

**NORTH CASTLE PLANNING BOARD MEETING**  
**15 BEDFORD ROAD – COURT ROOM**  
**7:00 p.m.**  
**November 8, 2010**

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**PLANNING BOARD MEMBERS PRESENT:** Peg Michelman, Chairman  
John Delano,  
Jane Black  
Steve Sauro

**PLANNING BOARD MEMBER ABSENT:** Beata Tatka

**ALSO PRESENT:** Adam R. Kaufman, AICP  
Direction of Planning

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 B. Desimone  
Planning Board Secretary  
Recording Secretary

Larry Nokes, Conservation Board Representative

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The meeting was called to order at 7:01 p.m.

**APPROVAL OF MINUTES:**

October 26, 2010

Ms. Michelman asked for a motion to approve the October 26, 2010 Planning Board minutes as amended. Ms. Black made a motion to approve the minutes as amended. Mr. Delano second the motion and the minutes were approved with four ayes. Ms. Tatka was not present for the vote.

**O'DONNELL**

**Special Use Permit**

**Section 1, Block 4, Lot 1D-23**

**2 Hemlock Hollow Road**

**Martin Kravitt, AIA**

**Discussion**

**Consideration of approving Special Use Permit Resolution**

Ms. Michelman read the affidavit of publication for the record. Ms. Desimone noted that 13/21 green cards were returned and 4 envelopes were returned regarding this public hearing. All paperwork was in order.

Present for this public hearing was Virginia Stern, 673 Bedford Road.

Present for the applicant was Marty Kravitt, AIA.

Mr. Kravitt stated that this application was for two additions on the second floor, both to enhance the size of the bedrooms. Half of the front porch will be eliminated. There will be a reduction in the size of the deck in the back yard which is presently a wood deck and will be replaced with a stone patio. There will be a decrease of 300 feet of lot coverage.

Ms. Michelman asked Ms. Stern if she had any comments or questions at this point. Ms. Stern had no comments or questions.

Ms. Michelman stated that there were a lot of outstanding comments in the resolution. She had two major concerns with both items listed in the resolutions regarding the Westchester County Department of Health (WCDH). The first item was regarding the status from the (WCDH) of placing a raised patio on top of the existing septic tank. Mr. Kravitt stated that the existing wood deck was in the same location as the proposed raised patio and he did not think there would be any issues with keeping the patio in the same area.

The second item of concern for Ms. Michelman was the WCDH comments regarding the adequacy of the existing septic system. Mr. Kravitt spoke to Mr. Campelle, engineer, and Mr. Campell told Mr. Kravitt that because the square footage increase was less than 1,000 square feet, it was not necessary to replace the existing septic system.

Ms. Michelman asked how old the septic system was. Mr. Kravitt stated that it was the original septic system built with the house in 1970. The board was concerned about approving this application with a 40 year old septic system.

Ms. Michelman stated that the board does not like to approve resolutions that may have to come back to the Planning Board, especially with outstanding comments from the WCDH. If the WCDH does not sign off on these two items, this can alter the application significantly. It has not been the practice of the board to sign off on a resolution with outstanding comments from the WCDH. Mr. Delano agreed. Ms. Black agreed as well and suggested keeping the public hearing

open until the applicant has received comments back from the WCDH on both items.

Ms. Michelman asked Mr. Kravit to submit both comments from the WCDH to the board once he receives them. The board will proceed with the application at that time.

Ms. Michelman asked for a motion to adjourn the public hearing until the additional information from the WCDH is provided for the board and its professionals. Ms. Black made a motion to adjourn the public hearing. It was second by Mr. Delano and approved with four Ayes. Ms. Tatka was not present for the vote.

## **FEIT**

### **Wetland Permit**

#### **114 Cox Avenue**

#### **Section 2, Block 5, Lot 20.D01**

#### **Jerry Barrett, RLA J.D Barrett & Associates**

#### **Discussion**

#### **Consideration of approving Wetland Permit Resolution**

Ms. Michelman read the affidavit of publication for the record. Ms. Desimone noted that 9/10 green cards were returned and all paperwork was not in order for this application. The affidavit of publication was not provided. Mr. Baroni stated that the board could proceed without the affidavit of publication and the board could keep the hearing open until it was provided.

The following neighbors were present for this public hearing, although they were not noticed neighbors. Jeanne Hinrichs 3 Rose Hill Drive and Jose Berra at 6 Rose Hill Drive.

Present for the applicant was Jerry Barrett, RLA.

Mr. Barret stated that during construction of the house there was an unauthorized clearing at the rear of the site and a stop work order was issued. A 2:1 remediation plan was prepared to restore the affected area. While preparing the remediation plan, the professional, Steve Coleman, made sure the hydration on site remains the same. He proposed a check dam in each of the swales.

Mr. Barrett also noted that they are proposing a swimming pool in the rear yard which was approved to be built by the RPRC (Residential Project Review Committee). The pool can not be built until 100% of the remediation plan is complete.

Mr. Barrett stated that .24 acre in the wetlands was disturbed and .288 acre in the wetland buffer area was disturbed. A half acre of the remediation can be proposed on site but there is no room on site for the other half acre of remediation. The Town Board along with the Conservation Board Chair agreed to an off site mitigation area at the historic Major Andre Sands Mill site.

Mr. Berra inquired about the Deer Fence that will be up for three years. He is concerned with a three year "eye sore". Mr. Barrett stated that an eight foot black net will be set on stakes or trees

and should not be visible. The fence needs to stay up for three years to give the planted native species time to grow, get established and withstand some browsing. The site will be monitored and annual reports will be submitted. The plantings need an 80 -90% survival rate. If the applicant does not plant and maintain the plantings, the town has a bond to plant or replace the species.

Mr. Berra inquired about the soil berm coming down along the East West line of the property. Mr. Barrett stated that the height of the berm will be coming down and will appear in a more natural state. The berm is presently between 18” – 24” and will be reduced to approximately 12 inches, which will have a more smooth and blended appearance.

Ms. Michelman asked for a motion to adjourn the public hearing. Mr. Delano made a motion to adjourn. Ms. Black second the motion and it was approved with four Ayes. Ms. Tatka was not present for the vote.

Mr. Barrett stated that he had no issues with the resolution although his client did not like the bond and the attorneys will work that out.

The applicant is welcome to come back to the November 22, 2010 Planning Board meeting if the applicant has the affidavit.

## **BYRAM RIDGE ROAD SUBDIVISION**

### **Preliminary Subdivision**

### **Byram Ridge Road & Hunter Drive**

### **Section 2, Block 5C, Lot 10**

### **Jim Ryan, RLA Senior Associate, John Meyer Consulting**

### **Consideration of approving preliminary subdivision resolution**

Also present for the applicant was Dan Hollis and Megan Smith, Esq. Shamberg, Marwell, Davis and Hollis as well as Jim Ryan, RLA John Meyer Consulting.

A few minor typos were noted and will be corrected on the final draft of the resolution.

Mr. Delano made the following comments in regard to the plans in his files for this application. He noted that all of the plans were not signed and sealed per the specification – NYS Education Law, Sections 7307, 7209.1 and 7327. Mr. Delano also noted that the required “Warning” - , NYS Education Law, Section 7209.2, NYSED Board of Regents, Commissioner’s Regulation, Sections 69.5.b and 79-1.4 was not on the plans either.

Mr. Baroni stated that this issue has come up before and the board needs to take a position on how it would like to proceed in the future. The board concluded that all plans when submitted should be signed and sealed from the start of the project.

Ms. Michelman asked for a motion to approve the Byram Ridge Road subdivision. Ms. Black

made a motion to approve. It was second by Mr. Sauro and approved with three Ayes. Mr. Delano voted Nay. Ms. Tatka was not present for the vote.

**GENDAL**

**Special Use Permit**

**Section 2, Block 3, Lot 7-16**

**11 Hallock Place**

**Seth Ticehurst, Benedek and Ticehurst**

**Discussion**

Glen Ticehurst and Seth Ticehurst were present for the applicant this evening.

Mr. G. Ticehurst stated that the applicant would like to modify the driveway to create a courtyard and they are proposing an infinity edge pool and terrace in the rear yard. There will be an expansion of the terrace which will also be covered. The lot coverage will be 700' below the maximum amount of gross land coverage permitted and the Floor Area Ratio coverage will be 30' above the basic amount. The swimming pool will also serve as a retaining wall.

Mr. G. Ticehurst has reviewed the memos and will address those items. He will schedule deep hole and perk tests for the site as well.

Ms. Michelman suggested the applicant proceed to the ARB and resubmit plans once ARB approval was granted.

**20 BANKSVILLE AVENUE**

**Referral from Town Board**

**Section 1, Block 12, Lot 7D**

**20 Banksville Avenue**

**Dan Hollis, Esq. Shamberg, Marwell, Davis & Hollis**

**Discussion**

Present this evening was Dan Hollis and Megan Smith, Esq. Shamberg, Marwell, Davis & Hollis, as well as the applicants Jack and Karen DiPietro. Neither of the applicant's engineers were present this evening.

Mr. Hollis stated that the plans were scaled back and the outdoor storage moved. The 2:1 mitigation needs to be done as well and not all of it can be done on site. We will revise the memos per the professional's comments and return in January, 2011.

Mr. Kaufman stated that the board still needs to determine should these types of activities occur in the wetland buffer. The wetlands to the west of the site also has to be identified.

Ms. Michelman stated that the board is still considering whether a fuel tank is appropriate and if

the use is appropriate for the site. She also noted that in 1993 the Planning Board at that time, made a recommendation to a neighbor that they would not allow outdoor storage of vehicles, unless they were under  $\frac{3}{4}$  ton. Mr. Hollis did not think that would hold up in court today.

Ms. Michelman stated that the revisions are minor and the major issues still need to be resolved. Once the wetland information to the west is provided Mr. Kaufman will provide a memo addressing how this project meets section 213.30 of the code.

Mr. Hollis noted that the toughest item to address is the off site mitigation and where should that be proposed. He also noted that he will not go to the Conservation Board until the off site wetlands have been determined and Mr. Kaufman has done his review.

### **170 BEDFORD ROAD**

#### **Site Plan**

**170 Bedford Road**

**Sec 2, Blk 13, Lot 27**

**Mike Fareri, property owner**

#### **Discussion**

Mr. Fareri stated that he had purchased the property eight years ago and reviewed the previous proposals on site to bring the board up to speed. His last submission was for 16 units, 7 units on the first and second floor and two penthouses on the third floor. He is now eliminating the two penthouses and providing two additional units on the third floor. Mr. Fareri reviewed the architectural detail, underground parking details and garages proposed at the rear of the site buffering the school property. All 18 units have two bedrooms and there will be a garden area on the roof which will be common to everyone in the building.

Mr. Fareri and Mr. Kaufman did not agree on the amount of MIU's for the project and that will be discussed.

Mr. Fareri stated that in Mr. Kaufman's memo he suggested some improvements that he will consider, for example; sidewalks from his site to the corner of Bedford and Maple Avenue or a new pedestrian bridge over Wampus pond to the corner of Maple Avenue. He also liked Mr. Kaufman's suggestion to move the dumpster on site to a different location.

Mr. Fareri stated he will discuss an option for the cul-de-sac out in front of his lot at the next meeting. Previously, seven variances were granted for this site. A variance would be needed to provide a playground in the cul-de-sac, additional parking spaces in the cul-de-sac, and garages to reach from corner to corner on this lot. Mr. Fareri would like to make sure there is a safe buffer between his lot and the school.

Mr. Fareri also considered possibly moving the cockren MIU's onto his site. He would like to come back on the 11/22/10 agenda for further discussion.

Ms. Michelman suggested that Mr. Fareri get the ARB approval. She also requested a full set of plans be submitted for the board's review. Ms. Michelman did not notice any significant issues regarding this application.

Mr. Kaufman suggested that the public space, on the third floor be larger, all of the board members present agreed.

**PLI (Planned Light Industry) Zoning District**

**Discussion re: Supermarket**

**Business Park Drive**

**Michael Fareri**

Mr. Fareri stated that he had purchased 99 Business Park Drive 4 -5 years ago. He would like a modern supermarket in town and after two years, the A&P site has withdrawn its application. Presently 99 Business Park Drive consists of 45,000 square foot Gym and 25,000 square foot office space . The office space is currently unoccupied. If the zoning were changed and a supermarket was a permitted use on site, how would it impact down town. BFJ was hired to review this subject and concluded that there would not be a negative impact to the business area in Armonk. The Town Board would like a referral from the Planning Board.

Mr. Fareri stated that presently, the total parking count for both uses on site is 334 parking spaces, 238 for the gym and 96 parking spaces for the office space.

Mr. Fareri read a letter dated January 25, 2007 regarding the water tower on site, copy attached. Mr. Fareri stated that he had a conversation with Mr. Futia from the Water Department and Mr. Futia told Mr. Fareri that he does not want to use the water tank and is considering taking it down. If it were removed, that would provide an additional 50 - 60 parking spaces.

Mr. Fareri then presented a couple of supermarket proposals for the site, one with a 5,000 square foot addition to the building, another with a 10,000 square foot addition or even tearing down the 25, 000 office space and building a new free standing building. He reviewed the parking requirements for each lot and possible access to the site. He noted that he has been in contact with numerous supermarkets, but they would not discuss anything further with him until the zoning change had taken place. He noted that this was a very compatible use with "The Gym" next door.

Ms. Michelman agreed with Mr. Fareri and no one will disagree that we need a more modern supermarket in town. The Planning Board has not seen the report prepared by BFJ and would like to review and study the report before making a recommendation to the Town Board regarding the zoning of the PLI district.

After a brief discussion, it was agreed that the Town Board was lead agency in this matter.

Mr. Fareri was hoping to return to the November 22, 2010 Planning Board meeting if the board had enough time to review the report by the next meeting.

Mr. Delano inquired if this zoning change was for this lot only or for the entire PLI district. Mr. Kaufman confirmed that it was for the entire PLI district.

Mr. Fareri also stated that Mr. Lashins was considering an assisted living facility and was not considering a supermarket any longer.

Mr. Lashins stated that he owns three parcels in business park drive and he was one of the original developers of the property and is the largest tax payer in Business Park. He is not interested in a supermarket on his property and is open minded to Mr. Fareri's supermarket proposal. He would like a traffic study done regarding this possible use and also noted that the current A&P has a parking requirement of 1 space per 150 square feet of space and Mr. Fareri was providing parking figures based on 1/200. He was concerned if there was not enough parking provided then people would be parking on his property. Mr. Kaufman stated that chapter 213.45 was created for the Stop & Shop in NWP which has other uses besides the supermarket and there has always been sufficient parking there and that ratio would be applied to this site as well.

Mr. Fareri suggested a joint traffic study with both uses of the supermarket and the assisted living facility.

Meeting was adjourned at 9:05 p.m.



# TOWN OF NORTH CASTLE

Town Hall - 15 Bedford Road

Armonk, New York 10504

Established 1736

REESE BERMAN  
Supervisor

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January 25, 2007

99 Business Park Drive, LLC  
201 Saw Mill River Road  
Yonkers, New York 10701

Re: 99 Business Park Drive  
Water Tank and Easements

Gentlemen:

On behalf of the Town Board, I thank you for your generosity in connection with the recent transfer of title to the existing water tank, pump house, and appurtenances on your property and the access easement and use of the existing water well to Water District No. 4.

I understand that you could have removed the tank and pump house and used that area as the site for additional parking on your property, but that you instead opted for the greater good of permitting the town added flexibility in the operation of its water district. As you know, this water district also serves the two school complexes and most of Whipoorwill in addition to the downtown Armonk area.

I would hope that should you or your successor choose to expand your building that the appropriate Boards reviewing that application would take the circumstances of this transaction into consideration in reviewing your parking needs at that time.

Yours very truly,

*Reese Berman*