

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
May 30, 2019**

PLANNING BOARD MEMBERS: Christopher Carthy, Chairman
Steve Sauro
Michael Pollack – ABSENT
Jim Jensen
Lawrence Ruisi

Also Present: Adam R. Kaufman, AICP
Director of Planning

Joseph M. Cermele, P.E. CFM
Kellard Sessions Consulting

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

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

Conservation Board Representative:
George Drapeau

Mr. Carthy thanked Mr. Hirschmann for his service to the board and welcomed our newest board member Lawrence Ruisi who reviewed some of his background and stated that has been a resident since 1996.

APPROVAL OF MINUTES:

May 13, 2019

Mr. Carthy asked for a motion to approve the minutes as amended. Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with three ayes. Mr. Ruisi abstained. Mr. Pollack was not present for vote.

April 29, 2019

Mr. Carthy asked for a motion to approve the minutes. Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with three ayes. Mr. Ruisi abstained. Mr. Pollack was not present for vote.

PUBLIC HEARING:

**ONE LABRIOLA COURT [19-012]
1 Labriola Court
107.04-2-23
Amended Site Plan
Dennis Noskin, Dennis Noskin Architects
Discussion
Consideration of resolution of approval**

Proposed outdoor storage of two trailers in the rear parking lot of 1 Labriola Court that contain building materials for construction used by one of the tenants.

Present for this application was Dennis Noskin and the property owner Mitch Beneroff.

Mr. Ruisi read the affidavit of publication for the record. No noticed neighbors were present. Mrs. Desimone stated that publication was done 9 days before the meeting and not the required 10-day notice per the code. The mailings were done timely and correctly. Mr. Baroni stated that we could open and adjourn the meeting until the applicant has time to publish the notice correctly, the mailing will not have to be redone.

Mr. Noskin noted his client recently received a violation for the two trailers which have been on site for 10 years. He also noted that since the violation was issued the Building Inspector, Rob Melillo visited the site and prepared a memo noting additional items on site that were not part of the approved site plan besides the trailers that should also be considered by the board. Mr. Noskin updated the plan per that memo and familiarized the board with the additional items for approval this evening.

Mr. Noskin introduced his client and owner Mitch Beneroff to the board at this time.

Mr. Kaufman stated that we spoke about this a few times, additional outdoor storage has been added to the plan and the board needs to consider if the location of all the outdoor storage is acceptable or would the board like it consolidated into one location.

Mr. Carthy stated while he was out to the site that the front of the building was decent looking and the rear of the site could be cleaned up a little better, he understands this is the rear of the building and asked the other board members if they had visited the site. Mr. Sauro and Mr. Jensen had not had a chance to visit the site. Mr. Beneroff stated that he is alright with consolidation of the dumpster on site but does not want to interfere with the day to day operations of his tenants, he needs to follow up with them.

In response to Mr. Carthy's comment, Mr. Kaufman stated that typically the board would review screening ie: dumpsters, consolidation of items on site and landscaping.

The board continued conversations regarding this application and noted they were concerned if the dumpsters were moved, tenants may leave garbage outside the back door if the dumpsters are too far and that may create more of an issue at the rear of the site. Garbage trucks can be rough on fence enclosures and when snow is plowed, it

can be left in front of the fence leaving no access to the dumpsters. The board realizes this is their time to improve the site but did not want to impact the tenants either. In response to comments, the site is about 200 feet from the road - Route 22.

Mr. Beneroff stated that the containers on site are not just for garbage and recycling, they also have containers for metals, debris and wood. His tenants have active trucks coming and going on site. He also stated that the amount of public traffic on site was diminutive. He does not want to interfere with the operation of his tenants.

Mr. Noskin noted that we have sufficient parking on site for the containers to remain in their present location and a referral to the Zoning Board is not necessary.

In response to Mr. Carthy's comment, Mr. Kaufman stated that typically the board would review screening ie: dumpsters, consolidation of items on site and landscaping. If the board is alright with the way the site is today, they can close the public hearing and approve this application, if they want to address screening, landscaping or consolidation regarding this site that would be appropriate to discuss.

In response to comments, Mr. Kaufman stated that the typical approach would be to locate the outdoor storage in one location, screen it and minimize the view from the road, that is a typical approach. Mr. Jensen noted that was how outdoor storage was handled on another site on King street a few years ago.

The board agreed to visit the site prior to the meeting on June 24, 2019 and the applicant will follow up with his tenants regarding impacts if the dumpsters are consolidated on site.

Mr. Carthy asked for a motion to adjourn the public hearing until June 24, 2019. Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with four ayes. Mr. Pollack was not present for the vote.

NEW AND CONTINUING BUSINESS:

MARIANI RESIDENTIAL [18-021]

45 Bedford Road

108.03-1-65

Zoning Petition - Referral from Town Board

Anthony Veneziano Jr. Esq. Veneziano & Associates

Discussion - Referral from the Town Board

Present for this application was Mark Miller, Attorney; Project Manager and Engineer, Rob Aiello and John Halper, Architect.

Mr. Miller stated that his client is looking to change the present NB zoning which is the only lot in town zoned NB to the Residential Multifamily Downtown Armonk District. He reviewed the bullet points from the last memo from the Planning Board to the Town Board dated January 14, 2019 and how his client has complied with each of the points.

He also reviewed how the building and land coverage was reduced, the entrance was moved further away from the intersection, no living space or basements are proposed in the flood plane and the height was reduced. The massing and placement have also been addressed. He reviewed how the bedroom count was changed from the previous plan to this plan and how the number of 2,3,4 bedroom units were reduced from the prior plan. He presented a plan showing current conditions with proposed conditions to compare and he also presented the differences from the last submission to this submission.

Mr. Halper reviewed the architectural differences from the prior plan to this plan. He reviewed the materials, colors, roofing material, roofing pitch, windows and roofing height.

Mr. Ruisi inquired if there was enough parking on site. Mr. Kaufman stated that according to the code, the applicant has supplied enough parking on site. Mr. Ruisi was concerned about overflow parking. Mr. Baroni stated that the applicant is submitting \$250,000 towards community parking down town.

In response to comments, Mr. Miller stated that the height of the building will be about the same as the Boise Building at 333 Main Street. In response to comments from the Board, Mr. Baroni stated the Town Board was in the middle of a public hearing for Re-Zoning and Amended Comprehensive Plan and if approved, there would be a second public hearing at the Town Board for a Special Use Permit public hearing and if approved then Site Plan public hearing would take place at the Planning Board.

Mr. Ruisi inquired who looks at all of the parking collectively for this and other applications and the impacts on down town as a whole. Mr. Carthy noted that Westchester County had made some comments about that in their letter and stated the Planning Board would look into that as well. He also noted that just because this board gave a positive recommendation last time does not mean that will happen again this time, this is a new and different plan before the board this evening and will be looked at regarding its merits. Mr. Miller reviewed the points in the referral made back in January this year.

Mr. Kaufman stated that this is a significant issue and the Town Board is taking steps to look into the cumulative effects and a parking consultant has been hired who will provide some hard concrete data on where the deficiencies are and how to address them, those plans have been put on hold due to the fire on Main Street (Bagel Emporium and Broadway Pizza) Once these business are open, the study will resume. While Eagle Ridge and Mariani are under review, the Town Board is discussing the community benefits agreement which will provide resources to make some of those specific improvements. Mr. Miller stated that his traffic study included an analysis of the traffic from Eagle Ridge and several other projects and the Eagle Ridge DEIS included traffic from their project and this project and other projects as well.

Mr. Ruisi stated that sometimes you can get a parking space or pull out and sometimes you can't and that happens now with none of these other projects approved and built. Mr. Miller stated he was aware of that and there are times when that is a problem but

that was specifically addressed in today's FP Clark memo from Mike Galante that there are some narrow windows but overall said this project would not impact traffic but the board should review the overall impacts of all the proposed development.

Discussions took place regarding the A units and if the driveways should face Bedford Road or not, it was noted this was more of a site plan issue. Mr. Miller noted he had been receiving mixed comments on this issue and noted the supervisor liked the garages facing Bedford Road, Mr. Baroni noted that based on additional information provided after the Town Board meeting, the supervisor later agreed that garages in the rear would be more beneficial.

Mr. Kaufman stated that the Planning Board will consider the density, # of units, change in type of A & B units, unit B is now smaller scaled down version of building C. Mr. Sauro noted he liked this plan better than the first plan. He would like to hear the other comments but did not see why he would not give a positive recommendation at this point.

Mr. Carthy asked to see an overlay of the original Building B to the newly proposed Building B. It was noted that the original Building B location was three smaller individual units vs. the newly proposed single structure over the same foot printed area. Building D has been eliminated. As requested Mr. Kaufman then reviewed the location of the deed restricted area on site. Discussions took place comparing the original and new building B. The board discussed the new architectural drawings of building B and how different the appearance was when looking down at the site from an Ariel view vs. standing in front of the building. Mr. Kaufman stated this is a more pedestrian friendly design. He is pleased with the removal of all the multiple curb cuts and driveways and likes the parking underneath the building and that parking is accessed off of the side of the building is an enhancement and benefit compared to the previous plan. Mr. Aiello reminded the board that the B building is proposed at six inches above what is currently approved in the zoning district.

Mr. Jensen noted that the rear building was 2' shorter and looks less dense. Mr. Miller noted the Topographic view had changed and you won't see building C from Route 22. Mr. Kaufman stated the board should also consider the surrounding lots and zoning and with this site at a .4 FAR this site is consistent with other commercial districts in the area which are between .3 and .45 FAR. The amount of density and FAR are consistent with the other sites in the area.

Mr. Sauro stated that he likes the rendering and the look of these buildings, he is pleased with the reduced amount of driveways and garage doors, he is happy that the D units were removed, the architecture with the material and pitch of roof is moving this application in a great direction, the architect has done a great job and was sure that Mr. Mariani will landscape the site beautifully. Mr. Jensen was pleased with the removal of the D buildings as well and was pleased with the appearance of the site from Maple Avenue.

Mr. Carthy asked the board if they wanted to walk the site again, Mr. Ruisi noted he was

familiar with the site and a site walk was not necessary for him. The rest of board agreed they did not need to walk the site again.

At Mr. Kaufman's suggestion, the board continued speaking about more definitive recommendations back to the Town Board regarding traffic, sidewalks, density, height, infrastructure and cumulative impacts.

The board discussed the 0.4 FAR at this time. Mr. Kaufman reviewed the FAR and height of the surrounding lots. Mr. Carthy reminded the board to be as specific as possible regarding the recommendations to the Town Board. The board further discussed each of the points at this moment to be more specific in the recommendation to the Town Board.

The board agreed to limit the height of Building C to 36' and the other buildings on site would not be permitted to be that tall. The board also discussed the impact of the traffic from this site and the other projects in town and possible expansion on Maple Ave and expansion of the East side of Bedford Road. The board also discussed sidewalks to the bus stop and sidewalks from the proposed site into Armonk square. (similar to what was done on the CVS property off of Maple Avenue).

Continued discussion took place and at the board's request the applicant reviewed the differences between what was submitted for this meeting and the plans submitted earlier this year. Discussions took place regarding the measurement of the height on the building as it relates to the average grade and finished elevation at sea level. The board did not feel another site walk was necessary at this time due to prior visits and the recent balloon test.

Chairman Carthy stated this is not a public hearing and it is not fair for this applicant to defend his application at this time, that will be addressed at a public hearing. The Planning Board will listen to some brief comments from members of the public and he reminded the members of the public that these comments will be directed at the board, not the applicant.

Ed Woodyard welcomed Mr. Ruisi to the board and asked if he had read all the correspondence submitted to the Town Board on this matter. He reminded the board that there are some very interesting letters regarding this application, prior minutes and meetings and specifically the ARB letter and St. Stephens Church letter in support of the ARB letter as well as his personal letter dated March 13, 2019 in response to the work session. Mr. Woodyard suggested that Mr. Ruisi review all of this information regarding this project. He also inquired about the rental units vs. condo's and how that would be a change in taxation. He also mentioned that people are comparing commercial height standards in a residential area and that is not comparable, the height is a big issue and the density has to be lowered.

Mr. Baroni noted that in regards to the condition regarding taxation. There is no difference in taxation regarding Condos vs. residential units. The difference is between fee simple and condo rental and that was not proposed.

Mr. Neil Baumann stated that he has a letter of support for the residential component from St. Stephens Church. He agreed with many of Mr. Sauro's comments and stated residential is good for this piece of property.

Nancy Maniscalco stated she has been a member of the Open Space Committed for the past four years but is speaking as a resident and not on behalf of the OSC. Ms. Maniscalco inquired what the Community Benefits agreement was and was that typical for an application like this. She also asked with all the houses on the market in town are these units really necessary in our community. Mr. Carthy and Mr. Baroni answered her comments to her satisfaction.

Ms. Ann Danzig inquired about the comprehensive plan compatibility to this application and the merits of this argument vs. the amount of time from which it was approved. She also inquired about why single family homes could not go on this site. Mr. Carthy stated that the Comprehensive Plan is a living breathing document and the merit of the argument to change it is what matters, not the amount of time since it was updated or last changed. All of her questions were answered to her satisfaction.

Mr. Carthy thanked the members of the public for their comments.

Mr. Jensen inquired about the dimensions of the new B building. Mr. Halper stated it was 72x170. Mr. Jenson noted the B building was another C building but smaller and narrower than the C building. It was noted that the original building B was comprised of three separate buildings.

The board concluded that the new submission had a nice blend of changes to the plan.

Mr. Carthy made a positive motion to recommend to the Town Board the following comments: Maximum FAR of .4, Maximum height of 36' limited to Route 22 side of the lot, Traffic comments articulated in today's FP Clark Memo to the Planning Department which included possible expansion of certain roads in town; infrastructure, sewer, water, downtown cumulative impacts and sidewalk impacts, reaffirming the original Planning Board recommendation of the Town Comprehensive plan. Mr. Sauro second the motion and it was approved with the four eyes. Mr. Pollack was not present for the vote.

The board requested that the Director of Planning circulate the draft letter to all the board members for review and approval prior to submission to the Town Board.

Mr. Miller thanked the board for all of their time discussing this application this evening.

**170 BEDFORD ROAD [19-014]
162 Bedford Road
108.03-1-42
Michael Fareri
Concept Plan Discussion**

Applicant requested removal from this agenda.

**82 ROUND HILL ROAD [19-016]
82 Round Hill Road
102.03-1-40
Site Plan
Ralph Alfonzetti, PE Alfonzetti Engineering
Lou Demasi, AIA Demasi Architects
Discussion**

Present for this application was Ralph Alfonzetti and property owner, Tomasz Fidziukiewicz and Stephen Lopez, Landscape Architect.

Proposed new 4,889 square foot home on existing 2.3-acre undeveloped lot. The existing lot is highly constrained by Town-regulated wetland and wetland buffer areas. A Wetland permit for over 16,000 square feet of disturbance is necessary for proposed work performed in the 100' Town-regulated wetland buffer. The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board and the Conservation Board is warranted.

Mr. Alfonzetti explained the application as noted above and stated that the proposed single family residence is proposed with four bedrooms and septic in the front left corner of the lot and stormwater mitigation and well is proposed at the rear of the lot. The DEC wetlands were just confirmed by the DEC on site and these wetlands were confirmed on the edge of the lake. He also pointed out a local regulated wetland on site as well. There is about 16,000 square feet of wetland buffer disturbance, there is no wetland buffer disturbance. The footprint of the house is 2,600 square feet. This application was referred to the Planning Board from the RPRC.

Mr. Kaufman stated that this is a tough lot, a significant amount of the proposed development is in the wetland buffer. This is slightly different than our typical wetlands permit. We are usually dealing with an already developed site and here this is a vacant lot and everything is new. Generally speaking, good planning dictates that you try to minimize those impacts in the buffer and that is going to be the substance of discussion - what is appropriate given the constraints of the lot. The best first step is visit the sight and get a lay of the land. We are certainly not talking about it not being a building lot, this is a building lot, something is going to be built there, the issue is how much, how big and where.

Mr. Alfonzetti stated he was aware of the constraints that is why he is not proposing a six bedroom, 8,000 square foot home and the garage was put in the front of the home and the septic was in the front yard. These are ways he has reduced the impacts to the site.

At the board's request, Mr. Alfonzetti reviewed the wetland, wetland buffers, DEC wetland and lake location on site. Mr. Carthy was concerned if there would be enough room on site to provide the 2:1 wetland mitigation on site. It was noted that there are other ways on site to mitigate, no mow zones, limit disturbance to the maximum extent practical, if that is reducing the amount of square footage or reducing the bedroom count that is another way to address it. It will be further reviewed in the code if the Planning Board can waive some of the 2:1 mitigation requirements.

Mr. Lopez presented the landscape plan, he noted there was a minimal amount of paving on site, a small patio and driveway. Basically you could only mow immediately around the house. Mr. Carthy inquired what prevents someone from mowing past the area. Mr. Drapeau asked the applicant to show what and where the proposed mitigation is on site. Mr. Lopez stated that he will stay with the native plants and no mow area and noted where on site this was proposed.

A site walk was scheduled for Thursday, June 6, 2019 at 8:00 a.m.

21 WHIPPOORWILL ROAD [19-019]

21 Whippoorwill Road

107.04-1-11

Subdivision

Eliot Senior, P.E., L.S. Gabriel Senior, PC

Discussion

The property owner is seeking to subdivide Lot 1 of the Bruno Subdivision into two lots; one of which will be a 3.34-acre lot containing an existing house and the other a newly created 1.92-acre vacant lot.

Preset for this application was the contract vendee Joseph Daniels.

Mr. Daniels presented the application as noted above and reminded the board how this lot was before the board five years ago and what took place at that time. Discussions took place regarding how to make lot #1 comply with the town code. He was aware of the lengthy comments from the memos from the Town's professionals. Mr. Kaufman noted items that needed to be submitted for review per the code. Mr. Carthy noted that there were a lot of comments in both professional's memos to be addressed, he requested the applicant address those comments and resubmit to the board and the board will consider a site walk after the next submission.

Mr. Baroni noted that the Bruno's were no longer the property owner of this lot.

GECAJ [18-025]

3 Vincent Lane

101.01-1-6

Residential Site Plan

James A. Ryan, RLA JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC

Discussion of field change

Mr. Paul Dumont, JMC was present for this application.

The Applicant previously obtained approval for a proposed driveway realignment and expansion with associated stone walls, gate, and retaining walls. The originally approved plans depicted an existing rubble stone wall to remain. During construction, this wall collapsed due to the lack of footings and unknown conditions.

Mr. Dumont handed out some photos of the site for the board's reference. He stated that the applicant is proposing to adjust the alignment of the new retaining wall to meet the existing patio corner, so that it does not leave the building foundation exposed as depicted on plan labeled "C-200," entitled "Grading and Utilities Plan," dated November 26, 2018, last revised May 24, 2019, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

Mr. Cermele was in support of this field change and so was the rest of the board.

Mr. Sauro made a motion to approve the field change, it was second by Mr. Jensen and approved with four ayes. Mr. Pollack was not present for the vote.

OZDOBA/MADONNA ENTERPRISES [18-035]

811 Mount Kisco Road/ 1 Shoemaker Lane

101.03-2-5 101.03-2-7.1

Lot Line Change

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

Discussion

Consideration of 1st extension of time resolution

No one was present for this application.

Mr. Carthy asked for a motion to approve the extension of time resolution. Mr. Jensen made a motion to approve, it was second by Mr. Ruisi and approved with four ayes. Mr. Pollack was not present for the vote.

Mr. Carthy made a motion to adjourn the meeting. Mr. Sauro second the motion and it was approved with four ayes. Mr. Pollack was not present for the vote. Meeting adjourned at 9:36 p.m.