

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
June 27, 2011**

PLANNING BOARD MEMBERS PRESENT:

John Delano, Chairman
Jane Black
Steve Sauro
Guy Mezzancello

PLANNING BOARD MEMBER ABSENT:

Beata Buhl Tatka

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

John Kellard, P.E.
Kellard Sessions Consulting, P.C.
Consulting Town Engineers

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
Maggi Pack

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

APPROVAL OF MINUTES:

May 23, 2011
June 9, 2011
June 13, 2011

Mr. Delano asked for a motion to approve the May 23, 2011 minutes. Ms. Black made a motion to approve. It was second by Mr. Mezzancello and approved with four Ayes. Ms. Tatka was not present for the vote.

Mr. Delano asked for a motion to approve the June 9, 2011 minutes. Mr. Mezzancello made a motion to approve, it was second by Mr. Sauro and approved with three Ayes. Mr. Delano abstained from the vote and Ms. Tatka was not present for the vote.

Mr. Delano asked for a motion to approve the June 13, 2011 minutes. Mr. Sauro made a motion to approve, it was second by Mr. Mezzancello and approved with three Ayes. Ms. Black abstained from the vote and Ms. Tatka was not present for the vote.

WHITE BIRCH DEVELOPMENT, LLC.

Site Plan

Section 1, Block 2, Lot 4-6

7 Guion Lane

Michael Dobler, Ralph Mastromonoco PE, PC

Discussion

Consideration of approving site plan resolution

Mr. Delano read the public meeting notice for the White Birch Development LLC for the record. Mrs. Desimone stated that all paperwork was in order for this application.

The following noticed public meeting neighbors were present for this application: Mr. & Mrs. Cserenyi, 175 Loder Road, Yorktown; Mrs. Odile Irsalon, 39 Brett Lane, Bedford.

Mrs. Irsalon inquired where Guion Lane was located. Ms. Black stated it was located off of Brett Lane.

The applicant is proposing the construction of a new 9,847 square foot five bedroom home in the R-2A Zoning District, the lot is 2.63 acres. Mr. Beida, property owner stated that the five bedroom house is only 5,000 square feet but when you add in the garage space, attic and basement area the house is over 9,000 square feet. His application complies with zoning. He did request not to use the driveway easement that was previously approved on the subdivision map because the easement driveway would cross over in their front yard of his neighbor and he felt this location was not considerate to the neighbor and would prefer to keep his driveway on his property.

Mrs. Irsalon inquired what the time line would be for the construction. Mr. Beida stated that it would be a few months before they break ground and it would be 12 – 18 months after that before the construction is complete.

Mrs. Irsalon stated that it would be nice if a sign were put up so that people would know the street name. Mr. Kaufman stated that the road has not been dedicated to the Town of North Castle yet and that is why there is no sign on site.

Mr. Delano asked the board, professionals and applicant if they had any comments or questions regarding the application or the resolution at this time. The board had no comments. Mr. Beida confirmed that the extinguishing of the common driveway easement only had to do with the

portion on his property with access to his lot, not the entire easement. Mr. Kaufman and Mr. Baroni agreed that was how the extinguishment of the easement read as well.

Mr. Delano asked the board for a motion to approve the site plan resolution. Ms. Black made a motion to approve. It was second by Mr. Mezzancello and approved with four Ayes. Ms. Tatka was not present for the vote.

Mr. Kaufman stated for the record that Mr. Baroni had sent out a letter to the owner of the road regarding the status of the road and dedication of the road. Mr. Baroni stated that he has not received a response to date.

BNAI YISRAEL

Site Plan

Section 1, Block 8, Lot 6-1

2 Banksville Road

Lee H. Skolnick, Architect

Discussion

Consideration of approving site plan resolution

Present for this application was Bill McClure and Pete Monteleone.

Mr. McClure stated that the wall location has been moved and now complies with the setback regulations and the plans will be submitted to reflect that. The applicants had no comments regarding the resolution.

Mr. Delano asked for a motion to approve the site plan resolution. Mr. Mezzancello made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Ms. Tatka was not present for the vote.

DAVIS

Special Use Permit

Section 2, Block 2, Lot 3-28

19 Wampus Lakes Drive

Barry Naderman, Naderman Land Planning & Engineering

Discussion

Consideration of approving extension of time special use permit resolution

No comments were made by the board on this application.

Mr. Delano asked for a motion to approve the special use permit extension of time resolution for the Davis application. Ms. Black made a motion to approve. It was second by Mr. Mezzancello and approved with four Ayes. Ms. Tatka was not present for the vote.

ASSISTED LIVING FACILITY

Referral from the Town Board

90 Business Park Drive

Sec 2, Blk 16, Lot 11B08

Anthony Veneziano, Esq. Veneziano Associates

Discussion

Also present besides Mr. Veneziano for this application was Mr. Steve Krieger from the Engel Berman Group and Steve Grogg – M.C. Laren PC, as well as Bonnie Von Ohlson – VHB Inc.

Mr. Veneziano stated that since his last appearance before the board, he and his client have been working with Mr. Lashins the property owner regarding this contract. He would like to make the board comfortable enough to make a recommendation regarding the negative declaration and zoning issues.

Mr. Delano inquired what the status was with the Water and Sewer Department. Mr. Grogg stated that he has had several meetings with the Water and Sewer Department and John Kellard. The memo from Kellard's office summarizes the current position the town has and the conditions at the Sewer Treatment Plant. We reviewed with the Sewer and Water Department the current capacity and what they were operating at a few months ago and presently there was enough capacity for this project. They are also in the process of obtaining the additional flow from the DEC based on the modifications and changes they made at the treatment plant recently.

Mr. Delano asked how are we making out at the treatment plant. Mr. Kellard stated that there is available capacity in the plant now. As you will recall from the task force, there is an allocation to IBM which does not permit the use of that available capacity. The task force determined that there was no additional capacity for parcels within the district to expand. Therefore, the Town Board directed the Water and Sewer Department to proceed with an application to the DEC to expand the plant by 50,000 gallons a day. Stearns & Wheler LLC who prepared the de-nitrification design drawings and supervised the construction on that phase of the project has been monitoring the flows since that was completed last fall and now has sufficient data to make the application to the DEC. They have a report drafted and it should be submitted to the Town within a week and from there it will be submitted to the DEC. Once at the DEC it will be a three or four month process to see if the 50,000 gallons a day will be approved. If it is not approved, we do not have the capacity for this project. All along we have understood this and have been proceeding as if we will get the approval. We won't know for three or four months, Stearns and Wheler feel good about the figures and their report will convince the DEC to approve the 50,000 gallons.

Mr. Delano asked how the design flow figures have been working out for the project. Mr. Kellard stated that they are at about an additional 10,800 – 11,000 gallons a day. This is the increased amount based on what was previously approved at the site for a 112,000 square foot office building. Mr. Kaufman stated that if the office building is also built that figure will increase. Mr. Grogg stated that figure would increase to 11,700 if the office building is built.

Mr. Baroni inquired if this means that a conditional negative declaration would be considered by the board. Mr. Kaufman stated that would be a conditional negative declaration based on the expansion of the plant.

Mr. Grogg stated that he agrees with Mr. Kellard but when he checked with the sewer and water department in March based on their 9 month rolling average, which was compiled since the denitrification, at their current average they did have capacity for this project without the 50,000 gallons. Mr. Delano and Ms. Black recalled reading that information as well.

Mr. Kellard stated the treatment plant can service you at this point; the Town Board can't allocate what is reserved for IBM. The task force saw there was no more reserve left for expansion and this was noted in the report.

Continued discussion and debate was had regarding the sewage capacity for this project and the district. Mr. Grogg reviewed the average figures in 2009 and 2010 and noted there was enough water left for this project. Mr. Baroni inquired about the rest of the district which is building what they were designed to build but not constructed yet, have you taken into account what their water requirements would be once built. Mr. Grogg said he did not allocate for that.

In response to Mr. Delano's comment Mr. Grogg stated that he was looking at page 12 of the EAF.

Mr. Baroni stated that we can't tell the other tenants in Business Park when they are ready to build that we don't have enough water for their project. He was not aware that the report had not been submitted to the DEC yet.

Mr. Krieger stated that there has never been a discussion that this application needed additional water and they had to wait for DEC approval. Continued discussion and frustration was expressed by the applicant at this time. He reviewed all of the figures which had been discussed to date.

Continued discussion was had regarding this matter. Mr. Kellard stated that this has always been stated since his original memo presented to the task force to date. He then explained the break down of the proposed 50,000 gallons was going to be used. Everyone agreed at that point that they would go back and review all the memos and come back to the board.

Mr. Delano asked how the water was coming along. Mr. Grogg stated that he was connecting with the existing businesses in Business Park. We are instituting water saving devices in this project where practical. Mr. Kellard noted the evident infrastructure can support the district. Mr. Kellard stated that Sal Misiti from the Water Department had some concerns in the summer months when IBM was using their chilling towers and that is heavy water use. We have two main wells in the town park and the water department is looking to drill a third well to help meet the peak demands.

Mr. Grogg stated that in response to Mr. Delano's comment, they have reached an agreement regarding the flow rate per bed. They have reviewed similar sites that Engel Berman has built regarding the water demand and came up with a practical number per bed. In regards to storm

water, Mr. Kellard's office has reviewed the report and they have met with him last week and again today and Mr. Kellard was basically in agreement with the report. At the meeting Mr. Kellard was concerned that this was close to the Byram River and what happens to the two detention facilities when the river elevations come up. Mr. Grogg did some additional analysis at a flood stage and looked at the facility with some minor modifications and it will work and meet Mr. Kellard's satisfaction. There are some structural details that will be provided on the detailed site plan and it will be worked out at that time.

Mr. Delano asked if there were any other civil issues. Mr. Grogg stated that Mr. Kaufman noted in his memo that the applicant was encroaching into the wetland buffer. Although this has already been previously disturbed as part of the site development that has not taken place, we are technically in the wetland buffer. There is a location along the I-684 side of the site where the mitigation can take place; we can convert this to more naturalistic plantings adjacent to the existing wetland buffer that is there.

Mr. Delano asked Mr. Veneziano to review the FAR with and without the office building. Mr. Veneziano stated that the FAR for the assisted living facility is .3 and the office building FAR is .3. The office building lot when subdivided will be between 1.5 and 1.8 acres and the office building will be between 20,000 – 25,000 square feet. Originally the FAR of .8 was proposed in the local law but presently we have worked it out to be in the mid .5's for the FAR. Mr. Kaufman stated that the mid .5 is very reasonable. The Town Comprehensive Plan talks about giving a greater FAR and greater density for certain projects like the assisted living or projects that caters to seniors. It is reasonable to go from .3 to .55, that is a number that works for this project and we are comfortable with the numbers that are proposed.

Discussions were had if .8 FAR was no longer necessary. The applicant recalculated to confirm that .8 FAR was no longer necessary. The legislation is also proposing to allow assisted living facilities to subdivide as well. The board discussed the proposed legislation for Assisted Living in the PLI zoning district.

Mr. Kaufman stated that we have commissioned a report at the intersection of Route 22 and Maple Avenue and Business Park Drive from F.P. Clark Associates. . There are some specific recommendation in that report about improving the Business Park Drive entrance like removing the median and repainting. That is something the Town Board and the Planning Board should discuss if the applicant should be responsible for that portion. Mr. Veneziano stated that his client will work with the town and contribute something to the town. Mr. Krieger stated that he would be happy to contribute, but if there are others on site that would benefit, they should contribute as well.

Mr. Kaufman stated that there was a recommendation for sidewalks for this project but now that the use on site is clear, we are not making that recommendation any more. Mr. Kaufman stated that he has received some comments from the Armonk Fire Department regarding their concerns about the number of calls to this site. The applicant is happy to meet with the fire department.

Mr. Mezzancello asked Mr. Veneziano if he could compare any of the local nursing homes like Greenwich Woods, Osborne in Mamaroneck as far a type – Mr. Krieger stated this is not a nursing home it is an assisted living facility where we provide assistance with areas of daily

living like eating, changing, bathing, grooming, dressing, toileting, this is like a five star hotel. We are the finest and the best in a lot of ways. He noted that his facility in Eastside is always at capacity of 100% it may go down to 98% if someone moves into a nursing home but it is always at capacity.

Mr. Baroni asked how long construction would take. Mr. Krieger stated that at their North Port Long Island project they broke ground December 22 and were ready for furniture on December 25th the following year. Approximately 12 – 15 months to build. We have our own construction company , we do everything ourselves in house, we sub contract out and his partner supervises the construction everyday, this is a family run business and we are very involved everyday.

At the next meeting the applicant would like to receive a negative declaration and a recommendation to the Town Board regarding the zoning.

SCHRANK

Site Plan – Accessory Apartment

Section 6, Block 7, Lot 22

35 Custis Avenue

William O'Neill, AIA – O'Neill Assoc.

Discussion

Mr. O'Neill stated that we was recently at the ZBA and received an approval on May 19 2011 for the minimum dwelling size and a basement apartment and a parking space variance. He would like a public hearing and resolution.

Mr. Delano stated that he has spoken with a representative at the NWP Fire House regarding the obstruction of the fire hydrant by the fence. They don't have an issue with it because it is a post and rail fence and they have other situations in town where they have worked out with home owners to remove sections of the fence. Mr. Baroni stated that we have a licensed agreement that you are free to let the fence remain but if the town widens the road then the fence would have to be removed. The Town Board would authorize the supervisor to sign it and then it is recorded against the property and runs with the property.

Mr. Kaufman stated that we can make this a condition in the resolution.

In response to Mr. Delano's comment, Mr. Kaufman stated that site plan approvals do not require public hearings. A resolution will be prepared for the next meeting.

Mr. O'Neill submitted a copy of schedule A to Mr. Kaufman and Mr. Kaufman noted that need to be signed off on by the Town Attorney and copy should be given to him for review.

CIDER MILL - UPDATE

Old Route 22

Anthony Veneziano Esq. Veneziano & Associates

Mr. Veneziano stated that the Cider mill and Armonk Square sites are owned by the same people. He gave a brief update to the Planning Board regarding the status of each site as well as the Cockren MIU site. Mr. Veneziano requested from the board that they schedule a public hearing to amend the site plan resolution and amend the subdivision resolution regarding changing the amount of C.O.'s that can be granted at the Cider Mill site before the MIU's are built at the Cockren site. If the board agrees to increase the number is C.O.'s a new security package goes along with this project to insure the MIU's are still built. By enabling the applicant to acquire some more C.O.'s this will give the applicant some more financial flexibility to build the Armonk Square site with the a newly proposed supermarket.

The board agreed to schedule a public hearing for July 11, 2011 Planning Board meeting.