

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
March 23, 2015**

PLANNING BOARD MEMBERS PRESENT: Art Adelman, Chairman
 Steve Sauro
 Christopher Carthy
 Michael Pollack

PLANNING BOARD MEMBER ABSENT: John Delano

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

 Joseph Cermele, 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:
 Peter Limburg

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

APPROVAL OF MINUTES:

MARCH 9, 2015

Mr. Adelman asked for a motion to approve the March 9, 2015 Planning Board minutes. Mr. Pollack made a motion to approve, it was second by Mr. Carthy and approved with three Ayes, Mr. Sauro abstained. Mr. Delano was not present for the vote.

NEIGHBOR NOTIFICATION:

HANNA

10 Briggs Lane

Section 107.02, Block 4, Lot 65

New Single-family Home Construction

Tim Allen, Bibbo Associates, LLP

Discussion

Consideration of site plan resolution

Present for this application was Nick Gaboury and Tim Allen from Bibbo Associates.

Mr. Adelman read the Neighbor Notification for the record. Mrs. Desimone stated that all paperwork was in order for this application. The following noticed neighbors were present, Jared Leon from 36 Caruso Place and Debra Tillinger from 8 Raven Court.

The site plan application is for the construction of a new 6,733 square foot house within the R-3/4A Zoning District. Site Development Plan approval for this lot is necessary because the Planning Board has site plan jurisdiction over all new construction within the DiGiacinto Subdivision.

Mr. Gaboury stated this was the last lot to be developed within the DiGiacinto subdivision. This is a wooded area; the septic area and expansion area are proposed at the rear of the site. Stormwater mitigation is provided by a swale down Briggs lane which leads to 14 Briggs Lane.

In response to Mr. Adelman's comment, Mr. Gaboury pointed out on the map where the two noticed neighbor's properties were located. He also noted the house was 106 feet from the rear property line and is setback further than the abutting house which was built in 2008.

In response to Ms. Tillinger's comment regarding whether the location of the house is on the ridge or not and will it be the same height as the house next door. Mr. Gaboury stated the house is sitting on top of the ridge; the 1st floor of the house will be on the high side of the ridge. The trees proposed on site were reviewed at this time. The contour of the edge of the property is 554 feet and the 1st floor elevation is 553 feet.

Mr. Adelman inquired if there were any more questions. Ms. Tillinger inquired if there would be any blasting on site. Mr. Gaboury stated there would be no blasting on site.

Mr. Adelman asked for a motion to close the neighbor notification. Mr. Sauro made a motion to close, Mr. Pollack second the motion and it was closed with four Ayes. Mr. Delano was not present for the vote.

Mr. Gaboury stated that they are working on the revised landscape plan per the ARB comments and the new plan will preserve 20 more trees.

Mr. Adelman asked for a motion to approve the resolution as amended. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with three ayes. Mr. Pollack abstained; Mr. Delano was not present for the vote.

**SOKOLOFF
15 BRIGGS LANE
107.02 / 4 / 66.2
Site Plan
Nicholas Gaboury, PE Bibbo Associates
Discussion**

Present for this application was Mr. Sokoloff and Nicholas Gaboury.

Mr. Gaboury stated that his client would like to move the pool equipment pad from its approved location which is 98 feet from the property line to very close to the house where it would be located 143 feet from the property line. This was a comment raised by the neighbor, Ms. McMahon at the last meeting, the applicant would like to move the pool equipment pad closer to his residence. The board was agreeable to this field change; the professionals had no comments at this time. Since the applicant had not submitted plans for final signature, Mr. Gaboury was instructed to make this change on the plans that were to be submitted for final signature. After the meeting Mrs. Desimone was instructed to attach these minutes to the resolution as well as placing them into the file.

Mr. Sokoloff was most appreciative and thanked the members of the board.

PUBLIC HEARING:

**BAC ELECTRIC
873 North Broadway
Section 122.12 Block 4, Lot 27
Amended site plan
Barry Naderman, PE Naderman Land Planning & Engineering
Discussion**

Present for this application was the applicant JR Cavallaro and his professionals Barry Naderman, PE and Paul Vink Esq.

Mr. Carthy recused himself from this application.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application. The following noticed neighbors were present. Jill Gretto at 17 Rock Cliff Place, Jennifer Lee at 81 Nethermont Avenue, Nancy Battistelli at 15 Intervale Avenue, Michelle Falot at 11 Kensico Knoll Place,

James Battaglia at 12 Washington Place East.

This application is for an “after the fact” site plan approval of a proposed change of use to electrical contractor office, retail sales and personal training uses. The property is located within the CB Zoning District. The Applicant previously received approval of a site plan on April 9, 2012, but that approval has since expired.

Mr. Naderman stated that this was the former United Rental building, his client has been present on site for the last eight years and the personal trainer is in a small portion of the building. His client is present this evening to allow the continued uses on site. The applicant has some proposed improvements to the site. He noted the apartment building next door at 877 North Broadway is not part of this application although owned by the same person. Mr. Naderman stated that 9 Washington Place will be merged with this lot and used as one lot. The parking on site presently exists and it will be organized better by designating storage areas, there is presently a paved area in the rear and the applicant will be putting in a dumpster enclosure, handicapped parking spaces and access for handicap, gravel and stone stairway along the side of the building is also proposed. The installation of a sidewalk is also proposed for the front of the building with a raised island for a portion of the walkway along with three parking spaces. The applicant has done significant cleanup on the property since moving in and has put some screening up and is proposing some more screening and plantings on some parts of Washington Place as well as towards the rear of the property.

Mr. Battaglia inquired how will the appearance change on Washington Place, there is presently a landscapers shed/garage at the rear of the site and was concerned about all of the pavement on site. How will the proposed changes of adding the sidewalk and landscaping look once completed, the gravel and dirt parking lot as it exists today is not very attractive. Mr. Naderman stated that the shed is not part of this application and the parking area will remain gravel and smoothed out, he noted the fence will be removed and cleaned up.

Mr. Battaglia expressed his concerns about any additional large vehicle traffic coming up Washington Place which is a very steep hill and large vehicles would have to floor it, to get up the hill which would occur right in front of his home. Mr. Naderman stated that his client has a fleet of vans and, small bucket trucks. The crews come in the morning and park their cars and take the vans or bucket trucks out to the site. Mr. Battaglia inquired if he could see a specific landscaping plan; he did not see it on the website. Mr. Naderman noted that there will not be traffic going in and out of the site all day long, there will be people coming in in the morning and leaving in the evening.

Mrs. Lee expressed her concerns with any application that faces Route 22 and wanting to clean up that long stretch of eye sores along Route 22 which needs dramatic attention. She inquired about how many parking spaces were in the rear, does the applicant anticipate a large number of people on site as there are a large number of parking spaces. Mr. Naderman stated that there was no change to the existing operation that has been going on for the last eight years, you will not experience any

additional traffic, the parking spaces are for the employees and the town code requires so many parking spaces to be provided on site.

Mrs. Lee asked how many employees are on site consistently. Mr. Vick stated that it is not a consistent number and that is why his client is having a hard time answering the question because it is the nature of the business. When there is more work there are more employees, when there is less work there are less employees. Mr. Naderman noted that the personal trainer works one on one with its clients.

Mrs. Lee inquired about the parking in front of the site and what the other uses were in the building. She also inquired about the parking in the rear and if it could be paved vs. gravel. Mr. Kaufman noted that the Town Code has requirements regarding paving a parking lot and the Planning Board could waive that requirement. Mr. Naderman noted that the proposed application has three parallel parking spaces in front the building and people will not be able to back out onto North Broadway. Mr. Adelman noted this was a long and hard debate to get the sidewalk installed in front of this building.

In response to Mrs. Lee's comment, Mr. Naderman stated that the applicant will patch and paint the building, the brick façade will remain and above that is wood façade that will be repaired.

Mrs. Lee inquired if the town had looked at this corridor as a whole with a plan to coordinate its appearance with colors, materials and landscaping. Mr. Adelman noted that he was not aware of any such plan. He noted that the uses vary and do not lend themselves to a main street approach. We have been mainly focusing on the sidewalk and improving things on site generally. Mrs. Lee appreciates that approach and any significant visual improvements made to that area will improve business and improve everything.

Mrs. Lee questioned the parking spaces upfront and its visual impact. Mr. Kaufman noted the board has spent a lot of time on that issue and this is the compromise the applicant and board came to. There was a serious debate about how much parking should be in front and whether there should even be any parking upfront and if there is parking, how do we do it to make sure it is safe. The parking layout proposed was reviewed at this time for Mrs. Lee. It was noted this was a nonnegotiable item for the applicant.

Mrs. Lee noted that she is aware that building next door at 877 North Broadway is not part of this application but anything that can be done to improve that building and the building next door would be greatly appreciated by the residents and any continued attention to the façade of the buildings, parking, landscaping and lighting along this corridor would be greatly appreciated to how this functions and success to that area for our town. She thanked the applicant for the improvements proposed for the site.

Mr. Adelman noted that the Planning Board meetings are recorded and can be watched at home to keep up with what is going on in town. He also noted residents can sign up to get emails with our Planning Board agendas attached.

Mrs. Battistelli inquired if the parking was annexed from Fisher's Garage. Mr. Kaufman noted that originally this parking area was part of the lot next door and now will be part of this lot going forward.

Mrs. Battistelli noted Washington Place East is primarily residential and that should be considered before anything is done regarding appearance and aesthetics for those residents in that neighborhood. Mr. Adelman stated that we always do try and balance that when an applicant is before the board; our powers are based on the zoning for the property that the board is reviewing. Certain things are permitted in this zone that are not permitted in the residential zone and it is unusual for back to back properties to be different zones.

Mrs. Battistelli inquired if the grey house was going to be painted, it was noted that house was not part of this application although owned by the same owners, if the property were found to be deficient by the Building Maintenance code then Building Department could pursue that but that is not part of this application.

Ms. Gretto inquired about the landscaping in front of the building. Mr. Naderman noted there was no landscaping in front of the building, When BAC moved into the building eight years, some landscaping was installed that Mr. Naderman reviewed at the time.

Ms. Gretto agreed with Mrs. Lee that her primary goal was the appearance of the buildings along route 22 in that corridor and cleaning up that stretch. In the Town Comprehensive Plan when they discuss this area it mentions sidewalks, streetscapes and landscaping whenever possible between the building and the roadway so that it is not a sea of asphalt and it would be desirable to have some type of landscaping done. Mr. Kaufman stated that was discussed under prior scenarios but was not possible with this scenario. Ms. Gretto stated that the parking currently on site in front of the building was never up to code and reviewed the dimensions of the parking per the code, she also noted that the Town Comprehensive plan states that the parking area not only be to code but to be improved. What is presently on site is not to standard. Mr. Naderman agreed that it was not to code that is why the changes are proposed. Ms. Gretto stated that what is being called for in the Town Comprehensive plans was to improve the area, not to just meet the code but to improve the area. She hopes that any plan would include some type of greenery or landscaping and she opined that only one or two parking spaces would fit up top and to pack in those parking spaces and eliminating the landscaping is not necessarily the best decision.

Mr. Adelman stated that this may not be the perfect approach, we have taken a long road to get where we are today, he believes this is a reasonable compromise and hopes the neighbors agree.

Mr. Adelman asked if there were any other questions at this time. Mrs. Battistelli stated that after the last time she was before the board she drove down Route 22 and took a hard look at everything. There are several businesses that have parking in front and back out onto Route 22. She did not feel it was fair to this applicant to put a sidewalk in

front and there is only so much that you can do. There can be some mild shrubbery put around the site.

Mr. Adelman noted that in most things there is compromise and we have reached a reasonable compromise here. The board is well aware of rest of the businesses along Route 22 and there was an attempt by the applicant to say that we are not as bad as some of the others and this board never accepted not as bad but still bad criteria, through compromise we have made it as good as we can at this point and as time passes there will be opportunity to improve other sites as well.

Mr. Adelman asked the board if they had any further comments or concerns at this time. Mr. Sauro stated in response to what Mr. Battaglia mentioned earlier regarding landscaping in regards to the seven employee parking spaces along Washington Avenue, we appreciate you attempting to screen just north of that. Mr. Sauro asked if the applicant could soften the edge a bit, on the plans it says to be cleaned of all debris, is there room to soften that corner with a few more evergreens. It would help the residents. Mr. Naderman stated that he could take a look at that. He also said that his client's intention is to be a good neighbor.

Mr. Pollack noted that the garage on site encroaches over the property line and inquired if that proposed any issues with this application. Mr. Kaufman stated that garage cannot be on two properties and an easement agreement would have to be prepared and because they are in the same ownership, it should not be difficult to fix. In response to Mr. Baroni's comment, Mr. Kaufman stated that the garage is zoned with a zero setback. This condition regarding the easement will be added to the resolution.

No further comments were had at this time.

Mr. Adelman asked for a motion to close the public hearing. Mr. Sauro made a motion to close, it was second by Mr. Pollack and approved with three Ayes. Mr. Delano was not present for the vote and Mr. Carthy recused himself from this application.

Mr. Adelman asked for a motion to approve a negative declaration. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with three Ayes. Mr. Delano was not present for the vote and Mr. Carthy recused himself from this application.

Mr. Adelman asked for a motion to approve the amended site plan application as amended. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with three Ayes. Mr. Delano was not present for the vote and Mr. Carthy recused himself from this application.

CONTINUING BUSINESS:

NICK'S PIZZA

405 Bedford Road

Section 108.03, Block 3, Lot 17

Amended site plan – carry out restaurant

Ralph Alfonzetti, Alfonzetti Engineering, PC

Discussion

Present for this application was the tenant, Nick Pirraglia and his son Daniel Pirraglia as well as his professional Ralph Alfonzetti.

The application is for a change of use from personal service (drycleaner) to carry-out restaurant at 405 Bedford Road in the RB Zoning District. The drycleaner location has been vacant for almost two years. Presently Nick's Corner Market also exist on site.

Mr. Alfonzetti stated that there will be no increase in square footage or parking count. The parking count for carry out restaurant and dry cleaner are the same.

Mr. Adelman noted that this use is complimentary to the existing business on site and everyone is familiar with the site.

In response to Mr. Adelman's comment, Mr. Kaufman stated that his biggest concern is the circulation pattern and separation of the two parking areas on site and this is not really an optimal situation. The Planning Board now has the opportunity to address some of these issues with the change of use because the Planning Board has site plan jurisdiction over that. The board needs to discuss whether it is appropriate to have the applicant address these issues and potentially improve the circulation on site. The google street view is particularly telling as to how chaotic the parking lot can be.

Mr. Pirraglia stated that the NYSDOT changed the means of egress in 1995 for Nick's corner market. Originally the ingress and egress was onto Route 22, the DOT changed the egress to Route 433.

It was noted when the dry cleaners was approved with the ingress was from Route 22 and the egress was from Gressel place to Route 433 to Route 22.

Mr. Alfonzetti stated that there were constraints on site like the DEC wetland buffer, septic location, not enough parking for sit down seating. It was noted that eight seats are permitted inside and 8 seats are permitted for outside seating - with a permit from the Building Department. The outdoor seating cannot be added to the 8 existing seats inside. The applicant would like to remodel the outside but would like to open because he has been renting for two years with no income. The applicant was not sure if there was a safe location for outdoor seating.

In response to Mr. Adelman's comment, Mr. Cermele agreed with the constraints noted by the applicant.

Mr. Pollack inquired if there is way to emphasize the egress route for this site. The applicant noted there are signs up on that site and they can restripe the lot.

In response to Mr. Limburg, Conservation Board representative comment, Mr. Alfonzetti stated there will be no new construction or disturbance within the wetland buffer.

Mr. Carthy asked the professionals how the applicant could improve the circulation on site. Mr. Kaufman stated he would like to connect both parking areas by driving around the back of the building. Mr. Alfonzetti stated they would go into the NYCDEC wetland buffer and if the septic fails, they would have no place for the new one.

Mr. Pirraglia stated that he would like to clean up the outside as well; a nicer entrance brings in more customers. Mr. Adelman noted he is sympathetic to this approach.

In response to Mr. Adelman's comment, Mr. Cermele stated that if we were given a clean slate to start over we would make the parking areas blend into one.

Mr. Adelman noted that he is personally ok with what has been presented here. Mr. Carthy stated that he appreciates the applicant's position and as a tenant he does not want to invest that much into the building. The site will be improved vs. an empty building and the parking is not optimal but it is not the end of the world either. Mr. Sauro stated Rome was not built in a day and this is a great start, it may be cost prohibitive to do what we are professionally asking you to do as Adam has stated, Mr. Sauro feels the applicant is fine as he is and you have to walk before you run. Mr. Pollack stated that this is a permitted use, there is a means of egress, to create another means of egress is a little bit redundant and will infringe upon the wetlands as well.

The board agreed that a site plan waiver resolution was appropriate; the resolution will be prepared for the Thursday April 16, 2015 meeting.

Mr. Carthy suggested Mr. Pirraglia join the Chamber of Commerce as there are many benefits to a business owner. It was noted the applicant did not need to appear at the next meeting.

**IND AA ZONE AMENDMENT
4 New King Street
Section 118.02, Block 2, Lot 1
Referral from the Town Board
Discussion**

Present for this application was Lisa Falco and Mitchell Benerofe from 4 New King Street. Carl Fishner – Division One Prep was also present.

The applicant is requesting to amend the existing zone IND AA by adding personal training facilities as a principal permitted use. The sponsor owns 4 New King Street which is 22,000 square feet one story building and originally had 20 employees and now

has 4 employees. The sponsor seeks to rent 5,700 square feet to a personal training company – Division 1 Prep – who has signed a 10 year lease.

It is difficult to rent out the space with the permitted uses as they exist today, that is why this change is requested.

Carl Fishner – Division 1 Prep, mostly focuses on student athlete training and has contracts with a lot of the neighboring schools. He works with kids from 5 & 6th grade through High School and College. He presented a brochure to the board at this time. This is a by appointment only facility. He is also a resident in town and the league director for the Warriors Football club here in town.

The board member all agreed this was a good use for the site and a good permitted use for that zoning district, which include all the buildings in that corridor of New King Street.

Mr. Adelman asked for a motion to positively refer this amendment to the Town Board. Mr. Sauro made a motion to approve, it was second y Mr. Pollack and approved with four Ayes. Mr. Delano was not present for the vote.

Mr. Carthy suggested the applicant reach out to the Chamber of Commerce.

Mr. Kaufman stated that once the Town Board agrees to this zoning change, the applicant needs to submit material to the Building Department who will then submit a letter to the Planning Board who then can issue a site plan waiver for the site.

NYCDEP BOWLING ALLEY

1 George Smith Place

Section 107.04, Block 2, Lot 17

Consideration of approving 2nd extension of time site plan resolution

It was noted that signed plans had still not been submitted for final signature and the applicant was hoping to submit the plans by the end of April.

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

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

Meeting Adjourned at 8:25 p.m.