

**NORTH CASTLE PLANNING BOARD MEETING  
17 BEDFORD ROAD – BUILDING DEPARTMENT  
3:30 P.M.  
February 15, 2012**

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**PLANNING BOARD MEMBERS PRESENT:**

Robert Greene, Chairman  
Steve Sauro  
Guy Mezzancello  
Art Adelman

**Absent:**

John P. Delano

**ALSO PRESENT:**

Adam R. Kaufman, AICP  
Director of Planning

Ryan Coyne, PE  
Consulting Town Engineer  
Kellard Sessions PC

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

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

Conservation Board Representative:  
Peter Limburg

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

**APPROVAL OF MINUTES:** The board did not vote on the minutes this evening.

November 7, 2012  
December 12, 2011  
January 23, 2012  
February 7, 2012

**PUBLIC HEARING:**

**KLEIN, 14 Gifford Lake Drive, 1/9/13-11, Bibbo Associates. The removal of Notes 1 and 16 on Rolling Hills Plat map regarding the requirement for Planning Board site plan approval and removal of the note regarding maximum house footprint size. Consideration of approving amended final subdivision resolution.**

Mr. Greene read the affidavit of publication for the record. Mrs. Desimone stated that 40/49 green cards were returned and all paper work was in order for this public hearing.

The following noticed neighbors were present: Louise Gantress Hiromura, 2 Warren Place; John Grotta, 101 Round Hill Road; Ellsie Richardson, 4 Warren Place; Orestes Mihaly, 105 Round Hill Road; Yudith Schwartz, 112 Round Hill Road; Claire & Walter Schwartz, 102 Round Hill Road, Kent Thuesen, HLT Associates, 10 & 20 Round Hill Way.

Present for the applicant was the professional, Tim Allen, PE, Bibbo Associates.

Mr. Allen stated that the Rolling Hills subdivision was approved of in 2006. He would like notes 1 & 16 be removed from the Plat as there is new legislation in effect that replaces these conditions.

Mr. Kaufman stated that when the subdivision was approved, the following notes were on the plat. Note #1 on the plat map regulated the maximum footprint sizes on each of the subdivision lots. When the Planning Board adopted the Rolling Hills subdivision plat, the Town did not regulate gross land coverage and gross floor area (size of the house). In December of 2006 the Town Board adopted Gross Land Coverage and Gross Floor Area regulations and now that the Town Board has created legislation regulating gross land coverage and gross floor area, it is not necessary to regulate the house footprint size via the Rolling Hills subdivision plat.

Mr. Kaufman continued. Note #16 on the plat map required that each new home within the subdivision obtain site development plan approval from the Planning Board. When the Planning Board adopted the Rolling Hills subdivision plat, the Town did not require Planning Board review and approval of new residential permits. In May of 2008, the Town Board adopted Chapter 45 of the Town Code establishing rules and regulations for the Residential Project Review Committee (RPRC). The RPRC reviews all permits associated with residential projects within the Town of North Castle. Now that the Town Board has created the Residential Project Review Committee (RPRC) it is not necessary to require Planning Board review of new homes within the subdivision.

Mr. Grotta asked if the proposed house was keeping in size with the existing houses. Mr. Kaufman stated that the proposed house size is consistent with the houses in Rolling Hills and the houses on Gifford Lake are smaller than the proposed house.

In response to Mr. Grotta's question, Mr. Kaufman stated that the access from Round



Hill Road has not changed; there is one common driveway for two lots.

In response to Yudith Schwartz's comment, Mr. Kaufman stated that there are only two houses off of Round Hill Road.

In response to Mr. Mihaly's comment, Mr. Kaufman stated that there are 3 driveways off of Gifford Lake and two off of Round Hill Road.

Mr. Greene confirmed for the neighbors present that the driveways were not changing; the lots were not changing; only the notes are being removed from the plat due to more recent legislation adopted by the Town Board which addresses both notes.

Louise Gantress stated that she had no objection to the notes. She was concerned with light pollution on her property. She does not want lights shining on her property all night; they should be on motion sensors. She asked that a resolution be adopted for light pollution and would like additional screening on site to address the light pollution.

Mr. Greene asked how long this house has been up. Mrs. Gantress stated a few years. She noted at the time of site plan approval her requests for minimal light pollution on the site. Mr. Kaufman will review the resolution to see if there were any conditions in the resolution to that affect.

Mr. Kaufman asked the Chairman if the Planning Board wanted to give some direction to the RPRC regarding light pollution on the rest of the lots within the subdivision or in general on all applications.

Mr. Greene suggested that Mrs. Gantress speak with the neighbor or write a letter to communicate the issues. The neighbor may not even be aware of the issue. Mr. Kaufman will review the resolution tomorrow.

Mr. Greene asked Mr. Kaufman to have the RPRC give some consideration when reviewing applications and light pollution.

Walter Schwartz inquired about the drainage onto Round Hill Road. Mr. Greene stated the professionals reviewed the drainage at the time of the original approval and there will be no more drainage after these houses are built then there was before they were built.

No other comments were made at this time.

Mr. Greene asked for a motion to close the public hearing. Mr. Adelman made a motion to close the public hearing. It was second by Mr. Mezzancello and approved with four Ayes. Mr. Delano was not present for the vote.

Mr. Greene asked for a motion to approve the resolution as amended. Mr. Adelman made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Mr. Delano was not present for the vote.

## **DISCUSSION**

**MILLER, 5 Valhalla Ave, 5/25/13, Ken Murphy - Petruccelli Engineering.**  
**Continuing Business: Site plan application for the construction of a new 4,717 square foot home within the R-10 Zoning District. Consideration of approving site plan resolution.**

Present for this application was Mr. Dominick Minerva, attorney for the applicant; Mr. Ken Murphy, PE, Petruccelli Engineering and the applicant Mr. Miller.

Also present was Mr. Pappalardo, attorney for Mrs. Nassetta and resident Jill Gretto .

After a brief discussion it was decided that condition #2 would remain as it was written. The words "as proposed" will be added to condition #3. At Mr. Miller's request, Mr. Coyne will follow up regarding the cost of the trench drain into the Basin.

Ms. Gretto was concerned how the water pressure would be affected on the existing houses when this house is built, who would be accountable?. Mr. Coyne stated that the water pressure was minimal due to height, not the flow, the addition of this one house would not affect the water pressure of the other houses.

Ms. Gretto stated that the ARB is advisory to the Planning Board and she noted that the house approved by the ARB is excessively dissimilar. Mr. Greene stated that he had read that section of the code, reviewed the file and drove around the neighborhood. It looks similar to other parts in North Castle. It is hard to legislate taste. In the neighborhood presently there are A Frames, Colonials, Capes and Florida Tract houses. This does not rise to the level of outrageously different and there is no reason to go back and open this up.

Ms. Gretto noted that there are no flat roof's in North White Plains, there are no windowless sides of a home in North White Plains. The code says the Architectural Review Board and Planning Board can say it is dissimilar. This sets precedence for future designs.

Mr. Pappalardo confirmed that this approval would not preclude development of the Nassetta vacant lot. It was noted the lot would appear before the RPRC and Planning Board when the lot was ready for development.

Mrs. Gretto stated the Town should reevaluate the ARB in general.

Mr. Greene asked for a motion to approve the Miller resolution as amended. Mr. Adelman made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Mr. Delano was not present for the vote.



**10 STERLING RD SOUTH SUBDIVISION, 10 Sterling Road South, 2/17/4.G,**  
**Westconn Custom Builders, Inc. Proposed two lot subdivision of the existing 4.0**  
**acre lot. Referral to the ZBA.**

Present for this application was Gerry Geist, attorney for the applicant. Also present was neighbor Alyssa Lefkowitz, 14 Sterling Road South.

Ms. Lefkowitz stated that she was concerned that the septic was proposed in front of the house which abuts her house, because the well is in front of her house. She was also concerned that the proposed house next door had its garage facing her side yard and her house has many windows on that side of the house and she was concerned about the noise impacts and the lighting impacts. Basically she was concerned about noise, privacy, lighting and septic.

It was noted that the house was shown conceptually on the lot. Mr. Baroni stated that the Board of Health requires a minimum distance between the septic and well locations.

Mrs. Lefkowitz was concerned that her lot was part of a subdivision and the houses are close to one another. The rest of the neighborhood has a lot of distance between the houses and she does not want the character of the neighborhood changed by putting two more houses, too close to one another.

Mr. Greene stated that the developer of these two lots is sensitive to these issues because they want to sell the house and potential buyers will want the same privacy as the neighbors. He thanked her for coming to the meeting but this was not the point of the process to raise these concerns as the Planning Board is only subdividing the lots at this time.

Mr. Greene made a positive recommendation to the ZBA regarding this application. Mr. Sauro second the motion and it was approved with four Ayes. Mr. Delano was not present for the vote.

**BAC ELECTRIC, 873 North Broadway, 6 / 2 / 3, Barry Naderman, Naderman Land**  
**Planning and Engineering. Continuing Business: Application for “after the fact”**  
**site plan approval of a proposed change of use to electrical contractor office,**  
**retail sales and personal training uses. The property is located within the CB**  
**Zoning District.**

Present for this application was Barry Naderman, Naderman Land Planning and Engineering and the applicant J.R. Cavallaro.

Mr. Naderman stated that he has had an opportunity to work on the measurements for the steps and platform along the side of the building and he calculates approximately 15 steps. He will also be able to add one more parking space.





BAC - LOOKING NORTH

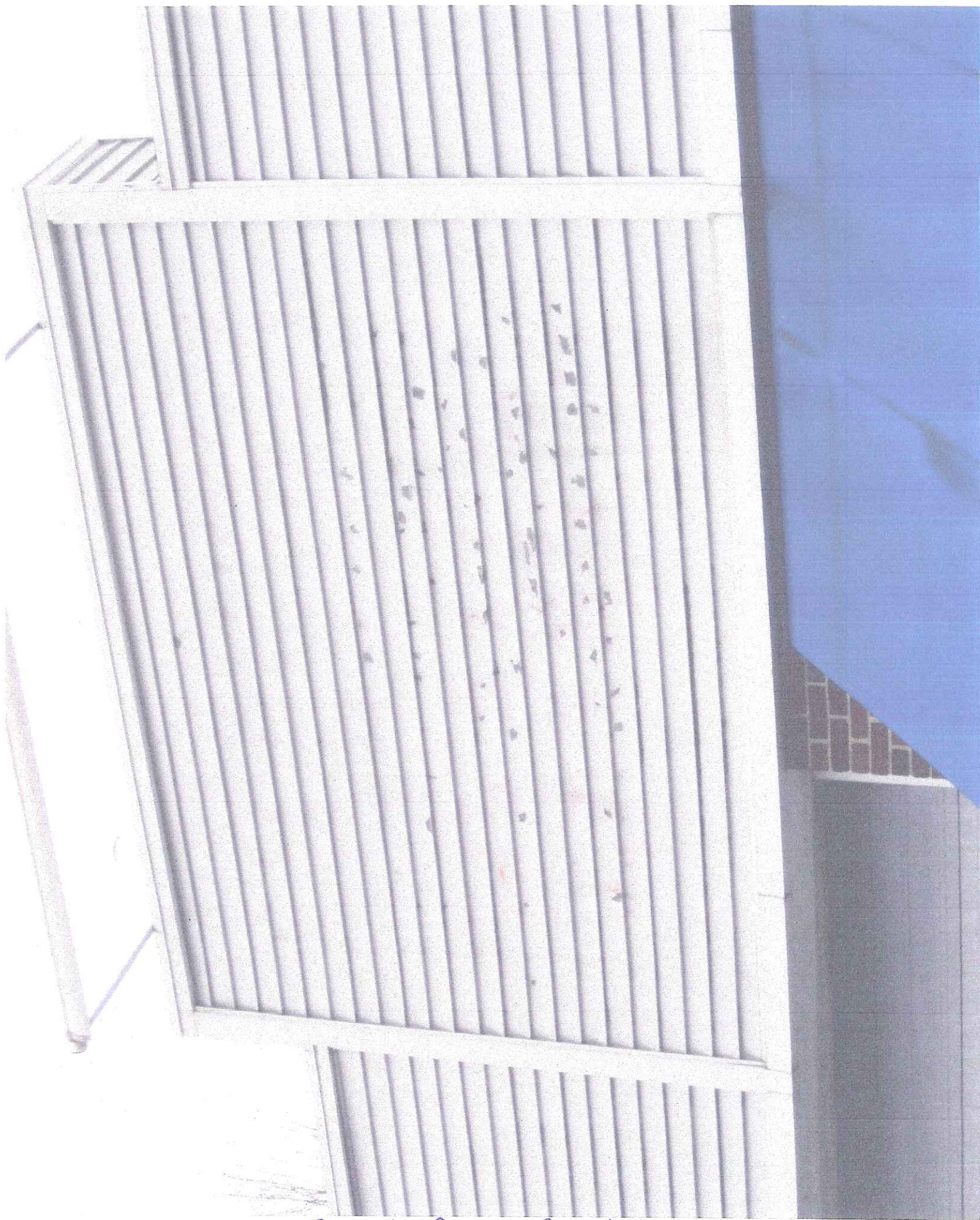






BAC - LOOKING SOUTH





Front of BAC Building



Mr. Greene stated that he has been out to the site a couple of times. The BAC frontage along North Broadway is 57 feet wide located in the middle of a 450-foot length of roadway that has no raised sidewalk and no curbing. It would be great to get a sidewalk along this stretch of road, but a bit premature to make this applicant put in 57 feet of sidewalk without addressing the condition of the entire 450-foot length and first developing design criteria to insure a uniform look. Perhaps the next time the applicant is back before the Planning Board we can address the sidewalk.

Mr. Greene noted that where the Fisher Garage sign was located, it needed to be painted and fixed up. Mr. Cavallaro agreed to do that.

Mr. Greene was alright approving this application as long as the security lighting was done at the rear of the site, steps put in on the side of the building and painting done in front of the building where the old sign was located. Mr. Adelman agreed.

Mr. Sauro inquired about the drainage detail at the rear of the site. Mr. Naderman stated that the bio filter trench had a 6" perforated pipe and discharged to the drainage on the side, the gravel will remain as is and there will be no striping of the parking spaces.

Mr. Sauro agreed with the Mr. Greene's comments that the front of the building needed to be addressed and was glad the applicant agreed to do it.

Mr. Naderman stated that the safety lighting will be installed and can be custom tailored. Mr. Sauro stated that the safety lighting will protect the vehicles at the rear of the site and will not be intrusive to the neighbors. Mr. Naderman noted that additional Evergreen will be planted on site. He will also get the access easement from adjoining property owners.

Mr. Kaufman told the applicant that once the material was submitted a public hearing will be scheduled, the board can consider adopting a negative declaration and site plan resolution.

**MONACO, 8 Hollow Ridge Road, 2/3/2-8, Holt Engineering. Continuing Business. Application for preliminary subdivision approval of a Lot Line Change and special permit for an accessory structure over 800 square feet.**

Present for this application was Al Pirro, Esq. Paul Siriano, Barry Bronfman, AIA and Dan Holt, PE and land surveyor.

Mr. Pirro stated that the vacant lot will accommodate a house size between 7,500 and 10,000 square feet. Mr. Monaco pays approximately \$40,000. in school taxes and that is approximately how much the vacant lot would provide to the school district once built.

Mr. Holt stated that the corner of the garage was 20' from the property line and to cut 10' off of the garage to meet the set back would reduce the garage to a two car garage



and the applicant is not interested in that.

Mr. Greene spoke with Ira Schulman, Byram Hills School Board member and he told Mr. Greene that he had no issues with this application.

Mr. Pirro noted the Planning Board has the option to waive its Public Hearing regarding this matter and cited portions of the code in support of this request. The board did not render an answer at this time.

Discussion were had based on Mr. Pirro's comment regarding which board, the ZBA or the Planning Board would grant their approval first. Mr. Baroni stated ZBA would have to grant their approval and then the Planning Board could grant their approval.

Mr. Kaufman noted that the Town of New Castle submitted written communication requesting that the North Castle Planning Board wait the full 30 days before declaring lead agency. The Town of New Castle Planning Board meets on February 21, 2012.

The board agreed not to take any action this evening. The board will consider Lead Agency Intent, adoption of a Negative Declaration and referral to the ZBA at the next meeting on February 27, 2012.

Meeting adjourned 8:25 p.m.