

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
June 20, 2016**

PLANNING BOARD MEMBERS PRESENT:

John Delano, Chairman
Steve Sauro
Christopher Carthy
Michael Pollack
Jim Jensen

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

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

Joseph Cermele, PE
Consulting Town Engineer
Kellard Sessions PC

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:

Mr. Delano asked for a motion to approve the June 6, 2016 Planning Board minutes. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with four ayes. Mr. Delano abstained from the vote.

Mr. Delano asked for a motion to approve the May 9, 2016 Planning Board minutes. Mr. Carthy made a motion to approve, it was second by Mr. Jensen and approved with three ayes. Mr. Sauro and Mr. Pollack abstained from the vote.

PUBLIC HEARING:

DIPIETRO

20 Banksville Avenue

102.04-2-43

Restoration Plan – Middle Patent Cemetery

Beth Evans, PWS Evans Associates

Discussion

Consideration of Wetland Permit Resolution

The Applicant is proposing an off-site wetlands mitigation plan to address Condition #2 of the 20 Banksville Avenue site plan approval issued by the Planning Board on November 23, 2015. The Applicant previously received approval to utilize 22,450 square feet of the Town regulated wetland buffer for the construction of a driveway, off-street parking area and a proposed two bay garage with office and part of that approval was a wetland mitigation plan for the proposed disturbance to the wetland and wetland buffer of ±21,175 s.f. at 20 Banksville Avenue. The mitigation plan according to Chapter 340 - Wetland & Watercourse Protection of the Town Code requires mitigation at a ratio of 2:1 and the 20 Banksville Avenue mitigation plan fell short of this requirement and the Applicant has agreed to provide off-site wetland buffer mitigation at the Middle Patent Rural Cemetery.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbor Judith Barry, 62 Middle Patent Road was present for this application.

Present for this application was Mr. & Mrs. Jack DiPietro along with their professional Beth Evans.

Ms. Evan stated that she and her clients met with Sharon Tomback - Middle Patent Cemetery, Rod Christie – Mianus River Gorge and members of the Conservation Board regarding the proposed restoration plan. They concluded with proposed plantings, no mow zone with a natural meadow and 24,200 square feet of enhanced buffer area.

Ms. Barry stated that the Karp residence told her that they did not receive a notice. Mrs. Desimone checked the file and stated a notice was mailed out on June 9, 2016.

It was noted that the no mow zone will minimize the maintenance of the grass and the no mow zone will minimize the amount of geese on site because if the geese can't see their predators they will not go there.

Kerri Kazak, attorney for the Middle Patent Cemetery noted the board was in support of the plan but was very concerned about the view to the pond and stated it will be mowed late in the fall or very early spring.

Ms. Evans stated that the plantings will help with flood control as well as re-vegetating and re stabilizing the bank around the pond.

Mr. Dipietro agreed to a five year bond to maintain the plants and to ensure they are not overrun by invasive species.

Mr. Delano asked for a motion to close the public hearing. Mr. Sauro made a motion, Mr. Carthy second the motion and it was approved with five ayes.

Ms. Evan stated that planting in the fall would be optimal if everything could be worked out. .

Mr. Delano asked for a motion to approve the resolution, Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with four ayes. Mr. Pollack voted nay.

ARMONK PROFESSIONAL CENTER

355 Main Street

108.03-1-74

Amended Site Plan

Vatche Simonian, RA Simonian Rosenbaum Architects

Discussion

Consideration of Amended Site Plan Approval

The Applicant is seeking approval for the construction of a new 337 square foot Elevator/lobby addition at 355 Main Street. The property is zoned within the PBO Zoning District.

Present for this application was Vatche Simonian and his associate Rob Schmidt from Simonian Rosenbaum Architects.

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

No further comments or questions were had by the board or its professionals at this time.

Mr. Delano asked for a motion to close the public hearing, Mr. Pollack made a motion to approve, it was second by Mr. Sauro and approved with five ayes.

Discussions were had at this time with the applicants, the board members and towns professionals regarding the sidewalk on the side of the building and the drop curb vs. full curb. After a lengthy discussion it was agreed upon to eliminate Condition #1 in the draft resolution and keep the full curb.

Mr. Delano asked for a motion to approve the resolution as amended. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with five Ayes.

1 BYRAM BROOK PLACE

1 Byram Brook Place

108.03- 3- 76

Amended site plan approval – Parking Expansion

Bob Roth, PE, CPESC, Principal John Meyer Consulting

Paul Sysak, RLA, ASLA Project Manager John Meyer Consulting

Discussion

Consideration of Amended Site Plan Approval

The Applicant is seeking approval for “after the fact” site plan approval to convert the office building to office and medical office, to expand the existing parking lot by 17 spaces, to construct a retaining wall, install landscaping, lighting and drainage improvements as well as conduct parking lot restriping (with 28 of the off-street parking spaces proposed as compact car parking).

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

Mr. Sysak stated that he has received Conservation Board approval for this application. Wetland mitigation is proposed on site and the Board of Health has signed off on this change of use. Seventeen parking spaces have been added to the existing 67 parking spaces on site. Dead trees will be removed as well.

In response to comments from Mr. Pollack and Peter Limburg, Mr. Sysak reviewed the planting details on site at this time.

Mr. Delano asked for a motion to close the public hearing. Mr. Sauro made a motion, Mr. Jensen second the motion and it was approved with five ayes.

Mr. Delano asked for a motion to approve the negative declaration, Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with five ayes.

Mr. Delano asked for a motion to approve the resolution as amended; Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with five ayes.

WESTFIELD DAY SCHOOL INC.

7 North Greenwich Road

108.03-3-16

Site Plan

Nathanial Holt, PE Holt Engineering & Consulting

Discussion

Consideration of Site Plan Approval

The application is for site plan approval for a new private school and would accommodate a maximum of 40 students and 15 staff members and is located within the PBO Zoning District.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbor Byron Mattis – 29 North Greenwich Road was present.

Also present for this application was Dan Holt Engineer for the applicant as well as the applicants Peter Schoenholtz, Clinical Social worker and founder of Westfield Day School and his associate Pam Heldman, Administrator and Educator as well as the property owner, Michael Fareri.

Mr. Schoenholtz stated that he has received his variance from the ZBA and has an approval from the Town Board as well. Presently he has 22 students and would like to have 30 students. He has a staff of 8 and would like to increase that as well. This is a place for children to go who are struggling in school to go until they are they are ready to return to their school or to another school.

Mr. Holt noted this was formerly known as the Gallaso office building in the 1970's and there are 19 parking spaces and no additional construction is proposed on site at this time. The plan is currently before the board of health. Mr. Holt reviewed all the parking alternatives on site for the board at this time. He prefers the plan where they keep all of the present parking spaces and wants to build one space, 20 x 16 for a bus to pull in to let kids off and pick them up in the common driveway, this will keep the kids and the adults with their cars separate. He also reviewed the landscaping plan at this time.

Mr. Mattis was concerned about the screening to this site from his property and was happy to see the proposed screening to his property. He noted the present owner, Mr. Fareri, clear cut a lot of trees which has eliminated a lot of his privacy on site, he was happy Mr. Schoenholtz was going to be the new property owner. Mr. Mattis noted his neighbor Mr. Choy was concerned about the landscaping as well. Mr. Holt explained the landscaping plan in detail to Mr. Mattis and all those that were present. Mr. Mattis thanked the board.

It was noted that the garbage cans were located outside the building and screening would be proposed around the garbage cans which will be located near an embankment. In response to Mr. Jensen's comment, Mr. Schoenholtz noted that there would be approximately four buses and there would be one student per bus.

Mr. Jensen was concerned with cars being inconvenienced when entering or exiting the site to access the back building when children were getting on or off the bus each day. The board discussed the inconvenience of those entering or exiting the rear building by car vs. the safe drop off of the kids each day. They weighed and measured both sides and noted the tenant in the rear knew that could be an issue with a common driveway. A speed bump or a stop sign was suggested to alert people a bus will be making a three point turn. The board agreed to add a stop sign to the site plan.

Alternate #1 was agreed upon for the bus route on site. Mr. Holt asked that Health Department approval be moved to prior to the CO in order to help expedite the application, he noted his client was willing to take the risk. The board agreed to the request.

Mr. Delano asked for a motion to close the public hearing. Mr. Carthy made a motion to approve, it was second by Mr. Pollack and approved with five ayes.

Mr. Delano asked for a motion to approve the resolution as amended. Mr. Carthy made a motion to approve. It was second by Mr. Pollack and approved with five Ayes.

DOONEY WOODWORKS LLC

30 Bedford Banksville Road

102.04 -2-65

Site Plan

Charles Banks, Esq. Shapiro, Gettinger & Waldinger, LLP

Discussion

Consideration of Site Plan Approval

The Applicant is proposing a site plan for the establishment of a new retail showroom and artisan's workshop on the 2.3-acre property and is located in the CB-B Zoning District.

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

Present for the applicant was Chuck Banks, esq; Peter Dooney; applicant and his business associate Paul Matthews; Mr. Frangione, engineer and Abigail Adams Landscape Architect.

Mr. Banks reviewed some of the history of the site for the board prior to this site plan. He stated that 6,000 cubic yards of contaminated soils were removed from the site. Mr. Dooney was under the impression that there were three gas tanks on site and there were nine gas tanks on site that had to be removed.

Mr. Banks stated that there will be no change to the existing building on the site; the footprint will remain the same. A planting and vegetation strip is proposed The Fire

Department has use of the dry hydrant on site, which is at the applicant's expense. The applicant needs the use of two curb cuts simultaneously for fire department access to the dry hydrant when necessary. That is why the third curb cut is still necessary for access to the business itself.

Mr. Limburg, Conservation Board representative inquired if the applicant would bring logs on site. Mr. Dooney stated that he will not have logs on site, he has high end planks from all over the country that will be loaded on the trucks, he was not sure of the truck size as deliveries are shared on the same truck at times and he does not know the truck size. He noted the log was already milled and he would be using a table saw, planer etc. and solvents like acetone, which will be stored in a fire proof cabinet. No solvents will go down the drain. He has spent a lot of money cleaning up the site and will do everything possible to maintain it.

In response to Mr. Limburg's comment, Mr. Dooney stated that the wood waste would go into a dumpster and many people in his present location in Cos Cob, CT take the wood for kindling and sawdust is distributed to a local horse farm, most of it is all recycled.

In response to Mr. Jensen's comment, Mr. Kaufman pointed out the existing curb cuts as well as the proposed landscaping on site.

In response to a comment from Mr. Jensen, Mr. Banks noted the turning radius info was submitted. Mr. Banks noted that the Fire Department when accessing the dry hydrant may block two of the three curb cuts and that was a concern of the applicant and a reason for maintaining all three curb cuts. Mr. Frangione stated that the current dry hydrant does not work and the dry hydrant proposed will be moved to the deepest part of the pond.

Mr. Jensen expressed his concerns regarding the traffic patterns on site and how it is solely based on access to the site by the Fire Department. He asked if the curb cuts were moved might that address some of the other comments on site i.e.: semi-trucks on site passing by the front entrance of the building. Mr. Frangione stated that was not really a concern of his client. He would like to keep the dry hydrant in the location proposed. Mr. Banks noted they have been working closely with the Banksville Fire Department regarding access to the dry hydrant and the location of the dry hydrant and what we have proposed works for them and for his client.

Mr. Carthy inquired who would be maintaining the dry hydrant and if an easement would be necessary to access the site. He also asked if a truck or vehicle were to park in front of the dry hydrant would that be in violation. He was also concerned if a vehicle were parked in front of the dry hydrant and the Fire Department needed access to the pond and the owner of the vehicle could not be located. Mr. Banks noted this has never been an issue, originally there were parking spaces located in that area and were removed at the Town Engineers suggestion for that very reason.

Discussions were had at this time regarding the possibility of future owners cutting off fire department access to the site and the applicant still maintaining three curb cuts as part of the original tradeoff for fire department access to the pond. Mr. Banks suggested keeping access for 10 years and coming back to discuss it again at that time. Mr. Delano wants fire department access to the pond forever, Mr. Banks noted that would be a cloud over his clients title to the site and this is the first time this is being discussed this evening. It was suggested to provide rights of access for dry hydrant use in perpetuity. The applicant was alright with that in perpetuity for the Banksville Fire protection agency. Mr. Baroni was in agreement with this suggestion.

Mr. Carthy inquired if parking in front of the dry hydrant on private property was legal or not. Mr. Delano noted if someone parks in front of the fire hydrant at the Stop & Shop in North White Plains they would be ticketed and that was on private property as well.

In response to Mr. Pollack's comment, Mr. Dooney stated that the exterior improvements proposed were siding, painting, removal of two garage doors with replacement of French doors, landscaping and new signs which were all approved by the ARB with two meetings.

Mr. Carthy suggested Mr. Dooney join the Armonk Chamber of Commerce and wishes him all the best and success in his new location.

Mr. Delano asked for a motion to close the public hearing. Mr. Pollack made a motion to close, it was second by Mr. Carthy and approved with five ayes.

Mr. Delano asked for a motion to approve the amended resolution. Mr. Carthy made a motion to approve, it was second by Mr. Pollack and approved with five Ayes.

OTHER BUSINESS:

GREEN DROP LLC

660 North Broadway

122.20-1-33

Site Plan

Michael Piccirillo, Architect, Michael Piccirillo Architecture PLLC

Discussion

The application is for a plan to redevelop the former 1,909 square foot gas station property (Former Getty Station) as a retail store.

Present for this application was Mr. Piccirillo and his client Osmond.

Mr. Piccirillo reviewed the plans at this time. He noted this was a personal service use which made more sense than retail use. A handicapped space is proposed with this use on the western side of the lot. The two existing garage bays will be used for

storage and the garage doors will remain. Discussions regarding using storage calculation for the garage bays were discussed at this time.

Mr. Piccirillo asked his client to come up and explain the business in more detail at this time in order to assist the board with their decision regarding personal service and storage space as it relates to parking spaces required on site. Osmond stated that he was in charge of site acquisitions which mean he finds a location, negotiates with the landlord and gets approvals from the town. Green Drop is the revenue generator for four charities – Purple Heart, National Federation for the Blind, St. Vincent de Paul Society and the American Red Cross. They collect 80% clothing as well as Kitchen wares, small kitchen appliances, no washer and dryers, no couches, no t.v.'s. All donations would be kept inside. When a car pulls ups someone come out with a cart and loads the donations from the car to the cart and the person decides which charity to donate the items to and a receipt is issued at that time for income tax purposes. They received 30-40 deliveries by donors daily. The 18' box truck comes 2-3 times a week to pick up donations. They raised 2.5 million to charities in 2014 & 2015 combined. Goodwill would be their competitor. Green Drop is a for profit organization. This is not a thrift shop; nothing will be sold on site. There are a number of thrift stores in the Maryland area that these donations are sold at and then the moneys are given to the charities.

Mr. Piccirillo stated that how this site would be used in the future is as a personal service for part of the building and storage in both garages, both garages would be unfinished. This is something that has been done by the board previously. The applicant agreed to put a note on the plan to this affect. The board agreed to use storage in regards to calculating parking space count for both garages.

Mr. Piccirillo stated his client would like to keep the canopy as a place for cars to park and unload during inclement weather; it provides good advertisement for his client and would be an expense to remove. He presented a photo of how the canopy would look at this time. The board discussed whether to keep the canopy or not.

In response to comments from the board, Mr. Osmond noted that the hours of operation would be 8-8 M-F; 8-6 Saturday; 8-5 Sunday. They are only closed on Thanksgiving and Christmas. He will provide some photometric data to improve lighting on site. In regards to landscaping on site due to the proximity to Route 22 with salting and plowing during the winter months, this has to be done delicately. Low maintenance grass and plantings against the building will be limited. He offered some planters or barrels and that was agreeable to the Director of Planning. There will only be garbage from the employees, there will not be a lot of garbage on site and the garage will be painted similar to match the building.

It was noted the rear garage was not being used and it was not clear if the C.O.'s for the garage were in order, the applicant will look into that. It was suggested that maybe the applicant would remove the garage.

Mr. Piccirillo stated that the property line in theory is curved but his site plan is not curved. He will look further into that, it was suggested the applicant get an updated survey.

Mrs. Michelle Fallot was concerned if paint will be enough to clean up the site. She would like a sidewalk and plantings. Mr. Piccirillo stated that a sidewalk is proposed as well as plantings.

In response to comments from the board, Mr. Piccirillo stated that his client is the lessee, and gas tanks were already removed from the site. There are no plans to store vehicles on site, he will make a submission to the ARB and is able to address the comments in both professionals memos.

Mr. Piccirillo will be making a submission to the DOT regarding the sidewalk.

The Planning Board noted that it would like the status of the rear building before granting approval.

In response to Mr. Piccirillo's comments regarding the canopy. Mr. Carthy agreed to keep it and thought it is a good advertisement for the store and protective against the elements during drop off. Mr. Pollack stated that the canopy does not trouble him. Mr. Delano agreed to keep it. Mr. Jensen stated that Good Will operates quit effectively without a canopy. He was not sure how it would benefit the business, it appears so disconnected from the rest of the building, it made sense when it was a gas station. Right now the canopy is so distance, he was not sure how you would direct customers to the canopy, people will pull up to the garage bays, not under the canopy. This seems a disconnected unsightly use to him and does not see much benefit to it.

Mr. Delano suggested to the ladies present from North White Plains if they were interested in the canopy, they should go to the ARB meeting.

The applicant will resubmit as soon as possible. It was noted that Planning Board approval could not be granted without ARB approval.

NORTH BROADWAY TOWNHOUSE DINER

720 NORTH BROADWAY

122.16-3-31

Joel Greenberg, Architectural Visions

Concept Plan Discussion

The application for the amendment of the previously approved site plan for the property to eliminate defined curb cuts, circulation improvements, site lighting and landscaping. The applicant is operating on a TCO at this time.

Present for this application was Joel Greenberg.

Mr. Greenberg reminded the board that this building has been in existence for 60 years and the only change to the site was the handicapped ramp and interior upgrades, the handicapped ramp is what triggered him to come before the Planning Board. His client does not like the circulation pattern approved by the board which includes circulation around the rear of the restaurant and the angled parking facing Route 22, especially at night. His client wants to leave the site the way it is. The restaurant has been open a couple of years with no reported accidents with cars backing out on to North Broadway. If it is not broke don't fix it. His client would like to repave the parking lot.

The board looked at the existing conditions plan and the approved plan. Mr. Greenberg noted that the approved plan shows the entrance and exit to the site in the same location. It is solely off of Castle Heights road which includes deliveries for the site as well as patrons to the restaurant.

Multiple discussions were had about the circulation pattern on site as well as whether to permit this change and a precedent it may set if the change is granted and whether this change was code compliant. In response to Mr. Jensen's comment, Mr. Kaufman explained how this applicant got to this point and noted the Temporary CO issued by the Building Department is going to expire and the applicant has not complied with all the conditions in the site plan resolution. The applicant has expressed their desire not to comply with the site plan approval. Mr. Sauro noted that as commercial applicants come before the board there is a desire for each applicant to provide sidewalks and streetscapes. The board also wanted to avoid backing out onto Route 22. He was concerned about a precedent being set about people getting an approval and then returning to the board and stating they don't want to do it now.

Mr. Greenberg stated that the only reason this application came before the Planning Board was because of the handicapped ramp addition on the outside of the building. The system works and cars can maneuver around the site.

Mr. Greenberg stated that the DOT would only approve a curbed sidewalk; they would not approve a flat sidewalk. It was noted that the Dunkin Donuts across the street had a flush sidewalk and that is not the policy any longer with the DOT. It was noted that there is a lot of traffic maneuvering around the site and if directed to the rear of the site, it was gross and near the dumpsters.

Discussions were had regarding the sidewalks and parking across from this applicant on the other side of route 22 southbound.

Mr. Kaufman reminded the board that it needs to approve a plan that is code compliant, this is a tough balancing act. Mr. Pollack stated that the applicant needs 27 spaces and has 30 parking spaces, perhaps the applicant could consider losing three spaces to assist in making the site more code compliant. Mr. Greenberg doubted that would work but agreed to look at it. Mr. Pollack stated that this board granted site plan approval and now for the applicant to return to the board and want to keep part of the approval and change the rest of the approval was hard to digest. .

Mr. Baroni noted that further down on Holland Avenue in White Plains, they painted a sidewalk/crosswalk in red brick. He inquired if that could be done so that the sidewalk could be defined.

It was suggested that Mr. Greenberg reach out to the DOT and see if this was a viable solution.

The board directed staff to see if a report was done originally by FP Clark regarding circulation on site and if it was not done then have them provide comments regarding this site.

It was noted by someone in the audience that when they met with the DOT they only wanted a raised sidewalk.

The Director of Planning will look for the F.P. Clark memo and if one does not exist to request a review be done of the site and a report submitted back to the board.

Before the Board adjourned the meeting, a couple of discussions took place.

Mr. Pollack discussed the contract vendees and noted that 3 were on the last agenda. Mrs. Desimone stated that the applicant signs the application form and if they are not the property owner then the property owner submits a letter of authorization to the applicant and that goes into the file. The board noted as well as the Town Attorney that contract vendee information should be provided on the application form as well. This will be a matter of policy until the code is updated.

Mr. Baroni noted he received a call today from the applicant's attorney regarding 25 Thornwood Road sports court.

A brief discussion was also had regarding what was active or passive mitigation at the Middle Patent Cemetery regarding mitigation proposed at this site in regards to the 20 Banksville Avenue application. Mr. Cermele reviewed some of the proposals his office originally provided.

Mr. Delano asked for a motion to adjourn the meeting. Mr. Pollack made a motion, it was second by Mr. Sauro and approved with five Ayes. Meeting was adjourned at 9:45 p.m.