

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
May 5, 2014**

PLANNING BOARD MEMBERS PRESENT:

John Delano, Acting Chairman
Steve Sauro
Guy Mezzancello
Christopher Carthy

PLANNING BOARD MEMBER ABSENT:

Art Adelman, Chairman

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

John Kellard, 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:
Zenaida Bongaarts

Meeting came to order at 7:00 p.m.

APPROVAL OF MINUTES:

April 7, 2014 Joint Work Session

Mr. Delano asked for a motion to approve the joint work session minutes from April 7, 2014 as amended. Mr. Sauro made a motion to approve as amended, it was second by

Mr. Mezzancello and approved with three Ayes. Mr. Carthy and Mr. Adelman were not present for the vote.

April 7, 2014 Planning Board Meeting

Mr. Delano asked for a motion to approve the regular Planning Board meeting minutes from April 7, 2014. Mr. Sauro made a motion to approve, it was second by Mr. Mezzancello and approved with three Ayes. Mr. Carthy and Mr. Adelman were not present for the vote.

PUBLIC HEARING Con't:

96 – 98 COX AVENUE SUBDIVISION

96-98 Cox Avenue

Section 108.01, Block 2, Lots 55 & 54

3 Lot Residential Subdivision

Frank Madonna

Discussion

Consideration of site plan resolution

The public hearing was continued at this time, the following noticed neighbors were present. Jeanie Hendricks, 3 Rose Hill Drive and Jose Berra, 6 Rose Hill Drive.

Also present was Frank Madonna - Contract Vendee; Mark P. Miller, Esq. Veneziano & Associates as well as Ralph Alfonzetti, PE, Alfonzetti Engineering.

Mr. Miller briefly reviewed the three lot subdivision application and reminded everyone that the existing lot and house will remain and two new lots will be created. He also noted that due to the delivery issues with the Post Office for the Preliminary Public hearing the applicant agreed, at the board's request, to have this final subdivision public hearing to ensure all residents were noticed. Mr. Miller noted at this time that he would like the town to consider the elimination of the certified return receipt mailing as people are not always home to sign for the letters and notices are left in the mailbox for people to go to the post office and pick up the letters which is not always convenient for those that work. He has worked with the Town Engineer on the drainage issues. His client is agreeable to have to go to the ARB for the proposed houses on each site.

Mr. Delano noted that even though he missed the last meeting he watched the meeting in its entirety and noted that water remained an issue at that meeting and asked Mr. Alfonzetti to review the drainage on site once again.

Mr. Alfonzetti stated that it was determined that the water cannot be infiltrated on this site; the systems were redesigned to be closed underground detention systems. They don't rely on percolation or infiltration systems. They discharge the water at a controlled rate into the Town's sewer system. We have upgraded the pipe from on site to Rose

Hill and have increased the size of the pipe to 15 inches. The underground detention systems mitigate the peak flows from the existing to the proposed pipe. He studied the 1,10,25 and 100 year storms on site. In response to the ponding in the front of the site Stormwater models have been prepared and reviewed by the Town Engineer. Mr. Kellard agreed with Mr. Alfonzetti's comments and he has reviewed the information submitted. He has also reviewed the drainage with the Highway Superintendent and what the applicant has agreed to do regarding the pipe connections and catch basins as noted in the resolution.

Mr. Berra inquired if the houses will go before the ARB. In response to Mr. Delano's comment, Mr. Kaufman stated whether someone goes to the ARB or not is determined when the application goes before the RPRC. After additional discussions with Mr. Berra and the board it was concluded, with the applicant's approval, that a condition will be put in the resolution that states prior to the issuance of a building permit for Lot 1 and Lot 2, the Applicant shall obtain approval from the Architectural Review Board.

Mr. Berra inquired about the size of the homes. After additional discussions were had with the board a note was put in the resolution that the plat shall contain a note indicating that the gross floor area on Lot 1 and Lot 2 shall not exceed 3,500 square feet. The plat shall also contain an additional note indicating that the principal structure on Lot 3 shall not exceed 3,500 square feet of gross floor area.

Mr. Carthy stated that the applicant should be commended for his participation in this process. The applicant has worked with the town and the people in this community and provided the upgrades to the neighborhood. Mr. Delano and the rest of the board agreed.

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

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

CONTINUING BUSINESS:

MONTEFORTE

35 Orchard Drive

Section 107.02, Block 4, Lot 11

Subdivision, lot line, wetland permit and site plan approval for building expansion and renovations of existing structures

Rob Aiello, PE John Meyer Consulting

Discussion

Consideration of site plan resolution

Present for this application was Mr. Rob Aiello, PE John Meyer Consulting and Frank Chaffron, Project Manager.

Mr. Aiello had a few comments regarding the resolution which were incorporated into the final draft. Mr. Aiello also inquired about the condition regarding underground utility lines. His client would like some flexibility on this matter as they were not sure of the cost and time regarding this request. He would like to have the flexibility to see if the underground wiring is feasible or not. The board and the applicant went back and forth on this matter. The board concluded that they would prefer to keep the utilities underground and the applicant could return to the board with comments why it did not work and why he wants to put them above ground. The board can render a decision at that time.

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

758 NORTH BROADWAY

758 North Broadway

Section 122.16, Block 3 Lots 12

Duk Gyoo Lee, TL Engineering PC

Interior alteration for new nail salon with parking plan

Discussion & ARB update.

Also present was the property owner Susan (Shun Yield) Zheng from Jin's Family Realty Inc.

Mr. Lee stated that his client received ARB approval on April 30, 2014.

Mr. Kaufman stated that this lot was formerly owned by the Gressel's and the applicant has agreed to significant infrastructure improvements to the property. The applicant has agreed to fill in the missing gaps on the sidewalk along North Broadway, additional parking is proposed on site and general updates the site.

The middle building, formerly the library building, the applicant is going to redo the outside of that building and the nail salon will be moving into that space.

Discussions were had at this time regarding the proposed free standing sign. It was noted that there was already a unified sign on the building which had all of the store names on it and only one free hanging sign is permitted on site. Mr. Kaufman noted that the applicant could get their approval with the plan as proposed so they may open their business sooner and return to the board when they are ready to do the new free standing sign and remove the unified sign. Mr. Kaufman suggested a bigger sign that what is proposed and perhaps a ground mounted sign or monument sign which still conveys the information and is significantly more attractive for the site.

The applicant will remove the free standing sign and will return to the Planning Board to get site plan approval for the new free standing sign. A fence at the rear of the site was discussed with the applicant and neighbors while at the ZBA. The applicant agreed to the fence.

A public hearing was set for May 19th 2014. The board will consider a resolution at that time.

LAPORTA

10 Annadale Street

Section 108.01, Block 6, Lot 71

Referral from RPRC re: Addition

Jason Smith, RA

Discussion of site walk

Present for this application was Mrs. Laporta.

Mrs. Laporta stated that her house was built in 1926 and she received ARB approval on April 30, 2014. She has spoken to the engineer regarding the drainage on site and they concluded they could get the proper spacing between septic, well and drainage on site. Mr. Naderman reviewed the information and agreed with Mr. Cermele met with him to go over the drainage on site.

Mrs. Laporta asked if she could go before the ZBA and see if they would even grant approval prior to the expense of all the tests done on site. Mr. Kaufman stated that the board wanted to make sure the drainage, septic and well all worked together on the site and if the board was comfortable with the mass and location of the addition, then they could consider the referral to the ZBA. Discussions were had at this time regarding the referral to the ZBA.

Mr. Sauro inquired if any updates or work has been done on the septic since the house

was purchased. He wanted to make sure the applicant's current sept system could accommodate the proposed addition to the house. It was concluded that Mr. Naderman would look into this for Mrs. Laporta.

In response to Mrs. Laporta's comment, it was noted that neighbor notification was necessary for the ZBA as well as the Planning Board.

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

PROTOS/THOMAS DRIVEWAY

95 High Street

Section 100.02, Block 1, Lot 3

Proposed Second Curb Cut

Mr. Protos & Mr. Thomas

Discussion

Present for this application was Mr. Protos and Mr. Thomas.

The applicant is proposing a site plan application to construct a second curb cut on the existing two acre lot within the R-2A Zoning District. Dan Holt is the professional on this application and was not able to attend.

Mr. Thomas stated that the main reason for this second curb cut is for safety reasons; people drive very fast on High Street, there is a sight distance of 200' in both directions when exiting the new driveway. There will be less impervious surface with the proposed circular driveway with this application than what exists today. The existing fence is proposed to be removed and low plantings will take its place.

Discussions of the Town Engineers memo were had at this time regarding the courtyard and existing pond. Mr. Kaufman noted that a second curb cut cannot be issued if it is in a wetland buffer. Mr. Delano agreed, it is specifically stated in the code.

Mr. Protos noted this was a complicated lot, there is a pond on site, the house is from the 1800's and they were trying to upgrade and make the driveway safer.

Mr. Kaufman noted another option to keep the second curb cut within the wetland buffer would be to submit an application to ZBA and Conservation Board. Mr. Protos noted a lot of money has been spent already on this second curb cut.

Mr. Kaufman suggested abandoning the existing driveway and using the proposed second curb cut as the primary driveway. Mr. Protos opined that would cost a lot more than just resurfacing the driveway. Mr. Kaufman stated if the applicant wants both curb

cuts then he will have to go before the ZBA and Conservation Board.

Mr. Carthy noted that he visited the site earlier today and if the fence were removed as well as removing some of the northerly line of site material that would improve the line of sight. Mr. Protos noted the neighboring house is abandoned and their bushes encroach onto their property and they have to have the bushes removed annually.

Mr. Protos stated that a semicircle driveway is nice and convenient and would give more curb appeal to the residence, they are proposing to plant large hemlocks to provide screening from the road. The house is located 25 feet from the road.

Mr. Protos inquired if they wanted to resurface the existing driveway, what they would have to do and what they would have to do if they wanted to do the second curb cut. Mr. Kaufman stated if they wanted to resurface the existing driveway only, they could go to the Building Department. If the applicant wanted to pursue the second curb cut, the Planning Board would have to refer this application to the Zoning Board of Appeals and Conservation Board.

After continued discussion was had the board decided to do a joint site walk with the Conservation Board. A site walk was scheduled for Wednesday, May 14, 2014 at 5:30 p.m. The applicant will return to the Planning Board on May 19, 2014 to discuss the site walk.

Mr. Protos inquired about the request of the land survey in the Town Engineers memo. Mr. Kaufman suggested waiting to get that done until after the applicant has appeared before the ZBA and pending the outcome of that meeting, you can proceed from there. Mr. Protos noted that when they purchased the property it was an oversized mud hole and now it is a wetland.

MANN

3 Gifford Lake Drive

Section 102.03, Block 1, Lot 50

Referral from RPRC – New Construction

Catazone Engineering, Richard Kotz Architect

Discussion

Present for this application was Peter Catazone and the property owner Mr. David Mann.

The applicant is proposing construction of a 10,700 square foot home on an existing vacant building lot within the Round Hill at Gifford Lake subdivision which was approved in the late 1980s. This project was referred to the Planning Board from the Residential Project Review Committee.

Mr. Catazone stated that they have removed as much of the septic system reserve system out of the preservation zone as they could. The majority of the septic system as

well as the majority of the reserve will be out of the preservation zone. He was informed that the Health Department is presently reviewing their design standards. The flow is 200 gallons per bedroom and they are considering reducing it to 150 gallons per bedroom which would be consistent with the NYSDEC standards. Five hundred linear feet are shown for the septic and 500 linear feet for the reserve area are shown at this time. The applicant has retained a wetland consultant, the wetlands have been flagged and the DEC has verified the wetland flags in the field. They are waiting for the surveyor to pick up the flags and generate a map and present the map to the DEC. He also presented a plan showing the old subdivision and the other 9 lots within the expansion area beyond the preservation zone. He also noted the tree survey has been updated.

Mr. Kaufman clarified for the applicant exactly what should be submitted regarding the details of the tree survey.

It was agreed that when the next submission is made with the updated tree survey which will include all trees 8 inch in diameter and larger and all 6 inch in diameter and larger within the preservation zone, will be labeled with an identification number, health condition and whether they are to remain or be taken down. The applicant will also submit the wetland buffer information and a neighbor notification will be scheduled for the same meeting.

The board reviewed the items to be addressed before the next submission is made: tree inventory, wetland issues, and ARB approval and storm water issues.

RATZAN

57 Sarles Street

Section 94.03, Block 1, Lot 9

Clearing and Grading Limit Line adjustment

Michael Stein, P.E. Hudson Engineering & Consulting, P.C.

Discussion

Present for the applicant was Michael Stein, President of Hudson Engineering and Consulting.

The applicant has requested permission to amend the previously approved Clearing and Grading Limit Line (C&GLL) within the Hammond Ridge Subdivision in order to construct a new flat area beyond the existing septic system at the rear of the property. Site Development Plan approval for this lot is necessary because the Planning Board has jurisdiction over amendments to the previously approved C&GLL.

Mr. Stein stated that he is proposing a 3,000 square foot encroachment at the rear of the site and 1,700 cubic yards of fill. He is proposing a boulder slope and one tree will have to be removed. The applicant was recently before the RPRC and received approvals for his driveway, swimming pool, and patio.

Mr. Kaufman stated that the board will have to decide if it is reasonable to create this disturbance past the clearing and grading limit line. His initial reaction was that this was a bit aggressive given the amount of disturbance and fill proposed.

Mr. Carthy inquired what is behind this area of the lot. Mr. Stein stated there is conservation land behind this property. No one will really see this wall. Mr. Carthy inquired where some of the neighboring homes were located in relation to the applicant's home and the conservation land. Mr. Stein did not have that information with him.

In response to Mr. Baroni's comment. Mr. Kaufman stated that no one will see the encroachment at the rear of the site. The Planning Board has the ability to move the line and the board has moved these lines in the past at the applicant's request.

In response to Mr. Mezzancello's comment, Mr. Stein stated that the elevation was 16 feet and would be a total of 24 feet including the fence. The fence has to be put up on the slope for safety reasons.

Mr. Delano inquired where the fill material would be coming from as a fill permit will be necessary. Mr. Stein noted it was a boulder slope and that was not necessary. Mr. Delano stated earth work fill even though it is including boulders would still need a permit. Mr. Stein stated that he will look into and examine it if necessary.

Mr. Stein stated that he has reviewed the memos from both professional and can address the comments in the memos.

Mr. Delano inquired where the material was coming from. Mr. Stein did not know at this time. Mr. Kaufman noted that was part of obtaining the fill permit and that needs to be submitted.

Mr. Kellard suggested developing some walls inside the property to create this play area at a lower elevation. Mr. Stein stated that would cost more. Mr. Kellard stated that you would use a lot less fill. Mr. Stein stated that getting enough fill would not be a problem. The board asked the applicant to prepare and submit the plan Mr. Kellard suggested. . Mr. Stein stated he would look into that suggestions but felt it would be too expensive to do vs. what is being proposed now. Mr. Stein stated by lowering the play area by four feet the one tree that would have been impacted will likely not be impacted. Mr. Stein stated he would work on these plans and turn them around within a couple of days or be ready to hand them out at the site walk. (site walk was scheuduled for May 14, 2014 at 6:00 p.m. .

Neighbor notification will be necessary for this applicant.

Mr. Delano also expressed his concerns about Sarles Street and whether that road was strong enough to accommodate 80 loads of fill it will take to complete this project.

In response to Mr. Mezzancello's comment. Mr. Stein stated the boulders will be brought on site.

Mr. Carthy suggested the alternate plan be prepared for the site walk, so the board could look at both options while out at the site. Mr. Delano suggested that whatever is staked out on site, to please bring a picture of that to the site walk.

The board discussed Mr. Kellards suggestion once again. Mr. Kellard suggested a small wall with cut a fill option at the rear, so not as much material will be imported. The board requested a copy of this plan be submitted with the next submission. Mr. Stein agreed to prepare the plan and note.

A site walk was scheduled for May 14, 2014 at 6:00 p.m.

61 & 67 OLD ROUTE 22

61 & 67 Old Route 22

Section 107.04, Block 2, Lots 8 & 9

Site Plan application for two commercial lots

Discussion – field change update

Mr. Kaufman described the field changes. Removal of a large tree located in a double wide island. This will create one additional parking space which will enable the applicant to keep the shed in its existing location and not have to be relocated on site. The Montessori school will benefit from this field change. The applicant will submit plans for final signature. Mr. Kaufman stated that he spoke with Joe Cermele earlier today and he had no issues with this field change.

Mr. Delano asked for a motion to approve the field change as noted above. Mr. Sauro made a motion to approve, Mr. Mezzancello second the motion and it was approved with four Ayes. Mr. Adelman was not present for the vote.

Meeting Adjourned at 8:30 p.m.