

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
September 10, 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:
Zenaida Bongarts

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

APPROVAL OF MINUTES:

August 6, 2012
April 23, 2012

Mr. Green asked for a motion to approve the April 23, 2012 Planning Board minutes as amended. Mr. Sauro made a motion to approve. It was second by Mr. Greene and approved with four Ayes. Mr. Delano was not present for the vote.

Mr. Greene asked for a motion to approve the August 6, 2012 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Greene and approved with four Ayes. Mr. Delano was not present for the vote.

PUBLIC HEARING:

DRAMATIC ARTS SCHOOL

1 Labriola Court

Section 2, Block 11, Lot 13.-1

Robert Peake, AICP John Meyer Consulting

Zoning Amendment to permit a dramatic arts school as a permitted Principal Use within the RELIP Zoning District and site plan amendment for a student drop-off area.

Consideration of amended site plan resolution

Mr. Greene read the affidavit of publication for the record. No noticed neighbors were present for this application. Mrs. Desimone noted that all paperwork was in order for this application.

The Applicant is proposing the establishment of a 6,000 square foot dramatic arts school and a 2,500 square foot language and occupational therapy suite within the building at 1 Labriola Court. A new one-way entry access drive is proposed from Labriola Court to provide vehicular access to the proposed dramatic arts school and provide for a student drop-off area.

Mr. Greene stated that he felt this was a good use of the site. The board had no comments at this time.

Mr. Greene asked for a motion to close the public hearing. Mr. Adelman made a motion to close the public hearing. It was second by Mr. Greene and approved with four Ayes. Mr. Delano was not present for the vote.

Mr. Greene asked for a motion to approve the Dramatic Arts School Resolution. Mr. Adelman made a motion to approve. It was second by Mr. Greene and approved with four Ayes. Mr. Delano was not present for the vote.

DISCUSSION

STOP & SHOP PEAPOD PICKUP

670 North Broadway

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

Geraldiine Tortorella, esq. Hocherman, Tortorella & Wekstein, LLP

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

Consideration of site plan resolution

Present for this application was Noelle Crisalli Wolfson, Esq. Hocherman, Tortorella & Wekstein, LLP; Michael W. Junghans, PE from VHB.

Ms. Wolfson stated that the public hearing was open and closed August 6, 2012. The circulation on site was a concern raised at the last meeting and since that last appearance before the board there was a meeting with their engineer Michael Junghans, Adam Kaufman and Mike Galante from FP Clark. The final items agreed upon at the meeting were reviewed with the board members at this time who agreed these changes would make a better circulation pattern on site for the PUP. These changes were incorporated into the resolution of approval.

Mr. Greene noted this was the only PUP in this area of the country and reviewed all of the benefits of this use.

Brief discussions were had regarding revisions to the draft resolution at this time.

Mr. Greene made a motion to approve the Stop & Shop Peapod Pick Up "PUP" resolution as amended. Mr. Sauro second the motion and it was approved with four Ayes. Mr. Delano was not present for the vote.

SANTOMERO BUILDING

868 North Broadway

Section 3, Block 7, Lot 9A

Michael Piccirillo, AIA , Michael Piccirillo Architecture

Amended site plan approval for the construction of 5,134 square-feet of additions to the existing 4,435 square-foot office building.

Discussion

Applicant requested to be taken off of the agenda.

WILSON

40 Mianus River Road

Section 1, Block 7, Lot 5.B01

Scott Blakely, RLA Insite Engineering

Construction of 1,224 square-foot accessory garage for storage.

Discussion

Present for this application was Richard Williams, Insite Engineering.

Mr. Williams stated that the property is located at 40 Mianus River Rd and zoned R-4A. This application is for a Special Use Permit associated with the construction of a 1,224 square foot detached garage (34' x 36'). A gravel driveway along with two rain gardens is also proposed on site. A common driveway exists on site which services one additional lot. There is a NYSDEC wetland on the Eastern part of the property and a North Castle regulated wetland on the western side of the property. The garage will be located south of the existing house on site.

Mr. Kaufman noted that the garage was far removed from the residence. Mr. Williams stated his client's intent was for storage only. Mr. Greene noted that the only people who will see the garage are the people who share the common driveway. Mr. Kaufman stated that ten town regulated trees were going to be removed for this application and suggested a landscape plan along the common driveway be submitted.

Mr. Sauro asked the applicant if they took into consideration that this lot is close to the Mianus Gorge Preserve. He wanted to confirm that the stormwater runoff was taken into consideration along with the proposed rain gardens. He noted this was a highly sensitive area and there are a lot of people who are very concerned about that area. Mr. Williams noted that his client is staying out of both wetland buffer areas on site which will be confirmed by the Town Wetland consultant. The rain gardens are proposed to treat the new impervious surfaces, not the existing house because they do not want to create more disturbance on site than is necessary. The way the property is structured, you would have a significant amount of disturbance to the land if the house were treated for stormwater runoff. They are treating the new impervious surface and proposing two rain gardens along with a gravel driveway leading to the garage. All that is required for this application according to the NYSDEC and Town Wetlands stormwater management ordinances is erosion control which his client has gone above and beyond the requirements. Mr. Sauro thanked Mr. Williams.

A public hearing was scheduled for Thursday, October 11, 2012 and the board will consider a resolution the same evening.

A site walk was scheduled for Friday, September 14, 2012.

KLEIN

14 Gifford Lake Drive

1/9/13-11

Bibbo Associates.

Discussion regarding clearing and grading limit line

Present for this application was Tim Allen, PE, Bibbo Associates.

Mr. Kaufman stated that the red line shown on the plan reflects the line the Planning Board originally approved with the subdivision. The yellow line was the line that was filed by the applicant with Westchester County and the applicant wants to keep the yellow clearing and grading limit line.

The amended final subdivision plat approval was granted by the Planning Board on February 15, 2012 for the removal of Note #1 and Note #16 from the Rolling Hills plat map. Note #1 on the plat map regulated the maximum footprint sizes on each of the subdivision lots. Note #16 on the plat map required that each new home within the subdivision obtain site development plan approval from the Planning Board. The Applicant also submitted a site plan to the Planning Board for review at the time of the requested subdivision amendment. The Clearing and Grading Limit Line (C&GLL) depicted on the submitted site plans did not match the Clearing and Grading Limit Line previously approved by the Planning Board and depicted on the filed Rolling Hills plat map. The Applicant, at the time of the 2012 subdivision plat amendments, did not request an amendment to the previously approved Clearing and Grading Limit Line. The amended plat map filed with the County removed the notes stated above and also revised the Clearing and Grading Limit Line. The Planning Board did not specifically authorize the depicted and filed change to the plat with respect to the Clearing and Grading Limit Line. The Applicant is now seeking after the fact approval of a revised Clearing and Grading Limit Line as depicted on the recently filed subdivision plat map.

Mr. Sauro recalled this was the lot that the line was moved by the previous owner because the property owner at the time was building a "Green" house and needed room for the solar panels. Mr. Kaufman agreed.

It was noted that there would be no environmental impact with changing the line. Mr. Kaufman asked Mr. Baroni how to proceed and rectify the situation.

The board authorized Mr. Kaufman to prepare a resolution reflecting consideration of approving the yellow line at the next meeting.

CVS

Discussion

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.

Mr. Greene stated that he met with CVS and they were originally scheduled to appear before the board this evening for a public hearing and resolution. There were items to be addressed by the applicant from the Town Engineer and Director of Planning as well as the parking agreement to the abutting neighbor on Maple Avenue, which had not been resolved that the applicant asked for a two week extension which was granted. He also noted that this evening he received a memo with comments from the Conservation Board. He met with the applicant and reviewed items discussed at the meeting with the board members which were, parking, loading, drive thru, garbage and waste management, the appearance of the rear of the site, the connection to Hergenhan was resolved and the applicant should be able to return to the board in two weeks will have finished their documentation on all these matters and presented a completed application.

Mr. Greene stated that the Town Board and the Planning Board has been served with an Article 78 which is a law suit. He read the material into the record. The Petitioner is the Concerned Citizens of Armonk and its president Charlene Jacobi and the following individuals, Marion Kelly, Amy Yallop, Judy Gilmartin Wilsley, Yulida Riina, and Angela Hemelstein. The last person was not read into the record as they asked to be taken off of the document. The Article 78 is against the North Castle Town Board, North Castle Planning Board, Eden Enterprises, Werber Management, GB Northeast and Armonk Shopping Center. An Article 78 gives citizens the ability to sue the government under State statute. This will cost the town some money in defending the suite and hopefully will not delay the applicant.

Mr. Baroni stated that there is no stay in effect and nothing prohibiting the applicant from proceeding with the public hearing on September 25, 2012 or the board rendering a final decision. We have secured a 45 day adjournment from the original return date to give him additional time to respond to the papers and he is doing that. We are collecting the record. We have to collect the record from both boards and make multiple copies of each record. We are working on a memorandum of law regarding the allegations in the petition.

Mr. Greene stated that the CVS public hearing will take place on September 24, 2012 at the HC Crittenden Middle School at 7:00 p.m. unless the applicant notifies us differently. He noted the Town Board has issued their Special Use Permit and the applicant will be before this board for site plan approval.

Meeting adjourned at 7:40 p.m.