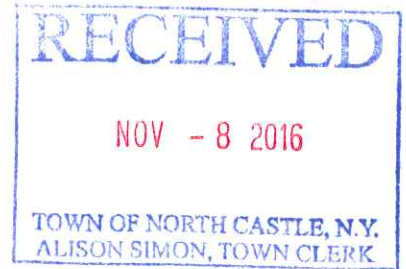


**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
October 24, 2016**



PLANNING BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Absent:

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

Joseph Cermele, PE
Consulting Town Engineer
Kellard Sessions PC

Conservation Board Representative:
Christine Argentina Futerfas

:

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

APPROVAL OF MINUTES:

October 5, 2016

Mr. Delano asked for a motion to approve the October 5, 2016 Planning Board minutes. Mr. Carthy made a motion to approve. It was second by Mr. Pollack and approved with four Ayes. Mr. Sauro abstained.

September 26, 2016

Mr. Delano asked for a motion to approve the September 26, 2106 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with four Ayes. Mr. Pollack abstained.

PUBLIC HEARING:

**ARMONK CLOSE
162 Bedford Road
108.03-1-42
Multi-family Site Plan
Mike Fareri
Discussion**

Present for this application was property owner Michael Fareri. Steve DeLaurentis from Fareri Companies and Dan Holt, engineer from Nathaniel J. Holt, PC Holt Engineering and Consulting.

The site plan application for the redevelopment of the former Bedford Road lumber yard site and the Green property located next door. The property is located in the R-MF-SS Zoning District. The proposed redevelopment contemplates the demolition of all existing structures and the construction of an approximately 46,560 square foot, three story, building that contains 2 studio apartments, 22 1-bedroom apartments and 24 2-bedroom apartments. All 48 units are proposed to be AFFH units.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application.

The following noticed neighbors were present for this application. Susan and Robert Dean at 2 MacDonald Avenue; Fred & Elaine Runne at 7 Wampus Close. Julie Defilippo 5 Wampus Close. Carol Leinwand at 8 Wampus Close; Dr. Mary Padilla-Armonk Veterinary Hospital -150 Bedford Road; Valerie LaSala Brown – 6 Wampus Close.

The following neighbors were present: Valerie LaSala Brown and Ann LaSala at 6 Wampus Close and Susan Cavalliere 12 Wampus Close.

Mr. Fareri reviewed the prior 36 unit approval and noted he was waiting on a building permit for that application. He reviewed his concerns regarding the prior approval with the board. He presented his renderings for the 36 and 48 unit plans to the board. He reviewed other AFFH units in town to his units and the cost to build and the percentage required of AFFH units for his application vs. other applications in town. He noted he was going before the Town Board Wednesday night to present his plan for 30 units at the lumberyard and the AFFH units to be built at 470 Main Street. He noted he has

spoken with many people regarding this proposal and they are in favor of it. He noted he does not want to build the 48 unit project that is being discussed this evening. He also stated that there would only be an increase of 3 school children from the 36 unit approval to a 48 unit approval.

Mr. Fareri then reviewed the monies that the school, town and county would get if the 48 units were built vs. the 36 units vs. what he is proposing to the Town Board Wednesday night. He asked the board if he could adjourn the public hearing this evening pending the Town Board decision this evening.

Mr. Delano noted that the board could not render a decision on this matter because the 30 days have not passed for the SEQR determination. He opened up comments to the members of the public at this time.

Susan Dean stated that if the 48 unit application with 72 bedrooms does go forward with an 85 parking space requirement, she was concerned if there would be enough parking provided. If there are two people in each unit and they both have cars that is 96 parking spaces. There are already existing parking issues on the corner of Bedford Road and MacDonald Avenue; you can ask the police department about that. She noted the police department has been assisting them regarding overflow of the school parking at their property on MacDonald Avenue. Secondly, she also noted that during the original discussions of the 36 unit plan she had requested a traffic study at the corner of Bedford Road and MacDonald Avenue and that request was not accommodated. She is expressing her concerns again that a traffic study should be done at the corner of Bedford Road and MacDonald Avenue when school starts in the morning and at dismissal. She was very concerned about the safety in that area and noted many times the police have had to come down there and direct the traffic. Third, she has spoken to Mr. Fareri about this and stated if nothing moves forward with this site, perhaps something could be worked out with the school to purchase the land. The population of the millennial generation has surpassed the baby boomer generation and it is only a matter of time before the influxes of more families come in. This additional land could increase school space, provide additional access to the school, create more fields, and provide emergency access or additional parking. She would like those three points considered. Mr. Delano noted that the parking count is dictated by the Town Code. Mrs. Dean stated that based on what she has seen; parking will be a major issue.

Julie Defilippo, resident for over 40 years. She stated that she supports the 30 units at the Lumberyard and the AFFH units at 470 Main Street. She stated that the building of 48 units will be massive and with all 48 AFFH units so close to her development will take away from the value of her home and her community. Residents purchased their homes at Wampus Close because of the charm and close knit community it provides. She is concerned about the value of her home changing as a result of 48 MIU's being built so close to her home as well as the additional traffic impacts it will have. It is already challenging when exiting her development with all of the present traffic, she is concerned about the additional traffic.

Fred Runne confirmed with the board that no decision will be made this evening and the applicant's next step is at the Town Board meeting on Wednesday, October 26, 2016. Mr. Delano agreed.

Mr. Jensen inquired how it would work having a public hearing and issuing a building permit for the same property. Mr. Baroni stated that if the applicant secures site plan approval for 48 units then the 36 unit plan is superseded. He was not sure what that would do to the Building Permit that would have been issued. If the applicant gets his approval for the 48 units he presumes the applicant would have to return to the Building Department and get a revised Building Permit because the building would be a little bit smaller and interior walls would be different and construction plans would be different. Mr. Fareri stated that the physical size would not change and the building department fees would change and the recreation fees would change. He would not like to cross that bridge at this time.

In response to Mr. Sauro's comment regarding the status of 37-41 Maple Avenue AFFH units, Mr. Fareri stated that both of his tenants have decided to stay on site and he was not going to kick them out to build the AFFH units at that location.

Mr. Carthy stated that he was not convinced that the board should have had the public hearing this evening on the 48 units and bring the public out this evening and the professionals reviewing and preparing memos until the Town Board made a decision. Mr. Delano noted the applicant submitted an application and paid his application fees and the board has to review it. Mr. Fareri stated he had to do it this way because the Town Board would not put this item on their agenda.

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

10 NEW KING STREET
10 New King Street
118.02-2-2
Overnight Limo Parking
Dennis Noskin, Dennis Noskin Architecture, PC
Discussion
Consideration of Amended Site Plan approval

The site plan application for a change of use from existing professional office space to a limousine dispatch facility at 10 New King Street located within the IND-AA Zoning District. The site plan depicts 16 spaces proposed to be utilized for limo parking (12 sedans, 3 SUVs and one van).

Present for this application is Dennis Noskin as well as the property owner Mitchel Benerofe and the tenant, Melissa Thornton.

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

Mr. Noskin provided a brief project description as noted above.

Mr. Jensen inquired about a crosswalk for drivers to safely access the limos and back to the office. His question was answered to his satisfaction. Mr. Kaufman also noted that the parking area proposed for the limos was previously approved parking for this building.

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

Mr. Noskin inquired about some of the conditions in the resolution. The board discussed these comments and changes and they were agreed upon and reflected in the resolution.

The board confirmed with the applicant that there will be no need for oversized vehicles to park on site. The applicant and tenant both stated that there will be no oversized vehicles on site.

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

PERNA
9 Windmill Place
Section 102.01, Block 1, Lot 38
Site Plan
Joseph Riina, PE Site Design Consultant
Discussion
Consideration of Amended Site Plan approval

Present for this application was the property owner, Mr. Perna.

The application for the construction of retaining walls, tree removal and fill placement for a rear yard expansion. This project was originally referred to the Planning Board from the Residential Project Review Committee and was previously approved by the Planning Board on May 28, 2015, but has subsequently expired. The resubmitted project is identical to the previously approved site plan.

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

Mr. Perna noted that he had an approval, it expired and he was here to get the exact same approval as before for his retaining wall. The retaining wall will provide him with more usable space in the backyard.

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

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 five ayes.

PINKUS
5 COWDRAY PARK DRIVE
102.04 - 1 - 28
Special Use Permit - Accessory Garage
Kory Salomone, Esq.
Discussion
Consideration of Site Plan Approval

Present for this application was Kory Salomone, attorney for the applicant and Petra Garza, Architect for the applicant.

This application is for the construction of a 1,600 square foot, two story, two tandem car garage/barn on a 12.6-acre lot located within the R-2A Zoning District.

Mr. Delano read the affidavit of publication for the record. Noticed neighbor Jay Bernstein at 9 Cowdray Park Drive was present for this application. Mrs. Desimone noted all paperwork was in order for this application.

Mr. Salomone stated that ARB approval was granted on October 19, 2016.

Mr. Delano and Mr. Jensen noted at the last meeting the board wanted to know where the floor drains in the barn were going drain to. Mr. Delano inquired if that information has been provided. That comment will be added as a condition to the resolution.

Mr. Bernstein noted his lot abutted this lot and wanted to know what the impact to his lot would be and wanted to see the screening plan. He looks at the rear of the proposed structure from his back yard and wants to make sure he does not see it during all four seasons. He would like it covered by some evergreens and would like it screened from day one, not over 10 years and it will grow. If it were covered by evergreens he would not have a problem.

Mrs. Garza stated a planting recommendation came from the Conyers Farm Board, they did not go over the species, just that screening should be done. Mr. Delano noted there was significant space between the two houses and a landscaping plan was not

requested for this application. Mr. Bernstein stated that he would like to be neighborly with Mr. Pinkus and hear and know about the landscaping plan the applicant is doing per the Conyers Farm board. Mrs. Garza agreed to communicate with Mr. Bernstein. Mr. Bernstein stated that he was not trying to create more red tape, just wanted to be informed. In response to Mr. Bernstein's comment, Mrs. Garza stated that the garage was 22' and is shorter than the present garage on site.

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

CONTINUING BUSINESS:

WAMPUS MILLS

805 & 809 Route 128

101.03-2-6&7

Six Lot Subdivision

Frank Madonna

Kory Salomone, Esq. The Law Office of Kory Salomone, PC

Ralph Alfonzetti, PE. Alfonzetti Engineering PC

Discussion

Consideration of Final Subdivision Resolution of approval

The subject application is for a six lot subdivision of the existing 10.067-acre parcel located within the R-1A Zoning District.

Present for this application was Kory Salomone, Ralph Alfonzetti and Frank Madonna.

Mr. Salomone stated that they have been working to comply with the conditions of the preliminary resolution of approval. He noted the cistern is now gone. He will bond the building of the road.

In response to Mr. Carthy's comment, Mr. Madonna stated he would like to break ground as soon as possible. He noted that there are a tremendous amount of dead trees down around this 10 acre lot. Before building his road he would like to get a tree removal permit to start cutting the trees down, he would not remove any stumps. Mr. Kaufman stated that the tree removal permit is part of this application and when the plat is filed is when the application is completed and the tree removal permit can be issued at that point. The board can discuss what it wants to do but by doing it the way as described, the town has the most protection that way. Mr. Madonna stated that he is only cutting the trees as noted on the plans, nothing more. Mr. Delano stated that as Mr. Kaufman noted the tree removal is part of the subdivision approval. He asked Mr. Baroni if there was anything else the board could do in this regard. Mr. Baroni stated

that since this application is before this board, he will defer to this board. Mr. Kaufman stated that he spoke with Mr. Cromwell earlier today and he was reluctant to issue it until all the Planning paperwork was in order. Mr. Delano stated that the Planning Board will not issue the applicant a tree removal permit at this time.

Discussions were had regarding the cistern on site. The applicant agreed to build the cistern providing the Fire Department will maintain it once built. The fire department will not maintain it and therefore the cistern was removed from the plans.

Mr. Delano stated that there were a lot of conditions in the resolution and wanted to know if there was any of them that the board wanted complied with prior to adopting the resolution.

In response to Mr. Jensen's comments, a condition will be added to the resolution regarding an update on the plan showing which stone walls will remain or be removed.

Mr. Delano stated that he would like to see the letter from the Water and Sewer department regarding the water and sewer for this site.

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

MADONNA

Route 128- Mount Kisco Road

108.01-1-30.3

Site Plan

Kory Salomone, Esq. The Law Office of Kory Salomone, PC

Discussion

The application to construct a 39,987 square foot 16-unit multi-family building on the 2.3-acre property. Seven units on the first floor which will include 2 AFFH units and nine units on the second floor which will include loft space into a ½ story.

Present for this application was Kory Salomone, attorney; Ralph Alfonzetti, engineer- Alfonzetti Engineering PC; Rob Aiello, engineer - John Meyer Consulting.

Mr. Aiello sated that he has incorporated the recent elevations, site plans and landscaping plan and created an animation as to what it would look like when driving north on Route 128 and on Old Mount Kisco Road. Still photos were handed out after the video had completed.

Mr. Delano confirmed that 12' trees would be planted and they are shown in the video at 18' which would be in about five years. The applicant agreed. Mr. Delano noted that the visibility of this project has been a big concern with both boards.

It was confirmed that the applicant will subdivide the lot and then merge the three lots and the applicant's attorney will submit paperwork to combine all three lots within the next couple of weeks.

It was noted in the Director of Planning's memo that the applicant should go before the Conservation Board and the Architectural Review Board as soon as possible.

In response to Mr. Jensen's comment regarding multiple visitors entering the site at one time. It was noted the gate was setback 30 feet from the road and should accommodate up to 3 cars to queue upon entering the site. Mr. Madonna noted there was a lot of site distance for this site and thought four could fit in the queue. It was noted the landscape plan should agree with the model plan.

Mr. Sauro inquired if there were any deciduous trees proposed as he would like a staggered, random, natural screening along Old Mount Kisco Road. Mr. Madonna stated that neighbors wanted the area along Old Mount Kisco Road kept clear because of snow removal in the winter.

Mr. Madonna stated he would like to break ground in the spring.

In response to comments made, Mr. Salomone will submit the cultural resources report.

Mr. Madonna was hoping to have his public hearing on December, 12, 2016 providing he can get ARB approval in November as well as Conservation Board approval.

WERNER
23 Hillandale Avenue
122.12-4-18
2-Family Home Site Plan
Chris Crocco, Joseph R. Crocco Architects
Discussion

The site plan application for the conversion of the existing single family house into a two-family home. The property is located within the R-2F Zoning District. Site Development Plan approval for this lot is necessary because the Planning Board has site plan jurisdiction over all two family homes within the Town of North Castle.

Present for this application was Chris Crocco.

Mr. Delano noted this was an approval after the fact.

Mr. Crocco stated that his client purchased the house in 1980 and were under the impression they had a two family house and have been paying taxes on a two family house. He noted that all permits for work done over the years were legal and in order.

When his client went to sell the house she realized the basement was never legalized as the second apartment.

Discussions were had at this time regarding the professional's memos. Mr. Crocco noted that tandem parking was not permitted in the R-2F zone. He handed out plans showing how he would like to do the parking on site. He noted that two spots were necessary for each apartment. Discussions were had regarding permission of tandem parking spaces.

In response to Mr. Delano's comments, Mr. Kaufman noted that this is a two family house and a two family house will have to obtain building permits and CO's for both units. Neighbor notification will be necessary for this application. ARB approval will not be necessary because there will be no changes to the outside of the house.

It was noted the FAR calculations were above the maximum amount permitted but the applicant was not constructing any additional square feet and approvals were granted previously for this site.

Mr. Kaufman stated the applicant will have to resubmit plans showing the correct parking calculations. Mr. Crocco will comply and bring in 8 more sets.

Neighbor notification was scheduled for November 7, 2016. Mrs. Desimone noted that this could take place provide the applicant resubmits the revised plans by 4:30 p.m. on Wednesday and does the mailing no later than Friday, October 28, 2016.

BAC ELECTRIC
877 North Broadway
122.12-4-27
Amended site plan
Barry Naderman, PE Naderman Land Planning & Engineering
Consideration of Extension of Time Resolution

The application for "after the fact" site plan approval of a proposed change of use to electrical contractor office, retail sales and personal training uses. The property is located within the CB Zoning District. The Applicant previously received approval of a site plan on April 9, 2012, but that approval has since expired, the applicant reapplied and received approval on March 23, 2015 and received a six month extension on March 21, 2016.

Present for this application was JR Cavallaro, tenant and applicant.

Mr. Carthy recused himself from this application.

In response to Mr. Delano's comment, Mr. Kaufman stated that the resolution expired

on September 23, 2016 and the applicant's attorney requested an extension of time on September 22, 2016 and when directed to appear before the board on October 5, 2016 he responded that he was not available that day to attend and therefore the matter was placed on the October 24, 2016 meeting.

Mr. Cavallaro stated that he has been in touch with the DOT and got into a situation with that piece of property and the right of way and he had to go through certain levels of the DOT. Barry Naderman has communicated with the DOT and it turned into that he may have to purchase excess land from the DOT and it got complicated. Mr. Delano asked where was this going? Mr. Cavallaro stated that this will be the last time he will ask for an extension. This is further compounded because there is a lot of activity behind the lot and he can't make his arrangements until he knows if it is going to work with the DOT. He needs more time, there are a lot of complications between the owners and the DOT and the DOT trying to accept the site plan. He noted he had a letter, dated today, from Barry Naderman describing where he is at with the DOT and noted he was not able to come this evening, letter attached.

Mr. Delano confirmed with Mr. Cavallaro that this was the last time he was going to ask for an extension. Mr. Cavallaro stated yes this will be the last time.

The board had a discussion regarding the history of the site and how we got to where we are today. Mr. Delano noted that the applicants engineer was sent off to the DOT about a year and a half ago. The board discussed what happens if the approval was not granted. It was noted the physical constraints of the site are what made it challenging.

Mr. Delano asked Mr. Cavallaro what he was going to do if this did not work out in six months. Mr. Cavallaro stated that he would not be able to stay there. Mr. Delano noted that this application came to this board as a fix it after the fact application. Mr. Delano stated that if Mr. Cavallaro was not going to come back before the board and not going to ask for an extension, the board does not want Mr. Cavallaro to stay there the way it is because this board approved something different - which is his concern. Mr. Cavallaro stated that the issue is really with the front of the building with New York State. Because of what he has to do with the front of the building will determine with NYS whether he can stay there and use it or not. He feels there has to be access to his site from the front door. Because of that 25 feet of sidewalk, that complicates stuff with NYS.

Mr. Delano asked for the copy of Mr. Naderman's letter, attached, to be made part of the record.

Mr. Sauro made a motion to approve the extension of time resolution for six months. Mr. Pollack second the motion and it was approved with four Ayes. Mr. Carthy recused himself.

Mr. Delano asked for a motion to adjourn the meeting. Mr. Sauro made a motion to adjourn, it was second by Mr. Pollack and approved with four Ayes. Mr. Carthy was not present for the vote.

Meeting was adjourned at 9:01 p.m.

Rec'd 10/24/16 meeting



NADERMAN
LAND PLANNING AND ENGINEERING, P.C.

BARRY G. NADERMAN, P.E.

October 24, 2016

Planning Board
Town of North Castle
15 Maple Avenue
Armonk, NY 10504

Att: John Delano - Planning Board Chair

Re: BAC Electric
873 North Broadway
Town of North Castle

*OCT 24 2016
Rec'd 6:30 meeting*

Dear Chairman Delano and Board Members:

Please be advised that we had forwarded the Site Plan to the New York State Department of Transportation whereby they have determined that since we were applying for a permit for the subject site, they are requiring certain improvements to be more consistent with the State DOT requirements for driveway access onto a State Road.

If we were to leave the site alone, the DOT would have no issue with the continued use as is since there have been no objections or issues filed with the DOT at this location.

If we were to alter the existing conditions, a permit would obviously be required and the DOT is requiring additional improvements than that agreed to by the Planning Board. In addition, the project would also require the Approval by the DOT for the purchase of a portion of the excessive Right Of Way at that location or the approval of an application for a Use and Occupancy of a portion of the Right Of Way.

As such, the issue with the NYSDOT has become significantly more complicated and may result in the inability to maintain parking at the front of the building at all. This represents a significant hardship with the Applicant and we continue to work to develop an acceptable solution to all.

Respectfully,

Barry G. Naderman, P.E.
Naderman Land Planning & Engineering, P.C.

1 Deans Bridge Road
2nd Floor
Somers, NY 10589

tel: 914.245.5403
fax: 914.962.5963
e: bgn@naderman.com