

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
September 26, 2011**

PLANNING BOARD MEMBERS PRESENT:

John Delano, Chairman
Jane Black
Steve Sauro
Beata Buhl Tatka
Guy Mezzancello

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

John Kellard, 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.

APPROVAL OF MINUTES:

A. September 12, 2011

The minutes were not voted on this evening.

II. PUBLIC HEARING:

Special Use Permit for Hahn located at 31 Windmill Road, Section 1, Block 4, Lot 10-22, and Consideration of approving Special Use Permit resolution.

Present for this application was Mrs. Hahn, property owner.

Mr. Delano read the affidavit of publication for the record. Ms. Desimone noted that 10/11 green cards were returned and all paperwork was in order for this application. No noticed neighbors were present this evening.

Mrs. Hahn stated that they are proposing to add a third bay to their existing two car garage. The bay will be used for non vehicle use to store a generator, snow blower and things of that nature. She pointed out the area of disturbance and mitigation on site. She has been before the ARB and CB and has received approval from both boards. There will be a second story addition as well, which will blend with the existing conditions of the garage. This area will be used for storage and an open area for exercise and quilting, it will not be used for businesses or anything else other than what the owners would use. She noted that she is waiting on the gross floor area calculations from her professionals regarding the size of the house as it compares to the size of the proposed garage, the garage can not be larger than 25% of the principal dwelling. Once this information is determined, she will know if she needs to go before the ZBA or not. The board noted a decision on this application could not be made until that information was provided. The board did not have any issues while out on the site walk.

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

III. DISCUSSION:

Hillside Church Site Plan resolution approval, 448 Bedford Rd, 2/8/16.G

Present for this application was Steve Marcasani, Architect. He stated that this application was a second story addition to add a third bedroom to the Pastor's apartment, there are two outstanding issues that he can address. He had no comments or concerns regarding the resolution.

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

Dehmer, 11 Annadale Street, 2/02/23.D01, SITE PLAN

Mr. Delano expressed his frustrations that this project has been going on for two years and there is still a lengthy list of things to be completed for this application. Mr. Rucker stated this application has been at the Health Department and it took a while for them to approve it. Mr. Delano noted that there is a lengthy list of things that need to be done regarding this application. The lighting was not shown on the plan. The Health Department did not comment about parking on the septic tank and he would like a letter to that affect from the Board of Health. Mr. Rucker stated that the Board of Health signed off on this plan. Mr. Delano stated that the Board of health said you could change the use because the flow was less, they did not say you could park on the septic tank. Mr. Delano requested a letter from the Board of Health regarding parking on the septic tank. He was also concerned because the septic tank was shown in one location on the original plan and in a different location on the recent plan. Mr. Delano asked if the septic and fields were both exposed and located? Mr. Rucker said yes they were. Mr. Delano stated that he would like the plan updated to reflect what is on the site, the plan is vague at some points. Mr. Delano also stated that you are not permitted to have parking within ten feet of a septic field, Mr. Rucker did not agree with that comment and it was concluded that Mr. Rucker would provide a letter stating that you can park within ten feet of a septic area. Mr. Delano also noted that the plan still refers to an Accessory Apartment, and this was mentioned two years ago. He also noted that the surveyor of record is shown as MacDonald Associates and there is no such professional on record. Mr. Delano suggested a meeting with Mr. Rucker, Mr. Kaufman and himself to go over all these comments. In response to Mr. Delano's comment, Mr. Rucker stated that this application is due to an issuance of a violation. Mr. Rucker will schedule a meeting.

Consideration of FEIS Extension of Time for 11 New King Street, 3/04/14.B

Mr. Delano asked for a motion to approve the FEIS extension of time request for the 11 New King Street application. Ms. Black made a motion to approve, it was second by Mr. Sauro and approved with five Ayes.

Accessory Apartment for Gelman, 62 East Middle Patent rd, 1 / 7 / 14.A

Mr. Ronald Markowitz, attorney for the applicant was present this evening.

Mr. Markowitz stated that his client was applying for a Special Use Permit for an existing accessory apartment. The Certificate of Occupancy was issued in 1984. The applicant is complying with the town code from 1986. In response to Mr. Delano's comment, Mr. Kaufman stated that he will refer this matter to Westchester County. Mr. Kaufman also noted that there were no real issues of substance regarding this application and the code requires that a Special Use Permit and Planning Board approval be granted for an accessory apartment which was not done. This application will be referred to the Building Department and Fire Marshal and once we have their comments, we can schedule a public hearing and consider a resolution.

Site Plan for Assisted Living Facility, 90 Business Pk Dr. 2/16/11.B08

Present for this application was Mark Miller, Esq. Veneziano & Associates; Contract Vendee Steve Krieger from the Engle Berman Group, David Mamino, AIA & Steve Grogg Engineer, McClaren Engineering.

Mr. Miller briefly reviewed what had happened at the last few meetings and requested a public hearing date be set for 10/24/11 meeting. He noted they would be appearing before the Town Board tomorrow evening. He reviewed all of the information regarding the assisted living facility. The site will be just under 118,000 square feet, 67 parking spaces are required and 74 are provided and there will be 138 beds on site. The lot will be subdivided into two lots, Lot #1, the assisted living facility lot will be 4.95 acres and Lot 2 will be 1.5 acre lot, the two lots will be separated by a landscaped island.

Mr. Grogg oriented the board with the property location and how it relates to Route 22 and I-684. The current easement for Lot #2 will remain; there have been some refinements to the site. There will be a 15 -16' buffer to the Hotel property which is where the loading docks and garbage will be located. There will be a 25' road around the site for emergency personnel and eight of those feet will be a walkway. Parking on site will be in front of the site as well as on the North Side. There will be detention basins on site and the applicant will appear before the Conservation Board. Outside amenities were reviewed with the board at this time. All amenities inside, will be on the first floor. He also stated that this application was scheduled to appear before the Conservation Board.

Mr. David Mamina handed out some 11 x 17 sets of plans to the board members and reviewed the interior in greater detail for the board members like the sun room, fitness center, arts and crafts, hair salon, cinema, dining room, dementia units. He noted the rest of the building has a mixture of studio and friendship units and one bedroom units. The third floor is similar to the second floor. The applicant has always prided themselves on all of the outside and inside amenities that are provided on site. A photo of the Northport Long Island site, which is almost a sister site, was presented to the board members at this time. The sample of the sign was presented to the board as well. Mr. Mamina state this is like living in very fine hotel; he presented photos of the dining area and common area as well as a typical one bedroom unit and gym. He noted there was another site under construction in White Plains

Mr. Limburg, Conservation Board representative inquired how far into the wetland buffer will this application go. Mr. Grogg stated that they are disturbing an area that was previously disturbed and his plans showed approximately 17,000 square feet of disturbance and the applicant will be replanting and enhancing approximately 18,000 square feet.

Mr. Delano inquired about the status of the ARB approval. Mr. Miller stated that his architect is working with the ARB.

Mr. Sauro inquired what the status of the sewer and water was. Mr. Miller stated that the application was presently before the DEC. Mr. Kellard stated that a decision should be made within the next 90 days.

In response to Ms. Black's comment, it was noted the applicant was scheduled to appear before

the Conservation Board on October 18, 2011.

Mr. Delano inquired about the emergency services comments. Mr. Miller stated that he had a meeting with the fire department a month or two ago and is working on providing that information to the fire department.

Mr. Kaufman confirmed with the applicant that the subdivision plat will be revised to show the easement to Lot #2 and the typo regarding frontage will be revised and the applicant stated that they will take care of that. Mr. Kaufman asked the applicant to show a specific landscape plan showing types and quantities for the screening by the loading dock and garbage area to ensure that it would not be visible from the hotel and this is a sufficient set back.

Discussions were had regarding the traffic information. Specifically discussed was the removal of the center island at the Intersection of Route 22 and Business Park Drive and whether the applicant would make those improvements or make a monetary donation. Mr. Miller will address these issues with his client.

Mr. Delano noted some revisions to the plat that should be made; the zoning table should show fire district, not fire department, the plat should state preliminary plat and the signature and seal of the professional preparing the plat should be in line with the board of regents so that it is bigger and more legible. Mr. Miller stated that he will address these issues with his client.

A public hearing was scheduled for October 26, 2011.

Referral Site Plan for St. Nersess Armenian Seminary, 486 Bedford Rd, 2/8/17.B

Present for this application was Bob Stanzialle, AIA; Rob Aiello, PE, John Meyer Consulting; Seth Mandelbaum, Esq., McCullough, Goldberger & Stout; Father Daniel Dickian.

Mr. Mandelbaum stated that this application was a referral from the Town Board and Site Plan approval is necessary from this board. Presently this is the only Armenian Seminary in the western hemisphere and it is located in New Rochelle, New York. The existing building has become a bit outdated and the applicant is looking for a new location. Mr. Mandelbaum noted that they will be filing the traffic report, stormwater report and will address the Director of Planning's Memo along with the Town Engineer's memo. Mr. Mandelbaum would like the board to declare lead agency intent and would like a referral to the ARB. Mr. Mandelbaum would like the board to consider a positive recommendation back to the Town Board next month. He also noted that the applicant would like to preserve the three existing structures on site.

Father Dan stated that on site will be an Armenian Orthodox Church which is dedicated to learning, prayer and graduate theological education. There are mostly men with some women and are engaged in graduate study. There will be in community worship with no public services, no weddings and no funerals. The classes are between 3 and 12 people held around the table with a teacher. The Theological Center, invites scholars to come, study and research with them.

There will be a graduation once a year with approximately 1 - 3 three people. There will be between 15 – 20 people for summer studies on site.

Rob Aiello stated that the lot is 5.5 acres on site and zoned R-2A and currently there are four structures on site, in the past, the site was farm at one point and recently an estate. Currently proposed for the site are a residence, barn, accessory structure and dean's residence. Each of the existing buildings will remain. He reviewed the uses proposed by the applicant in each building. The existing curb cut will be widened and additional parking spaces will be provided. The theological building will be 8,400 square feet. There is no public water or sewer on site. A septic plan and expansion area are proposed. The applicant would like to maintain 75' of green space around the area. There will be lighting on site, residential in character. Additional landscaping is proposed on site as the applicant is aware of the residential neighbors abutting the site.

Mr. Stanzialle stated that the existing 3 bedroom house was built in the 1840's and will remain and a small addition will be made to create an eight bedroom dwelling. The Barn was primarily two structures which will be attached. The front portion will remain where the communal dining will take place and passive recreation area. He then reviewed some apartments and studio apartments at the rear of the site.

Ms. Black noted that the Barn was in very questionable shape and was concerned about how that could be maintained. Mr. Stanzialle stated that he has had a structural engineer on site and the applicant is going to try and maintain the current structures as much as possible.

Mr. Stanzialle stated that he met on site last week with the Landmarks Preservation Committee of which five board members were present. The other structure which is a smaller structure is the Dean's residence. The second story will be removed and there will be a small bump out in the rear of the building. The theological center will be a one story building to maintain a low profile. There will be some classrooms, administrative offices, library and chapel in the theological center.

Ms. Black stated that she would like to hear comments from the LPC. Sue Shimer, Landmarks Preservation Committee Chairman stated that she and the committee members were aware of the history of the site as well as the former uses on site. She noted it was a very important part of history in our town. The committee was very pleased that the applicant was trying to maintain as much of the history and style as possible, whether the site is land marked or not is a separate issue. In terms of its historical importance and what they are doing, it seems basically a good idea to preserve the style which is very important and the land marking will be dealt with when the plans are finalized.

Ms. Black agreed with Chairman Shimer that she was very pleased that a group would come on site and try to preserve as much as possible.

Mr. Mandelbaum stated that there were two possible uses identified for this use. A religious institution is more appropriate vs. a place of worship. Ms. Black agreed that this is more of a religious institution. Mr. Delano and Mr. Baroni agreed with the religious institution definition as well.

Mr. Delano asked for a motion to declare lead agency intent. Ms. Black made a motion to declare lead agency intent, it was second by Ms. Tatka and approved with five Ayes.

Ms. Black was concerned about the screening to the surrounding neighbors behind the barn and would like a cross section from the viewpoint of Seymour Avenue. The applicant will submit a cross section for the neighbors at the next meeting.

Market at Armonk Square, Amended Site Plan, 402 Main St, 2/14/8

Also present for this application was the property owners Alan Zaretsky, Dominick Dioguardi, John Dioguardi; applicant's attorney Mark Miller; Andreas Stresemann, architect; John Collins, Traffic Engineer; Ralph Alfonzetti, Civil Engineer.

Mr. Miller reviewed all of the approvals for the board starting with the original 2008 site plan approval to the amended site plan application currently before the Planning Board today. The applicant has acquired the former Beescake property which zoning was changed to the CBA zoning district. The last step is Site Plan approval for this site. The Town Board basically took care of and addressed the impacts off site.

Mr. Miller also reviewed the previous locations of buildings A,B, C, D, E on the previously approved site plan and how the buildings have changed with this new proposal. Buildings A & B located along Main Street have retail on the first floor and apartments on the second floor and will essentially remain the same with the amended application. Previously approved Buildings C & D located along Maple Avenue have retail on the first floor and apartments on the second floor and Building E has retail on the first floor only. There will be a central plaza as well as a pedestrian access from Main Street on site. Vehicular access will be off of Maple Avenue and off of Bedford Road and emergency access off of Main Street. The new proposal incorporates the Beescakes property and the elimination of buildings C,D,E. Buildings A & B will remain essentially the same, vehicular and pedestrian access will remain the same as the original approval. He noted the screening will remain the same along St. Stephens Church. An approximately 18,000 square foot market and 3,100 square feet of retail stores along Maple Avenue is proposed. The applicant was and still is part of a parking district. There will be a loading area and compactor area on site which will be totally enclosed.

Mr. Miller stated that the LPC expressed their concerns regarding the truck traffic and it was noted that there will be 2 – 3 tractor trailer trucks a day and they take about 15 minutes to unload on site. The trucks can enter on Maple Avenue and Exit onto Bedford Road. The FAR was approximately 49,000 square feet on the original plan and is now 53,000 square feet, there is a small increase but a significant increase, 40%, in the amount of parking proposed. The architecture will look like a series of small stores along maple avenue as will the supermarket. He presented the elevations to the board at this time.

Mr. Miller stated that the Town Board was concerned about the three intersections regarding this application. The first intersection was at the corner of Bedford Road, Main Street and Kent Place. He noted the DOT would not consider a traffic Signal at the corner of Main Street and Bedford Road until the site was up and running for one year. A bond in the amount of \$130,000. will be set up for signal improvements and one year after the C.O. is issued, if the DOT determines the traffic signal is necessary, there is \$130,000. to fund the signal.

The second intersection the Town Board was concerned about was Main & Maple. The applicant will provide \$30,000. for a new controller and vehicle detection to help timing at the corner of Maple Avenue and Main Street.

The third intersection the Town Board was concerned about was the corner of Bedford Road and Maple Avenue. The town's consultants are working on restriping the intersection for buses to make a right turn onto Bedford Road to Crittenden Middle School.. John Collins is working with Michael Galante regarding truck traffic on site. The smaller trucks, step vans etc. will not have any problems negotiating the site.

Mr. Miller continued to state that within the CBA zoning, the Planning Board can grant a waiver on the parking requirements up to 25% that would have otherwise been required if you calculated it on each separate use. John Collins submitted a shared parking analysis to Mike Galante in 2008 and Mr. Collins went through the ULI and ITE schedules and was able to demonstrate that if you took those ULI and ITE industry standards shared parking concept numbers, it worked out essentially to be a 25% reduction in parking. The Westchester County Planning Board letter stated that essentially they thought we had too much parking proposed and asked that we reduce the parking count to the smallest responsible number. We are aware that everyone would like as much parking as possible on site. The updated parking study demonstrates that the parking requirements are appropriate. If you were to add up all the individual uses on site, you would come up with that 193 parking spaces are required. With a 25% waiver, it would reduce it to 145 parking spaces and the applicant is providing 167 spaces. There will be 22 extra parking spaces over and above what ITE would require and what Westchester County requires.

Mr. Miller continued, the general engineering, water and sewer are largely similar to the original plan and his professionals are working with the town's professionals on a few matters. There is a 600 square foot DEC monitoring facility on site. There has been regular pumping on site and routine reports submitted to DEC ever since. The DEP is satisfied with what is going on the site. There are mitigation measures set up with the DEP and DOH regarding this site. In the event anything comes up while construction is under way, the mitigation measures will be followed.

In response to Mr. Delano's comment Mr. Miller stated that the applicant does need amended ARB approval and is working on that packet. In response to Mr. Delano's comment, Mr. Miller stated that in regards to emergency services, he got a memo from the fire marshal and he has no issues.. Mr. Kaufman stated that the emergency personnel letters will go out tomorrow to the police and fire departments and fire marshal. The new traffic report submitted today, will be sent to Mike Galante and Ms. Black would like comments from Mr. Galante by the next packet. Mr. Kaufman also noted that we need additional information regarding off street loading, shopping carts, other pieces of information referenced in the memos and lighting information, none of which are show stoppers. The memo from the traffic consultant is needed as well. Mr. Millers stated there will be more plans submitted Wednesday. The Town Board will mitigate the road improvements

In response to Mr. Delano's comment regarding additional monies for parking in other locations of town. Mr. Miller stated that the \$75,000 for additional parking is not on the docket any longer. Ms. Black inquired about the sidewalk on Main Street. Mr. Miller stated that the applicant will provide sidewalks on Main Street and some on Maple Avenue. Mr. Kaufman noted that originally the plans were for sidewalks only in front of the applicants site on Main Street and none on Maple Avenue, it is a nice improvement that the applicant is providing sidewalks all along Main Street and in front of their property on Maple Avenue.

Ms. Tatka inquired if Maple Avenue would become one way and Mr. Miller stated that it would remain as is, a two way avenue.

Mr. Kellard stated that the Town would like to widen Maple Avenue as soon as this project is complete. They would like to widen the North side and have the cars park on the other side of the road so that Maple Avenue lines up better with Whippoorwill Road East and this would allow the trucks to turn easier into the site. This will be the next phase along with sidewalks.

Ms. Shimer, Landmarks Preservation Chairman stated that a certificate of appropriateness was issued largely on the theory that the driveway has not changed. None the less, there was considerable concern about traffic going through the historic district, specifically truck traffic. She would like the board to consider the historic district and would prefer that the smaller trucks enter and exit off of Maple Avenue. She would like the board to not only think about traffic on Maple Avenue and Bedford Road but in the Historic District as well.

Mr. Delano said that we will see if we do something about the smaller trucks exiting the site and see if anything can be imposed or signage put up, but could not make any promises. He asked Mr. Kaufman to mark it down in his notes and speak about it again regarding this application.

Mr. Miller had requested a public hearing on October 12, 2011. Mr. Kaufman was not sure if all of the outstanding questions would be addressed in time for the public hearing. Mr. Delano stated that if all of the outstanding items are not received for the next meeting, we will keep the public hearing open until the following meeting. Mr. Miller agreed to that.

A public hearing was scheduled for Wednesday October 12, 2011 and was held at the HC Crittenden Middle School.

Meeting adjourned at 8:51 p.m.