

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

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**PLANNING BOARD MEMBERS PRESENT:**

John Delano, Chairman  
Jane Black  
Steve Sauro  
Beata Buhl Tatka

**ABSENT:**

Guy Mezzancello

Ryan Coyne, PE  
Consulting Town Engineer  
Kellard Sessions PC

**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:  
Dr. Stamatov

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

## **PUBLIC HEARING:**

### **One Labriola Ct LLC, 1 Labriola Ct., 2/11/13-1, Dennis Noskin Architects**

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this public hearing, 8/8 green cards were returned. No noticed neighbors were present for this application.

Present this evening was Renee Brown, property owner and her professional Dennis Noskin.

Mr. Noskin stated that this application is for a site plan amendment for office, warehouse and over night parking for Terminex. He oriented the board with the building location and cross streets. At the last meeting the board was concerned about mixing chemicals on site and how much chemicals would be stored on site. Terminex submitted a letter stating there will be no mixing of chemicals on this site. He also submitted information where the chemicals will be stored inside the building and confirmed that no chemicals will be stored outside the building. He reminded the board that Terminex is a nationally known company which has approvals for all their chemicals.

Mr. Delano noted that there was no correspondence from the Fire Marshal, Billy Richardson or the Fire Chief - Luci Lombardi Cuffe. Mr. Kaufman stated that he had conversations with both of them earlier today and the Fire Chief said as long as she is provided with a list of all the chemicals stored in the building, he concerns were satisfied. Mr. Kaufman reviewed the conditions in the draft resolution with the Fire Marshal and if those conditions were adopted by the board this evening, he would be comfortable with the application.

Mr. Delano asked if there were any other outstanding issues. Mr. Kaufman stated that there were some other outstanding issues which have been listed as conditions in the resolution of approval. It is up to the board whether they would like to approve it with those conditions or not. Mr. Noskin has read the resolution and is familiar with the conditions.

Discussions were had regarding the Terminex letter from 901 North Broadway and the way the letter read. There will be no mixing of chemicals at the site in Armonk and all employees will be made aware of this policy and the policy of no mixing will be posted on site. Mr. Kaufman and some of the board members felt the letter read like that procedure was not the norm and they were telling the employees to not do something they would normally do. The board decided they wanted a letter from the Corporate Headquarters stating that they don't do mixing on site. If there is mixing on site, we need to have conditions in the resolution which address mixing on site and the DEC will have specific conditions regarding mixing on site as well.

Mr. Delano was concerned about the floor plan that was submitted. The board did not feel all the space was accounted for and would like more specific details on how the space will be used inside.

The board agreed that they would like answers to these questions while this application is before

the public. Mr. Noskin stated that if this hearing is held open another two weeks this could cause this deal not to go through. He noted all of the comments were in the resolution and they are aware of that and will comply with it.

Continued discussion was had regarding this matter. At Mr. Baroni's suggestion, the board agreed to adopt the resolution with an added condition that the applicant has to bring the missing information to the board and if it is not provided then the board has the option at the next meeting to rescind the resolution. Conditions 1 & 2 need to be addressed prior to the next meeting or the board can rescind the resolution.

Ms. Brown understood and appreciated the boards concern to protect the environment and abutting DEC wetland. She noted this company has been in North White Plains for many years and there has never been a problem and presumes that will be the same at her site.

Supervisor Elect - Howard Arden stated that this is a direct tributary to the Kensico Reservoir, which is a large drinking source and the Town of North Castle has gone to great lengths to protect that water. We need to make sure the safeguards are in place incase of a fire or a tree falls on the building. We have to make sure those safeguards are in there. There have been incidents where chemical plants have spilt into tributaries and tremendous amounts of damage have been done. It is our responsibility to make sure the safeguards are in place. Mr. Delano thanked Mr. Arden for his comments.

Mr. Kaufman stated the safeguards are the board's concern as well. Mr. Kaufman stated that the DEC recommends just for the storage, without mixing, the containment area be 25% of the volume of chemicals. The Planning Board is requiring 110% because of where it is, how critical it is and how close it is to the DEC Wetlands and the Kensico Reservoir.

Mr. Delano asked for a motion to close the public hearing. Ms. Black made a motion to close the public hearing, it was second by Mr. Sauro and approved with four Ayes. Mr. Mezzancello was not present for the vote.

Mr. Delano asked for a motion to approve the resolution as amended, Ms. Black made a motion to approve, it was second by Mr. Sauro and approved with four Ayes. Mr. Mezzancello was not present for the vote.

Mr. Noskin thanked the board, Mr. Delano reminded Mr. Noskin to submit all of the information that the board requested this evening.

## **DISCUSSION:**

### **Dean, site plan waiver, 2 MacDonald Ave, 2/13/25, Robert Dean**

There was no one present for this application.

Mr. Delano stated that the board received a letter from the Building Department stating that the applicant is proposing a change of use from retail space to personal service use for the 180 square foot "Building E". The proposed change of use will not increase the number of off street parking spaces or loading spaces and the Building Inspector has recommended to the Planning Board that a site plan waiver be issued. The Planning Board had no issues or concerns with this application.

Mr. Delano asked for a motion to approve the Dean Site plan waiver resolution. Ms. Black made a motion to approve, it was second by Mr. Sauro and approved with four Ayes. Mr. Mezzancello was not present for the vote.

### **Massaro, 54 Custis Ave, 6/5/2-3. Consideration of extension of time Resolution.**

There was no one present for this application.

Mr. Delano noted that the applicant is requesting an extension of time resolution regarding their two family house approval due to the fact that the applicant is waiting on Con Edison. The board had no issues granting this approval. Mr. Delano asked for a motion to approve the Massaro Extension of time resolution. Ms. Black made a motion to approve, it was second by Mr. Sauro and approved with four Ayes. Mr. Mezzancello was not present for the vote.

### **Mackey, 5 Dellwood Farm Way, 2/4/1-9, Site Design Consultants**

Present for this application was Joe Cermele from Site Design Consultants.

Mr. Cermele stated that he has received a variance from the ZBA for the 10' high fence. He has resubmitted plans according to the last set of memos from the professionals. He has reviewed the resolution and can comply with the conditions in the resolution. Mr. Kaufman stated that the applicant has addressed their concerns and impacts.

Mr. Cermele stated that a shed was added to the site for storage of equipment for the tennis court.

Ms. Black stated that the landscaping plan sufficiently screens the neighbors. Mr. Delano asked for a motion to approve the Mackey Tennis Court Resolution. Ms. Black made a motion to approve, it was second by Mr. Sauro and approved with four Ayes. Mr. Mezzancello was not present for the vote.

## **Congregation B’Nai Israel, 1/8/6-1 , 2 Banksville road, Pouder Design Group**

Present for this application was Nick Pouder.

Mr. Pouder stated that the applicant would like to reduce the size of the species to be planted. The same quantity and same type of species will be planted; the applicant would like to only reduce the size to be planted for two reasons. First, there is a lot of water on site and he wants to keep the balls higher, as the bigger trees have a much bigger root ball. The second reason is that they are a lot more expensive. The caliber size has been reduced about an inch and the bigger trees were originally 16 - 18 feet and now they will be 14 -16 feet.

In response to Ms. Black’s comment, Mr. Pouder stated that the trees will not acclimate well if they are planted in water. If they are planted in water, the roots will spread out on the surface and not sink down. They will do better if they are planted higher. There was more water than they anticipated. Mr. Kaufman stated that the plants are still large and the spirit of the plan is still there.

Mr. Sauro inquired why the applicant chose Forsythia instead of Evergreen along the driveway. Mr. Pouder stated that Forsythia does well in a wet area and did not recall why this plant was chosen last year instead of an Evergreen. Mr. Sauro wanted to make sure there was sufficient screening and felt the Forsythia would be fine and had no problem with it.

Mr. Delano asked for a motion to approve the Amended Congregation B’Nai Israel resolution. Mr. Sauro made a motion to approve, it was second by Ms. Black and approved with four Ayes. Mr. Mezzancello was not present for the vote.

## **IBM Water Tower, 2/16/4, 1 New Orchard Road, Skanska USA Building Inc.**

Present for this application was Don Sneider, SSM Group, Engineer for this project.

Mr. Sneider stated that IBM would like to install a 150,000 gallon domestic water storage tank right near their fitness center. If you were looking at the tank from Old Post Road, the tank would be located behind the fitness center and toward the headquarters. The purpose of the tank is to give IBM some water storage in the event there is a problem with the municipal water source, which has occurred a couple of times in the past. The idea is that, if there is a problem with the clarity of the water or the pressure of the water, we can shut down the domestic water and the proposed tank will last the site about four days. In response to Ms. Black’s comment, Mr. Sneider stated there is no intention of leaving the municipal water system, this is for any temporary use on the property.

In response to Mr. Baroni’s comment, Mr. Sneider stated that yes there is another tank on site which holds the water for the fire sprinkler protection system. Presently there is a 20,000 gallon tank

underground which is approaching its useful life and we are replacing it. He presented photos of the tank at this time and noted that it would not be seen by any public way. The roof will be green and the Diameter of the tank is 30 feet and it is 27 feet tall. There will be segmental block wall, not too tall, around the tank. There will be landscaping around the tank as well.

In response to Mr. Baroni's comment. Mr. Kaufman stated that a referral will be sent to the Water Department. In response to Mr. Baroni's comment, Mr. Sneider stated that his company has been in touch already with Mr. Misiti from the Water Department.

A site walk was scheduled for Thursday, November 10, 2011.

A public hearing was scheduled for December 12, 2011. The board will consider a resolution at that meeting as well.

### **Shah, 37 Washington Place East**

Mr. Kaufman let the board know that a letter was received from Mr. Shah, 37 Washington Place East withdrawing his application.

Meeting adjourned at 7:36 p.m.