

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
JANUARY 25, 2016**

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**PLANNING BOARD MEMBERS PRESENT:**

John Delano, Acting Chairman  
Steve Sauro  
Christopher Carthy  
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

Conservation Board Representative:  
George Drapeau III

**ABSENT:**

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

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

**PUBLIC HEARING:**

**BRYNWOOD**

**568 Bedford Road**

**101.02-1-28**

**Site Development and Preliminary Subdivision**

**Mark Weingarten esq. Delbello Donnellan Weingarten Wise & Wiederkehr, LLP  
Discussion**

Mr. Delano read the affidavit of publication for the record. All paperwork was in order. No noticed neighbors were present. Mr. Delano noted that this board would not discuss admission to Water District #2 this evening that is a matter before the Town Board not the Planning Board. Only Site Plan, Wetland Permit, Tree Removal Permit and Steep Slopes Permits will be discussed this evening.

The following people were present on behalf of the applicant. Mark Weingarten, Delbello Donnellan Weingarten Wise & Wiederkehr, LLP; Bonnie VonOhlsen, John Meyer Consulting; Bryce Swanson, Rees Jones Inc.; Jay Fein, Jay Fein & Associates; Josh Lowney, GM Brynwood.

Bill Canavan, Hydro Environmental Solutions - Hydrogeologist for the Town of North Castle.

The application is for the reconstruction of the 156 acre Brynwood Golf Course. The golf course improvements represent phase 1 of the redevelopment of the property that would ultimately include upgraded golf club facilities and a new golf course residential community, the golf club is proposed to be closed for one year during the renovations.

Mr. Weingarten reviewed the status of the application with the board to date regarding the golf course renovations. Mr. Swanson reviewed the details of the remodeling of the 18 hole golf course which included the tee box, bunker work and rebuilding the holes and improving the fairways and angle of play. This work was broken down into three major zones and the fourth zone includes the golf range. Mr. Fein stated that this golf course is older and outdated and his client is making this golf course a state of the art facility. Most of the wetlands on site are the ponds which were man made over 50 years ago, there are no direct permanent wetland impacts, and no wetlands are being filled for this project. He reviewed the impacts to the wetlands and wetland buffers and reviewed the wetland mitigation proposed. He reviewed a list of all the things being done on the course, one of which was that within two years this will be a certified Audubon Golf Course and the property will have a permanent conservation easement and the property cannot be developed. Mr. Baroni asked for the status of that Conservation Easement with North American Land Trust, the applicant did not have a status report at this time; Mr. Baroni noted that he would like to see a draft prior to issuing a site plan approval.

Discussions were had regarding the ITMP (Integrated Pest Management Program) and why this was not part of this application. The existing unit will be modified to comply with SEQR regulations and the new facility will be built when the residential units are built in Phase III.

In response to the board members comments, Mr. Canavan stated that the applicant has suggested that they handle the sampling on site. Mr. Canavan stated that there is a lot of training required in order to do the sampling correctly and as long as the people were trained correctly, he could abide by that after a couple of years. He then reviewed the rest of his memo with the board. Mr. Delano asked for some measures to be

installed regarding notification to the Town regarding all test results. Discussions were had by the applicant's attorney as to why this document would be FOIL exempt. A meeting will take place with the Town Engineer, Town Attorney and applicant's attorney regarding this matter.

Mr. Sauro noted that he does not have any issues with the tree removal or steep slopes regarding this application. Mr. Delano inquired about the tree removal near the resident on Embassy court. It was noted that resident was not present this evening. Mr. Kaufman noted while out at the site walk he met with one of the two neighbors who noted that the more he could see the golf course the better.

The Mitigation Monitoring plan was submitted. Discussions of a bond for this mitigation were discussed and the board asked that this be added as a condition of approval.

Mr. Sauro made motion to close the public hearing, it was second by Mr. Delano and approved with four Ayes.

Mr. Kaufman will prepare a Findings Statement and draft resolution which will be considered the next time the applicant is before the board.

## **DISCUSSION:**

### **MONTESSORI SCHOOL**

**67 Old Route 22**

**107.04 Block 2, Lot 8**

**Amended Site Development for Office Addition**

**Raffaele Tarulli, PE**

#### **Discussion**

Present for the application was Raffaele Tarulli engineer for the applicant.

The application is for the construction of a new 213 square foot office addition, within the Town-regulated wetland buffer, at the Montessori school. The property is located within the RB and R-1A Zoning Districts.

Mr. Tarulli reviewed the plan for the members of the board and pointed out where the recent location of the proposed pool was approved. He noted the addition would be a conference room for parents to meet with staff to discuss their child. He noted the addition would encroach into the side yard set back by approximately five to six feet. He will update the parking calculation worksheet as requested in the Director of Planning memo. He presented some photos showing where the conference room would be located.

Based on concerns presented by the board and professionals, the applicant will follow up with the Building inspector regarding adequate head clearance on the ramp that goes underneath the building. Mr. Tarulli noted there was a 7 foot head clearance and will follow up with the Building Inspector.

Mr. Kaufman also reminded the applicant that he needs to go to the ARB as well as the ZBA.

In response to a comment made regarding the necessity of a wetland permit. Mr. Tarulli stated that he would be doing this conference room addition simultaneously with the pool. Discussions were had regarding the footprint of this addition and it was noted that the coverage was already counted with the pool addition and another wetland permit is not needed at this time. It was noted the disturbance to the wetland for the addition was not accounted for and wetland permit should be issued with this application as well and a public hearing will take place at the same time the site plan public hearing will take place.

Mr. Sauro made a motion to refer this application to Zoning Board of appeals for the side yard setback and the parking spaces. Mr. Pollack second the motion and it was approved with three Ayes. Mr. Carthy recused himself from this application.

The applicant will return to the Planning Board once he has ZBA and ARB approval. The board will schedule a public hearing and prepare a resolution for approval.

### **SANTOMERO BUILDING**

**868 North Broadway**

**122.12-5-63**

**Amended Site Plan Approval**

**Michael Piccirillo, AIA, Michael Piccirillo Architecture**

#### **Discussion**

Present for this application was the applicants attorney Dan Hollis from Shamberg, Marwell, Hollis, Andreyck & Laidlaw, P.C. and his architect Michael Piccirillo - Michael Piccirillo Architecture PLLC.

The application is for an amended site plan approval for the completion of the existing building under construction that would result in a new 3,187 square foot retail building and the construction of various retaining walls. The property is located within the CB Zoning District. The Applicant's previously secured variances have expired. The Applicant will need to obtain a front yard variance where 0.5 feet of front yard setback is proposed and where 10 feet is required. In addition, the site requires the provision of 16 off-street parking spaces, but only 10 off-street parking spaces are proposed.

Mr. Hollis updated the board regarding the request to go the ZBA. No tenants are proposed at this time.

Mr. Carthy made a motion to refer this application to the Zoning Board of Appeals regarding the front yard setback and parking spaces. It was second by Mr. Sauro and approved with four Ayes.

In response to Mr. Pollacks comments about landscaping on site, that matter will be addressed when the applicant returns the Planning Board.

The applicant will return to the Planning Board once he has ZBA and ARB approvals have been granted. The board will schedule a public hearing and prepare a resolution for approval.

**AMERICAN BUILDING TECHNOLOGIES, INC.  
7 Thornewood Road  
101.02-4-22  
Preliminary Subdivision  
Barry Naderman, Land Planning & Engineering  
Discussion**

Applicant's professional requested that this application be adjourned this evening.

**PATERNO DAM  
17 Windmill Road  
101.04-2-67 & 29, 101.04-3-50 & 51  
Spillway Channel  
PW Scott Engineering & Architecture, P.C.  
Discussion**

Present for this application was the applicants attorney Dan Hollis from Shamberg, Marwell, Hollis, Andreyck & Laidlaw, P.C As well as Peder Scott from PW Scott Engineering & Architecture, PC.

The application is for site plan, wetlands permit and tree removal permit to eliminate the existing outlet control structure, construct a new outlet control structure and construct a new emergency spillway. The removal is necessary to preserve the structural integrity of the dam.

Mr. Hollis noted he has prepared an easement agreement and sent it out the neighbors for their review and comment prior to forwarding it to Mr. Baroni for his comments. Mr. Kaufman noted that he had spoken with Mr. Szluka earlier today who was concerned about the document and suggested that Mr. Hollis reach out to him regarding that paperwork. A brief discussion was had regarding the maintenance, repair and tampering of the swale that was designed by the professionals. Mr. Hollis noted this language was pretty standard.

Mr. Scott noted that there was a channel there at one time and the homeowners took some liberties and distorted the path that was once there and we wanted to put some language in to make sure that would not happen again. Last time was a ditch and some piping, this time there will be some big heavy stones which will be a bit harder to move about.

Mr. Scott presented a blue line on a paper plan and suggested the 100 foot wetland buffer

be measured off of the blue line; the professionals asked that the information be submitted for their review as it was hard to make a determination with seeing it for the first time and not having reviewed it previously. Mr. Scott will submit the information for review and consideration. Mitigation proposed will be in the buffer of the pond as was done recently on the Lowenstein application.

The auxiliary spillway was discussed at this time. Mr. Scott stated that the NYSDEC has a dam guideline and the guidelines have now become requirements and no one was comfortable giving his client a waiver. He reviewed the changes at this time as a result of the requirements. Mr. Scott will submit an enlarged plan showing the contour lines and Topography. He would like to schedule a meeting with Joe regarding the DEC comments. He also submitted some information to the NYCDEP and was waiting for their comments (it was noted this application is not near the watershed and DEP would not comment on this application). The board will consider this as a repair; the application will be considered a Type II action. The applicant will return to the Conservation Board for approval. The applicant will prepare a mitigation plan and resubmit.

**DIPIETRO**

**137 Bedford Banksville Road**

**Property ID: 102.01-2-67**

**New Construction of a 3 Bedroom 4,972 s.f. Home**

**Geraldine Tortorella, Esq. Hocherman Tortorella & Wekstein, LLP**

**Establishment of Mitigation Plantings Bond**

Mr. Cermele stated this was for the installation of two bonds, one for the installation of the plantings proposed on the mitigation plan and the second one for the five year maintenance period and upkeep should something need to be replaced. He has reviewed the material submitted by the applicant and finds it acceptable.

Mr. Carthy made a motion to approve the recommendation to the Town Board regarding the establishment of the Mitigation Plantings Bond for the DiPietro residence. Mr. Pollack second the motion and it was approved four Ayes.

**GJONAJ**

**7 Pine Ridge Road**

**102.01-02-7**

**3 lot Residential Subdivision**

**Paul Sysak, RLA, ASLA John Meyer Consulting, PC**

**Discussion**

**Consideration of 2<sup>nd</sup> Extension of Time Resolution**

It was noted that the board can only grant a 90 day extensions, not 180 days as requested by the applicant.

Mr. Sauro made a motion to approve the Gjonaj 90 day extension of time resolution. Mr. Pollack second the motion and it was approved with four ayes.

Mr. Sauro made a motion to adjourn the meeting, it was second by Mr. Pollack and approved with four Ayes.

Meeting was adjourned at 8:25 p.m.