

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
September 26, 2016**

PLANNING BOARD MEMBERS PRESENT: John P. Delano, Chairman
Steve Sauro
Christopher Carthy
Jim Jensen

Planning Board Member Absent: Michael Pollack

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:
 No one was present

:

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

Mr. Delano looked for the Conservation Board representative and no one was present.

APPROVAL OF MINUTES:

September 12, 2016

Mr. Delano asked for a motion to approve the September 12, 2016 Planning Board minutes. Mr. Sauro made a motion to approve, it was second by Mr. Jensen and approved with three Ayes. Mr. Delano abstained and Mr. Pollack was not present.

CONTINUING BUSINESS:

**NORTH BROADWAY TOWNHOUSE DINER
720 NORTH BROADWAY
122.16-3-31
Amended Site Plan
Joel Greenberg, AIA Architectural Visions
Discussion**

Present for this application were the owners Mr. & Mrs. Koutros and their professional Joel Greenberg.

The application for the an amendment of the previously approved site plan for the property, the applicant wants to reduce defined curb cuts which would require vehicles to back up into the NYS Route 22 Right of way, impede circulation, eliminate site lighting and eliminate landscaping.

It was noted that this was a Type II action and this application will be referred to Westchester County Department of Planning, the Police Department, North Castle Fire Marshal and NWP Fire Department for comments.

Mr. Greenberg stated as compared to the plans that were submitted for concept plan that were denied by this board – curbing was set up along Route 22 and this plan eliminates the entrance off of Castle Heights Road and is keeping the parking layout the way it is now. There were 27 parking spaces and 33 parking spaces are required. He will comply with the required landscaping requirements. He noted the comment regarding outside lighting and the diner presently is well lit and will check into that to see if anything more is required. He will label and show all striping for the parking spaces and will identify the sizes of the parking spaces. He will show how the parking spaces in front of the diner will comply which was noted in both professionals memos.

Mr. Greenberg noted in the Town Engineer's memo that the blacktop for this site went approximately one foot or so over the property line along Castle Hill Road. Mr. Greenberg stated that if that can't be kept they will move the parking spaces back to be within the property line, he noted it has been that way for many years and will speak with the Town Planner to see if it can remain. Mr. Delano noted that the Planning Board can not approve that unless the applicant goes before the Town Board and gets a license to park on the Town Right of Way. Just because it existed for a long time, the Planning Board can not approve it. He will get a work permit from the NYSDOT for the

sidewalk. He will also address the pavement markings and directional signage on site which he will address.

Mr. Delano inquired about the sign post near parking space #9 and it was concluded with the applicant that the sign post will be removed. Mr. Greenberg was instructed to update the plan noting the sign would be removed.

Mr. Delano inquired about the comments in the professional's memos regarding the dimensions on site, not having adequate dimension of the parking spaces, not having adequate space for the aisles, the use of town paving for parking and the use of state pavement for turning movements. This is a big part of the reason why the last plan that this board approved with extensive redo of curbing and redo of parking to make all of the parking conform and having the applicant making use of his property and not the towns property and not the states property. He feels it is going to be hard pressed for the applicant to come up with something that is code compliant as it was before and that our Police Chief, Highway Foreman, Fire Department and Traffic consultant also found compliant. He reminded Mr. Greenberg that the Planning Board can not vary the dimensions on parking, aisles or parking count. .

Mr. Kaufman agreed with Mr. Delano and noted that is where we started years ago at the beginning of this application on how can we use this existing configuration and still meet the code and that led to an exercise where that couldn't because all of the parking spaces on North Broadway can't comply with the town code. He recalled at the time that the aisle on the south side of the building was not wide enough and those spaces could not comply. Mr. Delano noted that is what led to the circular pattern and angled parking. Mr. Greenberg stated that he will look at all of that and return back to the board with a revised plan. Mr. Delano asked Mr. Greenberg to come back with as much as you can and as close as you can and if you need variances and you have a reasonable plan that works from a safety perspective and separation of traffic movements and all the ability for vehicles to maneuver on site, the board will review it. The Town is not looking to put people out of business, we need to have the operations of the site safe for everyone that goes to the diner as well as the people who pass the diner every day and to protect our emergency personnel. There have been a lot of accidents along Route 22 and that is one of the reasons why the Planning Board is always looking to make things safer, especially along this area on Route 22, yours is not the only application along Route 22 the board is working on. He would appreciate the applicant coming back with a plan as close to conformity as possible. Mr. Greenberg agreed.

GREEN DROP LLC

660 North Broadway

122.20-1-33

Site Plan

Michael Piccirillo, Architect, Michael Piccirillo Architecture PLLC

Discussion

Consideration of amended resolution of approval

No one was present for this application.

The applicant submitted a letter requesting that conditions 1 & 2, see below be moved to prior to the issuance of an CO so that they can get there building permit and start work on the site.

- _____ 1. The applicant shall provide documentation, to the satisfaction of the Town Engineer, that all work within the New York State Department of Transportation right of way of Route 22 has been completed.
- _____ 2. The Applicant shall provide documentation, to the satisfaction of the Town Engineer, that all work within the Westchester County Department of Public Works right of way of the Central Westchester Parkway has been completed.

After discussions with the board regarding timing to get this work done as noted above and the applicant wanting to start on the renovations to the site, the board agreed to this request with the provision regarding a bond for the work which read as follows.

- _____ 6. Submission to the Planning Board of a suitable legal agreement, in the form satisfactory to the Town Attorney, assuring the Town that the applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the construction of the improvements within the NYSDOT and Westchester County right of way, the amount of said bond or other surety to be determined by the Town Board. Such bond shall be released after the completion of the work within the rights of way to the satisfaction of the Town Engineer.

The applicant will submit an estimate for work on site and the Town Engineer will prepare a bond amount based on that information and submit that to the Planning Board and the Planning Board will make a recommendation to the Town Board.

Mr. Delano asked for a motion to approve the changes to the resolution as discussed. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with four ayes. Mr. Pollack was not present for the vote.

AIRPORT CAMPUS
113 KING STREET (formerly MBIA)
118.02-1-1
Mark P. Miller, Veneziano & Associates
Amended Development Plan
Referral from Town Board
Discussion

Present for this application was Mark Miller attorney for the applicant and his client, the property owner Steve Weiss and Paul Sysak, RLA from John Meyer Consulting.

This application is a referral from the Town Board to the Planning Board regarding the amended Preliminary Development Concept Plan (PDCP) in order to provide additional parking on site to meet current market demands.

Mr. Miller reviewed for the board how the site got from where it was to where his client would like to see it today. He reviewed the PDCP (Preliminary Development Concept Plan). He noted that the expanding parking space request of 410 parking spaces was above and beyond the minimum requirement and he would like to preserve the originally approved plan with the right to still build when the applicant is ready. His client would like an approval to build these parking spaces in stages as the demand is needed.

Discussions were had regarding the expiration of the prior approvals and it was noted that the applicant was granted a five year extension with each extension.

A brief discussion was had about the millennials and how they required less space to work in and how more people were working from home. Mr. Miller stated that he will be submitting additional materials and when back before the board he would like the Planning Board to declare lead agency intent.

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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. Fareri stated that before he presents this plan, he prefaced that this is not a plan that he is proud of and a plan that he will not build. He is before the board this evening for a variety of reasons. He would like a public hearing scheduled on October 24, 2016 and is hoping to cancel that public hearing if all goes well with the Town Board Wednesday evening during the work session. If the Town Board does not like his application then he will move forward with the application as presented this evening.

Mr. Fareri reviewed his prior application which received site plan approval in July, 2015 and signed plans are in the Planning Board office. This approval was for the demolition of all existing structures and the construction of an approximately 48,000 square foot, three story, building that contains 2 studio apartments, 15 1-bedroom apartments (3 AFFH) and 19 2-bedroom apartments (3 AFFH). Garages were proposed along the rear property line. He presented the rendering and noted he has submitted an application to the Building Department regarding this approval.

Mr. Fareri then presented the rendering of the application before the board this evening for the 48 AFFH units which include the removal of the outdoor garages and the building was 16 feet smaller in length. The building is a little smaller than the prior approval.

Mr. Fareri then read a letter into the record at this time, copy attached. The letter was seven pages long but he stopped reading it at the end of page four with Sewer capacity comments.

Mr. Fareri then reviewed a letter Mr. Misiti sent to the Planning Board regarding the lumberyard site dated February, 10, 2016 which said there was no issue with the sewer and water capacity for the application proposed. He then referenced another letter that came out regarding this new application in July, 2016 which said there was no sewer and water capacity.

Mr. Fareri continued. Just recently the town added an irrigation system for the town hall annex and at the gazebo. If there is a water problem for 12 additional units, how come there is not a problem with the additional water supply. He spoke with the installers of those irrigation systems and when in use it will use 1,000 gallons per hour per use. The amount of water for 12 additional bedrooms is 800 or 900 gallons which is absolutely insignificant. He noted that he does not want to build the 48 units; he wants to build 30 units on site and build the 16 AFFH units off site at 470 Main Street, 6 for this application and land banking the other 10 units. He has discussed this plan with many of his neighbors and friends in this community and they all want 30 luxury units in town. If that does not work he will be back here for a 48 unit public hearing, he has a contract from Westchester County to purchase the 36 units as presently approved. If it is going to be 36 AFFH units vs. 48 AFFH units there will not be any difference in the impacts from 36 units to 48 units. He has more information to present but will present that additional information at the public hearing and not this evening. He hopes that the Town Board will see its way clear that this application that is before them is what is best for this community and he will not return to the Planning Board for 48 unit public hearing. He asked the board if he could answer any questions at this time.

**Michael E. Fareri
Fareri Companies
4 MacDonald Avenue
Armonk, New York 10504**

TO BE READ AT THE PLANNING BORAD MEETING – SEPT. 26, 2016

**Good Evening, Mr. Chairman
and Members of the Planning Board**

I originally wrote this as a letter to Chairman Delano last week, however, I decided that all would be better served to read it at tonight's meeting because it addresses almost all of the important issues related to my proposed development at 162 Bedford Road.

On August 22, 2016, I submitted a complete application package to the Planning Board for Site Plan Approval for the development of 48 affordable dwelling units (solely AFFH Units) at 162 Bedford Road, Armonk, New York. This is the project which is currently before you tonight, Monday, September 26, 2016.

To begin, let me state that a completely affordable 48 unit project (all AFFH Units) at 162 Bedford Road is not the project I choose to do. However, due to the recent difficulties I have in trying to work with our Supervisor and the Town Board, I may be left with no other option. I will not build the 162 Bedford Road project as presently approved for 36 dwelling units because it contains a combination of 30 market rate units with 6 affordable units within a single structure. As I have explained during numerous presentations, building a project that combines market rate and affordable units is a failed project. Where the owners of market rate units can usually afford to properly maintain and enhance a property over time, owners of affordable units usually cannot. It doesn't work and does nothing but cause friction and animosity between good people with different means.

But I have an option, and that is to sell the property, fully approved for 48 units, to the County of Westchester. Hence, the reason for the current 48 unit application now under your review. Please note that the reason we were able to increase the "as of right" number of units from 36 to 48 is due to the size difference between market rate and affordable units. Affordable units are smaller in size. Therefore, we were able to increase my "as of right" number of dwelling units by 12 units without affecting the dimensions of the structure. As a matter of fact, the structure is a little smaller. Also note that we have enough room for required parking because, (i) AFFH units require less parking then market rate units and (ii) we removed the outdoor garages against the rear property line to gain additional parking spaces.

As mentioned above, this is not my project choice. My choice at 162 Bedford Road is to reduce the presently approved 36 unit project (30 Market Rate + 6 AFFH) to a 30 unit project consisting solely of 30 market rate units. I would then relocate my 20 % AFFH obligation of 6 AFFH units from 162 Bedford Road to 470 Main Street, Armonk, New York (discuss the greater obligation we have 20% v. 10% and the associated increase in cost). A property I recently entered into contract to purchase and have the right to make all necessary applications to the Town as Contract Vendee. At 470 Main Street, based on current zoning, I could construct up to 16 affordable units. After relocating my 6 units from 162 Bedford Road, I would bank the remaining 10 units to be applied against future development. This plan is a comprehensive plan which helps to satisfy everyone's needs. The Town gets much needed multifamily dwelling units for its adult community and the County of Westchester gets 16 AFFH units to count towards its federal requirement of 750 AFFH units by years end. And most importantly, the residences of our community get the right type of units in the right location.

In my over thirty years of developing properties in the Town of North Castle, the approval process has been fairly straight forward; develop a plan in accordance with the Town code, satisfy the concerns of the Board, and address technical comments from the consultants. With the submission of my conceptual plan back in February and the ensuing technical comments last month can only be defined as a weak attempt to stop this project.

Keeping in mind that the current plan is an increase in the number of bedrooms by 17 (from 55 to 72); there were four categories typically employed to stall the approval process under the guise of SEQRA:

- Traffic impacts at the Bedford Road and Maple Avenue intersection
- Impact on the school system
- Impact on the sewer system
- Impact on the water system

Traffic Impacts

This comment simply assumes that additional bedrooms adds more cars to the road – particularly at the intersection of Bedford Road and Maple Avenue. Ironically, this argument is in direct contradiction of the Town Code in several ways. Article VI, Section 355-24 A, of the Code states in part that: “This district (multifamily) is established in order to increase the supply of dwelling units suitable for smaller families or individuals, to preserve significant open space, secure superior land planning and to increase the supply of moderate-cost housing. In addition, this district shall *promote the creation of AFFH dwelling units in proximity to the downtown area in order to mitigate existing parking*

conditions and to promote business activity with the hamlet area. Site location shall conform to the standards set forth in the Town Development Plan.” (Emphasis added) Furthermore the Town Code seems to recognize that AFFH units will actually generate less cars (i.e. traffic). Specifically, AFFH units only require 1 parking space per unit plus ½ space per bedroom while the typical multifamily residence requires 2 parking spaces per unit plus 1 ½ space for every bedroom over two plus 10% for visitors.

Since the Town Code embraces the need for AFFH dwellings, recognizes that the multifamily dwelling has a smaller parking requirement, it would seem that traffic should have been considered to be a non-issue from the outset.

Finally, the Town has designed plans for the construction of a new Town Park called Wampus Brook Park South located at Bedford Road and Maple Avenue. The plan calls for the construction of a parking lot for twenty cars with the dual entrance and exit to the lot on the south side of Bedford Road approximately 150 feet east of the intersection of Bedford Road and Maple Avenue. But the Town did not concern itself with possible traffic problems at this same intersection caused by the use of the Wampus Brook Park South parking lot. Why?

School Impacts

Many of the same points raised above are appropriate in addressing the impacts upon the schools. I have heard some argue that with 17 more bedrooms, there will be so many additional students, our school system will be overwhelmed. This could not be farther from the truth. Even using the maximum occupancy permitted for such units, potentially there could be an additional 5 students but even this is not likely.

Regardless, given the reported downward trend in enrollment within the school system, and that this trend is seen to be continuing into the future, it would seem that the impact on the school would be a positive rather than a negative. Based on the School District’s enrollment statistics (see attached), in the previous 5 year period, from 2011/12 to 2015/16 enrollment fell from 2,652 to 2,497 students. Over the next 5 year period from 2015/16 to 2019/20 the District has projected a continuing decrease in student enrollment from 2,497 to 2,279. If nothing is done to reverse this trend and increase enrollment we could be looking at the possible closing of another school such as the closing of the Bear Ridge School back in 1987.

Once again, the concern over 17 additional bedrooms and the potential impact on the school system is baseless.

Impact on the Sewer System

Make no mistake about it, the impact of the growth within the hamlet has been an ongoing concern for over thirty years and out of necessity the sewer system in Town has been improved and expanded to meet those demands. No one is more aware of that than Mr. Misiti. However, based upon a recent conversation that I had with Sal Misiti, the additional flows associated with this application are not a major concern. This observation on the part of Mr. Misiti is based primarily upon recent and planned improvements to the treatment plant. Needless to say, every superintendent within Westchester County is aware that system maintenance and expansion is a way of life.

Presumably, if sewer flows were an issue, the recent district extensions should have sparked enough concern over the capacity of the sewer system that these extensions would have been vigorously discussed and addressed at the time of approval.

I have been reviewing recent increases to the sewer plant based on the most recent sewer extensions. They are as follows:

- Madonna 95 -97 Cox Avenue (3 lot subdivision) Approved Feb 10, 2014
- Madonna 96-98 Cox Avenue (3 lot subdivisions) Approved May 5, 2014
- Madonna 805-809 Route 128 (6 lot subdivision) Approved February 24, 2016
- Madonna Senior Housing (16 units) Approved March 9, 2016
- An Additional 16 houses on the road to the new Senior Housing and to 805-809 Route 128
- Orchard Drive - 13 houses (petitioners) including Supervisor Schiliro's house

The properties above, all of which were not in the Sewer District, contain a total of approximately 150 to 200 bedrooms. Sewer Extension Agreements have been executed for each so it seems that, at least for these properties, there is ample sewer capacity. But for some reason, the Lumberyard property, presently approved for 36 units (30 Market Rate Units and 6 Affordable Units) with a total of 55 bedrooms presents a sewer problem when a new application is submitted for the development of an "all affordable," 48 Unit building with 72 bedrooms. The new application of 48 Units and 72 bedrooms has an additional 17 bedrooms in comparison to the presently approved 36 Unit building with 55 bedrooms, and according to Sal Misiti's letters to the North Castle Planning Board dated February 10, 2016 and July 8, 2016 attached hereto, this increase of 17 bedrooms presents a sewer capacity problem. Why? Or should I say how can this be possible when the inclusion of the properties above with 150 to 200 bedrooms did not cause a problem?

Something is not right and I'm beginning to think that sewer capacity is not real problem.

Mr. Delano asked the members of the board if they had any questions for Mr. Fareri. Mr. Delano noted that this was a complete application. Mr. Fareri noted all 46 items referenced at the last meeting had been addressed in this application, he also noted he addressed some of the comments from the professional's memos this evening as well. He also noted he could supply a copy of his letter to the board members if they wanted it.

Mr. Delano stated he has been on this board since 2004 and this board has recently made recommendations to the Town Board to have lots that were not in the sewer district to join the district and the most recent one was the Madonna six lot subdivision and the memos noted at the time that we were just at the border of going 150 gallons over the maximum amount and the board was aware of other prior approvals and it should not have an adverse impact on any prior approvals. Mr. Fareri interrupted and noted that 12 bedrooms is so insignificant, it is not 150 bedrooms and noted that Mr. Misiti's first memo had no concerns when there were 36 units but when a 48 AFFH units were proposed he suddenly had concerns. He would not like to discuss it further but will if the board wants to. Mr. Delano stated that he wants to bounce this information around with the Planning Board members and some were here for some of those other approvals. Mr. Fareri interrupted and stated he has paid sewer and water taxes on that site for 10 years and if he gets the approval he wants, this will reduce the units from 36 to 30 and that would help the traffic problem, the sewer and water problem if there was one. To say he does not have sewer and water capacity for 12 bedrooms when he is in the district and disregard the expansion to all the projects mentioned earlier this evening to accommodate 200 bedrooms is a problem.

Mr. Baroni stated that there is one additional factor, during this time the engineers from GHD, the outside engineering firm for the sewer and water. GHD stepped forward and indicated to the Town Board that we are at or past our capacity. It is hard to figure the capacity because of the IBM reserve of 125,000 gallons a day. What has occurred is that IBM is now stepping forward with a plan for its undeveloped property and they are depending on that reserve of 125,000 gallons. The outside engineers want to be very sure that we reserved that for them and that is why the Town Board commissioned an outside sewer capacity study. Additionally because of the water issues Mr. Misiti has raised during the last several months, the town board has now commissioned a water capacity study as well. Mr. Fareri's best intentions aside, the town needs to find out from the experts where we are with sewer and water. They are the ones that stepped forward and alerted the Town Board that there was a potential problem. Mr. Delano stated that it behooves the town to do its due diligence. Mr. Fareri stated that he recognizes that and appreciates that. He has been a developer in this town for 30 years and every time there is an application that comes before the Town that they don't want to happen there seems to be a sewer and water problem.

Mr. Fareri stated that all that is associated with the development of the IBM property is 2 - 3 years down the road. He is not sure that 12 bedrooms would have such an impact on 125,000 gallons of GPD on reserve. The Town Sewer Plant is going to expand 50,000 - 100,000 gallons which will take 2 - 3 years. How is it possible that a

couple of months ago this problem did not exist and how last week the town added a sprinkler system at the gazebo without a wetland permit? How was the Town able to add a sprinkler system six months ago to the Town Hall Annex building totaling a 1,000 gallons, what do you think 12 bedrooms will add? Are you telling me it is ok to water the flowers but we can't add 17 AFFH units? This is a ridiculous argument. If this was taken into the courthouse, what would a judge have to say about this? If there is a water problem and the town just added two irrigation systems and extended the sewer district to add 200 more bedrooms and he is in the water district – this is baseless. This is a stumbling block to do what is right for this community, his project helps everyone. He reviewed again all of the benefits of his proposal that is going to the Town Board Wednesday evening. He asked the board to schedule the public hearing on 10/24/16 and noted that was his argument and presentation this evening.

Mr. Delano stated that if you are in the district, you are paying the money, first come first serve. Mr. Delano stated to the board that we are all together and he would like to discuss with the board the traffic. He noted that there is not a lot of additional traffic with this application but this intersection of Bedford Road and Maple Avenue always comes up in discussion when other applications were before the board like Mariani Garden Center and Armonk Square. Mr. Fareri interrupted and stated that he did not think that 17 Bedrooms would generate more traffic, they would generate less traffic because those people who are AFFH residents generally only have one car and use public transportation and that is why Westchester County has approved this location.

Mr. Delano stated that he did not know what impacts this would have on the school. This building does have the potential to have a large amount of children; the professionals in this area could better predict the amount of additional school children. Mr. Fareri stated that he has the report from the school regarding student population. He reviewed the numbers he discussed earlier this evening. He felt this should be discussed at the public hearing. The Town Board will hear at the work session this week from the residents at Wampus Close and other areas of town who will voice their opinion. His legal staff will also be present at the meeting and if that has to be taken to higher and different level he is prepared for that as well. Mr. Fareri asked the board to move on with the other applicants on the agenda.

Mr. Delano asked the members of the board if they had any comments or questions at this time for Mr. Fareri. Mr. Jensen stated that procedurally, he did not see how the comments regarding traffic, water & sewer and school children count would be resolved at a public hearing. These questions, if we choose to entertain them, are analytical and require the professionals to evaluate them. Mr. Fareri stated if you read all of my information and he would be happy to provide that to the board along with the information he just presented to the board, he opined that the arguments from the professionals are baseless; absolutely baseless. Mr. Fareri continued and stated if you think he is going to do a traffic study for an additional 17 bedrooms which will cost \$25,000 - \$30,000. We are going to have a problem. If that be the case, then I would like you to say that before the judge.

Mr. Delano stated that we can take the input from the applicant this evening and

schedule a public hearing for the applicant and he will give a similar presentation at the public hearing and we will have a different audience that night. I don't know if we will have a traffic consultant here or anyone here specifically regarding School input and he did not know if Mr. Misiti would be present regarding comments for sewer and water. Mr. Fareri interrupted and noted that he sent a letter telling Mr. Misiti to come to tonight's meeting so he could ask him some questions and he chose not to come, he choose to hide frankly. Mr. Fareri said that if the public hearing was scheduled he would like the board to request Mr. Misiti to be present at the meeting.

Mr. Delano looked over at Mr. Kaufman and asked what outside approvals we have regarding this application. Mr. Kaufman stated the Highway Department, they – Mr. Fareri interrupted and stated the highway department is another baseless argument and is insignificant. Mr. Kaufman noted a permit will have to be issued by the Highway Department and noted he was responding the Chairman's question. Mr. Delano looked at Mr. Kaufman and noted a permit will have to be issued from the Highway Department which is administrative. Mr. Kaufman continued to answer Mr. Delano's question and stated the Water Sewer Department is another outside approval. Mr. Fareri interrupted again and said that he is ready to get a building permit right now; permits were already granted by the Highway and Sewer & Water Departments. If you look at the 36 unit plan vs the 48 unit plan the site plan is exactly the same. Everything is the same and the permit has already been given by the Highway Department and enhanced by the Fire Department and Police Department. Yes, as a courtesy they should be given this as an update but there should be no issue because it has not changed. If it was good then, it is good now. If it is good then and not good now, that would be another thing the judge would be interested in.

Mr. Kaufman stated that he feels like the applicant is being a bit disingenuous. There is a greater increase in density and at some point there is a tipping point when you say there will be significant impacts and he does not know where that tipping point is and the board is asking for reasonable information and the applicant has indicated that he feels he has provided that information and that is up to the board to determine. We are speaking about finite resources and allocation of those resources. Mr. Fareri interrupted Mr. Kaufman and asked what resources. In response to Mr. Fareri's comment, Mr. Kaufman stated traffic, water, sewer, all of that - Mr. Fareri interrupted and stated that you think that 17 Bedrooms has a significant impact to sewer. Mr. Kaufman stated an impact, the board has to determine the significance of the impact to the sewer, water etc... Mr. Fareri stated that is what he is trying to discuss with the board right now and with his argument they can make that determination right now that the 17 bedroom impact based on Mr. Misiti letter from February 2016 is insignificant. Mr. Kaufman stated that may be the case but – Mr. Fareri interrupted and stated that he is asking the four members of this board right now to make sure they say this evening that the impacts from sewer and water from the increase of 17 bedrooms are insignificant and requires no study.

Mr. Baroni asked the board how they propose to do that with no information before the board other than Mr. Fareri's comments. Mr. Delano stated he can't do what Mr. Fareri asked. Mr. Fareri stated that he will provide that information at the next meeting. Mr.

Delano asked Mr. Fareri to provide the information presented this evening in writing to the board in an intelligent written form which will enable the board to have time to review and digest the information before the public hearing. Mr. Fareri stated that he can do that with no problem. He noted his engineer, who is a licensed professional was present for another application this evening if the board had any questions for him. He also noted his engineer has submitted responses to Mr. Misiti's letters who is not a licensed professional.

Mr. Delano asked the members of the board if they would like to have the public hearing in four weeks on 10/24 providing that Mr. Fareri can provide the technical information to help the board individually digest the requested information regarding, traffic, school, sewer and water. Mr. Fareri stated that he will provide that information.

Discussions were had about SEQR at this time. It was noted the impacts were different between the two applications. Mr. Fareri opined that the impacts are not substantial. Mr. Delano stated that it was the environmental quality review part of the application. Mr. Fareri stated that he would provide that information and he hoped that everyone would not get into the contest of trying to prevent this, as he stated earlier this is not his choice. He asked for support of a reduction for 36 to 30 units and to move the 6 units over to 470 Main Street. He needs the Town Board to support a special use permit on Wednesday. Everyone he has spoken to has endorsed this plan. Why can't the town board endorse this plan?

After a discussion with the board regarding a coordinated review or an uncoordinated review. Mr. Fareri stated that in his opinion an increase of 17 bedroom compared to the entire package is insignificant. Mr. Jensen stated that he disagreed with Mr. Fareri. Mr. Fareri reminded the board that if cooperation fails and the Planning Board and the town Board are prolonging the process, tomorrow he can sell this to Westchester County for 36 units and this is something the town and the residents do not want. If everyone works cooperatively, everyone will get what they want. If we work uncooperatively, no one will get what they want. Why not work in a fashion to get something done rather than trying to prolong something. Mr. Baroni stated or why not threaten as much as we can. Mr. Fareri stated that this is not a threat, this is a reality and he has to make a decision, he has been at this for 10 years. .

The board discussed whether to have a coordinated review or not. Mr. Fareri stated that he was working to get Westchester County 16 AFFH units and to help meet their deadline of 750 by the end of the year, the sooner this can take place the better. The board concluded to have a coordinated review and to hold the public hearing on October 24, 2016 and to keep the public hearing open till November 7, 2016 for the 30 day Lead Agency notification time to pass.

Mr. Delano asked for a motion for a coordinated review regarding this application. 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.

Mr. Jensen inquired about some of the other comments from the professional's memos

regarding visual privacy and patios. Mr. Fareri stated that they were already on the plan; this is no different from the 36 unit plan. Mr. Kaufman noted that those were the same comments he had regarding the 36 unit plan and they have not changed on the 48 unit plan and on the 36 unit plan those features were not included on that plan and it's in his recommendation that those features be included. Mr. Fareri stated that he can deal with that at the public hearing but if they were not on the 36 unit plan they don't need to be on the 48 unit plan, but if you want it I can cooperate. .

Mr. Delano asked for a motion to schedule a public hearing on October 24, 2016. 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. .

ETZIN
1503 Old Orchard Street
123.05-1-64
Accessory Structure
Nathaniel J. Holt, PE
Discussion

Present for this application was the applicants professional Dan Holt.

Laura O'Donnell, 3 William Street, abutting property owner was also present.

The application for construction of a detached bath house, elimination of the existing septic system serving the bathhouse, connection of the bath house to the municipal sewer, elimination of gravel drives, construction of a new terrace at the rear of the existing principal house and the construction of an outdoor kitchen patio at the rear of the existing principal house on a 7.92-acre lot located within the R-1A Zoning District..

Mrs. O'Donnell asked to speak to the board at this time regarding this application. She provided three pictures to the board showing the view of the fences along her property line. She pointed out the old broken down fence was never taken down when the new fence was installed and both fences were her neighbors fences and on his property. She is not happy about the view from her side and is concerned if the neighbor removes the old fence, he will have to do it from her property. She inquired what can be done about this situation. Mr. Holt will reach out to his client regarding this matter. At Mrs. O'Donnell's request the board agreed to inform her of the date and time of the site walk so they can see what the fences look like.

Mr. Holt noted that originally this application was only for replacement of a boat house and since that time a fence was installed as noted by the neighbor and part of the fence was built on the NYCDEP land and they are aware of it as is the Town. Mr. Etzin is trying to negotiate with the NYCDEP to keep the fence where it is and he will not get a building permit until he works this out with NYCDEP. His clients know and have had conversations with Mrs. O'Donnell, the neighbor, regarding the fence. At this point his client is a little hesitant to do anything. Mr. Holt continued reviewing the other

structures on site. His client would like to build the boat house, build the terrace and change the driveway and resolve the fence issue. He would like a referral to the Conservation Board and schedule a site walk. He has reviewed the professional's memos and noted that he is reducing the impervious surface by 10,000 square feet and is still providing wetland mitigation.

The board referred this application to the Conservation Board.

COCKREN AFFORDABLE HOUSING
22 Old Route 22
Section 107.04, Block 2, Lot 15
Lou Larizza, Lazz Development
Nathaniel Holt, PE
Discussion of Field Change

This application was adjourned to another meeting because the information requested by the Town Engineer has not been provided and he can't make a determination on the field change without it.

17 CREEMER ROAD
17 Creemer Road
108.04-2-4.2
Lot 1 Site Plan
Joseph Daniels, Contract Vendee
Dan Collins, Hudson Engineering
Discussion
Consideration of Site Plan resolution of approval

Site plan application for the construction of a new 7,578 square foot house within the R-2A Zoning District;

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, Susan Berman – 21 Creemer Road and Ken Fliegel – 27 Creemer Road.

Present for this application was Joe Daniels and his professional Dan Collins.

Mr. Collins stated that he was present on behalf of his client, Joe Daniells regarding both 17 & 19 Creemer Road. The subdivision plat was filed with Westchester County on September 20, 2016 and both lots have received ARB approval.

Mr. Kaufman noted that in regards to the site plans, the applicant is in conformance with what was presented at the time of the subdivision.

In response to Mr. Kaufman's comment, Mr. Collins did not have the elevations for

either lot, the architect had those plans.

Mr. Fliegel noted he did not receive notice of the subdivision. Mrs. Desimone noted all the paperwork was in order for the subdivision and would double check that in the office the following morning. Paperwork confirming timely mailing to Mr. Fliegel for the subdivision application was mailed out the following day for his reference.

Mr. Collins noted this was Lot #2 of the subdivision and the lot where the house presently exists and will be removed along with the pool and shed. He referenced the no mow line at the rear of the site. He reviewed the proposed landscaping along the northern and southern side of the lot. Boulders will be put out in the field as markers indicating where the no mow line begins.

Mr. Delano asked for a motion to approve the 17 Creemer Road resolution. 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.

19 CREEMER ROAD

19 Creemer Road

108.04-2-4.1

Lot 2 Site Plan

Joseph Daniels, Contract Vendee

Dan Collins, Hudson Engineering

Discussion

Consideration of Site Plan resolution of approval

Site plan application for the construction of a new 7,578 square foot house within the R-2A Zoning District

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, Susan Berman -21 Creemer Road and Ken Fliegel – 27 Creemer Road.

Present for this application was Joe Daniels and his professional Dan Collins.

Mr. Collins stated that he was present on behalf of his client, Joe Daniells regarding both 17 & 19 Creemer Road. The subdivision plat was filed with Westchester County on September 20, 2016 and both lots have received ARB approval.

Mr. Kaufman noted that in regards to the site plans, the applicant is in conformance with what was presented at the time of the subdivision.

In response to Mr. Kaufman's comment, Mr. Collins did not have the elevations for either lot.

Mr. Collins noted this was formerly known as Lot #1 noted the lot was mostly wooded and had wetlands at the rear of the site. He noted that a landscape plan was proposed at the southern end of the lot which abuts 21 Creemer Road. No landscaping was proposed on the Northern side because of the landscaping already proposed on 17 Creemer which abuts this site.

Mr. Collins noted that at the subdivision meeting Mrs. Berman was present and expressed her concerns about screening. In response to her comments they have planted additional green giant arborvitaes past the end of the driveway, the neighbor was concerned about headlights coming in and out of the driveway and garage. He proposed 6-8 foot tall green giant arborvitaes, they will grow to 18' tall and they grow rather quickly. He also noted some Norway spruce and fir trees were also proposed. Boulders will be put out in the field as markers indicating where the no mow line begins.

Mrs. Berman stated that the proposed driveway is on the side of her home where the bedrooms are and she wanted some assurance like she said at the last meeting that she will not have headlights shining in her bedrooms and screening will be provided to that effect as well as screening to maintain her privacy. Mr. Kaufman stated that the applicant has proposed a reasonable screening plan, whether it will screen it 100% he can't guarantee that. It is a reasonable screening plan between the two properties. If Mrs. Berman is unhappy with the screening at the end of the day, she can install screening on her lot as well. From a planning perspective what the applicant is proposing is reasonable. Mrs. Berman noted she has lived there for 20 years and wants to keep the charm and beauty of the street.

In response to Mrs. Berman's comment regarding the size of the house, her questions was answered to her satisfaction.

Mr. Fliegel noted that he received an email from one of the owners describing to him that if he put his house on the market at this time it would be a real headache because the construction would make his house less desirable because of noise, mud and contractor parking. Creemer Road is a fairly narrow road with no shoulder, this is one of the worst roads in Armonk regarding drainage issues, and the town is there all the time repairing the road. He was concerned about the impacts to the road with all the truck traffic from both applications. We wanted to make sure the concerns raised in the email were going to be addressed like construction start and stop time, can they block the road, where can they park and will the town repair the road prior to the winter. Mr. Delano stated that in regards to repairs to the road, he should reach out to the Town Board. In regards to the construction work times and days of the week that is also according to the code under hours of construction (hours of construction are Monday – Saturday from 8:00 a.m. – 5:00 p.m. No work is permitted on Sundays and Federal holidays). If parking is permitted on the street, then it is permitted as long as it is according to the code.

Mr. Fliegel stated that if there is traffic on the road that is a safety issue and there needs to be a police presence and someone to direct traffic. He opined that it did not matter whether the parking was legal or illegal it was a matter of safety. Mr. Delano noted that

if there is a safety issue out there today then it needs to be brought to the attention of the Town Board and or police department. Mr. Delano suggested that if Mr. Fliegel sees something to have a polite conversation with the builder to correct it or make a phone call to the Town.

In response to Mr. Fliegels comment regarding parking on the street, Mr. Kaufman noted that whatever signs are posted in the area is what is permitted.

Mr. Fliegel inquired about the removal of the trees from the site and was concerned about the amount of tree removal regarding both lots and its aesthetic impact on the neighborhood. Mr. Delano noted that 33 trees were proposed to be removed at 17 Creemer Road and 35 trees were proposed to be removed from 19 Creemer Road. Mr. Kaufman stated that the board allows trees to be removed in proposed disturbed areas on the property. The board does not allow clear cutting of a site. The trees are coming down for septic systems, house location, driveway and a reasonable backyard. Mr. Collins noted the majority of the trees are being removed because of the septic systems. Mr. Kaufman noted that the Westchester County Health Department does not allow trees to be planted on top of the septic system because that would impact the system. In response to Mr. Fliegel's comment regarding removal of trees from the site, Mr. Delano stated that the town code does not allow trees or tree stumps to be buried in the back yard; they have to be taken off site. In response to Mr. Fliegels comment, Mr. Kaufman stated that the Building Inspector and the Town Engineer will monitor the whole construction of the project and will make sure it is done in conformance to the site plan approval.

Mr. Carthy inquired about the pervious driveway. Mr. Collins answered his comments to his satisfaction. Mr. Carthy asked Mr. Collins to relay to his client to be courteous of parking on the street. It was noted Mr. Daniells was in the audience and heard this comment.

The board had no further comments regarding either lot at this time.

Mr. Delano asked for a motion to approve the 17 Creemer Road resolution. 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.

10 NEW KING STREET
10 New King Street
118.02-2-2
Overnight Limo Parking
Dennis Noskin, Dennis Noskin Architecture, PC
Discussion

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.

Mr. Kaufman stated that this is a permitted use. This is the conversion of existing office space to a limousine dispatch facility. Adequate off street parking must be demonstrated which has to include the limousine storage which is provided in the code and in his memo. The board will also have to see how the other uses in the building vs. parking count balance out vs existing spaces on site.

Mr. Noskin noted that this use has been in existence for the last ten years and it came to someone's attention that there was no site plan for this use and his client is before the board this evening to get approvals. The limos are parked overnight and during the day are in use and that is where the drivers park their cars that drive the limos. Mr. Kaufman noted that the limos will be parked across the street in a satellite location and the Town code requires landscaping for overnight parking. The board should look at the site and see where the least impact for overnight parking would be. The board agreed to walk the site individually.

In response to a comment made, Mr. Kaufman stated that the parking count requires what an office typically requires plus one parking space for each employee and driver during the maximum shift. That information needs to be provided prior to the public hearing. The public hearing was scheduled for October 24, 2016.

WHIPPOORWILL CLUB DRIVING RANGE

150 Whippoorwill Road

Section 100.04, Block 1, Lot 41

Amended Site Plan

Richard Cordone, Design Manager, John Meyer Consulting

Stephen Spina, PE, Project Manager, John Meyer Consulting

Discussion

Roland Baroni recused himself from this application.

The amended site plan application for the redevelopment of the existing driving range, with associated short game practice areas, replacement of the existing golf course netting, installation of retaining walls, additional landscaping, and cart path and drainage improvements. The project area is currently being utilized as a driving range, a green waste storage area and a staging area for sod and other landscape materials.

Present for this application was Jim Ryan, Principal from John Meyer Consulting and Paul Gonzalez, the golf course superintendent and Rich Cordone, project manager from John Meyer Consulting.

Mr. Ryan reviewed the application as described above. He noted that part of this property was in the Town of New Castle and he has been in touch with New Castle.

The lot is almost 170 acres; they are proposing changes to 7.1 acres. Since the submission he has had a chance to meet with the NYCDEP and has since modified the plan, one modification was to remove the pond and save an additional 30 trees. He will have more discussions with the NYCDEP. He continued with his presentation. There are no steep slopes disturbance in North Castle. Netting is proposed along the eastern side of the range and none exist today. Replacement netting is proposed along the western side and will require a variance from the Zoning Board. Photos were handed out at this time to show what the netting would look like. The plan also includes 67 new trees and approximately 50 shrubs around various areas.

Mr. Ryan has reviewed both memos and would be able to comply with those comments. He noted that he has made a submission to the Zoning Board with anticipation that this board would make a referral this evening to the ZBA.

The board agreed to do an uncoordinated review. Mr. Delano asked for a motion to refer this application to the Zoning Board of Appeals. Mr. Sauro made a motion to approve, it was second by Jim Jensen and approved with four Ayes. Mr. Pollack was not present for the vote.

The board agreed to have the public hearing once ZBA was granted. A site walk will be scheduled. The applicant will mark where the pole will go. The board wants to make sure the poles and netting will not be offensive to the neighbors.

BRYNWOOD

568 Bedford Road

101.02-1-28

Site Development and Preliminary Subdivision

Peter Wise, esq. Delbello Donnellan Weingarten Wise & Wiederkehr, LLP

Discussion - Wetland Mitigation and Long Term Maintenance Bond

Recommendation to the Town Board

Mr. Cermele stated that the bond is for the wetland mitigation planting and long term maintenance of the planting. Mr. Cermele stated he has received an estimate from the applicants engineer and has reviewed and accepted it. Based on the estimate he has proposed two bond amounts, one for the planting and one for the long term maintenance of the plantings.

Mr. Delano asked for a motion to make a recommendation regarding both bonds to the Town board. 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.

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

Meeting was adjourned at 9:22 p.m.