

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
September 9, 2019**

PLANNING BOARD MEMBERS:

Christopher Carthy, Chairman
Steve Sauro
Michael Pollack
Jim Jensen - Absent
Lawrence Ruisi - Absent

Also Present:

Adam R. Kaufman, AICP
Director of Planning

Joe Cermele, PE
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:
Craig Benedict

APPROVAL OF MINUTES:

July 29, 2019

Mr. Carthy asked for a motion to approve the July 29, 2019 Planning Board minutes. Mr. Pollack made a motion to approve, it was second by Mr. Sauro and approved with three ayes. Mr. Jensen and Mr. Ruisi were not present for the vote.

NEW AND CONTINUING BUSINESS:

11 NEW KING STREET PARKING GARAGE [09-032]

11 New King Street

119.03-1-1

Site Plan & Special Use Permit referral from Town Board

Bill Null, Esq. Cudy & Feder

Discussion

Consideration of extension of time resolution

Present for this application was Bill Null.

Mr. Null stated that the original approval was granted on September 5, 2018. There are no changes to the application or facts around it. Last month the Town Board granted a two-year extension of time and he would like a two-year extension from this board as well. In response to Mr. Carthy's comment, Mr. Null stated that a question arose regarding the quality of water based upon events that took place at Westchester County airport and firefighting there and he is working with Westchester County and the Town regarding water quality on site so his client can provide potable water on site, he is hoping to resolve this matter with Westchester County within the month and anticipates finishing up within the next few months and filing for a building permit.

Mr. Carthy made a motion to grant the extension of time, Mr. Pollack second the motion and it was approved with three ayes. Mr. Jensen and Mr. Ruisi were not present for the vote.

MARIANI RESIDENTIAL [18-021]

45 Bedford Road

108.03-1-65

Special Use Permit - Referral from Town Board

Site Plan application

Anthony Veneziano Jr. Esq. Veneziano & Associates

Discussion

Planning Board Site Plan, Wetlands Permit and Tree Removal Permit. The proposal provides for 43 residential units containing 76 bedrooms in four buildings.

The two buildings closest to Bedford Road comprise 4 four-bedroom 'A' units, with 2 such units in each building. Behind the 'A' units and along the western side of the property is the 'B' building, which contains 16 units, including 10 one-bedroom units, 2 two-bedroom units, and 4 three-bedroom units. At the rear of the site, closest to Route 22, is the 'C' building, which contains 23 units. Those units are distributed as follows: 14 one-bedroom units, 7 two-bedroom units, and 2 three-bedroom units. In accordance with the Zoning Code, 5 of the units will be AFFH units. All of the units will be rental units.

Present for this application was Rob Aiello, Mark Miller and Jon Halper.

Mr. Miller recapped the items discussed during the work session which took place earlier today from 5:00 -6:30 p.m. and reviewed a host of issues that mostly applied to the Special Use Permit. He stated the zoning was now in place which was approved by the Town Board and is presently working on the SUP from the Town Board and Site Plan approval from the Planning Board. He noted the Town Board had scheduled its public hearing for the SUP on September 25, 2019 and the Town Board is looking for a recommendation from the Planning Board regarding the SUP.

Mr. Carthy noted the stormwater plan was greatly improved and can be finalized during site plan as well as the landscaping on site and landscaping in the right of way and maintenance plan for landscaping in the right of way. Mr. Cermele noted NYSDOT would have to grant approval for access to the right of way. Mr. Carthy asked the members of the board if they had any comments at this time in regards to the sidewalk. The board agreed that they were in support of the sidewalk to Armonk Square and encouraged the applicant to pursue that with the property owner at 40 Bedford Road, they were also in support of the sidewalk to the bus stop on Maple avenue but felt it was premature to continue the sidewalk to Route 22 with a crosswalk to Business Park. Future development may have a trigger to build the rest of the sidewalk to Route 22, but not at this time. The board agreed that continued work should be done regarding the water and sewer issues and they should be resolved prior to the issuance of a building permit. Mr. Carthy, Mr. Pollack and Mr. Sauro were alright with the height of the building and landscaping can work on that along with the location of Route 22 to help. Mr. Miller stated that since the board was alright with the height, he would like some positive comments to this effect. The board discussed for some time how to word their comments and opinions to the Town Board regarding height while leaving some discretion while the applicant is before the board.

Mr. Kaufman stated that he has asked the applicant to provide an estimate regarding the cost of the improvement to the intersection and they have not been able to do that. He has reached out to the Town's traffic consultant to provide an estimate. The concluded that this should be included in the recommendation.

Ann Dantiz inquired what the goal of the board was this evening. Mr. Carthy stated the board will provide a positive or negative recommendation with comments to the Town Board. She inquired if this board fully understood all of the aspects and details of the SUP that is before the Town Board. Mr. Kaufman stated that all of the aspects the Planning Board needed to provide comments on were listed in his memo to Town Board which was provided to the Planning Board for review and comment. The board members also provided comments to Ms. Dantiz.

Ms. Dantiz inquired why a sidewalk was proposed into Armonk Square from Bedford Road that ends in the Armonk Square parking lot. Mr. Kaufman stated that anyone who parks their car in the parking lot would walk in the parking lot to get to the store just like the pedestrian would at the end of the sidewalk. Questions were answered to her satisfaction.

In response to Mr. Carthy's comment, Mr. Baroni stated that Special Use Permit is an as of right use that is established in the code that the town board has enacted which is subject to additional criteria. If that criteria is met, then administratively the SUP has to be met. It is not a discretionary permit.

At Mr. Carthy's request, Mr. Kaufman summarized all of the items discussed to be included in the referral to the Town Board regarding the SUP based on discussions at the work session earlier this evening and Planning Board meeting this evening. The applicant needs to revise the plans with landscaping that stresses the importance of the view as you enter the town and noted this can be addressed during site plan review. The board recommends that the landscaping plan in the right of way be maintained by the applicant. The board is in support of the redesigned A unit fronting Bedford Road; Given the amount of new residents for this site, the board recommends the applicant provide sidewalks from Bedford Road to Armonk Square and sidewalks from Bedford Road to Maple Avenue bus stop. The board did not feel the Maple avenue sidewalk should continue to Route 22 with a crosswalk into Business Park at this time. The board suggested an easement along Maple avenue frontage for future construction of a right turn lane from Bedford Road onto Maple avenue; The stated that prior to the issuance of building permit the applicant must demonstrate that adequate water supply and sewage disposal have been finalized. The board recommended that the Town Board use their full discretion when evaluating building height. The board recommend that close attention be paid to the traffic impacts to Bedford Road and Maple Avenue intersection from this applicant as well as currently approved, but unbuilt lots and potential future projects that may utilize this intersection. The Planning Board recommended that the Town Board consider the future costs of these improvement to the intersection with this application and future projects around the hamlet.

The board agreed with the summary as presented and based on that summary, Mr. Carthy made a motion for a positive recommendation to the Town Board with comments as noted above and determined that the proposal would not create any evident global planning issues with respect to the Special Use Permit. It was second by Mr. Pollack and approved with three ayes. Mr. Jensen and Mr. Ruisi were not present for the vote.

Mr. Pollack thanked the applicant's professionals for their responsiveness to all of the memos and effort to reply to this board and other boards comments and all the work and time the citizens have put into this application and is commendable and should be recognized and that is what makes the process work.

BUCK'S FLOWER GARDEN [19-025]
65 Bedford Banksville Road
102.02-1-23
Amended Site Plan
Vasilka Bukov
Discussion

The Applicant is seeking amended Town Board special use permit and Planning Board site plan approval for an expanded nursery that includes the conversion of the previously approved commercial nursery into a proposed retail nursery. Additionally, the Applicant is seeking approval to construct a retail shop, garage, office, apartment, vegetable stands, and flower displays. The Applicant is also seeking to store three shipping containers on the property and construct a new freestanding sign. Furthermore, the Applicant is seeking 'after the fact' approval to construct driveways and retaining walls.

Present for this application was Vasilka Bukov and her mother Mrs. Bukov.

Ms. Bukov described the application as noted above and stated this has been a wholesale nursery since 1980. She would like to open up more to the public and also get approvals for the sign he submitted years ago (this was not finalized and has since expired). Mr. Kaufman stated that this was a conforming use but questioned how would we get an apartment on the second floor when there is a nursery use on site. Ms. Bukov stated that the house burnt down in 2004 and her family used to live there, it was an act of god and we lost everything. Mr. Kaufman will follow up with the Building Inspector in regards to the accessory apartment. Mr. Carthy reminded the applicant he was sorry for their misfortune but their property has to conform to today's zoning.

Ms. Bukov asked for the next steps. Mr. Kaufman stated she should apply to the Town Board for the Special Use Permit. She should review both of the professional's memos and work on addressing those comments. Ms. Bukov will need to mark the wetland and wetland buffers on site and the town will come out and confirm that information. Ms. Bukov stated she had that marked out on the 1980 site plan and Mr. Kaufman noted that information will have to be updated due to this application and reviewed by the town to determine if a wetland permit is necessary.

He reminded the applicant that any activity within the 100-foot wetland buffer needs a permit. The applicant will need to mark out the wetland and wetland buffer.

Mr. Carthy suggested the applicant review the memos with her professionals very carefully to completely understand them and the board will do a site walk. Mr. Kaufman offered to go over any of the other comments in either memo at this time. Ms. Bukov suggested that she does not want to pave the site and wants to maintain the gravel with stone boundaries or use Belgium blocking. Mr. Carthy reminded the applicant that when you change the site plan you are subject to the current codes. MR. Kaufman noted that previously the site was wholesale and now the applicant wants to add retail to the site and there are certain requirements that are necessary when the public comes

on site. Ms. Bukov stated that she understands. Mr. Sauro inquired if restrooms and ADA requirements were necessary since the site is going to be open to the public.

Mr. Kaufman stated that the Planning Board will review site planning aspects of this and the building design should be brought to the building department for its review. Ms. Bukov stated she has this information but has not submitted it yet. She has an engineer and architect on board with this application.

A site walk was scheduled and the applicant cancelled the site walk date because she was away for three weeks, she stated she would reach out for a site walk date when she returns.

POOLS OF PERFECTION [19-006]
495 Main Street
108.01-6-14
Amended Site Plan
William O'Neill, AIA O'Neill Architects
Discussion
Consideration of Site Plan waiver for Hair Salon

The Applicant is seeking a change of use to establish a beauty salon that replaces a currently vacant office.

The Building Inspector has submitted a letter stating he has reviewed the application and said there is sufficient parking on site for this applicant and supported a site plan waiver for this applicant. Mr. Carthy made a motion to approve the waiver, it was second by Mr. Sauro and approved with three ayes. Mr. Jensen and Mr. Ruisi were not present for the vote.

MISTIS PROPERTIESS Inc. [19-004]
176 Virginia Road
122.16-1-3
Site Plan
Stephen Berte, Fusion Engineering PC
Discussion

Proposed construction of 2 metal prefab buildings (totaling approximately 5,000 square feet) which will be primarily used as parking bays for trucks, including one wash bay. Applicant has also indicated that light vehicle maintenance and repair would occur on the site.

Present for this application was Steven Berte, PE; Azim Aliriza, EIT and Paul Berte, PE owner and president – all from Fusion Engineering, PC. As well as the applicant and owner Manuel Yanez .

Mr. Berte stated that there will be six bays inside and six bays outside for truck parking along with seven parking spaces for cars on site. He discussed the proposed landscaping vs. the fence at the rear of the site. Mr. Kaufman stated that we typically have a solid stockade fence or chain link fence with stockade slats which would also comply with the code. Mr. Carthy inquired how would you maintain the fence. Mr. Sauro inquired if ivy could be planted to work with the fence. Mr. Aliriza was not in favor of landscaping since the only access to maintain it would be from the neighbor's yard in the rear.

Mr. Carthy noted that there are bigger issues than the fence. The board still did not have answers regarding the water consumption, # of trucks washed, amount of trucks in the fleet and the comments in the Town Engineers memo which stated "as previously requested" in the memo. Mr. Cermele stated that the applicant has reached out to sit down with him to go over his memo later this week and a lot of the comments in his memo remaining will need to be addressed prior to site plan and they can work through. The biggest concern for him was the discrepancy in the retaining wall. Mr. Kaufman noted his two main concern was comments from the ARB on the design of the building and his second concern was operationally, to get more information from the property owner about the base of the approval and how it will be used. Mr. Aliriza wanted to clarify that these site plan approvals get approved with a site plan and not who currently owns the property. When this gets approved this will be a warehouse space and outdoor parking spaces and that is what is permitted for the site plan. Mr. Kaufman stated that we also take into consideration how you are going to use the site and what impacts on this site need to be mitigated. Mr. Aliriza did not agree with Mr. Kaufman. Mr. Kaufman explained how this would affect this approval and future approvals for the site.

Mr. Yanez, property owner stated that presently he has 17-20 trucks here in Westchester County in White Plains. He has 42-45 trucks in his fleet and the other half of his trucks are up in Walden and Albany, Peekskill, NY. He stated that there was too much gas and mileage on his trucks to drive them down to North White Plains. He stated that this site is five miles from the distribution center and in White Plains. He stated he will fix the roller, bulbs, roll up doors e-tracks, bolts which is mechanical repairs, not vehicle repairs. The maintenance store is in Cold Spring. Mr. Kaufman confirmed that engine repair or transmission repair would not take place on site only mechanical repairs. Mr. Yanez agreed and said he was crazy but not that crazy you would need a much larger space for those types of repairs.

Mr. Yanez stated he purchased the lot from Mr. Poppoli and when he parked his trucks on site he received a violation and he is doing the right thing and coming before the board.

Mr. Pollack stated he would like the information regarding the amount of water usage and would like some comments from Sal Misiti on the matter. The applicant will get an updated letter from Mr. Sal Misiti. Mr. Yanez stated that max amount of washings would be 2x a day and would take 7-10 minutes per truck. He stated he will only be washing his own trucks and only the 17 vehicles stored on this site. The closest truck wash is in the Bronx and he sends his truck for a wash, plus gas and to pay staff to do it

is not worth it.

Mr. Sauro inquired what impact will the ARB have on this site. Mr. Kaufman stated that he would like their comments. Mrs. Desimone noted The next meeting of the ARB is September 18, 2019 or October 23, 2019.

In response to comments, the applicant stated that a sign is not proposed on site. The board confirmed that a site walk was conducted and the next step is a public hearing.

Mr. Pollack confirmed that no lifts will be on site, the applicant and professionals agreed and also agreed that only mechanical work would be done on site as described earlier in these minutes but no engine or no transmission repair will be done on site.

Mr. John Junker asked the board to reconsider putting in a sidewalk along the site. The applicant agreed to build a sidewalk and noted he would need to stope prior to the wiring in the ground from the telephone pole and drainage dish. The board was agreeable to that request. Mr. Kaufman inquired about the landscaping on site.

Nora Kranz Manuely reminded the board that Washington's Headquarters was two doors down from this site and Westchester County spent over 3,000,000 to fix up this location. She inquired if the construction would be going on this fall when Washington's headquarters opens up. She expressed her concerns about impact of these additional trucks on the road as it relates to the cars and school buses already on Virginia Road.

Mr. Kaufman stated that this site is located in the Industrial District and the district has certain permitted uses on site and warehouse use is a permitted use and how and when the construction occur would be according to the code and the ARB would address the visual impacts. The Planning Board is working with the sidewalk, street trees and noticed neighbors can raise their comments and concerns at the public hearing. The applicant agreed to put a note in the approval stating that no construction would take place during the grand opening of Washington's Headquarters.

Mr. Carthy inquired how would the site be excavated. The question was answered to his satisfaction.

In response to Michelle Fallot comment, Mr. Aliriza stated the trucks will be washed inside and the doors will be closed.

Mr. Carthy thanked the residents from NWP for attending the meeting.

ZINMAN [17-007]

73 Round Hill Road

102.03-1-46.1

Site Plan

Joseph Risoli, Engineers, Planners, Surveyors

Discussion of field change

The proposed field change was regarding the subsurface drainage system in the driveway to ameliorate water that the contractor has found in the driveway while excavating the driveway. Mr. Pollack made a motion to accept the field change as proposed by the Town Engineer. Mr. Sauro second the motion and it was approved with three ayes. Mr. Jensen and Mr. Ruisi were not present for the vote.

TEST WELLS BRYNWOOD WINDMILL FARMS [19-026]

46 Windmill Road

102.03-1-19

Exploratory Test Well Program

Karen Destefanis, PG (NY) WSP USA, Inc.

Discussion

Mr. Kaufman stated that as part of their development, they are going to make certain improvements to the towns water infrastructure and that needs a wetland permit. The test wells in the past have been issued an administrative wetland permit. The board agreed that the test wells were minor in nature and a minor wetland permit could be handled administratively.

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

CARQUEST [16-023]

215 Business Park Drive

114.01 - 1 - 1

Amended Site Plan

Michael Finan, EP LEED-AP Langan Engineering

Discussion

Wetland Mitigation Bond Memo

Mr. Carthy made a motion to positively recommend the wetland mitigation bond for planting and long term maintenance of those plantings to the Town Board. Mr. Pollack second the motion and it was approved with three ayes. Mr. Jensen and Mr. Ruisi were not present for the vote.

Mr. Carthy made a motion to adjourn, Mr. Sauro second the motion and it was approved with three ayes. Mr. Jensen and Mr. Ruisi were not present for the vote.
Meeting adjourned at 8:39 p.m.