

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
October 7, 2013**

PLANNING BOARD MEMBERS PRESENT: Art Adelman, Chairman
 John Delano,
 Steve Sauro
 Guy Mezzancello
 Christopher Carthy

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

 John Kellard 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:
 John Fava

The meeting came to order at 7:00 p.m.

APPROVAL OF MINUTES:

September 23, 2013

Mr. Adelman asked for a motion to approve the minutes as amended. Mr. Delano made a motion to approve as amended, it was second by Mr. Sauro and approved with five Ayes.

CONTINUING BUSINESS:

MAOUNIS

5 Ashfields Lane

Section 102.03, Block 2, Lot 34

Geraldine Tortorella, Esq. Hocherman Tortorella & Wekstein, LLP

Construction of a new single family home

Discussion

Present for this application was Geri Tortorella, attorney for the applicant as well as Jay Fein; Jay Fein Associates, Rob Cardello and Dave Reilly from Robert A. Cardello Architects, and Lou Demarzo, Civil Site Engineer and Project Engineer from Redness and Mead.

Mrs. Tortorella gave a brief description of what the applicant is proposing on site. She stated that they have appeared before the Conservation Board, conducted a site walk with the Conservation Board and are scheduled to appear before the Conservation Board on 10/15/13 and the Architectural Review Board on 10/16/13. The modifications are concentrated heavily in the same area as the existing house and existing amenities. Wetland, Tree Removal, Site Plan and Special Use Permit approvals are required for this application.

Mr. Demarzo reviewed the SWPPP and reviewed the three main goals. First, provide Water Quality Treatment and meet the NYSDEC water quality volume. Second, was to mitigate peak flow for stormwater rates from the site and the third goal was to maintain the drainage patterns for the site. The drainage was broken up into two parts on site, a northern and southern basin. The ridge line divides where the water flows to either the Byram River or the Mianus River. Five rain gardens are proposed on site. There is also a sediment and erosion control plan and 2.6 acres of disturbance is proposed on site. He will comply with the Town Engineers comments. The septic system will all be reused on site. There is 2,000 square feet of wetland buffer disturbance and there is 4,900 square feet of mitigation.

A public hear for a wetland permit and special use permit were tentatively scheduled for Monday, November 4, 2013, providing ARB and CB approvals have been granted.

Mr. Fava stated that his board did visit the site last Wednesday and noted a ridge does go down the middle of the property and drainage on site is divided between the Byram River and the Mianus River. Most of the disturbance is already disturbed and his board will be able to provide comments by 10/17/13.

In response to Mr. Adelman's comment, Mr. Kellard stated that Mr. Cermele has reviewed the SWPPP and there were some minor comments, Mr. Demarzo did a very good job with this plan and incorporated green features within this plan and treatment

plan.

Mr. Kaufman stated that normally the Planning Board does not even review single family properties any more. Given the size of the property and magnitude of the house, the applicant elected to come before the Planning Board. We have seen a detailed plan that was very well put together. The applicant has addressed the main concerns. There is a significant amount of trees to be removed but that is balanced against the ten acre lot size. The applicant is providing more than a two to one ratio regarding the wetland buffer disturbance. Overall he does not have any significant issues with this plan. We can prepare a resolution for the board to consider the same evening.

CONSOLIDATED EDISON COMPANY OF NY

Various Locations

Brian Brush, Con Ed EH&S

Replacement and installation of utility poles within wetlands or buffer

Discussion

Consideration of administrative wetland permits

The following people were present from Con Edison, Laura Ruggeri – Associate Scientist, Brian Brush – Senior Scientist Natural Resource Group, Ramon Cavalluzzi – Field Operations Planner, Allen Jean-Louis – Engineer and Project Manager; Richard Perusse – Senior Specialist Bronx Westchester EHS, Daniel Lyons – Public Affairs Manager.

Mr. Brush stated that there are 24 utility poles that are going to be replaced within a wetland/wetland buffer area and there are 10 new poles to be installed within the wetland/wetland buffer. Water and drainage permit is being requested pursuant to chapter 209 of the Town Code.

Mr. Jean-Louis stated that the Armonk loop itself starts on the corner of Main and School street and proceeds 3 ½ miles to Windmill Road and Long Pond Road. We have had numerous outages on this loop and this area is isolated by I-684, NYSEG on one side and Connecticut on the other. We also have a dense tree population which has been the source of power failures on this loop and in this area. When designing the job to enhance reliability, there was a three tier approach. First, increase flexibility, decrease restoration times and decrease duration of the outages and limit the amount of customers without power. Second, reducing the number of customers without power as well as reducing the amount of time without power. Third, increase the resilience of the system by hardening of the infrastructure. Several things that were done to achieve this is, bring an additional source through I-684, split the Armonk loop in half, and they will reduce the amount of customers per segment, install smart switches throughout the

main run and in some of the spurs to bring customers back quickly. They will be rebuilding the infrastructure by replacing 160 poles and replacing some of the existing cables. We have plans to continue this effort in the windmill farms area to be done in the future. The wires will be installed through an existing conduit on the Cox Avenue bridge that goes over I-684.

In response to Mr. Mezzancello's comment, Mr. Jean-Louis stated the 2nd loop will be on Banksville and Cox Avenue area.

Mr. Adelman noted there were a lot of complaints regarding all of the recent tree removal on or around Wampus Avenue and School Street. Supposedly there was a big tree that was removed instead of the offending limbs which has been a big concern of the residents. Mr. Brush stated that he recognizes that this is a big concern and Con Ed has taken a more aggressive approach to trimming back vegetation from their lines in order to prevent outages during storm events but that is a separate and distinct effort from what we are before your board to speak about this evening. Mr. Adelman stated that he understands that but is not sure if this board can move forward until they know how it is going to work out.

Mr. Adelman inquired who monitors the tree removal work. Mr. Brush stated that he is not involved with this project and is not able to answer that question.

Mr. Adelman inquired about the double poles he has seen around town, he wanted to know who will remove the second pole and when will the second pole will be removed. Mr. Brush stated that the agreement that Con Ed has is the last utility in is supposed to remove the pole. Mr. Cavalluzzi stated that he will oversee most of the construction on this job. After the second pole was installed and their equipment put on the pole, Verizon and Cable are notified and have 30 days to remove the equipment from the old pole and then the pole can be removed. There is a new joint agreement to make the process more effective and tracks the process with the other utilities on the poles. Mr. Adelman confirmed with the representatives that Con Ed will follow up and take ownership to make sure the 2nd pole will be removed. Mr. Cavalluzzi stated there is a group there in progress and there is a joint agreement. Mr. Adelman clarified that he does not want to see finger pointing as to why the poles were not removed and why it was not done. Mr. Adelman stated that when this work is done, it is on Con Ed poles. Mr. Cavalluzzi agreed that they were Con Ed poles and Con Ed may sell their poles at some point to NY Telephone. Mr. Adelman asked Mr. Cavalluzzi if he is giving Mr. Adelman a yes, that Mr. Cavalluzzi will take ownership to make sure it all happens. Mr. Cavalluzzi stated that he will follow through with what Con Ed's responsibility is to get the poles done. Mr. Adelman, as did the board, realized that was the best answer they were going to get.

Mr. Adelman was concerned about the amount of space taken up on the sidewalk when the second pole was installed and noted this will exacerbate the existing problem on the

side walk. He inquired who would be in charge of any repair work to be done on the sidewalk if damage incurred while installing the new pole or taking out the old pole. Mr. Cavalluzzi stated that they would replace any damage to the sidewalk with like- in- kind surfaces once the pole is removed. Timing for all of the poles to be installed is within the next couple of weeks and the whole project should be completed by the end of January. The loop would include Orchard Street, Old Mount Kisco Road, School Street and Cox Avenue to Bedford Road. This is a completely new system and should solve a lot of the problems. This will be built by a contracting company and supervised by Con Ed representatives.

Mr. Cavalluzzi gave out his phone number to the Planning Board Chairman as a follow up regarding the removal of the second pole. 917-567-5436.

In response to Mr. Sauro's comments, Mr. Cavalluzzi stated that they will continue doing this in other areas of town, like further down Banksville Road and yes we do assess tree removal with this application as well, permission is granted by all property owners before trees or limbs are removed.

In response to Mr. Mezzancello's comment, Mr. Cavalluzzi stated that there will be switches from a control center and automatic switches.

In response to Mr. Carthy's comments, Mr. Cavalluzzi stated that the new poles will be 45 – 50 feet tall and 20 – 26" inches in diameter. The existing poles were 40 – 45 feet tall and 18 – 23" inches in diameter. Mr. Carthy inquired what are the impacts of the poles with a wider diameter, ie on the sidewalks. Mr. Kaufman stated that was his concern as well, regarding the impacts on the sidewalks with the larger diameter poles, we don't want to exacerbate the situation.

Mr. Cavalluzzi stated that he would meet with Mr. Kaufman to determine the best location for the poles. Mr. Adelman thought that would be a good idea.

Mr. Carthy inquired what if a resident tells Con Ed they can't cut down a tree on private property. Mr. Cavalluzzi stated that they would explain why they need to do it and why it would be better although this was not his area of expertise to comment on.

Mr. Mezzancello inquired about when Con Ed would deem it appropriate to bury the power lines. Mr. Cavalluzzi stated when someone will pay for it. Discussions were had about West Harrison power lines on Main Street that were under ground.

Mr. Kaufman reviewed both resolutions with the board members at this time.

Lengthy and Multiple discussions were had regarding the pole replacement on Main Street and replacement of sidewalk between Orchard Drive and 500 Main Street on the eastern side of Route 128 and who would be responsible for the sidewalk. Would it be,

Cod Ed due to the impacted work area of installing the poles or the DOT? If Con Ed could provide a letter from the DOT stating that they would be responsible for that stretch of sidewalk. Mr. Kaufman stated that he wanted to make sure we had a responsible party to ensure that we had a passable sidewalk, Con Ed or the DOT. The Town of North Castle should not be left trying to figure out what to do next. The Planning Board wanted to ensure sidewalks were not reduced in size with installation of wider and taller poles. Mr. Brush reminded the board that Con Ed was before the board for wetland permits per chapter 209 of the Town Code only, the poles or your sidewalks are not part of the wetland permit that is being requested today. Mr. Kaufman stated that he is willing to listen how this issue will be addressed. Mr. Brush stated we are speaking here today about a wetland permit and when a pole is replaced, we will repair like-in-kind, not provide 300 feet of sidewalk. Con Ed is not prepared to spend the money for a sidewalk that is not part of the wetland permit. Mr. Kaufman stated that the board is not going to have jurisdiction of the other poles.

Mr. Lyons stated that there are five poles on the sidewalks which do not take up 300 feet of sidewalk. We can go out with the town to figure out the best location for the poles and we will replace like-in-kind. This is separate from what we are here for this evening.

Mr. Kaufman stated that he agrees but this is the only time we will be able to discuss this and meeting out on site does not mean this will get resolved. Mr. Lyons stated that we cannot commit to 300 feet of sidewalk. If it is a slab of side walk we replace the slab, if it is asphalt, we would replace a square section of asphalt. Mr. Kaufman stated we want and need to make sure the sidewalks are wide enough.

In response to Mr. Sauro's comment, Con Ed stated the poles would be three inches wider. (As stated earlier - original diameter 18" – 23", new diameter is 20" – 26")

Mr. Baroni suggested a whereas clause that the five poles on Main Street be installed to the satisfaction of the Town Engineer and Director of Planning. He understands this is not part of the permit but the Town wants to make this a condition of issuing the permit.

Mr. Kellard stated that the width of the sidewalk with the pole location should be 42 inches to make it wheel chair accessible. When the sidewalk is replaced with like-in-kind you are obligated to make it 42 inches wide so that it is handicapped accessible. Mr. Brush stated that was very different from 300 feet of sidewalk and could entertain that but have to go back and look at it in order to accommodate that request.

Mr. Cavalluzzi stated that the area of this area should be surveyed and we can go out on site and discuss the locations.

Mr. Cavalluzzi and Mr. Brush could not commit to expanding the areas around the poles to 42 inches. They said they would have to go to their supervisors and proceed from

there.

Discussions were had about both resolutions and Mr. Brush stated that he did not think anyone in this room could grant approval regarding the 42 inch wide sidewalk. As suggested earlier by the Town Attorney, a whereas clause could be put in the resolution that if the applicant and Town Officials could not agree about the five poles on Main Street, they would then return to the board, but this would give an approval to get started.

Mr. Brush stated that we are trying to work with the town but are not authorized to give this approval. Mr. Baroni reviewed the condition once again; Mr. Brush said he was not authorized to approve it.

Mr. Perusse stated we all want to get this approval. The restoration does not sound unreasonable but is not sure if anyone is authorized to approve it this evening. He can certainly present it to Con Ed but does not think the 300 feet of sidewalk will be approved. Mr. Baroni reviewed what the Town was looking for regarding the repair and widening around the five poles with the town Engineer and Town Planner approval and if an agreement could not be reached to return to the Planning Board.

In response to a Con Ed's comment regarding additional paperwork, the Town Engineer and Wetlands professionals will review the application and Mr. Kellard confirmed that the submission details the wetland locations, trees to be removed in the wetlands, documents the procedures, materials and sequencing of how the project will proceed.

Mr. Kaufman suggested the following whereas clause: BE IT FURTHER RESOLVED, that the Applicant shall be required to provide an existing inter-utility agreement guaranteeing the removal of all non-operational utility poles proposed to be replaced, satisfactory of the Town Attorney; or in the alternative, the Applicant shall provide a bond, to the satisfaction of the Town Attorney, for the removal of all non-operational utility poles proposed to be replaced. Mr. Adelman stated that the board does not want to be left with poles and no one to follow up with.

Mr. Mezzancello inquired what would happen if the equipment was not removed by the utilities within 30 days. Mr. Lyons stated that this is a new agreement and does not know what will happen if the utilities don't take their equipment down in 30 days.

In response to Mr. Fava's comment regarding where all of this material would be stored during the installation process, the applicant stated that it would be stored in the parking lot of the Town Pool. Thirty four poles are proposed, 24 replacement poles and 10 new location poles that will be reviewed by the Wetlands consultant.

Mr. Fava expressed his concerns about the pole on the corner of Route 128 and School Street and the poles going south along the flats toward town. They appear to be

leaning significantly and the wires are tight between the poles.

Mr. Fava stated that it was unfortunate the tree clearing started as it did. There are a lot of dead trees that are leaning and need attention. There is a tree board comprised of five people according to the Town Code which has not been active in 10 years or it was made part of the beautification Committee and the tree committee was forgotten about. With all of this tree removal going on, the tree board should be reenacted; there should be some replanting of some trees.

Mr. Fava inquired if when the old pole was removed would it make the ground less sturdy for the new pole to stay in place. Mr. Cavalluzzi stated that would not be a problem, they take the pole out of the ground and fill up the hole.

Mr. Bauman, resident of Glendale Avenue stated that Con Ed hired Lewis Company, a contractor to take down the trees. Con Ed has stated that they will be working with contractors regarding the poles as well. He noted when he spoke to the Lewis company they said they were going to take down over 800 trees and when he spoke to Con Ed they had no knowledge of this. This goes to show a brief history of the lack of communication that is going between Con Ed and the contractors. He would like the Planning Board to monitor and make sure that what Con Ed says is going to happen, happens. He also suggested that Con Ed should bring folks to the meetings that can make decisions. He also suggested that the Planning Board should not vote on anything until Con Ed can say yes we can address the comments raised by the board this evening.

In response to a comment made, Con Ed stated that the tree expert decides which trees are dangerous and they speak to the consumer, mark the trees and take them down. They do not remove trees without the property owners consent. The inspectors are arborist and oversee the tree trimmers.

Mr. Adelman asked for a motion to approve the replacement of poles minor in nature be processed with an administrative wetland permit as amended with a condition regarding handicapped access around the poles on Main Street.. Mr. Carthy made a motion to approve as amended, Mr. Delano second the motion and it was approved with five Ayes.

The Planning Board agreed to waive jurisdiction over the Armonk loop pole replacement and the North Castle pole replacement. The Planning Board agreed that in regards to the 5 poles that were built into the sidewalk, Con Ed would have to satisfy the Town Engineer and the Director of Planning that there is handicapped access around the poles. If Con Ed can't comply with this condition, then Con Ed will return to the Planning board.

Mr. Adelman made a motion to approve the Armonk loop pole replacement and North

Castle pole replacement as amended. Mr. Delano made a motion to approve as amended, it was second by Mr. Sauro and approved with five ayes. In response to Mr. Brush's comment, the resolution will be emailed tomorrow. The application and fees for the administrative wetland permit are posted on line; you will coordinate directly with the Town Engineer.

170 BEDFORD ROAD

162 Bedford Road

Sec 108.03, Block 1, Lot 42

Michael Fareri

Site plan dev. of 20, 2 bedroom units on the former .80 acre lumber yard site

Discussion

The applicant, Mr. Fareri, submitted an email requesting to be taken off of this agenda.

Meeting adjourned at 8:20 p.m.