

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
April 23, 2012**

PLANNING BOARD MEMBERS PRESENT:

Robert M. Greene, Chairman
John P. Delano
Steve Sauro
Guy Mezzancello
Art Adelman

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Joe Cermele, PE
Consulting Town Engineer
Kellard Sessions PC

Roland Baroni, Esq. Town Counsel
Stephens, Baroni, Reilly & Lewis, LLP

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
Peter Limburg

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

PUBLIC HEARING:

ST. NERSESS ARMENIAN SEMINARY

486 Bedford Rd

Section 2 Block 8 Lot 17.B

Seth Mandelbaum, Esq. McCullough, Goldberger and Stout

Robert Aiello, PE John Meyer Consulting

Site plan, wetlands and special use permit referral from Town Board, renovation and adaptive reuse of the existing buildings and the construction of a new 8,400 square foot, one-story theological center which includes a library and private chapel on the 5.55 acre property. The property is located within the R-2A Zoning District.

Chairman Greene read the affidavit of publication for the record. Mrs. Desimone stated that 9/9 green cards were returned and all paperwork was in order.

The Following noticed neighbor was present Errole Cvern, 11 Seymour Place East and his attorney Tom Whyatte.

Present for this application was Bob Stanzialle, AIA; Rob Aiello, PE, John Meyer Consulting; Seth Mandelbaum, Esq., McCullough, Goldberger & Stout; Mr. Kevork Toroyan representative from St. Nersess Armenian Seminary. Larry Fox, Congregation B'Nai Israel.

Mr. Mandelbaum stated that the property was located across the street from the Congregation B'Nai Yisrael and is at the corner of Banksville Road and Route 22. He noted there is a wetland in front of the site. He stated that this application requires a Special Use Permit from the Town Board and the Planning Board would issue site plan and wetland permit for the site. He noted the site would be used purely for training for Armenian Priests.

Mr. Aiello stated that the lot is 5.5 acre site and is an adaptive reuse of the existing structures on site. He reviewed the use of the buildings on site, Bachelors residence, Dean's residence, common living space, faculty offices and living area for married couples. The existing driveway will remain and widened a little bit. Twenty-five parking spaces are proposed. The Theological building will be the primary use. The revisions to plans are that the pool will be removed and a ½ basketball court will be added. Additional side walks were added. The setbacks are 50' from the rear and the building is proposed at 100'. The lot coverage maximum is 8% and the applicant is proposing 6%. The structure height maximum is 38' and the proposed height is 24.5'. An infiltration pond and trench are proposed. The rear 2/3 of the site drains to the rear. There will be no discharge for the 1,2,10 and 100 year storm. The applicant will be maintaining a good portion of the wooded area. Due to the existing taller deciduous trees, an evergreen screen is proposed.

Mr. Aiello stated that there is an existing stormwater pond on the Synagogue property across the street and there is 1,300 square feet of disturbance. There will be a stone wall entrance and the driveway will be widened. He noted the Conservation Board memo dated March 22, 2012 indicated support of the wetland permit.

In response to Mr. Adelman's comment, Mr. Aiello stated that there was no water service to the gym proposed. Mr. Adelman was surprised that no bathroom, showers or even a water fountain was proposed in the gym.

Mr. Cvern, abutting property owner to rear of the site inquired about some green area on the upper right area on site. Mr. Aiello stated that there is a grass mix in that area. Mr. Cvern stated that he could see portions of the Deans building in the fall & winter and early spring. Mr. Cvern stated that he asked representatives from the Armenian Seminary to come to his home and no one every got back to him.

Mr. Cvern stated that he is concerned about what he will see from his property and the impact the application will have on his property. He noted his basement has flooded twice over the years and has not had any flood issues in many years and is concerned with the changes to the site that water will drain on his property. He is also concerned about his well and how this applicant will affect his 70' deep well. He is also concerned about the visual impacts with the symbol of the cross at the top of the building. He wants make sure the cross will have no impacts on him or future owners. He would like a professional engineer to review the plan and make sure there are no significant impacts on his property. He also noted that the first floor is 8,400 square feet and it appears that there is a second floor which would really make the building 16,800 square feet, not 8,400 square feet.

Mr. Cvern was concerned about the letter sent out to the neighbors regarding how many people will be on site and he was concerned about the actual number of people that could be on site at one time. He noted a summer youth program that was not mentioned in the letter. He then reviewed all of the programs offered on their website. Mr. Cvern wanted to know where the people stay while attending these programs. He feels that it sounds as if it is used as a summer camp and is concerned about what else is not being told.

Mr. Cvern noted that there are 2 – 3 deer's on his property now and was concerned about how many will be on his site after the construction, will the deer population increase to 10 to 20 deer's on his property. He asked the applicant again to visit his house and his land is park like and he wants to maintain it. He would like the building moved and noted where a house would be built with a backyard and a pool.

In response to a comment made, Mr. Aiello stated that there is no need to clear the land in the upper right corner of the plan Mr. Adelman asked the applicant to put in a clearing and grading limit line in that area to preserve it.

Mr. Greene stated that while at the site walk the board was concerned about the drainage and the screening. Originally drainage was proposed for the site and the board asked the applicant to enhance and make the drainage even better. The board also asked for under story screening to compliment the existing vegetation and the applicant complied with both of these requests.

Mr. Cvern stated that his landscape architect reviewed the plans and the under story is not good for his lot but is good for the applicant.

Mr. Mandelbaum stated that he was confident that he can address the concerns and has seen Mr. Whyatt's memo and this was the first time he had seen the suggestion to move the building 90 degrees to the left. He was not prepared to respond to Mr. Whyatt's memo at this time and felt his client has respected the setbacks on the property. He noted this property was zoned R-2A

Ester Stands , 474 Bedford Road, her neighbor Marilyn Feinberg received the letter and

she was here on behalf of her neighbor and her comments did not pertain to the wetland permit that was being discussed this evening.

In response to a comment made, Mr. Aiello stated that the front elevation is 601' and the rear elevation is 590'. The species that will be planted is Mountain Laurel, Rhoda Dendrom, Holy, Evergreen and shrubs will be planted for the under story plantings will be between 12' - 14'tall. The screening was not intended to mask the site. This is a hearty screening.

Mrs. Berta Leinung, 12 Seymour Place East, Ms. Leinung stated that she was a neighbor of Mr. Cvern who expressed many of her concerns. She also noted that she has had a water problem in her back yard for the last 60 years and does not see how this is going to make it better. She is also concerned about the value of her home.

Bob Greene stated that the applicant has heard some clear comments from the neighbors and the administrative items to be worked on were the drainage, site lines, and more information on the occupancy and use as noted by Mr. Cvern.

Mr. Greene stated that he did not recall a cross on top of the building. Mr. Mandelbaum stated that currently a 3' cross was proposed on the copula and this will be reduced to a 2' cross on the copula and designated to blend in with a darker metallic finish.

Mr. Greene asked the applicant to provide an existing conditions cross section along with a proposed cross section from the neighbors to the seminary with site lines, grade changes and a vegetative buffer as it exists and what is proposed.

Mr. Greene asked for a motion to close the public hearing, Mr. Mezzancello made a motion to close. It was second by Mr. Adelman and approved with five Ayes.

DISCUSSION:

FUCA

25 Limestone Road

Section 2, Block 16, Lot 17.B22

Ralph Mastromonaco, PE – Mastromonaco, PE PC Consulting Engineers

Site plan application for the construction of a new 3,840 square foot two bedroom home in the R-1A Zoning District.

Present for this application is Ralph Mastromonaco, PE.

Mr. Mastromonaco stated that the property is zoned R-1A and he is looking for site plan, wetland and tree removal permit approvals. This is an existing lot. He noted there was a small 100 year flood zone. There is a state wetland at the rear of the property and that wetland in the rear comes up through the property. A NY State wetland permit has been issued. That permit has been modified to show the wetland mitigation plan that was proposed by his wetland consultant. A lot of mitigation is proposed. The entire

wetland buffer will be mitigated, four times the amount the code requires. A two bedroom house and specific permit was granted. NYS wanted an impervious driveway. Plantings are proposed on both sides of the house. There are a series of underground infiltration systems around the house for runoff. He has also prepared an erosion control plan. He has reviewed the professional's memos and can comply with those comments except for Mr. Kaufman's comment regarding the amount of mitigation on site, in his memo it noted that the site was under mitigated and he will address that with Mr. Kaufman.

In response to Mr. Greene's comment, Mr. Mastromonaco stated that he did not have the grading plans with him and the septic can only accommodate a two bedroom house.

In response to Mr. Greene's comment, Mr. Kaufman stated that the gross floor area of the house is 3,800 square feet. Mr. Mastromonaco stated that if you listing the house with real estate broker the square footage would be 2,300 square feet.

Mr. Greene stated that the house appears as a three story house because the basement is higher due to the flood plane and the applicant was adding a lot of fill to avoid the flood plane which makes the house sit on a mound. Mr. Greene was concerned with the neighborhood character. Mr. Mastromonaco presented photos of what the house would look like from the left side. Regarding one of the neighbor's views, Mr. Mastromonaco felt this house looked like any other two story house. Mr. Mastromonaco stated that he had ARB approval. The height requirement has been met for this house, no variance is needed.

Mr. Delano stated that there is a raised ranch to the left of the site, this lot has some constraints and the house towers too high and that is what most of the board at the time felt during the original site walk. He suggested putting the slab on grade and eliminating the basement to eliminate some of the height of the house and creating a crawl space. That was his single biggest concern how this house will tower over the other houses in the neighborhood and will look out of place in that regard. He has not seen the ARB approval. He wanted to know if Conservation Board granted approval.

Larry Nokes, Conservation Board representative stated that his board conducted a site walk of the wetlands during the winter and the Conservation Board has not granted approval of this lot yet. He also noted that his board has not seen the NY State approvals for this lot and would like copies of the approval. He did not approach the microphone and the rest of statement was inaudible.

Mr. Greene noted that he would like to make sure that everything was in place before proceeding with this applicant. Mr. Kaufman stated that we can get a copy of the ARB approval, the applicant needs to make a submission to the Conservation Board and they will forward us their comments once received. The board can proceed with the application at that time and hopefully the applicant will take heart on the height issues and the massing and the board will continue their review.

Mr. Greene asked Mr. Mastromonaco if he made an effort to examine the engineering

on site to reduce the towering feel of the house. Mr. Mastromonaco stated that you could make the footprint larger which would make the house that much bigger. What you are saying is that you only want me to build a one story house; there is no way to make the house shorter by $\frac{1}{2}$ a story. To reduce the house to a one story house the size would be 1,200 square feet which is a small house in that neighborhood. He prepared a report comparing this house to the other houses in the area and this house as proposed was no bigger, the report referenced was not submitted.

Mr. Kaufman stated that you are not comparing apples to apples; you are limited to a two bedroom septic system and a lot with a significant amount of state wetlands on it. You would think the house would be substantially smaller due to those constraints. Mr. Mastromonaco stated that there was no connection between the two as long as there is enough room for it. Mr. Kaufman agreed, but because of the constraints on the lot, with the wetlands, the elevations and the way you are grading it out, you are creating those impacts. The way to mitigate that potentially is to use the basement as living area like a split or raised ranch and that will drop it by a story and probably make it compatible with the surrounding houses. If that nets out to be a few hundred feet smaller then the surrounding houses that seems reasonable given the constraints of the lot.

Mr. Mastromonaco stated the footprint of this house is the same as the other houses in the neighborhood. He wants that house to be roughly the same size as the other houses, not a shack, which seems to be what the board is pointing at by proportionately making the house small because there is some disturbance and limitations on the lot. He hears what the board is saying and has heard it all before. We did the rendering to show that this is just a house. If this was constructed, you would not drive down the street and see a tower there, it would be just a house, like any of the other houses in the neighborhood; there are houses across the street just like it. If a one story house would be built it would take away from the yard and create a larger footprint. He feels it would be better to have a smaller footprint on this lot.

In response to Mr. Greene's comment regarding the mound on site. Mr. Mastromonaco stated that the mound is there to keep the basement dry. Mr. Kaufman stated that is what he was speaking about earlier, use the basement like you would in a raised ranch with a story above it and you would not have a looming effect. Mr. Mastromonaco stated that you could not put a kitchen or bedroom in the basement. Mr. Kaufman stated that it all depends on how you design it; the raised ranch next door had the living space in the basement and the kitchen and bedrooms on the second floor. A split can also be done, it can be designed anyway you like, you can be slab on grade with a crawl space, there are many ways to address the board's issue.

Mr. Mastromonaco stated that he was not sure what the issue was, what height can he go to? Mr. Kaufman stated that is exactly what you need to speak to the board about. The cross section has been presented, the board evaluated the cross section and has had some concerns and is expressing some ways to mitigate those concerns. Ultimately how it gets executed is between you, your client and the board and how it is reasonably executed. Mr. Mastromonaco will speak to his client.

In response to Mr. Sauro's comment regarding the next door neighbor with the high ranch, Mr. Mastromonaco stated that the house has at least three bedrooms. Mr. Sauro stated that there could even be four bedrooms. Mr. Sauro stated that he was a little reluctant because this is such an onerous lot and to preclude this person, he already has a very tight envelope with two wetland issues and septic system and so on. There is no way to preclude the neighbor from selling their house and putting a master suite on the second floor of a high ranch and similarly they will be equal in height. He is within all of the codes? Mr. Mastromonaco agreed. Mr. Sauro stated that is why he was a little reluctant to make them jump through hoops to down size the house. He personally would not want to live on a slab on a flood plain. No matter how hard you try and all the engineering entailed, it is not the optimum desire. Mr. Mastromonaco stated that the point of this is to keep the house dry. He feels the house to the left would have some water problems and would like to start with a clean, dry slate for this lot.

Mr. Sauro would like some more architectural details to minimize the box look to the house like bringing the roof line down and grounding the house quite a bit which will minimize the impacts to the street. Mr. Sauro would like the applicant to entertain these requests moving forward. Mr. Mastromonaco stated that when he has his building permit, his client will return to the ARB and add some more architectural detail to the house. There were so many issues with this lot to begin with that the architectural details were not a primary concern. Mr. Kaufman stated that what the ARB approved is part of the Planning Board approval and that is what has to be built.

Multiple discussions were had about the ARB approval at this time and if an actual approval was granted for this applicant or not. Mr. Kaufman stated that conceptual approval was granted and the applicant was required to return to the ARB with final plans. The ARB plans are part of the Planning Board approval. Mr. Mastromonaco wanted to make sure he would get his site plan approval before going forward with the architectural details. Mr. Sauro stated that he understands the applicant has jumped through many hoops to get to this point, in order to address some of the concerns the board has expressed, if the applicant could reduce the roof lines, ground the house and add some architectural features to the house this would help alleviate some of the concerns that the board has expressed this evening and the applicant can still get the square footage he is looking for.

Mr. Greene stated that Mr. Sauro's comments are valid and this is a compromised lot. The applicant's proposal meets the setbacks and does not require any variances. The board's concerns can be addressed with a clever design. He would like to see a set of the architectural plans the ARB would recommend back to the Planning Board which would make him and the board more comfortable moving forward with this application. Mr. Mastromonaco stated that he could accommodate that request and will return to the Planning Board after going to the Architectural Review Board and the Conservation Board.

Dialogue was had with Mr. Mastromonaco and Mr. Nokes, Conservation Board representative which was inaudible as Mr. Nokes did not approach the microphone.

BRUNO

21 Whippoorwill Road

Section 2, Block 1, Lot 14

Robert Peake, AICP John Meyer Consulting

Subdivision of a 12.92 acre lot into a four lot residential subdivision

Mr. Peake was present for this application.

Mr. Peake stated that this lot was located in Whippoorwill off of Whippoorwill Road East. The lot is over 13 acres and is zoned residential two acre minimum lot size. The applicant is proposing a four lot subdivision. Presently there is a house and several structures on site; he understands that a barn can not be a principal permitted use on Lot #4. He would like the board to declare lead agency this evening. He noted that he has reviewed the professional's memos and can work through the issues with the professionals. He will provide paperwork to show that a new lot can have access to Whippoorwill Lane and improved to Town Standards. The lots will be on a septic system.

In response to Mr. Greene's comment, Mr. Peake stated that his client is currently researching who owns Whippoorwill Lane. Adam stated that he made a comment in his memo that the board should look at the road and see if it was adequately upgraded to add another lot to the Lane. Mr. Cermele stated that that has no issues with the private road serving one additional lot.

Mr. Greene stated that the board walked the site and no real red flags came up during the site walk and the board will declare lead agency intent and the applicant can work out the details with the professionals.

Mr. Kaufman stated that there are some issues that may have to go before the ZBA. If the applicant has to go before the ZBA it is much cleaner to go before their board with an uncoordinated environmental review, otherwise the ZBA will have to wait for this board to conclude SEQR. Since this is an unlisted action we will not declare lead agency and conduct our own environmental review there would be no other interested agencies other than the ZBA.

The board and applicant's professionals agreed to an uncoordinated review and no action was taken.

This application was referred to the Conservation Board and the Open Space Committee due to the size of the lot. Mr. Peake will address the memos and return to the board.

It was later determined that the DEP is another involved and interested agency and lead agency intent must be declared for the Bruno application. This action was taken at the end of the meeting. Mr. Greene asked for a motion to declare lead agency intent. Mr.

Adelman made a motion to declare lead agency intent. It was second by Mr. Delano and approved with five Ayes.

CAVALLARO

Appeal of RPRC Decision

477 Bedford Road (Rondeau)

Section 1 Block 9 Lot 17-2.B

Paul T. Vink, Esq. Andrew Greene & Associates

New Construction

This application is an appeal on the decision that the RPRC made regarding the Rondeau residence at 479 Bedford Road. Mr. Greene, Mr. Cermele and Mr. Kaufman were at the RPRC meeting regarding this application and have recused themselves from this application. Mr. Adelman will chair the meeting at this point.

Present for this application was Mr. Cavallaro, property owner, his attorney Paul Vink; and his engineer Barry Naderman. Also present was Mr. Rondeau and his professional Joe Palumbo, Architect.

Mr. Vink stated that his client purchased his property in 2002 and his client relied primarily on the subdivision map for the abutting lot for the house location. He noted that while the Rondeau application was before the RPRC that it was represented that the house was in the same location as shown on the map and the house was actually 50' closer to the property line than what was shown on the map. He presented the original subdivision plan and also proposed an alternative to the site which would provide more privacy. He would like the board to rescind the decision of the RPRC and send this back to the Planning Board. He presented the Rondeau original proposal vs. the original location of the house for the board's reference. He also provided proposed alternatives that the Rondeau's can consider.

Mr. Palumbo stated that the subdivision shows the lot can be developed and the property owner has a right to develop the lot. The resolution regarding this lot states that the lot must meet the Westchester County Septic Plan and comply with the town code which his client has done. The house as proposed is compliant with the town code and meets all the setbacks and no variances are needed. The rear of the site drops off significantly. The house is shown in the general area and has met all of the codes and requirements of zoning. The letter from Mr. Vink said we miss led the RPRC. The main concern was the pool location and a variance was received from the ZBA by the previous property owner. The RPRC was concerned about the landscaping for the pool. Frank Guiliano, Landscape Architect provided an extensive Landscaping plan to screen the area and added supplemental screening on site as well. This lot has septic for five bedrooms. The house is over 250 feet away the neighboring house and the pool is 160' away from the neighboring house. He has met with the neighbors twice regarding this matter.

Mr. Naderman stated that there was willingness with the Rondeau's to speak about alternatives for the septic and house site. He prepared a sketch where the house was shown on the original subdivision map. He was not able to get in touch with the

neighbors professionals to discuss the new sketch, he then found out that the Rondeau's made a submission to the RPRC and he had not a chance to discuss the recent sketch. He noted that even though there was a letter submitted to the RPRC with his clients concerns, the RPRC still approved the application. There are alternatives, this can work. The Planning Board has always looked at the impacts to neighboring properties, there are alternatives, this can work and the pros and cons of the house location should be reviewed. This should go through the Planning process.

Mr. Palumbo presented pictures from many parts of where the house is sited and how you can and can't see the neighbor's house. This applicant went to two RPRC meetings. No plans were shown to him from the Cavallaro's until after the application was approved by the RPRC. The RPRC conditions listed say to comply with the town code and the meet the septic system requirements. We have gone through the process and now the appeals process.

Mr. Naderman's stated that during a field meeting the applicant agreed to allow him to prepare a sketch. He noted he was not able to get in touch with Mr. Palumbo to discuss the sketch and the applicant prepared his application to the RPRC and he never had a chance to discuss the sketch with the neighbor.

Mr. Vink stated that with all of the discussion had this evening regarding this site is exactly why this application should go before the Planning Board and should have not been approved at the RPRC.

Mr. Adelman stated that where a house goes on the plat does not lock in the location of the house. Mr. Vink stated that the RPRC relied on comments that the house was basically in the same spot as shown on the original subdivision map and that was incorrect information the RPRC had. Mr. Adelman noted that the placement of the house conforms to the code. He was not sure that the decision made by the RPRC would have been any different than if presented to the entire Planning Board. He has not seen enough evidence to overturn the decision and asked the other board members for their comments at this time.

Mr. Delano stated that he reviewed all of the material submitted and he did visit the properties, although he did not attend the site walk. If he had sat in on that meeting he probably would have voted the same way the RPRC did, a lot of the points discussed were the pool. A landscaping plan was submitted as requested by the board. The house is generally in the same location as shown on the plat proposed in the 1990's.

Mr. Cavallaro stated that this is a substantial, visual impact on his property. When he is standing on his patio the house is right there. This will have a substantial impact on the value of his property. He has hired all of these professionals because this will impact the quality of his living. The board has to see this from his perspective.

Mr. Naderman stated that the impact of the Cavallero's pool is not affected if the house is in one location or the other. The focus of the pool is not appropriate. The RPRC did not do a site walk. He would like the board to see the view from his client's deck to the

proposed house location.

Mr. Palumbo reviewed the pictures taken to show the different views and what was presented to the RPRC and the screening proposed. Mr. Cavallaro is not showing any visuals from his perspective.

Mr. Vink stated that in the letter he sent to the RPRC he asked them to conduct a site walk from his client's house and it was not done. The RPRC does not generally take presentations and if we had known they did, we would have come prepared to the meeting. All of this emphasizes why this should go to the Planning Board for a regular review. It is not the job of the RPRC to approve, challenged or controversial plans; it is the job of the RPRC to stream line the process.

Mr. Mezzancello inquired if the board could refer this back to the RPRC. Mr. Baroni stated no.

In response to Mr. Sauro's comment, Mr. Palumbo stated that he adjourned his application the first time while he was before the RPRC because there were only three out of five people present at that meeting to vote. Mr. Vink noted he was not present at the first meeting.

Continued discussions were had why this application should appear before the Planning Board.

Mr. Adelman is reviewing all of the information presently and was determining what would change if this application came before the Planning Board. We always consider the neighbors, the house will not disappear, the land will not stay baron, and we always make sure there is adequate and reasonable screening. Mr. Naderman stated the board can not understand without doing the site walk.

Mr. Baroni suggested that based on Mr. Mezzancello's comment earlier, perhaps the board could suggest to both neighbors, just in the off chance that there was some misinformation represented at the RPRC meeting, to return to the RPRC to see if this could be worked out at the RPRC while keeping this appeal open. The same members of the RPRC would need to be present at that meeting. Mr. Rondeau stated that there were three members present at the RPRC meeting that are present this evening and couldn't we ask them now and noted that he was looking to get started on this project as soon as possible. Mr. Baroni stated this might be your most expedient way to resolve this matter.

Mr. Adelman stated that it would be a good idea to site walk the neighbor's lots.

Mr. Greene suggested in order to expedite the process would it not be quicker to just present before the Planning Board and move forward.

It was agreed that all members of the Planning Board would go on the site walk incase this application does return to the Planning Board to continue the appeal and the

applicant is not held up any further.

Mr. Naderman stated that his client was criticized for not being prepared at the RPRC meeting where presentations are not done. It just goes to show why this application should be before the Planning Board.

Mr. Greene confirmed the reasons for returning to the RPRC i.e.: miscommunication regarding location of house on plat vs. what was proposed and conducting a site walk from Mr. Cavallaro's deck. He noted that there was no miscommunication regarding the location of the house on the plat vs. what was proposed.

The residents of 477 and 479 Bedford Road and the Planning Board agreed to conduct a site walk at the Cavallaro residence and then have another RPRC meeting with the original members that voted on the Rondeau application. It was also agreed that the full Planning Board would attend the site walk incase a mutual decision was not reached by both neighbors at the RPRC meeting.

Mr. Adelman made a motion to adjourn the Cavallaro appeal, it was second by Mr. Sauro and approved with four Ayes. Mr. Greene abstained from the meeting.

ADOPT A DOG

23 Cox Avenue

Section 2 Block 13 Lot 38

Shamberg Marwell & Hollis, P.C.

§ 213-57 review - Improvement of nonconforming use.

Construction of a parking area on the subject property with access from the Modern Barn parking lot

Present for this application is Dan Hollis, Esq. from Shamberg, Marwell & Hollis, PC as well as his client, Allison Helm, Executive Director of Adopt a Dog.

Mr. Hollis stated that back in November a petition was sent to the Town Board regarding an amendment to the R-1A zoning district to permit a special permit for an animal rescue center in the R-1A zoning district. The site was tailored to a site plan that was submitted with a sketch plan along with that petition to meet the applicant's needs. The Planning Board unanimously referred this application to the Town Board. During the Town Board work session in February, the board was concerned that there could be other locations used in the same zoning district for the same use in town. Mr. Hollis was then pointed in the direction of section 213-57 of the Town Code which permits bringing into greater conformance non conforming uses within the town, which the applicant is. That section of the code points to the Planning Board and Town Board contemporaneously and the applicant has to return to Planning Board for site plan approval after the Town Board has its public hearing. He would like a positive referral to the Town Board so he may proceed to the Town Board and schedule a public hearing.

Mr. Kaufman read some comments from his memo regarding this application. The proposed new parking lot would reduce external impacts of the existing non-conforming use and improve its relationship to neighboring properties by providing an attractive centralized parking facility as opposed to the existing haphazard parking area provided on the site, on-street parking and the parking of vehicles on adjacent properties. The addition of the new parking area would not increase the intensity of the existing use. If the Planning Board concurs with those comments they can refer this back to the Town Board.

Mr. Greene agreed that this is a good way to proceed with this application.

Mr. Greene made a positive recommendation to the Town Board regarding Adopt a Dog which included the recommendations made by the Director of Planning. Mr. Adelman made a motion to approve. It was second by Mr. Delano and approved with five Ayes.

10 STERLING RD SOUTH SUBDIVISION

10 Sterling Road South

Section 2 Block 17 Lot 4.G

Westconn Custom Builders, Inc.

Subdivision of a 4.0 acre lot into a two lot residential subdivision

Present for this application was William Lochenauer, Hudson Engineering and consulting.

Mr. Lochenauer stated that the property is located between Hadely Road and Route 22. He has received a variance from the ZBA. He would like to schedule a public hearing for this application. He will address the items noted in the memos in the plans prepared for the public hearing. Septic tests have been performed and septic design is being prepared. All of the runoff from all new impervious surfaces will drain to underground exfiltration systems. The filter strip will be moved adjacent to the wetland. Mr. Lochenauer stated that he can comply with the memos and is ready to move forward with the scheduling of the public hearing.

A public hearing was scheduled for May 14, 2012.

ASSISTED LIVING PROJECT

90 Business Park Drive

Section 2 Block 16 Lot 11.B08

Veneziano & Associates

Amended site plan for a revised building that contains two additional units, an increase in the floor area from 119,785 square feet to 123,277 square feet and an increase in the FAR from 0.53 to 0.57.

Present for this application was Mr. Mark Miller, Esq. Veneziano & Associates.

Mr. Miller stated that he is seeking amended site plan approval. The changes are as follows: the area closest to Route 22 on the first floor, a bay window is proposed. The footprint of the building remains the same. All internal changes are proposed, increased internal square footage is 3500 square feet. The FAR increase from 0.53 to 0.57 and is still under 0.60. The 136 unit /150 beds will now change to 138 units / 146 beds. The sewer and water calculations were based on 150 beds and the applicant is still within that count. The second floor boiler room moved to the center of the building. A music room and country kitchen were added to this floor along with two more units. The third floor will have a new boiler in the center of the building. He has made a submission to the ARB. He will address the comments in the professional's memos, there will be no changes on the environmental impact.

Mr. Miller stated that John Collins, his traffic engineer stated that we can save the median and cut a few feet off of it and still have the dedicated traffic lanes in and out of the site. He will follow up with Mike Galante at F.P. Clark Associates. Mr. Kaufman noted that the benefit to the applicant is that they will be able to put up a sign. Mr. Miller agreed.

The applicant will appear before the ARB on May 9th and can come back before the Board on May 14, 2012.

Mr. Kaufman expressed his concern regarding the Armonk Fire Department sign off. Mr. Miller has reviewed their memo and will discuss one or two items with them and he is in the process of scheduling a meeting with the fire department.

A public hearing was scheduled for May 14, 2012.

ASSISTED LIVING PROJECT

90 Business Park Drive

Section 2 Block 16 Lot 11.B08

Veneziano & Associates

Request for a 90 day extension of time of the final subdivision plat approval.

Mr. Greene asked for a motion to approve the extension of time resolution. Mr. Adelman made a motion to approve. It was second by Mr. Delano and was approved by five ayes.

BRUNO

21 Whippoorwill Road

Section 2, Block 1, Lot 14

Robert Peake, AICP John Meyer Consulting

Subdivision of a 12.92 acre lot into a four lot residential subdivision

It was later determined that the DEP is another involved and interested agency and lead agency intent must be declared for the Bruno application. Mr. Greene asked for a motion to declare lead agency intent, Mr. Adelman made a motion to declare lead agency intent. It was second by Mr. Delano and approved with five Ayes.