

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
July 2, 2012**

PLANNING BOARD MEMBERS PRESENT:

Robert M. Greene, Chairman

Steve Sauro

Guy Mezzancello

Art Adelman

PLANNING BOARD MEMBER ABSENT:

John P. Delano

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:

Lee Wagner

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

DISCUSSION

CONGREGATION B'NAI YISRAEL

2 Banksville Road

Section 1, Block 8, Lots 6-1

David Adler, Adler Commercial Construction Corporation

Proposed fence – site plan amendment

Discussion

Present for this application was Rabbi Krantz.

Rabbi Krantz apologized how this vegetable garden and fence matter had reached this point. He stated that the garden would be 25 x 30 feet and it was proposed to grow vegetables to feed the hungry as well as providing vegetables during the temples two religious holidays and to provide Horseradish for another religious holiday.

Mr. Greene stated that the fence around the garden was built at a conspicuous space and the board would like the fencing to be less visible and more natural and he was comfortable to let the Building Inspector proceed from there and noted that the applicant would not have to return to the Planning Board.

MARIANI GARDEN CENTER

45 Bedford Road

Section 2, Block 16, Lot 3.A

P. Daniel Hollis, Esq. Shamberg, Marwell & Hollis PC

Proposed amendments to the NB Zoning District to allow for less restrictive and additional uses in the NB Zoning District.

Discussion

Present for this application was Dan Hollis, Esq. and Megan Collins, Esq. from Shamberg Marwell and Hollis PC as well as Rob Aiello, PE John Meyer Consulting, PC

Mr. Hollis noted that there were two items of concerns raised at the last meeting. Traffic and parking along with sounds and acoustics from the site.

Mr. Greene stated that the acoustic study was well done and there would be no live music inside the tent or outside the tent, DJ music would be inside the glass building only. Mr. Hollis stated that inside the tent would be lo key music, no more than 55 decibels.

Mr. Greene noted that all of the reports were based on a head count of 200 people, he inquired if the person did not want a tent, and how many could be accommodated inside the building. Mr. Aiello stated 415 people, but noted that amount was not proposed at this time.

Mr. Greene confirmed with the applicant that the kitchen was going to be expanded to support the expanded hours of the present café and proposed catering. Mr. Hollis stated that the applicant is proposing to keep the Café open to 10:00 p.m. at night and for social gatherings to 11:00 p.m.

Mr. Kaufman inquired about events held on site during the day. Mr. Hollis stated that the site can accommodate 50 people on site; partial valet will be needed for events between 50 -100 people and full Valet parking for events of 125 people and greater. Mr. Kaufman noted there are still some outstanding concerns for this project i.e.: how long will a tent be up, the hours of operation, fire department comments and comments from FP Clark regarding parking. Mr. Greene stated that the board is deciding if this application was complete enough to be referred back to the Town Board.

Mr. Kaufman noted that in the referral back to the Town Board, the issues of concern like Music, Tent and Traffic can be noted in the memo, which has been done in the past.

Mr. Greene stated that they want to allow the site use for parties but what if it is a noisy nuisance, can the appeal be made and then restrict some of those details. Mr. Baroni suggested that perhaps the board would allow 4 – 6 outside uses a year and in time the board could expand it or not. Mr. Baroni did not think the board would want the applicant to return to this board for every event but must decide on an appropriate amount to include in the Town Code.

Mr. Adelman stated that generically, the noise is the largest concern. He noted that the gazebo has had music annually where people meet and have glass of wine and there have been no real issues at these events.

Mr. Sauro stated that 150 person wedding may have acoustics that are different in a glass house vs. a regular building. Discussions were had at this time regarding the decibels of DJ and the testing that was done on site.

Mr. Greene and Mr. Adelman did not see this type of use as an issue. Mr. Greene suggested making a referral to the Town Board with the following comments: Hours of operation, How long is the tent up before an event and when will it come down after the event is over; resolving the concerns from the traffic impacts by F.P. Clark report.

Discussions were had regarding the Lead Agency Intent circulation back in May and the fact that the Planning Board is now Lead Agency.

Discussions were had regarding the referrals to the Town Board and what level of details must be completed before the referral is made. After the discussion Mr. Greene concluded that he did not want to put the Town Board in a position without enough information.

Discussions were had regarding the New York State Historic Preservation (NYSHP). It was noted no letter had been received to date. It was also noted that if nothing was found by NYSHP during the construction of Mariani Garden Center then nothing would

probably come up for this zoning change. It was noted that the cultural resources and impacts on the Historic District were also reviewed by the NYSHP.

Neil Bauman, North Castle resident and 20 year parishioner of the church stated that this change of use does not compare to the music at the Gazebo. He noted for the board's reference that there are services every Saturday night at 5:30 p.m. which are quiet services, no music. The church is not trying to be an obstructionist, the church did not object to Armonk Square and did not object to the original Mariani Garden Center application, but tonight the church is concerned with this use. He does not believe a positive recommendation should be made to the Town Board this evening, there is still too much to be studied. The Reverend will not want to live on site if it is too noisy and then they will be forced to sell that lot and purchase another lot in town for the reverend to live. What if a wedding is two or three days a part? Will the tent be up that long? He also expressed his concerns regarding 400 plus people at gatherings on site.

Annlee Milani – Warden of St. Stephens noted that services are sat evenings from 5:30 – 6:30 p.m. and services are regularly on Sunday's from 10:00 – 11:30 a.m. except during the summer months which are held on Sundays from 9:30 a.m. – 11:00 a.m. She also noted that there is a cemetery on site and funerals due occur, it would be inappropriate to listen to loud music during a funeral. Presently, at times during church services, the parishioners hear the beeping of trucks across the street at Mariani's and fire whistles going off for the fire department during the services.

Ms. Milani then inquired what the public hearings were for. Mr. Greene stated that during a public hearing any noticed neighbor can come before the board and express all of their thoughts and concerns regarding a project, whereas tonight the Planning Board was taking brief comments and asked that no one repeat the same comments.

Ms. Milani stated that this type of use will be an ongoing consistent noise and every week will interfere with the quality of life at the church. She asked the board members if they would want this type of use across from there place of worship.

Mr. Greene stated that yes - more work has to be done, the reason for SEQR is to take a hard look at all the issues. The Planning Board would like some more time to dig deeper into SEQR, more thoroughly, before a recommendation is given to the Town Board. Mr. Hollis requested specific items and details as to what his client should address exactly. Mr. Kaufman will put this together by next week. Mr. Greene will email his comments to the Director of Planning.

A brief discussion was had regarding when the applicant could return to the board. The next Planning Board meeting dates are July 23, August 6th and September 10th.

STOP & SHOP PEAPOD PICKUP

670 North Broadway

Section 8, Block 03, Lot 21 & 21.A

Noelle Crisalli Wolfson, Esq. Hocherman, Tortorella & Wekstein, LLP

Establishment of Peapod Pickup Point "Pup" within parking lot.

Discussion

Present for this application was Noelle Crisalli Wolfson, Esq. Hocherman, Tortorella & Wekstein, LLP; Robert Bencivenga; Stop & Shop Supermarket Company LLC; Michael W. Junghans, PE of VHB.

Mr. Junghans stated that this lot is 7.5 acres and the applicant is proposing the addition of a Pea Pod Pick Up Area "PUP". An open canopy of 44' x 24' is proposed which will accommodate four cars at one time. The proposed PUP will be located near the dry cleaners. The parking spaces in front of the building to the right will be eliminated. The PUP will not inhibit the truck traffic. He presented a visual color photo of the metal structure with roof to match the supermarket. There will be a call box for each parking space, and the order, which is already paid for, will be brought to the car. The signs will have to get ARB approval. Presently this is used at other Stop & Shop locations.

Mr. Mezzancello was concerned about all of the traffic associated with the Pea Pod Pick Up along with the existing dry cleaners traffic being so close to one another.

In response to Mr. Sauro's comment, Mr. Junghans stated that there is 38' between the building and the Pea Pod Pick up area.

Suggestions were made at this time by the board members regarding relocating the Pea Pod Pick up Area to the side of the building where the parking spaces were proposed to be removed. Concerns were raised that groceries would get wet while walking to the pick up area during inclement weather. Mr. Bencivenga stated that the groceries are put into special bags that will keep the food at the appropriate temperature for 48 hours, these bags will also keep the groceries dry. He noted that they have studied this a lot and people prefer a drive-thru with this type of service and do not want to have to back out of their parking spaces. He also noted that each parking space was long enough so that the attendant could stand under the canopy and be protected from the elements while loading the groceries in the car. He also stated that structurally, it would not work to add the canopy to the side of the building as suggested.

In response to Mr. Greene's comments, Mr. Bencivenga stated that the closest PUP's are in Chelmsford, Massachusetts and Chicago, Illinois and have been operating for many years.

Mr. Mezzancello expressed his concerns again about too much traffic in that area, with the dry cleaners, bottle return and truck traffic all in the same area as the PUP.

Mr. Kaufman reviewed a few of the comments he raised in his memo. Mr. Bencivenga stated that they were not interested in cart corals at this time, the lighting will be

reduced as recommended and he will proceed to the ARB. Mr. Kaufman noted that this application will be referred to F.P. Clark regarding traffic on site.

A public hearing was scheduled for August 6, 2012.

CVS

450 Main Street

Section 2, Block 13, Lots 7A & 10A

Site development plan for various amendments to the site and the establishment of a 17,389 square foot pharmacy and 2,497 square foot retail space.

Discussion

Present for this application was Al DelBello, Talia Werber, Shannon Rutherford and David Smith.

Discussions were had with Mr. DelBello and the board whether the first public hearing would take place for site plan approval before the Planning Board or for the Special Use Permit before the Town Board. Mr. Baroni stated that typically the applicant would appear before the Town Board for a Special Use Permit public hearing and when approved, the applicant would return to the Planning Board for a public hearing for site plan approval. Mr. DelBello agreed to proceed in this manner.

Mr. Greene stated that the applicant has done a terrific job and went beyond what was expected and feels the board is ready to make a recommendation back to the Town Board. Mr. Kaufman asked the board members if they would like his recommendations listed on pages 5 & 6 of his memo, to be included in the referral letter to the Town Board. Mr. Greene and Mr. Adelman agreed with this suggestion.

Mr. Greene made a positive recommendation to the Town Board regarding the CVS application which would include Mr. Kaufman's comments. Mr. Adelman second the motion and it was approved with four Ayes. Mr. Delano was not present for the vote.

Mr. Greene stated that the parking lot was severely over parked and suggested the professionals sit down with CVS and see how many parking spaces could be land banked. He noted the parking spaces at the rear of the site near the loading dock could be land banked and the loading dock could be aligned better.

Mr. Kaufman stated that the monument sign should be 4', not 10'. The applicant was not sure who to speak to on this issue.

MONACO

8 Hollow Ridge Road

Section 2, Block 3, Lot 2-8

Dan Holt, PE Holt Engineering,

Preliminary subdivision approval of a Lot Line Change and Special Permit for an accessory structure over 800 square feet.

Discussion

Present for this application was Paul Sirigano.

The pool house was built within the vegetative buffer, the applicant is proposing a mitigation planting plan. In response to Mr. Greene's comment, Mr. Baroni stated that since the mitigation is being doubled, the applicant will not have to get the neighbors to sign the plat. The applicant still needs to appear before the ZBA and a SUP is still necessary for the Accessory structure in New Castle. A summons will still be issued but when the applicant goes to court, the judge will see that the applicant has a mitigation plan.

Mr. Greene made a motion to approve the concept mitigation plan, Mr. Adelman second the motion and it was approved with four Ayes. Mr. Delano was not present for the vote.

COCKREN MIU'S

Site Plan

Section 2, Block 15, Lot 1

22 Old Route 22

Mark Miller, Esq. Veneziano & Associates

Discussion

Consideration of approving second extension of time site plan resolution

Mr. Mark Miller, Esq. Veneziano & Associates was present this evening.

Mr. Greene made a motion to grant the extension of time site plan resolution. Mr. Adelman second the motion and it was approved with four Ayes. Mr. Delano was not present for the vote.

Meeting adjourned at 8:55 pm.