

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
April 7, 2014**

PLANNING BOARD MEMBERS PRESENT:

Art Adelman, Chairman
John Delano
Steve Sauro
Christopher Carthy

PLANNING BOARD MEMBER ABSENT:

Guy Mezzancello

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, Chairman

Meeting came to order at 7:10 p.m.

PUBLIC HEARING:

GJONAJ

7 Pine Ridge Road

Section 102.01, Block 02, Lot 7

Preliminary 3 lot subdivision

Paul Sysak, RLA, ASLA John Meyer Consulting, PC

Discussion

Consideration of preliminary subdivision resolution

Paul Sysak was present for this application.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Beata Buhl Tatka, 1 & 3 Pine Ridge Road and Howie Gelbtuch – 9 Pine Ridge Road were both present noticed neighbors regarding this application.

The application is for a three lot subdivision of the existing 12.153 acre parcel located within the R-2A Zoning District. The site currently contains a single-family residence, which is proposed to be removed. The property is located at 7 Pine Ridge Rd and known on the North Castle Tax Maps as Section 102.01, Block 2, Lot 7.

In response to Mr. Gelbtuch's comments, Mr. Sysack stated that the lot closest to his house was just shy of five acres, they will be using the existing driveway on site, and the septic system will begin 10' off of the property line. The lighter green on the map displays the area to be cleared, the darker green area shows what will be preserved. The house will be 5,200 square foot three bedroom home.

Mr. Gelbtuch did not understanding why clearing had to occur so close to his property line on a five acre lot. Mr. Kaufman noted that with the wetlands, wetland buffers and steep slopes located on site this was the only place to put the septic.

Ms. Tatka inquired if the driveway was located in the wetland buffer and noted the septic is very close to the property line. Mr. Sysak noted the driveway was located within the wetland buffer and if it was moved in either direction it would be in the wetland itself.

In response to Mr. Gelbtuch's comment, Mr. Baroni stated that the Town of North Castle Foreclosed on Pine Ridge Road for non payment of taxes, it has been a public road since 9/15/11.

No further comments were made at this time.

Some minor revisions were made to the resolution.

Mr. Delano made a motion to close the public hearing. It was second by Mr. Sauro and approved with four Ayes. Mr. Mezzancello was not present for the vote.

Mr. Adelman asked for a motion to approve the Negative Declaration regarding this application. Mr. Delano made a motion to approve, it was second by Mr. Sauro and approved with four Ayes.

Mr. Adelman asked for a motion to approve the resolution as amended. Mr. Delano made a motion to approve, it was second by Mr. Sauro and approved with four Ayes. Mr. Mezzancello was not present for the vote.

DIMATTEO
1513 OLD ORCHARD STREET
Section 123.05, Block 1, Lot 1
New Single Family Home Construction.
Lucio Dileo, Studio Rai Architectural Design PC
Discussion
Consideration of site plan resolution of approval

Present for this application was Lucio Dileo.

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

The Dimatteo application is for the construction of a 4,570 square foot addition to the existing 740 square foot home. This project was referred to the Planning Board from the Residential Project Review Committee. The property is located at 1513 Old Orchard Street and known on the North Castle Tax Maps as Section 123.05, Block 1, Lot 1 and located within the R-1/2A Zoning District.

Mr. Adelman noted that since no one was present for this application that a presentation was not necessary as the board was familiar with the application.

Mr. Dileo stated that after the March 24, 2014 meeting he spoke with the neighbors in the hallway and he addressed their comments and concerns with this last submission, the proposed 5' trees were changed to 10' trees. Mr. Adelman asked Mr. Dileo if the neighbors realize the survival rate decreases with the planting of a larger tree and that his client is responsible for replacing the tree if it does not survive during the next growing season. Mr. Dileo stated that the neighbors and his client were both aware of this information.

Mr. Delano noted that the driveway encroachment and the fence encroachment both needed to be addressed. Mr. Dileo stated that his client and the neighbors were aware of this situation and will address it.

Mr. Carthy stated that he does not think the Planning Board should approve this application. Do to a technicality, the original house was three feet off of the property line and being converted to a garage along with a new residence. Yes the proposal is

attractive, but he does not agree with the continued use of the house being converted to a garage and its continued proximity to the property line next door.

Mr. Adelman stated that he can see Mr. Carthy's point but this is an unusual circumstance and would not be repeated often and did not see a reason to deny the applicant his approval.

Mr. Delano made a motion to close the public hearing. It was second by Mr. Saruo and approved with four ayes. Mr. Mezzancello was not present for the vote.

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

CONTINUING BUSINESS:

DeCICCO'S SUPERMARKET

402 Main Street

Sec 108.01, Block 6, Lot 41

Mark Miller, Esq. Veneziano & Associates

Amended site plan re: Mezzanine

Consideration of amended site plan resolution

Mark Miller was present for this application.

Mr. Delano asked for an updated parking utilization chart as it relates to the uses presently on site. Mr. Miller handed out the shared parking information and noted that the information provided with the current uses still meets the parking requirements.

Mr. Carthy followed up on his comment from the last meeting regarding the elimination of the three reserved parking spaces near the house on site. Mr. Miller stated that he will follow up with his client on this subject.

Mr. Delano made a motion to approve the resolution as amended, Mr. Sauro second the motion and it was approved with four Ayes. Mr. Mezzancello was not present for the vote.

LAPORTA

10 Annadale Street

Section 108.01, Block 6, Lot 71

Referral from RPRC re: Addition

Jason Smith, RA

Discussion

Present for this application was Mr. & Mrs. LaPorta, their professional was unable to attend this evening.

This application is for the construction of a 984 square foot addition to the existing 1,836 square foot home. The site also contains a 1,402 detached garage and accessory apartment. The proposed addition will add a family room on the first floor and a walk in closet on the second floor. Three variances will be needed for this application, gross land coverage, gross floor area and front yard setback.

Mrs. LaPorta noted that 3 out of 4 of her neighbors are commercial properties and would not have a significant impact with this application. She also explained why the three variances were needed for the site. She also noted that they were scheduled to appear before the ARB on April 20, 2014.

Mr. Kaufman stated that his main concern regarding this site is the amount of development proposed as there is already an existing detached garage with an accessory apartment on site.

Mr. Delano inquired if both levels of the garage were included in the floor area totals submitted. Mr. Kaufman noted the backup data was not submitted and was needed in order to answer this question.

Mr. Delano inquired where would the stormwater management (25 year) be on the lot. It was suggested that the Laporta's have their engineer speak with Joe Cermele regarding this matter. It was suggested to the applicant that this matter be addressed before the board would give a recommendation to the ZBA.

Mr. Cermele stated that the septic field on the plan vs. what was shown on the survey is very different. The applicant needs to define and locate the septic area on site; this can be done with a few test pits to locate the septic on site.

Mr. Kaufman noted that for a small lot, there is a lot going on with this lot.

SILVERSTEIN

33 Wampus Lake Drive

Section 107.02, Block 2, Lot 11

Referral from RPRC - Pool

Neave Group, Lee Kind

Discussion

Present for this application is Lee Kind, Mr. & Mrs. Silverstein were also present.

Mr. Kind handed out color photos for the board's reference at this time of the new pool location which was brought closer to the house. He also submitted written material noting that there was nothing written in the north castle code regarding the roof line as it relates to the pool location.

Mr. Carthy noted the professional did a fantastic job with the new pool location.

Mr. Sauro noted that there are doors from the screened in porch that go directly into the pool which is only 9-10 inches deep, he was concerned if someone were disoriented and opened the wrong door in the dark and stepped or fell into the pool by accident. Mr. Kaufman noted that alarms would be on the doors.

Mr. Sauro, Mr. Delano and Mr. Carthy felt this application had a good start in the right direction.

Mr. Baroni suggested meeting with the building inspector regarding the roof height and its proximity to the pool.

The board discussed whether to make a referral with or without a recommendation to the ZBA. They concluded that no recommendation was needed and the ZBA can render a decision without the input of the Planning Board.

Mr. Kind stated that his client has eliminated the water fall from the last plan.

Mr. Adelman noted that once the applicant had returned from the Zoning Board a public hearing would be necessary while before the Planning Board.

Mr. Fava noted that during the original site walk only two of his board members were able to attend and would like his board to visit the site again.

Mr. Adelman asked for a motion to refer this application to the ZBA. Mr. Delano made a motion to approve, it was second by Mr. Adelman and approved with four Ayes. Mr. Mezzancello was not present for the vote.

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING UNITS

Referral from Town Board

Discussion

Consideration of recommendation back to the Town Board

Mr. Kaufman provided the Planning Board with a brief summary of a proposed local law currently being considered by the Town Board regarding the adoption of new regulations concerning affordable housing. The law is intended to incorporate Westchester County's Affordable Affirmatively Furthering Fair Housing (AFFH) Model Ordinance provisions into the Town Code. Since the law would amend Chapter 213 of the Town Code, the Planning Board is required to provide the Town Board with their comments on the draft law. Mr. Kaufman also noted that the Town received generally positive comments from the Westchester County Planning Board with respect to the draft law. The Planning Board discussed the draft local law and expressed some concern with HUD's involvement with the affordable housing settlement with Westchester County. Mr. Baroni noted that many other communities in Westchester County have already adopted similar laws. Mr. Kaufman additionally explained that the existing stock of Town-regulated Middle Income Units would remain and continue to be regulated by the Town.

Mr. Adelman asked for a motion to positively refer this back to the Town Board. Mr. Carthy made a motion to approve, Mr. Delano second the motion and it was approved with four Ayes.

NYCDEP BOWLING ALLEY

1 George Smith Place

Section 2, Block 11, Lots 11.A, 11.A1-2, 11A1-3

Wetland Permit

Laura Csoboth, HDR

Discussion

Consideration of approving extension of time site plan resolution

No one was present for this application.

IT was noted that the original approval that the board was granting an extension of time on included street scape and parking. Mrs. Desimone noted that the original resolution was never signed by the applicant and was not filed in the Town Clerk's office.

Mr. Baroni stated that this approval for the extension of time was contingent upon signing both the original and the extension of time resolution simultaneously.

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

Meeting Adjourned at 8:40 p.m.