2-10

Boris Pogacnick – Pogacnick Architects, LLC

Discussion

Consideration of approving special use permit resolution

Chairman Michelman noted this was a continued public hearing. Mr. Boris Pogacnick was present on behalf of the applicant. Mr. Pogacnick said that he prepared a revised plan in response to the Board's previous comments. Chairman Michelman noted the professionals haven't seen it. Mr. Kaufman explained that it was a condition of approval in the resolution.

Chairman Michelman said that there might still be issues with the plan. She asked if Mr. Coyne thought they should wait for another comment from the wetlands consultant. Mr. Coyne and Mr. Kaufman said that it was not necessary. Mr. Coyne said that he met with the applicant last week and resolved his issues. Mr. Kaufman said that he had no significant issues; there were only a few other details, that can be addressed.

Mr. Delano doubted that the wall height requirement would still be an issue. He noted that on page 6 (item 3) the basketball court is now an underground bunker, and he didn't have time to do research on the building code, but thought that if you go into a 16' deep bunker, with one way in and one way out, and no windows, it was unsafe. He was concerned with whether this was a legitimate structure under the NYS Building Code. Mr. Pogacnick said that it would have to have another exit. Mr. Delano said that the second exit was not shown anywhere. Mr. Pogacnick recognized that. Mr. Delano said that would add to the land coverage.

Mr. Kaufman said that if there was going to be additional land coverage due to the staircase the applicant would have to decrease the land coverage somewhere else or add the additional square footage and amend the resolution. Mr. Pogacnick said that it was approximately 30-40 sq. ft. extra.

Chairman Michelman said that the Board was not comfortable with approving resolutions that are not complete. The applicant is telling the Board that this is de minimus additional land coverage, but this is not an efficient way to do this.

Ms. Black asked if they could just change the resolution to increase the total land coverage by 40 sq. ft. Mr. Kaufman said that they could do that if that was what the Board wanted. Mr. Delano said that if they were going to adjust the numbers, they should add a condition that

requires a new plan showing adequate egress from that underground area. The Board agreed. Mr. Kaufman made the required corrections and additions. He pointed out that in the future it should be noted that applicants should bring in plans that were compliant with the NYS Building Code.

Mr. Sauro noted that this was essentially an underground playground. He asked if sprinklers are required for this and Mr. Pogacnick said he did not think so.

Mr. Delano thought that an additional 40 sq. ft. would not be sufficient; he thought that they would need more. Mr. Pogacnick said that if the Board gave him an additional 40 sq. ft. he would reduce the size of the structure. Mr. Kaufman said that it was just a number and they should just give an additional 100 sq. ft. The Board and Mr. Pogacnick agreed.

Chairman Michelman asked if Mr. Pogacnick had any issues with the resolution and he said he did not.

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

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

DISCUSSION

COCKREN MIDDLE INCOME HOUSES

Site Plan

Section 2, Block 15, Lot 1

22 Old Route 22

Nathaniel J. Holt, P.E. – Holt Engineering and Consulting

Discussion

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

Mr. McClure explained that they were present to continue discussions on the Middle Income Units ("MIU's") for the Cockren property in order to fulfill the requirement for the MIU's under the Cider Mill resolution.

Mr. McClure said that they recognized that they would have to go to the ZBA, and would like to obtain a referral to that Board at this meeting for the garages and carports. He read the comments from the Housing Board, they are advocating for their potential residents. They will be able to accommodate most of what the Housing Board is asking for, but when Crabapple purchased the property from Antares, the original resolution accounted for 10 units on the site. This proposal is for those 10 units.

Chairman Michelman believed that there should be further discussions on the comments from the County. Mr. McClure agreed. Mr. Delano asked if the applicant considered keeping the buildings themselves about the same size, and having 8 more spacious units instead of 10 units. He thought that then they'd be able to have garages, eliminate a parking lot, and do underground storm water in the middle parking lot and also have a recreation area.

Mr. Monteleone explained that the plans were originally for three 1-bedroom units, two 2-bedroom units and three studio units. The Housing Board told the applicant that they had no use for studios or one-bedrooms. Then the plan was to do two 1,000 sq. ft. units, and the rest market rate. The Housing Board then wanted to do all two-bedrooms. The Housing Board agreed to having two-bedroom units, and now they are saying they want three bedroom units. Mr. Monteleone said that they keep changing their mind on what they want. Mr. Delano said he didn't realize the history of the Housing Board's comments.

Ms. Black asked if they could go through the Housing Board's comments one by one. Mr. McClure said that with respect to the width, this is standard, and it is how they are manufactured. Mr. Kaufman asked about the Housing Board's comment about thinking the bedrooms were too small and the possibility of putting in cathedral ceilings with skylights. Mr. Monteleone said that might technically be a possibility but the maintenance of skylights becomes a problem. Another problem is that adding skylights to these 1,000 sq. ft. Middle Income Units would significantly increase the cost of the units. Chairman Michelman noted that the rationale behind that comment was to bring in more light. Mr. Monteleone said that light would not be an issue; the windows are 40 x 14 and there is a big window in the back. They meet code and they are staggered by 2 or 3 feet.

Chairman Michelman said the Board wanted more information on the air conditioning and Mr. Monteleone said that there would be heating and central air conditioning.

Ms. Black noted that the Housing Board made a comment about the bedrooms being small and wanted to know how big the rooms were. Mr. Delano read the sizes of the bedrooms, and the Board members all agreed that the rooms were an adequate size.

Ms. Black asked about partially finishing the basement space. Mr. Monteleone explained that there would be a laundry room downstairs, and that was where the larger units would have the extra bedroom. Mr. McClure said that they add approximately 500 sq. ft. and they would have adequate light and air for the bedroom. Chairman Michelman asked if each unit would have its own meter and Mr. McClure said that they would.

Ms. Black asked about adding a small foyer and coat closet. Mr. Monteleone said that they were going to take the laundry room out from the first floor, so they should be able to get a coat closet there.

Mr. McClure said that the applicant has agreed to fencing between the patios. If there is single entry to the units it will not be conducive for the restaurant people to come in. Chairman Michelman thought that could be dealt with the signage.

The Board asked about pets in the units. Mr. McClure said that there would probably be an HOA

for this property and they would deal with this. Chairman Michelman said that this issue was not within this Board's control or purview.

Mr. McClure noted that they still have to go to the ARB, and they were on the ZBA's next meeting agenda. Chairman Michelman asked if nothing would be started until each one has been accounted for and Mr. McClure said that there is a caveat in the regulations that say they can't advertise until the units are up. Mr. Kaufman said that there are regulations as to when the town can advertise, and that is when the units are up, but that doesn't stop the applicant from advertising.

Mr. Holt addressed the engineering comments. He explained that they always had sidewalks on the plans and they brought the north building down and forward a little, so the sidewalks now run right along the property line in the right way and would be able to tie into the Beehive restaurant if they install sidewalks there.

With respect to garages, Mr. Holt explained that they tried to include garages in one of the first drafts of the plans, and they did not work. It made the buildings increase to three stories, and there were too many curb cuts. It was not a good plan, so they agreed to seek a variance.

Mr. Holt stated that they have depicted a potential recreation area, which they knew did not comply with the code. They thought that they could provide approximately 12% and make it like a park-like area, and meet the intent. They will decide whether they are going to seek a variance or pay the recreation fee.

Mr. Holt noted that most of Mr. Coyne's comments concerned the storm water, and he was just holding off on completing the storm water plan until they knew what the site plan would look like. They have done the testing, so Mr. Holt knows they have the depth and soils. Once the variances are worked out, they can move ahead with the storm water plan.

Mr. Holt explained that they would adjust parking spaces to 20' for the handicapped. They are reaching out to the trash collector on the issues of containers and recyclables.

Mr. Holt said that he met with the Water & Sewer Department regarding the sewer connections and they do not want the applicant to cut ten new connections into the existing main, and would prefer that the applicant build a new one in order to protect the integrity of the main. In response to Mr. Coyne's comment about making new connections in lieu of a new main, Mr. Holt said that he anticipated the Water & Sewer Department would want based upon his prior experience with that Department. Mr. Holt said that the applicant agrees with the Water & Sewer Department about building a new main, and they would prefer to do it that way as well. Mr. Delano said that since they were going to build a new sewer main, it would have to go to the County Health Department. Mr. Holt recognized that.

The Board asked if the applicant would have a landscaping plan by the next submission and Mr. Holt said that they would.

Chairman Michelman asked if there were any other issues. Mr. Coyne said that his comments were details and utility driven and they were not at that point yet.

Mr. Kaufman said that they have discussed some of his issues and he felt that this plan was heading in the right direction. The next step is to send them to ZBA. He said that this Board should consider whether they want to include a recommendation regarding the garages. Chairman Michelman thought that the plans spoke for themselves. Mr. Delano said that they would end up with a better looking proposal without the garages. Mr. Kaufman asked if the Board wanted him to point out that there are aesthetic improvements and traffic circulation with a comment regarding adequate parking. The Board agreed, and said he should also include a comment about having significantly fewer curb cuts. They advised him to list as many positives as he could think of as to why the Planning Board supported not having garages.

Mr. Baroni pointed out that the Planning Board must conclude SEQRA before the ZBA would be able to act on the variance. Mr. Kaufman said that they could not assume the role of lead agency that night, because it had not been 30 days from when they declared intent. Mr. Baroni said that the applicant would be able to go to the ZBA, but they would not be able to make a decision that night. Mr. Baroni said that the Board might want to include in the referral letter as to why this is going to the ZBA before the SEQRA process was completed.

Mr. McClure asked if it would be premature to consider trying to schedule a public hearing here in a month. Mr. Baroni said that it was probably premature since the Board is going to want to have the decision on the variances, and Mr. Holt will have to prepare additional plans.

Mr. Delano asked if they could come back for the second meeting in June. Then they could discuss how they made out with the ZBA, and hopefully they will have enough information to conclude the SEQRA process.

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

RMF-SS Consideration of adopting a Negative Declaration

Mr. Kaufman said that this was the next step in the creation of the zoning district that they are contemplating applying to the lumberyard site. The Planning Board made a positive recommendation to the Town Board. The Planning Board needs to conclude SEQRA. He prepared a negative declaration for the Board's consideration. He also included a draft local law and resolution.

Mr. Delano asked if this all lined up with the plan for the six MIU's and Mr. Kaufman said that it did and that was reflected in the resolution. It is part of the text in that district as well. Mr. Delano noted that the FAR changed a little bit, and he just wanted to make sure it added up to six units. Mr. Delano asked about the setbacks and the garages. Mr. Kaufman said he would make sure the Town Board considered those issues.

Mr. Delano moved to adopt the negative declaration as written. The motion was seconded by Ms. Black and unanimously approved.

**700 NORTH BROADWAY
Site Plan
Section 7, Block 4, Lot1A
700 North Broadway
James Fleming, RA, AIA
Discussion**

Mr. Jim Fleming was present for the application, together with the applicants. Mr. Fleming explained that they went to the ZBA, and after discussions, the ZBA stated that they would like an affirmation of the number of parking spaces the applicant was asking for. He explained that they need 90 spaces, and they have 75 on the site. Five of those spaces are in the front of the building. It could be as many as 9 if they really wanted to squeeze them in. He thought that the ZBA just wanted a confirmation that the 75 spaces, including the 5 up front (and not 74, with 4 up front) was acceptable to this Board.

Chairman Michelman said she was not sure whether this Board ever came to the conclusion that it would be 4 or 5 up front. Mr. Kaufman thought that the Board had said that it was acceptable. Mr. Fleming presented a 3D rendering of the parking area in the front. This showed 4 regular spaces with 1 handicapped space. Mr. Delano asked the location of the handicapped access aisle and Mr. Fleming indicated. Ms. Tatka asked if there was enough room for backing up and Mr. Fleming said there was. He noted that no one could really back out onto Route 22. Mr. Kaufman stated that there is a very large area that would permit them to back out of the space, and maneuver so that they can pull out.

Mr. Delano asked if this would be going to the DOT, and Mr. Kaufman thought that it should. Mr. Coyne thought that this would require a DOT permit.

Mr. Fleming said that the applicant was asking for a confirmation that this Board is comfortable with five spaces instead of four in the front. The Board said that they were comfortable with five spaces in the front as shown by the applicant. Mr. Kaufman said he would send a letter.

**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 they conducted a site walk. The plans show a 318 sq. ft. deck on the site that was constructed without a permit. He said that the applicant never got a stop work order from the town, just a notice from the association saying that he needed a permit. He said he met with Mr. Kaufman to try and figure out a way to rectify it.

Chairman Michelman asked where the applicant stood with the HOA and the applicant said that he was told to come to this Board and get a permit first. They don't see an issue with the neighbors.

Chairman Michelman said that the Planning Board had to look at the dimensions, the size and whether the deck is appropriate. The role of the Planning Board is whether this deck is appropriate in this community. She noted that it barely meets the setback requirements. If the size is determined to be appropriate, then the Board would need to consider what other additional screening would be required. She noted that the Board was troubled when they were at the site.

Ms. Tatka asked if the association had any restrictions on the size of the decks. Mr. Kelly said that this was a planned unit development and it was decided early on in the process what size they were going to build, and whenever there was a deviation, they had a process that they needed to go through, which was a step below the building permit process.

Chairman Michelman noted that the 318' goes within a hair of the setbacks. This is much larger than anything they've seen in the neighborhood. Mr. Kelly said that the applicant tried to use the exiting width, and then used the lengths lumber comes in, that is how they came up with this size.

Chairman Michelman asked how the applicant would determine the size for the deck extension if they were starting from scratch. She wanted to know what kind of plan the applicant would come up with if they didn't take into consideration the lengths that lumber comes in, and only the community. She said that she found this to be a very large deck, which she felt is inconsistent with the character of the neighborhood and the neighbors who are very close by. This could change the aesthetics of the neighborhood.

Mr. Baroni asked if the applicant said that the HOA had an opinion on this issue. Mr. Kelly said again that they haven't taken the position that their prior approval is required. He did not know if the HOA has that power. Mr. Baroni said that the Board should ask for a letter from the HOA indicating that they are ok with this. The Board agreed.

Ms. Black pointed out that because of the height above the ground it makes it much more visible. She said that this deck is very, very visible. Mr. Kelly said that by stepping it down approximately 10" does help a little.

The Board agreed to request feedback from the HOA. They also said that the applicant might have to consider reducing the size of the structure. Mr. Kaufman said that it makes sense to do it this way, because both the Planning Board and the HOA essentially have veto power. The Planning Board's approval is worthless without the HOA approval and vice versa.

SULLIVAN

Final Subdivision

24 Glendale Avenue

Section 2 Block 13, Lot 17-18

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

Consideration of approving extension of time final subdivision resolution

Chairman Michelman explained that the applicant was seeking an extension of time. She noted that the applicant had yet torn down the existing building, which was a condition of the approval. Mr. Kaufman explained that there are only a limited number of 90-day extensions the Board can grant. This is the first and the applicant is entitled to one more.

Mr. Delano moved to approve the time extension as requested the motion was seconded by Ms. Black and unanimously approved.

BARON
Amended Site Plan
49 Sarles Street
Section 2, Block 4, Lot 1-15
Frank Giuliano, Landscape Architect
Consideration of second extension of time site plan resolution

Chairman Michelman noted that the applicant was requesting a second extension due to the current economic conditions.

Ms. Black moved to approve the 3rd time extension as requested the motion was seconded by Mr. Delano and unanimously approved.

The meeting was adjourned at 8:09 p.m.
