

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
February 8, 2016**

PLANNING BOARD MEMBERS PRESENT:

John Delano, Acting Chairman
Christopher Carthy
Michael Pollack
Jim Jenson

ABSENT:

Steve Sauro

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
George Drapeau III

:

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

Mr. Delano welcomed Mr. Jim Jensen as its newest Planning Board member.

APPROVAL OF MINUTES:

January 25, 2016

Mr. Pollack made a motion to approve the January 25, 2016 Planning Board minutes, Mr. Carthy second the motion and it was approved with three Ayes. Mr. Jensen abstained and Mr. Sauro was not present for the vote.

PUBLIC HEARING:

SKRILOFF BARN

21 Hickory Kingdom Road

Property ID: 95.03-2- 27

Special Use Permit – Accessory Structure/Accessory Appt.

Paul Sysak, RLA John Meyer Consulting

Discussion

Present for this application was Paul Sysak, RLA from John Meyer Consulting.

Mr. Delano read the affidavit of publication for the record. No noticed neighbors were present. Mrs. Desimone noted all paperwork was in order for this application.

The application is for the legalization of an existing accessory apartment and the construction of a 1,290 square foot barn on a 5.6 acre lot located within the R-2A Zoning District.

Mr. Sysak stated that the accessory structure would be 43 x 30 and one tree is proposed to be removed. His client has been before the Conservation Board and a mitigation plan was approved for the site. The applicant had to wait for his two year anniversary of ownership before he could get his accessory apartment approval. The anniversary date was last month. Once his client has received ARB approval, he will return to the Planning board for site plan resolution of approval.

Mr. Jensen noted there was no access to the barn. Mr. Sysak stated that the barn was for storage of landscape equipment, pool equipment, lawn furniture and decorations. Mr. Kaufman noted the applicant already had two curb cuts and no more were permitted.

Mr. Carthy made a motion to adjourn the public hearing. It was second by Mr. Pollack and approved with four Ayes. Mr. Sauro was not present for the vote.

The applicant is scheduled to appear before the ARB on February 22, 2016 and if approved, will return to the Planning Board on February 29, 2016 to close the public hearing and for consideration of site plan resolution of approval.

LOWENSTEIN, SCHMOLKA, CELAJ, CAI
2 & 6 Deer Trail, 17 & 19 Whippoorwill Crossing
107.01-1, 2, 3 & 100.03-1-13
Pond Dredging & Remediation
PW Scott Engineering & Architecture, P.C.
Discussion
Consideration of Wetland Permit Resolution

Mr. Delano read the affidavit of publication for the record. No noticed neighbors were present. Mrs. Desimone noted all paperwork was in order for this application.

Mr. Delano noted at the request of the applicant's professional, they would like this public hearing adjourned until March 21, 2016.

Mr. Carthy made a motion to adjourn the public hearing, it was second by Mr. Pollack and approved with four Ayes. Mr. Sauro was not present for the vote.

DISCUSSION:

ROGLIANO
39 Glendale Avenue
108.01 / 5 / 41
Electric Wires to the residence
Luigi F. Rogliano, Rogliano Construction & Contracting Corp.
Discussion

Present for this application was Luigi Rogliano.

Mr. Rogliano stated that his application went before the RPRC on March 19, 2014 and received approval and one of the conditions of approval was the site plan shall be revised to depict the installation of underground utilities. Since that time he has met with Con Edison and only Con Edison will allow their own staff to do the excavating for underground wires and that will cost an additional \$10,000. to \$15,000. It will also take between 6 – 8 months to do. Originally he had planned to do the excavating himself and an overhead connection will take about 2 – 3 months to do. He is requesting this change from the RPRC decision due to the additional cost and timing to his project.

It was noted by the board members and professionals that the majority of the wires were overhead in that neighborhood and those with underground wires were on the same side of the street as the pole whereas this applicant is on the opposite side of the street from the pole location. Con Ed also proposed an additional pole on site for the underground wires.

The board members all agreed with the applicants request for the reasons noted above.

Mr. Jenson made a motion to approve the overhead wires, Mr. Carthy second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote.

11 NEW KING STREET PARKING GARAGE

11 New King Street

Section 119.03/ Block 1, Lot 1

Proposed automated airport parking facility

Nanette Bourne, AKRF

Bill Null, Esq. Cudy & Feder

Discussion

Present for this application was Bill Null and Nanette Bourne, professionals for this application as well as the principals Jeff Brown and Kim Frank.

The applicant has submitted an SDEIS (Supplemental Draft Environmental Impact Statement) for review dated January 2016 to determine its adequacy in regard to scope and content based on the March 9, 2015 Positive Declaration. The size of the garage has been reduced from 1,450 spaces in the DEIS, to 1,380 spaces in the FEIS and is now proposed at 980 spaces in the SDEIS.

Mr. Null gave a brief project description from 2009 to today. An easement is proposed with 7 New King Street regarding drainage for 11 New King Street and part of 7 New King Street which both sites are presently untreated. The drainage easement was recorded with Westchester County. The two reasons why the Supplemental Environmental Impact Statement was requested by this board was the FAA no hazard letter which has been updated saying there is no hazard with this facility in its location, the previous letter had expired. This facility is permitted in the RPZ (runway protective zone), it is something that is permitted, and it does say it is discouraged but it is permitted. They say discourage because they do not want a place for people to congregate. Presently the office building on site is 9,700 sq. feet with 50 parking spaces. People will not congregate at the parking facility; they drop or pick up their car and leave. The other item raised for him to review was if the NYCDEP would grant a variance for widening of the driveway out to New King Street which crosses a water course and the expansion of more than 25% of existing impervious surface.

Mr. Null stated that with the request to the NYCDEP he asked for them to include the adjacent building complex that they are going to treat and the entirety be considered as a facility under DEP regulation and when you include the section he would be treating below the 25% given the magnitude of the increase of impervious surface. DEP denied that interpretation because of SEQR regulations, until the DEP had the SEIS to review; even though the size of the building was going to be reduced.

Mr. Null stated that the impervious surface was reduced from 69,000 to 47,000 square feet (which is 13,000 more than what exists today). The amount of cars to be parked on site was 1,450 and was reduced to 980 cars. The height of the building was reduced from 56' to 53'. The footprint was nearly 51,000 and is now 37,000 square feet. In the DEP regulated area it was 23,000 and is now down to 13,000.

Ms. Bourne reviewed some of the surrounding features of the site. She noted that presently there is no treatment or collection of water on site. She reviewed how the

automated system works. The solar panels were removed from the site. She also identified the setback from the ephemeral stream. They have responded to the NYCDEP comments which requested pollutant modeling analysis and other info requested considering the stage of this project. Responses have been made to the Watershed Inspector General and additional information will be provided once more engineering details are finalized. Both professionals' memos have been reviewed and were discussed at this time.

Discussions were had regarding the FAA. Mr. Null stated that in response to Mr. Kaufman's comment regarding what can be done to avoid the comment the FAA had. The FAA issued a no hazard determination, the uses where people congregate are discouraged. The FAA states that although parking facilities are permitted, they are discouraged, provided they are not located within the Object Free Extension Area.

Mr. Null then discussed the NYCDEP trigger of no more than 25% increase of impervious surface within 100 feet. The DEIS reviewed multiple scenarios and to get to a size of a building that would not generate the DEP trigger of an increase of more than 25%, the project would not be viable. If the project were smaller, it would not be viable to treat the water which is not treated today. He would not like to have to go through another analysis as was done during the DEIS, especially since there was a reduction in size of the project.

Mr. Kaufman clarified that he wants to know what the lead agencies position is on the issue of the FAA and DEP. He needs to know from the Board if the FAA letter regarding the no hazard determination is acceptable and does not need anything further and if the board's thoughts regarding the application have changed now that we know a variance is needed from the DEP.

Mr. Delano asked for some plain language regarding the FAA letter to make it clear. Mr. Null agreed.

Further Discussions were had regarding the DEP, FAA and stormwater on site.

Mr. Delano raised some issues at this time regarding the memos from the professionals.

The board discussed the additional comments from the FAA regarding the RPZ (runway protection zone), August 18, 2015 letter. Mr. Null will put his response and clarification to this comment in the SEIS as discussed. The board discussed the letter from Westchester County and the applicant noted he has addressed the "What if" in that letter.

The board discussed the Town Engineer memo at this time. The Town Engineer clarified for the board and applicant's professional what he was looking for regarding his comments. The professionals were clear on how to proceed.

Mr. Pollack inquired about the document before the board this evening and clarified if the document were accepted tonight with the changes discussed, it would mean the board was satisfied with the response from the applicant to what the board requested. Mr. Kaufman stated if the document were accepted tonight that would mean the Planning

Board agreed that the document was ready for public review and the other involved and interested agents would take this document and have a comment period on that document.

Discussions were had regarding offsite mitigation at this time. A location and type of mitigation has not been determined at this point.

Continued discussions were had regarding the completeness of document.

Mr. Delano continued with review of his comments. The applicant will submit the letter from the Water Inspector General. He reviewed some typos with the applicant at this time.

Mr. Pollack noted a lot of the strong language from the Water Inspector General and FAA. He is trying to reconcile words used by the agencies like "eliminate" and responses from the applicant are "minimize". If the board approves of this in substance is this board then accepting minimize when eliminate was requested. Mr. Delano noted it has always been the goal of this board to balance the rights of the people to use the land and the rights of the land. Continued discussions were had on this matter.

Mr. Pollack noted he is reviewing all of this for the first time and appreciates there is no storm water treatment presently. He noted the Watershed Inspector stated in his letter that the lead agency does not typically permit storm water treatment facilities in the town regulated wetland buffer. Mr. Kaufman stated that is what the Planning Board has to determine. There have been cases where that type of facility has been approved in a wetland buffer and he agreed that typically this board does not approve of that. Mr. Delano noted you try not to do anything if possible in a wetland buffer and would need input from the Town Engineer and Conservation Board in those cases.

Mr. Null stated that there is no other location but the wetland buffer to put the mitigation, the wetland buffer is there to protect the wetland and mitigation is protecting the wetland which is the point of the wetland buffer.

In response to Mr. Null's comment, Mr. Pollack stated that the Watershed Inspector General typically does not permit stormwater treatment facilities in the town regulated wetland buffer and he appreciates that you may make exceptions where the board considers appropriate. But given that you are in such a sensitive area, is this the appropriate area to be making those exceptions, are you satisfied that the technology is reliable enough that it will be effective 100% of the time. He understands that there is no treatment now and it is an improvement, but again you are balancing the development of the parcel. Because you are in such a sensitive area you better be absolutely sure that is an effective measure. He noted he wanted more time to review the material.

Continued discussions were had regarding the process and next steps for this application and mitigation and stormwater treatment. It was noted that the Planning Board is lead agency and the Planning Board must be comfortable with this document before approving it. It was noted this application has been going on since 2009 and to review and digest all

of this information and adopt it in 48 hours is a lot to ask.

Continued discussion was had regarding the steps that got the applicant to this point and the steps to be taken after this point. Mr. Delano noted the DEP has created rules and regulations to protect the reservoir and the rules were recently updated and the definition of reservoir stem was not updated and these rules created by the DEP were done to protect the reservoir.

Mr. Null stated that we are looking to get this SDEIS adopted so that the public can look at it as well and determine if all of the comments that came in after the FEIS was adopted have been incorporated into the SDEIS. The board will then have a public hearing and there will be time for people to submit written comments and then the board can consider adoption of an SFEIS. This is not the last look at this. He has been working with the town to put this information together for months.

Mr. Carthy stated that in regards to the Kensico Reservoir, the expansion of the building put aside, is the Reservoir better off as it is today or better off with the proposed water treatment. Mr. Delano noted he thought it would be better as proposed.

Mr. Pollack inquired about parking facilities and he recalled the applicant noting there was no hydraulics on site. Mr. Jeff Brown noted as far as he knew they were not hydraulics on site and as this application has progressed, the technology has improved every day for automated parking. People will park their car in the cabin, lock it and leave it and will be at the airport within a few minutes. The car is then placed in a location depending on how long you will be gone and when you will be returning. He did not think oil and other hazardous material will be on site. Mr. Pollack asked for more details regarding the internal system. The applicant will provide that information.

Mr. Jensen agreed with Mr. Pollack in regards that there was a lot of information to digest in a short period of time. He would like more time to digest this information and to put together his comments.

The board agreed to take the time to further review the document and discuss this matter further at the February 29, 2016 Planning Board meeting. Additional information is available on the web for the board members review.

Mr. Albert Pirro stated that he had several procedural comments regarding SEQR at this time. Mr. Delano agreed to the request. Mr. Pirro inquired what the height of the existing building on the site was. Mr. Delano noted this was not a procedural comment. Mr. Pirro then opined on the literal and substantive point of view of the project and continued to state derogatory statements that were not procedural comments and Mr. Delano noted this was not a public hearing and instructed Mr. Pirro to step down at this time. Mr. Pirro continued and in response to Mr. Pirro's comment, Mr. Delano noted this document can not be released until the Planning Board accepts it.

George Klein, Ossining New York, stated that he represents the Sierra Club and Federated Conservationist of Westchester County. As the Planning Board is aware both

clubs have been in opposition of this application for years. There are two pieces of information this board may or may not know. The Westchester County executive has proposed to relax the restrictions on the number of passengers that can pass through the airport gates. These restrictions were in place since 1984 because the community has reflected to the County Government that it wants to keep this airport small, quiet and minimally polluting. The County Executive wants to relax these restrictions and Mr. Klein thinks on general and ideological grounds the County Executive is getting pressure from the airlines to increase the business at the airport. There is another thing that Mr. Klein thinks is coming down the pike which is part of the context. He thinks the County in its master plan for the airport, which will be coming out sometime this year, may be extending the runways. The sum total of all of this is the expansion of the airport. A large part of the community for decades has opposed this. He would like the Planning Board to consider the environmental and historical context in their deliberations along with the sensitivity about the water and the reservoir. The airport is seductively convenient to the people in this area and from southern Connecticut. We could in the end, have LaGuardia in Westchester.

In response to Mr. Klein's comment, Mr. Kaufman stated there will be a public hearing based on the comments raised in the Supplemental Draft Environmental Impact Statement (SDEIS) and members of the public will be able to comment at the hearing and for a time period following the public hearing in writing.

DEMASI/FEIT/GIZZI LOT LINE CHANGE

6, 4 & 8 HUNTER DRIVE

101.03-4-6&5

Lot Line Change

Barry Naderman, PE, Naderman Land Planning & Engineering

Discussion

Mr. Naderman was present for this application.

The application is for a land exchange between the Demasi, Feit and Gizzi properties. No new building lots will be created with the proposed land exchange. All three properties are located within the R-1A Zoning District. A flag lot presently exists on site.

Mr. Naderman stated that based on comments from the last meeting he has included the Gizzi lot with this application for lot line change on all three lots.

Discussions were had regarding the Lot Mean Width and Lot Mean Depth. Mr. Naderman noted when the lots were originally created the flag lot could not have been taken into consideration because if they did, the lots at that time would not have met the code requirements. With the new legislation, there is certain criterion that has to be met in order to create a lot. We are not creating a lot and we are not creating a new residence as a result of the lot line change. Due to the amount of property being

exchanged, it is considered a subdivision and we have to meet the mean width and mean depth. He was not sure if this was legally creating new lots.

Mr. Kaufman stated that this board is essentially creating a new lot, it may not be one more lot but these lots are being modified and he does not think this board has the authority to approve this without a variance, legally. Because this is considered a subdivision, this would need a positive or negative recommendation from the Planning Board. He agrees with what Mr. Naderman has said regarding no new lots and no new residences and this will make all three lots more conforming.

Mr. Naderman asked the board if they were inclined to make a positive recommendation to the ZBA and approve this project if the variance was granted.

Mr. Pollack made a positive recommendation to the ZBA regarding consideration to issuing of lot width and lot depth variances. Mr. Jensen second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote.

Once the variance is granted, the applicant will return to the Planning Board for a public hearing and resolution.

80 LAFAYETTE AVENUE

80 Lafayette Avenue

122.12 / 1 / 11

Second floor addition to the existing building

Nicholas Cichanowski – Dominick R. Pilla Associates, PC

Discussion

Present for this application was Joe Vaccaro, Dominick Pilla Associates.

The application is for the construction of an addition to expand the height of the existing warehouse, construct second floor office space as well as construct 6 new off street parking spaces within the IND-A Zoning District.

Mr. Vaccaro stated that he has received ZBA and ARB approval for this application. He noted the biggest issues with this application were the parking and the off street backing of trucks into the loading areas. He reviewed the comments in the memos with the board and professionals.

Mr. Kaufman noted the biggest concern was the tractor trailer turning maneuverability and staying off of the road. He reviewed the two loading areas on site. One loading area can accommodate a tractor trailer truck without disconnection and no blocking of the street and the other site will be used for short trucks. Presently there is only one loading area and the tractor trailer has to disconnect and it blocks the road only during disconnection.

Mr. Kaufman noted that the applicant has permission to back out; we want to make sure that it functions.

Discussions were had regarding the garbage enclosures and how they would typically match the building. Mr. Vacarro stated that the Landscaping retaining wall will be provided as requested in the Town Engineer memo and the details of that wall will be provided. The board and applicant agreed on a black chain link fence for the garbage enclosure. At the board's request, the tractor trailer turning radius information for both loading docks will be submitted by the applicant.

Mr. Vaccaro noted that this company was a landscaping and fertilizer plant and the landscaping plan will be top notch.

In response to Mr. Delano's comment, Mr. Vacarro stated that there will be no rooftop equipment on top of this building. The patio in the rear is still proposed, three four foot retaining walls are proposed, and it will be pervious surface. There will only be resurfacing to the existing parking area.

It was noted that this was an unlisted action and an uncoordinated review.

A brief discussion was had regarding the maximum FAR, it was noted there was a typo on the plans which stated that the zone was .4 and it should show a .6 zone.

A public hearing and resolution will be considered at the Feb 29, 2016 Planning Board meeting.

BYRAM RIDGE ROAD SUBDIVISION

62 Byram Ridge Road

101.03 / 4 / 53

5-Lot Subdivision

2nd Reduction of Bond

Recommendation to Town Board

Mr. Pollack made a motion to recommend to the Town Board the 2nd bond reduction. Mr. Carthy second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

Meeting was adjourned at 9:35 p.m.