

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
Thursday - April 16, 2015**

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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:  
John Fava

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

**APPROVAL OF MINUTES:**

**MARCH 23, 2015**

Mr. Adelman asked for a motion to approve the March 23, 2015 Planning Board minutes as amended. Mr. Carthy made a motion to approve, it was second by Mr. Sauro and approved with three Ayes, Mr. Delano and Mr. Pollack were not present for the vote. .

**PUBLIC HEARING CON'T:**

**REITER/WAYNE LOT LINE CHANGE**

**1 & 7 Banksville Road**

**Section 102.01, Block 2, Lots 71 & 72**

**Lot Line Change**

**Dennis Lowes, LS, Ralph MacDonald Co. Engineers & Surveyors**

**Discussion**

**Consideration of Preliminary and Final Subdivision Resolution**

Present for this application was the property owner Barry Reiter and his professional Dennis Lowes.

Mr. Adelman asked for a motion to re-open the Reiter/Wayne public hearing. Mr. Sauro made a motion to open, Mr. Carthy second the motion and it was approved with three Ayes. Mr. Delano and Mr. Pollack were not present for the vote.

No noticed neighbors were present for this application.

Mr. Lowes noted that he has received ZBA approval and added a note to the plans referencing his ZBA approval.

No additional comments were made at this time as this was the last item to complete regarding his Planning Board application.

Mr. Adelman asked for a motion to close the Reiter/Wayne public hearing. Mr. Sauro made a motion to close, Mr. Carthy second the motion and it was approved with three Ayes. Mr. Delano and Mr. Pollack were not present for the vote.

Mr. Adelman asked for a motion to approve the negative declaration regarding the Reiter/Wayne lot line change. Mr. Sauro made a motion to approve, Mr. Carthy second the motion and it was approved with three Ayes. Mr. Delano and Mr. Pollack were not present for the vote.

Mr. Adelman asked for a motion to approve the Preliminary Subdivision resolution regarding the Reiter/Wayne lot line change. Mr. Sauro made a motion to approve, Mr. Carthy second the motion and it was approved with three Ayes. Mr. Delano and Mr. Pollack were not present for the vote.

Mr. Adelman asked for a motion to approve the Final Subdivision resolution regarding the Reiter/Wayne lot line change. Mr. Sauro made a motion to approve, Mr. Carthy second the motion and it was approved with three Ayes. Mr. Delano and Mr. Pollack were not present for the vote.

**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**

**Consideration of site plan waiver**

Present for this application was Nick Pirraglia, applicant for Nick's Pizza.

Mr. Adelman noted that he has a letter from the Building Inspector recommending site plan waiver and he noted an email was received today from one of the Town Board members regarding the appearance of the site, especially around the bins for donated clothes. Mr. Kaufman noted that the clothing bins for donated items were not a permitted use within the Town of North Castle. After a discussion regarding the bins Mr. Pirraglia was instructed to have the bins moved off site which he agreed to.

It was suggested after conversations between the board members that perhaps the Town Board would consider some legislation regarding the clothing bins within the Town of North Castle. The bins could be locate near a charitable organization who can host them and require screening of these bins and locate them within an appropriate location and keep them properly maintained.

At Mr. Sauro's request, Mr. Pirraglia reviewed what he was proposing to do to address the outside appearance, he stated that he will be repairing the overhang, replacing the wood in front of the building and provide landscaping in front of the store. It was noted that the green space bordering Route 22 was state property and the applicant could not propose any landscaping in that location. Mr. Pirraglia noted his son had a friend who could prepare a landscape plan for the site and was hoping to open in two to three months.

In response to Mr. Carthy's comment regarding assurances that these improvements to the site come to fruition timely. A condition was added to the resolution which read as follows - the Applicant shall remove all existing clothing bins and submit a planting plan approved by the Planning Board prior to the issuance of a Certificate of Occupancy.

Mr. Adelman asked for a motion to approve the site plan waiver as amended. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three Ayes. Mr. Pollack was not present for the vote.

**TURET**

**East Lane, West Lane, Nichols Road**

**Preliminary Subdivision, Tree Removal, Steep Slope and Wetlands Permit**

**Section 2, Block 16, Lots 18.B, 18.B3A, 18.D01, 18.E, 18.E01**

**Tim Allen, PE Bibbo Associates**

**Subdivision of an existing 8.28 acre lot into four residential building lots.**

**Discussion**

Present for this application was the property owner, Lee Turret and Tim Allen his professional.

The subject application was submitted March 20, 2008 for preliminary subdivision plat, tree removal and wetlands permit approvals and was granted preliminary subdivision approval on March 8, 2010 for subdivision of an existing 8.28 acre lot into four residential building lots. Lot 1 will be approximately 1.1 acres, Lot 2 will be approximately 1.1 acres, Lot 3 will be approximately 1.6 acres and Lot 4 will be approximately 2.3 acres and a new Town Road to access all the lots is proposed. The proposed building lots 2, 3 and 4 have frontage less than the minimum required 125 feet and pursuant to footnote (a) on the Zoning Schedule, the Planning Board has the ability to reduce the frontage requirement (125 feet) to a minimum of 25-feet with respect to any lot abutting a turnaround.

At the last Planning Board meeting the board requested to see the applicant and professional to discuss this five year old approval and to make sure the four lot subdivision was still viable with the new laws that were proposed and if the applicant was still serious about completing the submission.

Mr. Pollack came into the meeting at this time.

Mr. Allen noted a lot of the conditions have been complied with but his client is not a builder, he is a dentist. Ideally he would like to partner up with a builder and this subdivision has a lot of infrastructure required with storm water and roadway and Dr. Turret is not in a position to build a road on his own and at the time of the approval the residential community collapsed. Mr. Turret has spoken with some builders; his client would like to move to final approval once a deal has been put into place. He met with the Town Engineer and Director of Planning 10 days ago and there are no terms of lapse of storm water or any changes in zoning since this approval was granted. Nothing has changed since the approval was granted. To proceed to final approval that requires bonding of the road and recreation fees, those are monies out of pocket that would be sitting there. Mr. Allen, had an application in Somers that sat with a bond for ten years. His client would like an extension of time and he is aware that New York State has granted unlimited preliminary subdivision approval extensions and that is what his client is seeking, an extension of time, he asked Mr. Baroni if that was true regarding unlimited extensions. Mr. Baroni agreed.

Mr. Turet stated that he has met with some builders and brokers and he is still paying taxes on the property but until he has a deal in place, to move forward financially is not advantageous at this time.

Mr. Adelman stated that the board wanted to make sure the applicant was serious about finishing this approval. Mr. Turet stated he was serious about the approval.

Mr. Adelman asked for a motion to approve the extension of time resolution for preliminary subdivision approval. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with three Ayes. Mr. Delano was not present for the vote. Mr. Pollack voted nay because to develop the application was not timely over the past five years and the applicant should come back to the board for approval when he is ready to complete the project.

### **KENSICO DAM SPILLWAY CHANNEL**

**West Lake Drive & Route 22**

**Section 117.04, Block 1, Lot 1**

**Section 118.01, Block 1, Lot 1**

**Tree removal and wetland permit**

**Matthew Warne, Acting Deputy Chief, EOD, BWS, NYCDEP**

**Discussion**

**Consideration of Administrative Wetland Permit**

**Present for this application was Tom Bolland, NYCDEP representative.**

Mr. Kaufman stated that the board would waive their jurisdiction over the wetland permit because the board would deem this to be a minor project and that would give the applicant the ability to obtain an administrative wetland permit. Based upon paperwork submitted by the applicant, this is minor project with very little disturbance to the wetland and the buffer needed to repair the weir on the spillway. He has no objection to the Planning Board waiving it jurisdiction in this case so the DEP can get to work on that repair.

In response to Mr. Adelman's comment, Mr. Cermele stated he has no issues with this application.

In response to Mr. Adelman's comment regarding road closure and duration of project. Mr. Bolland stated that there will be three lane closures on three different days one lane will be closed at a time in the south bound lane and the project will have a four week duration.

Mr. Adelman asked for a motion to approve the Administrative Wetland Permit Waiver. Mr. Sauro made a motion to approve, it was second Mr. Carthy and approved with four Ayes. Mr. Delano was not present for the vote.

**SCOTT**

**80 Mianus River Road**

**Section 96.01, Block 1, Lot 8**

**Proposed 5 lot subdivision on 38 acres with proposed common driveway.**

**J.D. Barrett & Associates**

**Consideration of 5th preliminary site plan resolution extension of time**

**No one was present for this application.**

The board read the extension of time request which provided a detailed status of the application. Mr. Adelman asked for a motion to approve the Scott extension of time resolution. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with four Ayes. Mr. Delano was not present for the vote.

**4 NEW KING STREET**

**4 New King Street**

**Section 118.02, Block 2, Lot 1**

**Gideon Hirschman**

**Change of use - Site Plan Waiver**

It was noted that there was more than sufficient parking on site for this change of use.

Mr. Adelman asked for a motion to approve the site plan waiver. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with four Ayes. Mr. Delano was not present for the vote.

**ST. NERSESS ARMENIAN SEMINARY**

**486 Bedford Rd**

**Section 108.02, Block 1, Lot 16**

**Referral from Town Board**

**Robert Stanziale, AIA Robert Stanziale Architect, PC**

**Discussion**

Mr. Stanziale stated that the seminary was approved in July, 2012 and was approved for the renovation and adaptive reuse of the existing buildings and the construction of a new 8,400 square foot, one-story theological center which includes a library and private chapel on the 5.55 acre property known as Promise Farm. He noted at the time of the approval by the Town Board, a 1 bedroom apartment for married couples was removed from the approval. The third one bedroom apartment is now needed as they will be having a married couple move in by the end of the summer. The size of the units is moderate, a studio is 400 square feet and a 1 bedroom unit is 500' and change.

Mr. Carthy noted he was happy to accommodate the request. Mr. Kaufman noted that when this application was before the Planning Board, the third one bedroom apartment was part of the approved plan, this is a Town Board policy how the lot will be used and

this request will have no impacts.

Mr. Baroni noted the unattractive boarded up windows which face Route 22 and noted it should be fixed up. Mr. Stanziale stated it would be fixed within the next two – three months. Mr. Adelman asked that it be fixed immediately. Mr. Stanziale agreed to this request.

Mr. Pollack confirmed with the applicant that there were no other changes to the plan at this time. Mr. Stanziale stated no other changes.

Mr. Adelman asked for a motion to make a positive recommendation to the Town Board. Mr. Sauro made a motion, it was second by Mr. Carthy and approved with three Ayes. Mr. Delano was not present for the vote; Mr. Pollack abstained from the vote.

### **170 BEDFORD ROAD & 156 BEDFORD ROAD**

**162 Bedford & 156 Bedford Road**

**Sec 108.03, Block 1, Lots 42 & 41**

**Michael Fareri, applicant**

**Concept Plan Discussion**

Present for this application was Mike Fareri and Steve DeLaurentis.

Mr. Fareri presented a concept plan to the board this evening in order to get some feedback on this application before formally submitting it.

Mr. Fareri reviewed the prior 32 unit approval on site for the board's reference which had one, two and three bedroom units. He noted while before the ARB they questioned why two buildings as they are very close to the road, which encouraged him to take another look at the site. Mr. Fareri is now proposing one building which will have 36 units, 6 of those units would be FAAH units and 30 would be market rate units. He noted in Yorktown the three bedroom FAAH units were not selling and there are no three bedroom units in this proposal. He is proposing a brick facade similar to the Bois Building at 333 Main Street and or Whippoorwill Commons at 20 Whippoorwill Road East.

There will be 8 units on the first floor, 6 of the 8 will be FAAH units, and the common charges will be less for the FAAH units as they will not use the elevator. He noted that 77 parking spaces are required and 79 spaces will be provided, the traffic flow will be better with this proposal. There are nine parking spaces proposed along the Town Road. There will be 34 garages on site, 20 indoor garages and 14 outdoor garages, the common area will be 60 x 22.

He noted this plan was reviewed with Adam Kaufman and Joe Cermele earlier this afternoon and is code compliant. Mr. Fareri noted the water main extension would not be necessary with this application. He noted that he met with Westchester County they liked the plans from a "birds eye view".

In response to Mr. Adelman's comment, Mr. Fareri stated that the landscaping will be better than the prior approval and the lot will be heavily landscaped.

In response to Mr. Carthy's comment, Mr. Fareri stated that the building will be made out of Concrete and Steel which is much safer for the tenants above and below and fire wise and you can insulate for noise better with Concrete and Steel. An elevator will be located within the center of the building.

Mr. Kaufman stated that this appears to be a conforming plan with maximum green space; he suggested a street connection to the front door.

Mr. Sauro stated that at first glance this plan fits better than the other plan and the common area is nicer with this plan.

Mr. Carthy noted that Mr. Fareri previously stated that mixing both units is risky and both units are being combined together on this plan. Mr. Fareri stated that there are two HOA's with this plan which solves that problem. The issues in Yorktown came up after the original approval.

Mr. Carthy recalled the appearance of the brick buildings described by Mr. Fareri and looks forward to the amended application.

Mr. Pollack stated that these setbacks are good and the Building facing the road is a better plan.

It was noted that the AC units are under the roof and the roof is purely decorative.

Mr. Adelman stated that he likes the setbacks of the building as proposed and noted it will be more marketable now with all of the garages on site.

Mr. Fareri stated he would like to formerly present to the board at the May 11, 2015 meeting. It was noted that the submission deadline was Monday, April 27, 2015 by Noon.

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

Meeting Adjourned at 8:25 p.m.