

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
February 11, 2013**

PLANNING BOARD MEMBERS PRESENT:	Art Adelman, Chairman Steve Sauro Christopher Carthy
Planning Board Members Absent:	John Delano Guy Mezzancello
PRESENT:	Adam R. Kaufman, AICP Director of Planning
Absent:	Joseph Cermele, PE Consulting Town Engineer Kellard Sessions PC
Present:	Roland Baroni, Esq. Town Counsel Stephens, Baroni, Reilly & Lewis, LLP
Absent:	Valerie B. Desimone Planning Board Secretary Recording Secretary
Present	Conservation Board Representative: Dr. John Stamatov

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

APPROVAL OF MINUTES:

January 28, 2013

Mr. Adelman made a motion to approve the January 28, 2013 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three ayes, Mr. Delano and Mr. Mezzancello were not present for the vote.

PUBLIC HEARING:

DEHMER

11 Annadale Street

Section 2, Block 02, Lot 23.D01

**Change of use of the existing building to an apartment, office
and storage space with the outdoor overnight storage of a fuel vehicle**

Barry Naderman, PE Naderman Land Planning and Engineering

Discussion

Mr. Adelman noted that all of the paperwork was in order for this application. No noticed neighbors were present for this application.

Mr. Naderman stated that this application is for the establishment of an apartment and the relocation of an office from the first floor to the basement. In addition, the Applicant is proposing the overnight storage of a commercial vehicle. In his opinion the biggest issue is the visual aspect and the screening of the vehicle. He presented various photo locations to give the board a visual of the site with proposed screening. A two foot berm is proposed next to the truck along with landscaping. He presented plans regarding the proposed landscaping at this time. The truck has been parked on site for 10 years and trucks have been parked on this site since the 1960's and the proposed landscaping will enhance the site. A trench drain with filter pouch insert is proposed for the runoff on site.

In response to Mr. Kaufman's comment, Mr. Naderman stated that on occasion there are emergency situations where his client would use his truck not during regular business hours which happens only a few times a year. Mr. Dehmer noted he takes the truck out around 8:00 a.m. and is usually back by 4:30 p.m. The board agreed to note hours of operation in the resolution of approval from 8:00 a.m. – 6:00 p.m. with an occasional emergency trip.

In response to Mr. Sauro's comment, Mr. Naderman stated that the drainage for the truck to the pouch filter would have to be replaced about once a year.

Mr. Carthy stated that he objects to the concept that he does not feel it is appropriate to put the oil truck in front of the house, the screening is not the real issue for him. The question for him is whether an oil truck screened belongs in front of this house. He does not see the site plan supporting this use and the fact that this has been going on for ten years is not grounds for the Planning Board to approve it just because it has been going on for a long time. Mr. Dehmer has done a fair and considerate job of running his business on site but we do not know how considerate future owners with a truck will be on site, the future owner could have a pickup truck on site. This is a gateway to a residential street and regretfully he does not see this as the right place to put an oil truck, despite the screening.

Mr. Naderman noted that there are a fair amount of trucks that visit Schrieffer's Deli for breakfast and lunch every day. This lot is not similar to the Dehmer lot. The oil truck

will not back out onto Annadale. This is a significant improvement to what has been going on at the site and this does not necessarily make it the right thing to do, but we have to review the merits of what we are asking for as if we were asking for it today. The screening will mitigate that an oil truck will be there at times and it will exit the site in the morning and reenter in the evening.

Mr. Carthy noted once again that we don't know what future property owners will do to that site and Schrieffer's is on Main Street, even though the entrance is at the bottom of Annadale. Parallel parking an oil truck to the front of the house steers him the wrong way for the best Planning development in North Castle. He prefers the truck where it is now, parked all the way back up the driveway. He does not think this is the right use for this street or this community.

It was noted if there is a change of use to the site; the applicant would have to appear before the board. Mr. Carthy was concerned that the truck could change from an oil truck to a pickup truck to a milk truck and not have to come back before this board.

Joe LaPorta resident of 10 Annadale Street spoke at this time but he was not near a microphone and it was inaudible. Mr. Naderman reviewed the landscaping plan at this time which may have been in response to Mr. LaPorta's comment. Mr. LaPorta noted that when the truck comes up the street, the truck pulls very close to his property line and then backs into the site. This is a residential neighborhood, he is against this application. He continued speaking but it was inaudible. Mr. Naderman noted there is no transfer of oil on site and Mr. Dehmer has his Hazardous Material License, if a spill were to happen, the oil would run down the hill, Mr. Dehmer noted there has never been an oil spill on site. Mr. LaPorta kept speaking on and off but it was inaudible.

Dr. John Stamatov, resident of 27 Annadale Street was also present. Dr. Stamatov stated that he was here on behalf of the Conservation Board this evening but noted that he has lived on this street for 52 years and it has always been a commercial lot. He knew that from the day that he moved in. Overall, he does not notice what is going on down there, you get so used to it, and it is a commercial area. He did not feel a commercial truck would impact the area one way or the other. As a neighbor, he does not object to this application.

In response to Mr. Adelman's comment, Mr. LaPorta stated that he lived on the street for two years.

In response to Mr. Sauro's comment, Mr. Kaufman stated that the board is approving this one truck that will be parked in this location. If a new property owner were to come on site and want to park 5 or 6 trucks or park the truck in another location, they would have to come back before the Planning Board.

In response to Mr. LaPorta's comment, Mr. Dehmer stated that the Planning Board chose the area for the truck to be parked in, he thought the location of where he is parking now was better but the board noted where the truck was to be parked on site. Mr. Naderman noted that if the truck were to stay where it is now, which is in the throat

of the driveway, you would not be able to screen the truck. Where the board proposed it, screening could be implemented.

Mr. Carthy inquired if the parking of the oil truck legally exist today on site. Mr. Kaufman stated no, that is why the applicant is before the board, to amend the site plan. Mr. Carthy stated that the argument that it existed for a long time as grounds to move forward on the plan is not a good argument because if it has been in violation on site for 10 years, the fact that it has been in violation is not the grounds for the Planning Board to approve it just because it has been going on for a long time. It has not existed, legally for a very long time.

Mr. Baroni confirmed with Mr. Kaufman that this has no legal nonconforming status. Mr. Kaufman noted that the previous site plan said there would be no outside storage. The applicant has come before the board to modify the site plan to allow the truck to be there and is being permitted as an accessory use to the permitted office use.

Mr. Adelman stated that this use has existed since the 1970's and it has not caused any problems and the truck is associated with the business on site and he is in favor of this application.

In response to Mr. Sauro's comment, Mr. Kaufman stated that this lot has been in violation since the 1970's and summons have been issued, a court appearance is what triggered the applicant to appear before the Planning Board. Mr. Adelman stated the applicant is trying to legalize an existing situation.

At Mr. Baroni's suggestion, Mr. Adelman asked for a motion to adjourn the public hearing until there is a full board. Mr. Sauro made a motion to adjourn, Mr. Carthy second the motion to adjourn the public hearing and it was approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

Mr. Kaufman was asked to prepare a resolution the next time the applicant comes before the board.

CONTINUING BUSINESS:

ABERMAN

53 Hammond Ridge Road

Section 2, Block 4, Lot 1-10

Relocation of clearing and grading limit line

Frank Giuliano, Landscape Architect

Discussion

Consideration of resolution

Mr. Giuliano was present for this application.

Mr. Giuliano noted that the orange line was the existing clearing and grading limit line

and the yellow line was the proposed line. 22% of the site is classified as conservation easement; the area proposed for the pool has already been excavated and chipped out for a pool by the previous owner.

Mr. Kaufman noted that the applicant is before this board due to a note on the Hammond Ridge Subdivision plat regarding clearing and grading limit lines. If the Planning Board is alright with moving this line, they can consider a resolution of approval this evening.

Mr. Adelman stated that he was out to the site with Mr. Carthy and Mr. Sauro had been out to the site previously.

Mr. Adelman asked for a motion to approve the amended Aberman resolution. Mr. Sauro made a motion to approve. IT was second by Mr. Carthy and approved with three Ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

MILLER

5 Valhalla Ave

Section 5, Block 25, Lot 13

Site plan application for the construction of a new 4,717 square foot home within the R-10 Zoning District.

Ken Murphy - Petruccelli Engineering.

Consideration of extension of time site plan resolution

Present for this application was Mr. Miller.

Mr. Adelman asked for a motion to approve the extension of time resolution. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three Ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

Mr. Miller spoke about the water service line and the water main for the site. Mr. Kaufman noted that the resolution states the applicant needs sign off from the sewer and water department. Mr. Miller noted the resolution stated water service and now that the resolution was approved the water department wants a water main. There is nothing in the code that states he has to build a water main. Mr. Baroni noted the Planning Board cannot over rule the Water and Sewer Department. Mr. Kaufman noted that Mr. Misiti provided some alternatives to Mr. Miller.

Mr. Adelman suggested Mr. Miller make good use of his one year extension of time.

An unidentified audience member inquired why it took so much time. Mr. Kaufman stated that it does not take that much time. Mr. Kaufman spoke with the Superintendent from the Water and Sewer Department, Sal Misiti. Mr. Misiti told Mr. Kaufman that he discussed all of the alternatives with the applicant several months ago and has had no new communication from the applicant since that time.

It was noted that the resolution was approved, the conditions in that approval will not change and the applicant has one more year to comply with those conditions.

Mr. Miller noted that the adjacent lots had other violations which were drainage problems, violations which go against their certificate of occupancy, which hindered his process due to all of the houses and all the drainage issues that had to be incorporated into his plan. Even though these items were mentioned and noted in the plans and submitted to the board, it seems like this was all dismissed. Mr. Kaufman noted violations would be submitted to the Building Department and the Building Department would follow up and investigate them. Mr. Miller stated that there was drainage on other properties that flows onto his property and he has been left responsible for that and he feels that he should only be responsible for the water on his site, not the neighbor's site that drains onto his property.

Frank Capuano – 3 Hillandale Avenue East - stated that the paving that has been done so far has created flooding in his yard as well as his neighbor's yard.

Mr. Miller stated that the as built survey shows Valhalla Avenue as a gravel road and it is now paved and catch basins or something should have been installed when it was paved and that was not done. Mr. Capuano stated that is now flowing down to his property. Mr. Miller stated that in regards to 54 Overlook, she put on an addition and after that put on a driveway near the basketball hoops and that stopped him from constructing the road because of the number of houses on the street. He is frustrated that these people were not accountable for this stuff and now he is accountable for all of it. He was not sure when it was paved, sometime after 2004.

Mr. Capuano stated that it was paved about ten years ago and that is when all of the flooding started happening on his lot and his neighbor's lots.

Mr. Baroni stated that if the applicant wants to change anything in the resolution, the applicant would have to appear before the Planning Board.

Mr. Miller noted that there is a part of Valhalla Avenue that has no drainage on it at all and would like the board to do something to assist with the drainage due to the paving that was done.

In response to Mr. Adelman's comment, Mr. Baroni stated that the original approval said that Valhalla Avenue, a private road could not be paved and this would be an enforcement issue from the Building Department. Mr. Adelman asked that Mr. Kaufman bring this matter to the attention of the Building Inspector who will go out with the Town Engineer to the site and report back to Mr. Capuano. Mr. Capuano gave his contact information to Mr. Kaufman.

Continued discussions were had regarding communication to town officials regarding this matter.

ST. NERSESS ARMENIAN SEMINARY

486 Bedford Rd

Section 2, Block 8, Lot 17.B

Amendment to the SWPPP (Stormwater Pollution Prevention Plan)

Seth Mandelbaum, Esq. McCullough, Goldberger and Stout

Robert Aiello, PE John Meyer Consulting

Discussion

Present for this application was Bob Stanziale, architect for the project.

Mr. Stanziale stated that they were present this evening for a revisions to the SWPPP (Storm Water Pollution Prevention Plan). The applicant is proposing a minor site plan amendment related to the removal of the previously proposed stormwater planters at the main building.

In Mr. Cermele's absence, Mr. Kaufman noted the Town Engineer did not have any issues with this request.

Mr. Adelman asked for a motion to approve the amended site plan resolution. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

MCKENNA/REINHARDT

13 Hidden Oak & 280 King Street

Section 2, Block 1J, Lots 1 & 10

Lot Line Change

Michael Campbell, PE Campbell Engineering, LLP

Discussion

Present for this application was Michael Campbell.

The application is for an even land exchange of 1,902 square feet between Section 2, Block 1J, Lot 1 - 13 Hidden Oak and Section 2, Block 1J, Lot 10 - 280 King Street within the R-2A Zoning District. The applicant is hoping to expand the entrance way to the site which is presently 40 foot to 50 feet to make it code compliant to develop the site. He then presented the concept of the lot (3 house locations) which he will be returning back to the Planning Board for once this approval is granted. He is hoping when he returns to the board to make it a private road but needs to be code compliant before he can request a private road. There are no wetlands on site.

In response to Mr. Kaufman's comment, Mr. Campbell will access the memos after the meeting and review them.

FUCA

25 Limestone Road

Section 2, Block 16, Lot 17.B22

Site plan application for the construction of a new 3,840 square foot two bedroom home in the R-1A Zoning District.

Ralph Mastromonaco, PE – Mastromonaco, PE PC Consulting Engineers

Discussion

Present for this application was Ralph Mastromonaco.

Mr. Mastromonaco stated that he has a memo from the Conservation Board dated November 29, 2012. He did not have the Town Engineers comments and he called Kellards office and they will email them to him.

It was noted that the professional's memos and or resolutions are posted on the town's website the Friday afternoon prior to the meeting. Any memos from prior meetings are attachments to that application when viewing the video on line.

Mr. Mastromonaco wanted to discuss some of the engineering comments and was disappointed that the Town Engineer was not present to do so.

Mr. Adelman noted that there was an issued raised in the Town Engineers memo and he read Mr. Cermele's comment #10 from his memo which read as follows:

The proposed first floor is set over 8 feet above the roadway. Presumably, this condition exists to allow for a basement to be constructed 2 feet above the 100-year flood elevation (as required by Code). We note that much of the fill proposed is required to raise the grade and reduce the exposed concrete foundation walls. The Board should consider this increased elevation and resulting floor elevations relative to those on adjacent lots.

Mr. Mastromonaco stated that Mr. Fuca hired an architect and the architect addressed that comment in his plans and the ARB granted approval on those plans.

Mr. Kaufman reminded Mr. Mastromonaco that the ARB plans need to be submitted to the Planning Board for review and that is part of the approval. Mr. Mastromonaco stated that he will make that part of his next submission and requested a resolution for the next meeting; he was not sure what more he could do to these sets of plans.

Mr. Kaufman stated that would be board's decision. Any information that can be provided regarding the design of the house would be helpful. His recollection from the meeting back in April was that the board felt that you had a nicely designed house that could go a long way to improving the concern about the mounding. The board spoke about bringing the elevations down. Doing what can be done architecturally to reduce the height impact and that wall, especially to the property to the south. Mr. Mastromonaco stated that issue was addressed by the architect as much as he could and he noted that this is still a two story house.

In response to Mr. Adelman's comment regarding the location of the 100 year flood plain on site, Mr. Mastromonaco stated that the location of the NYS wetlands and 100

year flood plain were marked on the site plans, he did not point them out to the board at this time.

Mr. Kaufman asked Mr. Mastromonaco to submit a cross section as it relates to the house to the south, he noted this was done with a conceptual plan but not with the actual house plan. Mr. Mastromonaco said he submitted the conceptual plan twice and the concept plan was the same height as the actual plan. The board noted that now that they have been informed that the conceptual plan was the same height as the actual plan, an actual cross section would not be necessary because it was the same height as the concept plan.

A public hearing date will be given to the applicant by the Planning Board Secretary tomorrow when she returns to the office.

BRUNO

21 Whippoorwill Road

Section 2, Block 1, Lot 14

Subdivision of a 12.92 acre lot into two residential lots.

Robert Peake, AICP John Meyer Consulting

Consideration of preliminary subdivision extension of time resolution

Mr. Adelman asked for a motion to approve the Bruno Preliminary Subdivision extension of time resolution. Mr. Sauro made a motion to approve the extension of time resolution. It was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

PARMA CONSTRUCTION

42 Evergreen Row

Section 1, Block 4, Lot 10.-515

Dan Holt, PE Holt Engineering

New Construction of a 5 bedroom 7,714 square-foot residence.

Amended tree removal permit

Present for this application was Richard DelGrosso, Parma Construction, property owner.

The applicant violated the clearing and grading limit line, he cleared too many trees.

Mr. DelGrosso stated that there was a lot of storm damage to the trees, a lot of trees were down in the front yard and many trees leaning against them. He figured he would address the trees on site once the permit was issued. He started taking down the trees and as he took down the trees that were leaning on others, it was like a snowball effect. When you took that down you saw some of the shearing that was done to some of the other trees, they were like sticks in the air and some of the trees were dead and he

made the decision to take them down, unaware that he needed to return to get permission to take them down or call the Building Department about damaged trees or trees he felt were damaged. Some of the dead trees were in the backyard. He had some pictures of when they cut the trees that they were hollowed out from rot. The tree guy suggested to him that some of those trees come down and kind of snow balled. He has every intention of putting down a significant amount of trees. He apologized to the board for any inconvenience.

Mr. Adelman noted that this is very disturbing. He stated that he was out to the site and there is not one stick standing on the site presently. The Planning Board originally visited the site on November 9, 2012 after Hurricane Sandy (October 29, 2012). The board saw the trees that were down and damaged. He also noted that when Mr. DelGrosso made his presentation to the Planning Board there were a lot neighbors present to see what was proposed for that application. Mr. DelGrosso stated that he had met with the Yaffa's the day after thanksgiving (11/23) for an hour. They were happy with the plan that he proposed. He stated that an email was sent to the town from the Yaffa's that they were happy with the restoration plan. Mr. Kaufman acknowledged receipt of that email.

Mr. DelGrosso apologized and noted this was the first project in this town and the site will be very pretty once complete. He will make sure he speaks with the Building Department regarding anything questionable in the future. He noted in other towns he could take down as many trees as he wanted without approvals.

Mr. Adelman explained the definition of clearing and grading limit lines on properties at this time.

Mr. Sherwood, Landscape Architect presented the originally approved landscaping plan and then presented the mitigation planting plan which includes the original landscaping plan and the 21 trees added as part of the mitigation plan. The additional 21 trees would be 3 inch caliber and about 18' in height.

The board members felt the mitigation plan was acceptable.

Mr. Adelman asked for a motion to approve the Parma Construction mitigation plan. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

Meeting adjourned at 8:32 p.m.