

**TOWN OF NORTH CASTLE**

**PLANNING BOARD MEETING**

**15 Bedford Road**

**Armonk, New York 10504**

**May 10, 2010**

**7:00 p.m.**

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**PLANNING BOARD MEMBERS PRESENT:**

Peg Michelman, Chairman

John Delano

Steve Sauro

Beata Tatka

**PLANNING BOARD MEMBERS ABSENT:**

Jane Black

**ALSO PRESENT:**

Adam Kaufman

Town Planner

Roland A. Baroni, Jr., Esq. Town Counsel

Stephens, Baroni, Reilly & Lewis, LLP

John Kellard, P.E.

Kellard Sessions Consulting, P.C.

Consulting Town Engineers

Valerie Desimone

Planning Board Secretary

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

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**PUBLIC HEARING:**

**KOLTON**

**Special Use – Accessory Apartment**

**16 Windmill Road**

**Section 1, Block 4, Lot 10-38**

**Dennis Lowes – Ralph MacDonald Company**

**Discussion**

**Consideration of approving Special Use Permit Resolution**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 11 out of 11 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the meeting. Mrs. Amy Weinstein and Mr. Bret Miller of 18 Windmill Road were present, in support of the application.

Mr. Robert Kolton was present on his own behalf. Chairman Michelman asked if Mr. Kolton would give a brief presentation. He explained that he was seeking approval to have an 876 sq. ft. accessory apartment in his existing house. There will not be any exterior construction involved. Mr. Kolton said that he had done work on his house in the past, and has received building permits and C.O's for the work. He said that he lives alone in his home, and would like to use the accessory apartment for someone to move to Armonk who probably wouldn't be able to afford it otherwise.

Mr. Kaufman pointed out that this application meets the town code requirements, and that there were no issues.

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

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

Mr. Delano pointed out a typo in the resolution and Mr. Kaufman made a note of same.

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

Mr. Kolton asked, since there were no conditions in his resolution, if it was possible to use the plans that he had already submitted to the Board for his final submission. Mr. Kaufman said that would be acceptable. The Board returned their plans to Mr. Kolton.

**COOPER**  
**Special Use Permit**  
**4 Terrace Circle**  
**Section 2, Block 3, Lot 2 -10**  
**Boris Pogacnik, Pogacnik Architects, LLC**  
**Discussion**  
**Consideration of approving Special Use Permit Resolution**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 14 out of 16 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the meeting. There were none.

Mr. Boris Pogacnik was present on behalf of the applicant. He said that he had read the resolution and had no issues.

Chairman Michelman noted that there were still a lot of outstanding issues. The Board had not received a plan for the basketball court. Mr. Pogacnik said that he had a plan but Chairman Michelman explained that the town's professionals had to review it. Mr. Kaufman stated that the resolution of approval did not include a particular feature. Before the Board can approve a resolution, they needed to have those updated plans submitted.

Chairman Michelman added that there were a lot of issues that have not been addressed in writing. The Board would like to move this along, but they want to know that these issues have been addressed.

Mr. Kaufman outlined the issues that still needed to be addressed, noting that the resolution encompasses all the outstanding items from prior memos. He explained that the comprehensive site plan needed to be cleaned up. It is not very clear right now with respect to what is happening around the pool. Mr. Pogacnik said it will be exactly the same elevation. Mr. Kaufman said that made it clearer. Mr. Kaufman said that the issue with the phosphorus removal still has not been resolved. Mr. Kellard pointed out that Mr. Coyne had requested that the applicant's representative come into the office and discuss this. Mr. Pogacnik said that he only learned about this that day. Chairman Michelman corrected him and pointed out that this issue had been discussed at the last meeting. Mr. Pogacnik said he would meet with Mr. Coyne. Mr. Kaufman said that the maximum exterior wall height was a detail that needed to be added to the plan. Mr. Pogacnik said that they did not increase any heights. Mr. Kaufman said that it still needed to be added. Mr. Kaufman said that the remaining issue concerned the drywells. Mr. Kellard said that the drywells were shown but the roof leaders were not.

Mr. Pogacnik asked if he would have to resubmit eight sets of plans before the resolution. Mr. Kaufman said that if the Board is comfortable with keeping these as conditions and making a basement in the garage, the Board could vote on the resolution. Chairman Michelman said that

she would like to see a new set of plans with as many as these conditions addressed as possible. She did not like the idea of approving the resolution without the professionals having seen plans and some of these issues resolved. She asked how the rest of the Board felt about this. The Board agreed.

Mr. Sauro asked if the Board should be concerned about the water table issue with the basement and asked how far down the applicant planned to go. Mr. Pogacnik said they plan to go down about 15' but the water table was not an issue.

Mr. Kaufman asked how far along the applicant was in terms of revising the plans. Mr. Pogacnik said they were basically done. Mr. Kaufman suggested extending the submission deadline by a couple of days so that the applicant could be placed on the next agenda. The Board agreed.

Mr. Delano moved to adjourn the public hearing. The motion was seconded by Mr. Sauro and unanimously approved.

#### **DISCUSSION:**

**MITTMAN  
Special Use Permit  
643 Bedford Road  
Section 1, Block 4, Lot 1A-1  
Doug Wilke, Mitchell Wilk Architecture  
Discussion**

Ms. Linda Whitehead was present on behalf of the applicant. She explained that the applicant was seeking approval for a special permit for the gross lot coverage. The existing house is nonconforming in that it exceeds the basic allowable. The applicant is only adding approximately 800 sq. ft. to the existing land coverage in a pretty innocuous location. She added that even after the addition, they would still be approximately 1,000 sq. ft. below the maximum.

Ms. Whitehead explained that the one main issue concerned the improvements and tree removal on town property. She has discussed this with the town attorney, and the applicant will enter into licensing agreement with the town. Mr. Baroni added that the fence should be pulled back. Ms. Whitehead said that it was in the rock and it could not be moved back. Mr. Kaufman suggested that it be removed. The applicants said they would remove the fence.

Mr. Baroni gave a history of this property. At least two owners ago the house was in a dilapidated state, and someone bought it from the state, planning to restore it. It was that owner's landscaper that damaged the walls and cut the trees. That went to court and was resolved via restoration plan, but it was determined by Conservation Board that they put trees in

IBM park rather than restoring the trees on this property. The town thought that the better use of a restoration plan would be in a public park rather than this property. Ms. Whitehead pointed out that the public park was once a part of this property.

Chairman Michelman asked if this was ready for a public hearing. Mr. Baroni said that the Board did not have to wait for the agreement; if it was not ready, the Board could make it a condition of approval. Ms. Whitehead noted that Mr. Baroni had drafted the license agreement, and she didn't anticipate any problems.

The applicant's architect asked if they needed to do a stormwater retention plan for this and Mr. Kellard said that they did if they were increasing impervious surface. The architect said that they were only adding 800 sq. ft. Mr. Kellard said that they would still need to mitigate for the additional impervious surface. He added that the architect could call Mr. Coyne if he needed assistance. This can be made a condition of approval.

Mr. Kaufman said that they needed to show the erosion and sediment control areas. The architect said that was on the site plan already and Mr. Kaufman said that should be enough.

Mr. Kaufman added that they still needed to show the detail for the proposed terrace and zoning analysis tables. The architect said that would not be a problem.

Ms. Desimone noted that this could be on for a public hearing for the first meeting in June. Chairman Michelman said that a resolution could be prepared for the same night.

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

Mr. Michael Piccirillo was present on behalf of the applicant. Mr. Piccirillo explained that they have responded to some of the comments from the Planning Board from the last meeting. Chairman Michelman asked where these had been addressed.

Mr. Piccirillo said that he changed the parking and ingress and egress. There is very little pedestrian traffic in that area because there is no where for people to walk through.

Chairman Michelman said that they had a lengthy discussion at the last meeting, and although the Board is anxious to move this along, there are many issues. The Board needs to know exactly what variances the applicant will be looking for.

Mr. Kaufman went through the outstanding issues. He pointed out that the Board had been looking for a narrative from the applicant. Mr. Piccirillo said he had it with him. Mr. Kaufman told Mr. Piccirillo to submit it with his next submission. Mr. Piccirillo said that the basis of the narrative was that there are only six employees that will be at the building. It is a private commercial real estate office. There will be tenants coming in to pay rents on Wednesdays during scheduled appointments, one at a time. The maintenance people will come in early and leave for the day before the office workers will arrive. The office workers will work from 9-5. The property will be used to manage the applicant's properties throughout the county. That is why the parking isn't that big of an issue. They don't expect to have much office traffic.

Mr. Kaufman asked why the floor plans showed nine work stations if there were only going to be six employees. Mr. Piccirillo explained that those extra stations would be for the employees use when tenants came for the appointments, rather than having the tenants at the employees' private desks, where there is a lot of sensitive information.

Mr. Kaufman said that it was his suggestion that the whole building be labeled office, since the storage and maintenance areas are not permitted in that area. That way if this tenant moved out it would already be deemed office and the property wouldn't have to come back to the Planning Board. He said he knew that applicant had been concerned about doing that because the off street parking variance required would be greater, but Mr. Kaufman did not see that as an issue. Mr. Piccirillo said that the applicant is sure that they would come into this building and stay for a long time. The applicant feels very strongly about changing the use. Mr. Kaufman asked the town attorney if there was any issue with approving this as office use with garage storage and building maintenance supplies as an accessory use incidental to this. Mr. Baroni did not see any issues. Mr. Kaufman noted that if another use would come in, they'd have to come back for approval.

Mr. Piccirillo the other issue was the dumpster location and the only other area would be against the building, which the applicant did not favor. It was currently shown at the northeastern corner of the property. Mr. Kaufman said that location might be acceptable if there was more screening. Mr. Piccirillo said they would add screening.

Mr. Piccirillo said that he modified the gate to make it wider and they will have an automatic gate. The Board said that was good. Mr. Piccirillo said that the other issue was the parking space inside the main building. Although it might be difficult to back out, that would probably be used as the location for the owner to park, since he is first one there and the last to leave. Mr. Kaufman said that the applicant could use the space in that way, but it could not be counted toward the off-street parking requirement. Mr. Piccirillo said that they would ask for an additional space in the variance.

Mr. Kaufman said that the proposed garage / storage building would need a variance. Mr.

Piccirillo recognized that. Mr. Kaufman added that they would also need a variance for the front yard setback, the walkway cover and the maneuvering isle.

Mr. Kaufman said that based upon the turning templates, it appears the applicant will need to back into the right of way. Mr. Piccirillo said that was correct. Mr. Kaufman said that the Board could not permit that so they would have to seek a variance for that as well. Mr. Kaufman advised that he doubted the ZBA would be likely to grant that variance. Instead, he recommended that the applicant consider eliminating that space, or coming up with some way to improve the parking area. Mr. Piccirillo said that they couldn't do much because there is an existing retaining wall in that area that they have been trying to avoid. Mr. Kaufman noted that to say this was a highly constrained lot was probably an understatement. Mr. Piccirillo said that even if he were to modify the retaining wall, he was not certain it would improve the problem. Mr. Kaufman asked if the applicant would be able to operate the site efficiently if there were two spots there instead of the three. The applicant said that they could. Mr. Kaufman and Mr. Kellard both felt that they would not get a variance, so they should eliminate that space. The applicant agreed.

Mr. Kaufman noted that there is a piece of the existing retaining wall that goes onto town land. Mr. Baroni said that he would send the applicant a licensing agreement to legalize the problem.

Mr. Kaufman asked if the applicant thought he would be able to get the 10% interior landscaping requirement and Mr. Piccirillo thought they could. The landscape architect will deal with that issue as well as the lighting plan. Mr. Kaufman said that those were all the main issues, and that the others were minor.

Mr. Kaufman asked how many spaces they'd have left now that they were removing the two discussed above. Mr. Piccirillo said that they are required to have 13, and now they would only have 7. Therefore, they would need a variance for 6 spaces. Chairman Michelman thought it was 19 that they needed. Mr. Kaufman said that was only if the entire thing was being considered office space, but now it will be deemed office and storage.

Mr. Kaufman asked if the Board has any concerns about sending this to the ZBA. Mr. Baroni asked where this was in terms of the SEQRA process, because the ZBA would not be able to act until SEQRA was completed. He recommended doing a coordinated review. Mr. Kaufman said that was possible, and if the Board wanted to do that, they should declare intent to be lead agency. Mr. Baroni thought that was the best way to go. The Board agreed. Mr. Kaufman said that in that case, the SEQRA process would have to be completed before the applicant could go to the ZBA. The applicant was directed to come back to the Planning Board with the revised plans and requested information and at that point, they would complete SEQRA and refer the applicant to the ZBA.

Mr. Delano moved to declare intent to be lead agency. The motion was seconded by Mr. Sauro and unanimously approved.

**VALEV**  
**Site Plan**  
**Section 7, Block 04, Lot 1L**  
**18 Nethermont Avenue**  
**Teodor A. Valev, P.E.**  
**Barry Naderman – Naderman Land Planning & Engineering, P.C.**  
**Consideration of 3<sup>rd</sup> extension of time site plan resolution**

Mr. Sauro moved to approve the one year extension of time as requested. The motion was seconded by Ms. Tatka was approved by all those present except for Mr. Delano, who opposed the motion.

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The meeting was adjourned at 7:49 p.m.

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