

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
August 8, 2011**

PLANNING BOARD MEMBERS PRESENT: John Delano, Chairman
Steve Sauro
Beata Buhl Tatka
Guy Mezzancello

PLANNING BOARD MEMBERS ABSENT: Jane Black

ALSO PRESENT: Adam R. Kaufman, AICP
Director of Planning

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
Zenaida Bongaarts

ABSENT: Consulting Town Engineer

The meeting was called to order at 7:01 p.m.

APPROVAL OF MINUTES:

Mr. Delano asked for a motion to approve the June 27, 2011 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Mezzancello and approved with four Ayes. Ms. Black was not present for the vote.

Mr. Delano asked for a motion to approve the July 11, 2011 Planning Board minutes as amended. Mr. Sauro made a motion to approve. It was second by Ms. Tatka and approved with four Ayes. Ms. Black was not present for the vote.

PUBLIC HEARING:

LANDER

Special Use Permit

Accessory Apartment

Section 2, Block 12, Lot 4.I

24 School Street

Bill O'Neill, RA O'Neill Architects

Discussion

Consideration of approving special use permit resolution

Also present for this application was Mr. & Mrs. Lander, their son and Mrs. Thompson.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application and 16/19 green cards were returned regarding this public hearing. No noticed neighbors were present for this application.

Mr. O'Neill stated that this application is for the construction of a new 1,655 square foot family room, storage area and accessory apartment addition to the existing 1,878 square foot existing home. The entire building is within the wetland buffer and Special Use Permit is required for this application.

Mr. Delano asked the board and the professionals if they had any comments or questions at this time. There were no comments or questions at this time. Mr. Delano asked Mr. O'Neill and his client if he had a chance to review the resolution. Mr. O'Neill stated that he and his client have reviewed the resolution and had no comments at this time.

Mr. Delano asked for a motion to close the Lander public hearing. Ms. Sauro made a motion to close the public hearing. It was second by Ms. Tatka and approved by four ayes. Ms. Black was not present for the vote.

Mr. Delano asked for a motion to approve the Lander resolution. Mr. Sauro made a motion to approve, it was second by Mr. Mezzancello and approved with four Ayes.

Mr. Lander thanked the board.

DISCUSSION:

COCKREN MIDDLE INCOME HOUSES

Site Plan

Section 2, Block 15, Lot 1

22 Old Route 22

Mark Miller, Esq. Veneziano & Associates

Discussion

Consideration of approving extension of time site plan extension

Mr. Mark Miller was present for the applicant.

Mr. Miller has reviewed the resolution and had no comments. The board had no questions or comments for Mr. Miller at this time.

Mr. Delano asked for a motion to approve the Cockren MIU extension of time resolution. Mr. Mezzancello made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Ms. Black was not present for the vote.

DUSANSKY

Special Use Permit

Section 2, Block 4, Lot 1- 14

2 Dellwood Farm Way

Frank Guiliano

Discussion

Consideration of approving special use permit extension of time resolution

No one was present for this application.

The board had no comments or questions regarding the extension of time resolution.

Mr. Delano asked for a motion to approve the Dusansky extension of time resolution regarding the pool house. Mr. Sauro made a motion to approve. It was second by Mr. Mezzancello and approved with four Ayes. Ms. Black was not present for the vote.

SANTOMERO BUILDING

Site Plan Waiver - Juice Bar

428-436 Main Street

2/13/8

Patricia Trongone, lessee

Discussion

Consideration of site plan waiver resolution

No one was present for this application.

Mr. Delano stated that a letter has been received from the Building Inspector regarding a change of use in part of the Santomero Building located at 428-436 Main Street. The site plan waiver is for the proposed Jnana Juice Bar. An interoffice memo was received from Rich Fon, Building Inspector, regarding this use and it stated in his memo that there will be no impact on parking. Per the comments of the Building Inspector Memo, the Planning Board has the authority to waive the site plan requirements on this application. Mr. Delano asked the board if they had any comments, questions or concerns at this time.

Ms. Tatka stated that she has a very big concern that the applicnat will not be successful at this location. She noted on the floor plan that the applicant is proposing seven tables and there is no parking there. Mr. Kaufman stated that there certainly is a parking issue there, this site is located at the corner or Maple and Main Street, across from the Framings store. Presently, this site is going through significant improvements to the facade. The proposed change of use is from a personal services establishment to a carry out restaurant. According to the code, the off street parking requirement for both of those uses is the same. Therefore, there is no increase, in terms of the code, of off street parking requirements. Therefore, that gives the board the ability to waive site plan approval. In this case, there is no construction, there is nothing changing in the parking lot or to the site. It is fair to note there is an existing off street pakring problem on that site.

Ms. Tatka noted that from what she remembers, every business that was there, while she was renting in the building, did not make it for that very reason, they did not have enough parking. She was there byherself and there was not enough parking. She just wanted to note it for the record. She understands that the code is the code and she is concerned the applicant's business will not make it. Mr. Delano stated that all we can do is wish them the best.

Mr. Sauro stated that seeing how both uses have the same parking requirements as Mr. Kaufman was saying, that is a chance the applicant will have to take. As the downtown area becomes more viable, once the parking lots get refurbished and the Town Square becomes much more of a center piece, perhaps there will be more pedestrian traffic.

Mr. Delano asked for a motion to approve the Santomero Building extension of time resolution. Mr. Sauro made a motion to approve. It was second by Mr. Mezzancello and approved with four Ayes. Ms. Black was not present for the vote.

FEIT

Reduction of Bond

114 Cox Avenue

Section 2, Block 5, Lot 20.D01

Jerry Barrett, RLA J.D Barrett & Associates

Discussion

Consideration of recommendation to Town Board for bond reduction

No one was present for this application

Mr. Delano stated that was an off site wetland mitigation regarding this application. We have a memo from Kellard Sessions stating that the work has been completed, essentially. A \$90,000 bond was posted, the Planning Board resolution stated that once the work was done, the bond could be reduced to a maintenance bond. Mr. Kellard's office is recommending that the bond be reduced to \$13,500 for a three year period. In respond to Mr. Sauro's comment, Mr. Baroni stated that three year period would commence once the Town Board approves the reduction of the bond.

Mr. Delano asked for a motion to recommend to the Town Board that the Feit bond be reduced to the maintenance bond level as recommended by the Town Engineer. Mr. Sauro made a motion to recommend the reduction of the Feit Bond amount. It was second by Mr. Mezzancello and approved with four Ayes. Ms. Black was not present for the vote.

MODERNE BARN

Site Plan Waiver – Medical Office

430 BEDFORD ROAD

SECTION 2, BLOCK 13, LOT 39

Discussion

No one was present for this application.

Ms. Tatka recused herself from this application, her office is in the same building.

Mr. Kaufman stated that the board previously approved 1,100 square feet of office space on site. The applicant is proposing to convert the space to medical office. The parking requirements are different from the medical office use. Medical office use is based on the number of practitioners and employees and based upon one medical practitioner and one staff person it equates to ½ a parking space less than the traditional office would have required. Therefore, there is no increase in parking and the Planning Board can grant a waiver if the board chooses to. There is no construction associated with the parking lot or anything outside the building.

Mr. Sauro stated that these calculations are based on one doctor and one employee, he hopes this business is successful, but what happens if additional doctors or professionals come on site. Mr. Kaufman stated that if the business grows and the staff increases then the applicant will have to demonstrate that there is adequate off street parking on site to accommodate that. Mr. Sauro inquired if that was a potential conflict, if they have to return to the board, for any reason. Mr. Kaufman stated that yes they would have to come back before the town and demonstrate that they comply if the practitioners or the staff increases. That would result in a site plan amendment, if necessary. Mr. Sauro stated that he has no issues with the application as presented this evening. Mr. Kaufman stated that information regarding the amount

North Castle Planning Board Minutes

August 8, 2011

Page 6 of 6

doctor and staff is in the resolution.

Mr. Delano asked for a motion to approve the Moderne Barn site plan waiver resolution. Mr. Sauro made a motion to approve. It was second by Mr. Mezzancello and approved with three Ayes. Ms. Tatka abstained. Ms. Black was not present for the vote.

Meeting adjourned at 7:15 p.m.