

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
November 21, 2011**

PLANNING BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

Ryan Coyne, PE
Consulting Town Engineer
Kellard Sessions PC

Adam R. Kaufman, AICP
Director of Planning

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
Larry Nokes

PUBLIC HEARING CONTINUED:

**Hahn, 31 Windmill Road, 1/04/10.-22, consideration of Special Use
Permit resolution of approval.**

Mrs. Hahn was present for this application. No members of the public were present for this continuing public hearing.

Mrs. Hahn's application was approved at the ZBA. Her original application was to expand the existing two car garage, to a three car garage with space on the second floor for a sewing/quilting studio.

Mr. Delano asked the members of the audience and the board if they had any further comments or questions regarding this application. No comments were made at this time.

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

A few minor typos were noted and incorporated into the final draft of the resolution.

Mr. Delano asked for a motion to approve the Hahn resolution as amended. Ms. Black made a motion to approve the resolution as amended, it was second by Mr. Sauro and approved with four Ayes. Ms. Tatka was not present for the vote.

Mrs. Hahn stated this was a long process but it was much easier with the help of Valerie Desimone, she is a gem and I was very appreciative for all of her help. Ms. Desimone thanked Mrs. Hahn.

One Labriola Ct-Update, 1 Labriola Ct., 2/11/13-1, Dennis Noskin Architects

Mr. Kaufman reminded the board that at the last meeting a resolution was adopted with a condition that the board could rescind the resolution if information regarding items 1 & 2 were not submitted. An updated letter from Terminix was received by the board. An updated floor plan was submitted, we need some updated info regarding the materials stored on site as well as how much pesticide will be stored on site. There is a condition in the resolution regarding a 110% containment of all chemicals on site and we need to know how much will be kept on site. Mr. Noskin is working on how much and what exact chemicals will be kept on site and what type of storage locker will be kept on site.

The board was satisfied with the revised letter sent in by Terminix. Mr. Kaufman would like some further clarity regarding mixing or not mixing on site. Mr. Noskin will set up a conference call with Terminix and Mr. Kaufman to resolve this issue, which was satisfactory to Mr. Kaufman.

Mr. Noskin stated that he provided information to Mr. Bill Richardson four weeks ago. In response to Mr. Delano's comment, Mr. Kaufman stated that he does believe that Mr. Richardson does have the material and is reviewing it. Mr. Kaufman stated that we are in limbo, the applicant is certainly addressing the concerns of the board and we are going to review it and update the board as the information becomes available. Mr. Noskin stated that he is trying to move this along.

No action was taken on the resolution this evening.

C & H Final Subdivision, 336 Bedford Banksville Rd, 1/2/1 Consideration of approving Final Subdivision Resolution, Keane, Coppelman, Gregory Engineers

Present for the applicant was Pete Gregory, PE Keane Coppelman, Gregory Engineers.

Mr. Gregory stated that this is a two lot subdivision and he has received preliminary approval. We have received some comments from the Westchester County Health Department and we are responding to those comments and have submitted a plat for their review. We have also been to the Westchester County Public works regarding site distance improvements, especially in the Northerly direction, at the entrance of the common driveway. We have received a permit from their office. The Westchester County Public Works would like to be involved when a building permit is issued for Lot #2. We do have a permit to perform some clearing, grading and reconfiguring to the exiting lot which will increase the site distance to the north. He has reviewed both memos and he can address those comments. He has also reviewed the resolution and can accommodate those conditions. Mr. Delano asked the members of the board and members of the public if they had any comments or questions regarding the resolution. No comments were made.

Mr. Delano asked for a motion to approve the final subdivision resolution for the C&H application. 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.

61 & 67 Old Route 22 Subdivision, 2/11/9-2 & 9-4, John Meyer Consulting

Present for this application was Bob Peake, John Meyer Consulting.

Mr. Peake stated that he would like to review some of the comments in the professional's memos. A comment was raised in the Director of Planning's memo regarding the Special Use Permit issued by the Town Board. After a brief discussion with the board members and Town Attorney, Mr. Baroni did not see that it was necessary for this application to return to the Town Board to amend the Special Use Permit for the school. Mr. Peake stated that the play area was reconfigured, at Mr. Kaufman's suggestion, to accommodate all of the children in the school and the playground is still oversized and will be moved back out of the wetland and a wetland permit will not be necessary.

Mr. Peake stated that in response to Mr. Coyne's comment in his memo they will be placing a side walk in front of their property according to the street scape along route 22. He noted he will be able to accommodate most of the conditions in the Town Engineers memos. Mr. Peake noted that his client would prefer to keep the dumpster in its present location. Mr. Delano and Mr. Kaufman had mixed feelings on this issue and after a brief discussion concluded that the

dumpster location could remain where it is presently. After a brief discussion it was concluded that the two parking spaces referenced in Mr. Coyne's memo were going to be rotated 90 degrees and made employee parking only due to the close proximity of where the children will be dropped off and the less amount of traffic in that area the better.

Mr. Kaufman noted the circulation on site is much better than the last submission.

After a brief discussion it was decided that there will be a couple of crossover paths from one parking lot to the other.

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

Mr. Peake will submit the revised plans. Mr. Delano asked Mr. Peake to submit a subdivision plat which is signed and sealed.

WORK SESSION – PLANNING BOARD & ARCHITECTURAL REVIEW BOARD:

Sutton Court – Assisted Living Facility, 90 Business Park Drive, 2/16/11.B08

Present from the ARB was Chairman Anthony Calvello, Susan Geffen and Chris Tuzzo.

Also present Mark Miller, Principal of Engel Berman Steve Krieger, David Mamino, Steve Grogg and Anthony Veneziano.

The ARB felt like the most recent and the first submission made to their board was coming late to the table and they felt pressure to issue an approval. The Planning Board felt it would be beneficial to discuss concerns of the ARB and work on and offer some solutions. Mr. Delano stated the Planning Board always looks for the ARB recommendation and generally follows that recommendation. He would feel better if they had approval from the ARB on this project.

The professionals from the project were introduced at this time. A site plan and a landscaping plan were put up for everyone's reference.

The ARB noted the following concerns: They were concerned with the sign entrance, it appeared like a tombstone and the board was concerned about the appearance of this building from Route 22 and from I-684. The board felt this building was a stand alone site and this faces people entering and leaving our community and they want some integrity with this building. They would like the roof lines to continue and not just have a flat building. Elevations were presented at this time.

The ARB was also concerned about the appearance of the air conditioning units under every window, they would prefer the unit to be on the roof out of site, the applicant noted the a/c units would be custom painted to match the brick, his client wants 100% climate control in each of the

units.

The ARB was also concerned about the fake brick appearance, it appeared as a McMansion Faux “fake” look to it. The materials are different on this site than what is traditionally used in town. It was also noted that there was not a lot of screening along the I-684 Corridor. The Board did not like the color of the building shown in the rendering. A lot of dialogue took place between the ARB members and the applicant regarding these items. The ARB members and the applicant’s professionals started positive discussion regarding their concerns and went into the hallway to continue their discussion at this time. When the ARB returned to the room they felt this application was moving in a good direction and the issues can be resolved. The applicant will need to make their submission and appear before the ARB. The Planning board thanked the members of the ARB for their valuable input and for their attendance this evening.

DISCUSSION:

Sutton Court – Assisted Living Facility, 90 Business Park Drive, 2/16/11.B08, Veneziano & Associates

Mr. Miller stated that a letter was received from SHIPO (State Historic Preservation Office) dated November 18, 2011, and Mr. Miller read a brief excerpt from the letter which said that two feet of soil was moved or relocated and the soil retains no archeological potential and it appears no archeological investigation is warranted. The board received copies of the SHIPO letter this evening. He feels this addresses the NYSDEC (New York State Department of Environmental Conservation) issues.

Mr. Miller stated that the issue of the recreation area still needs to be addressed. He noted in various parts of the code regarding multi-family recreation fees it said – adequate park and recreation areas to service the needs of the inhabitants of such housing. He reviewed the recreation areas on site: swimming pool, bocce court, tennis court, walking paths around the facility, gazebo, and putting green. The applicant does meet the size requirements of 12% of the total site or one acre of the site; those facilities serve the needs of the anticipated population of the building. He requested the board waive the recreation fee. Mr. Baroni stated that the issue is whether or not the Town and the Recreation Board would believe the facilities installed on site were adequate to cover all of the recreational needs of the residents or will they also come off site and participate in some of the programs that the Town offers. The board members commented for example the senior citizen programs. Mr. Baroni was not aware if the Recreation Board has been asked for its opinion but would think it would be important to have.

Mr. Krieger stated that many of the seniors sit around the pool and do not go in the pool but they do let the arthritis foundation come on site and use the pool to work with people which is typically seniors. He reviewed all of the recreation facilities internally that go on as well i.e.: Bingo, Billard room, card and game room, arts & crafts room, gym, cinema, library, exercise room, library, exercise salon (sitter size).

Mr. Delano stated that it will be prudent to reach out to the recreation board for their comments. Mr. Miller stated that the amenities on site cost double what the recreation fees are. Continued discussion was had regarding the recreation fees and what services the residents will use on and off site. Mr. Krieger stated that local doctors will be brought on site to see their patients.

Discussions were had regarding the how the recreation fees compare to subdivision recreation fees. Continued discussion was had regarding the use or non use of facilities in town by the residents of this facility.

Mr. Garson stated that he is the owner of the Armonk Town Center and this will bring in more residents to our shops in town, we don't need any more retail in town, this is a great use for our town. The benefits far out weigh any issues of these residents may impose on the town.

Mr. Baroni also reminded the board that the Fire Department issues need to be resolved. Supervisor Weaver and Mr. Kaufman met with the Fire commissioners last week and they do not agree with the data provided by the applicant for emergency ambulance calls. The Commissioners feel that there will be a 10% overall increase in calls annually just from this facility. There is a condition in the resolution that sign off be granted by the Fire Department but the details need to be examined a little more. Mr. Miller stated that the Fire Department was primarily concerned with having an EMT on every call. The Fire Department was looking for a trained EMT on staff 24 hours a day. Mr. Krieger stated that the Fire Department told him that since they train their people for the community, they would be happy to train the people for the facility as well.

Discussions were had regarding how many calls a year there were for the applicant's other facilities. The applicant did not have that information available at this time. Mr. Krieger agreed to provide an EMT on site 24 hours/7 days week; he did not want to overburden the fire department. The resolution will be revised to add this comment, the board was happy with this outcome. It was mentioned that a private service can not be hired to answer calls; there is a statute for that.

The recreation fee was discussed again at this time. Mr. Krieger stated that local seniors will come onto his site to attend his classes, we are a great neighbor.

Ms. Black inquired about physical therapy. Mr. Krieger stated that local physical therapist will come on site and they will have a list of three or four people they use for all of their residents. The Physical Therapist do not pay rent to come on site, this is a service we provide to our residents.

Mr. Sauro asked for an update on the median at the intersection of Route 22 and Business Park Drive. Mr. Miller stated that Dr. Collins and Mike Galante have concluded that it will cost about \$10,000.00 to redo the median and the applicant has offered up to \$30,000.00 to correct this intersection and this is a condition in the resolution.

Mr. Delano asked for a motion to approve the negative declaration. Ms. Black made a motion to approve. It was second by Mr. Sauro and approved with five Ayes.

Mr. Delano asked for a motion to approve the Amended Preliminary Subdivision resolution. Ms. Black made a motion to approve. It was second by Mr. Sauro and approved with five Ayes.

Mr. Delano asked for a motion to approve the Amended Final Subdivision resolution. Ms. Black made a motion to approve. It was second by Mr. Sauro and approved with five Ayes.

The board was not ready to vote on the site plan at this time due to the outstanding issues with the fire department, recreation fees and ARB approval. Mr. Veneziano stated that waiting another two weeks will affect his clients.

Mr. Baroni suggested that the resolution reflect the fee be collected with an option for the Recreation Board to recommend back to the Planning Board to waive the fee if the Recreation Board deems it appropriate.

The board asked for an update from ARB at this time. Mr. Calvello stated that they discussed the roof lines, color of the building, colored elevations and many of the other items mentioned earlier this evening. The board felt that they have something to work on towards an approval and all of this information will be submitted. He will provide the applicant a letter with all the details of what the board is looking for. The resolution will be revised to reflect conceptual approval from the ARB instead of final approval.

Mr. Don Dehmer stated that he was a commissioner of the Armonk Fire Department and he asked that the board wait on their decision until the letter is received by the Town from the Fire Commissioners. Mr. Kaufman noted this was a condition in the resolution.

Additional discussion was had regarding the details to the amendments to the site plan resolution.

Mr. Delano asked for a motion to approve the Amended Site Plan resolution. Ms. Black made a motion to approve. It was second by Mr. Mezzancello and approved with five Ayes.

Mariani Garden Center, 45 Bedford Road, 2/16/ 3.A, Referral from Town Board Shamberg, Marwell, Davis and Hollis

The Applicant is proposing to significantly expand the permitted uses within the Nursery Business District. The proposed changes essentially permit the same general uses in the SC and CB Zoning Districts. Mr. Hollis stated that he was looking for a referral back to the Town Board. His client does not have a tenant at this time. Mr. Hollis stated that Mr. Kaufman referenced six points in his memo.

Mr. Hollis noted that Item #6 has a lot of control and the Town Board SUP (Special Use Permit), conditions have to be met. The Nursery Use has to remain and the uses can not be incompatible with the nursery business use. Mr. Delano stated that he is on the other side of the table with this

application. Ms. Black stated that this is very general and while it will have Town Board permitting, there is nothing to differentiate from the CB (Central Business) and SC (Shopping Center) zones in terms of uses. There is no control left in the NB (Nursery Business) zone. Mr. Hollis stated that the reverend wrote a note about fast food or big box stores. This site is not big enough for a box store and the Town Board would probably say that fast food like McDonalds is not compatible with the site. Ms. Black stated that this is totally a Town Board action and there is no more control in the NB zone, why have an NB zone. Mr. Hollis stated that this was the only site in the NB zone and we want to keep that. We don't want to be a prior non conforming use, because if the owner ever decides to reconfigure or to claim anything that might be retail. In order to bring it back into a totally nursery use and to have that ability, if this property becomes non conforming as to the nursery use, if we went into the CB zoning, you would then have a situation where you could never expand the nursery business from that point and time spatially or intent of use. Ms. Black thanked Mr. Hollis for the explanation.

Mr. Baroni stated that the board could deal in percentages and allow a compatible use in certain percentages of the site. Ms. Black agreed that we do want the Nursery to be the predominant use on site. Mr. Hollis stated that we are only discussing a 14,000 square foot building and limiting it to only that building was acceptable.

Ms. Black stated that it may be a place where special events are held, where as if this site sold cheeses it may hurt Main Street.

Mr. Sauro stated that the discretion of the Town Board is critical, Mr. Mezzancello agreed. Continued discussion was had on this matter. Ms. Tatka agrees with Mr. Sauro and Mr. Mezzancello.

Mr. Miller stated that he has been retained by the DiGiacinto family to work with the applicant and protect Main Street and looks forward to working with Mr. Hollis.

Mr. Jeff Garson , Owner of the Armonk Town Center spoke at this time. Mr. Garson stated that we do not need one more square inch of retail space in our town. We need more assisted living and 55 & over facilities to use the businesses we already have in town. The site is zoned NB and all of the other developers in town would have purchased it but did not because of the NB zoning. Presently there are uses on site that are not according to the zoning, that are allowed to continue. If you allow this, it will run out of control, don't do it, it will destroy the small town feel, do you want a Radio Shack, Sleepy's or Subway in town. I promised to maintain the character of the town when I purchased the Armonk Town Center property from Johnny Dahms many years ago. There comes a point where you have to say no, you will never be able to control it. This is a great town and we should keep it that way.

Mr. Hollis objected to the comments by Mr. Garson. Mr. Hollis stated that the zoning is not created to protect the landlord; the zoning is created to maintain the vitality of the down town. His client is willing to hammer it out in front of the Town Board fairly. We should not deprive the property owner of any consideration because there are other vacancies in town.

Mr. Sauro made a motion to positively recommend this application to the Town Board as discussed earlier this evening. Mr. Mezzancello second the motion and it was approved with

three ayes. Ms. Black and Mr. Delano voted nay.

Dehmer, 11 Annadale Street, 2/02/23.D01, Fred Rucker, AIA

Present for this application was Mr. Dehmer, property owner and his professionals Fred Rucker, Architect.

Mr. Rucker met with the Director of Planning and Planning Board Chairman since the last meeting. Mr. Rucker handed out revised plans per the memos that were distributed on Friday. They determined that the truck will be parked in front of the house and the truck will be screened accordingly. Buffering will be down in front of the septic tank and septic area as well. There will be some buffering from the North to the West which is shown on the most recent plan. Mr. Kaufman noted that the biggest remaining issue was the hours of operation. Mr. Dehmer stated that he works from 8:00 – 4:30 p.m. and last year if he went out twice after 8:00 p.m. that would be a lot. He stated that he does not have a lot of night calls. Mr. Kaufman noted that the previous hours of operation were 8:00 – 6:00 p.m.

Ms. Black inquired what the status was regarding driving onto the septic field. Mr. Rucker stated that we are not doing that anymore. We show concrete buffer and curb stopping all along the driveway. He created a concrete buffer in between there. Mr. Kaufman stated that we are in order to schedule a public hearing date. He reminded Mr. Rucker that there are a few minor issues that need to be resolved like the type of plantings. Mr. Rucker stated that he will work on that and the last remaining issues in the memos.

A public hearing was scheduled for December 12, 2011. The board will consider a resolution of approval at the same time. .

Meeting adjourned at 9:21 p.m.