

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
June 8, 2015**

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

PLANNING BOARD MEMBER ABSENT: John Delano
Michael Pollack

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:
No one was present

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

PUBLIC HEARING:

**MONTESSORI SCHOOL
67 Old Route 22
Section 107.04 Block 2, Lot 8
Amended Site Development for Swimming Pool
Robert Peake, AICP, John Meyer Consulting
Discussion**

Mr. Adelman read the affidavit of publication for the record. No noticed neighbors were

present. Mrs. Desimone stated that all paperwork was in order for this application.

Mr. Adelman noted that there are three board members present which is a quorum and enough are present to conduct a meeting. In regards to Montessori public hearing, one of the three members has recused themselves as he is doing the pool work for this applicant. The public hearing cannot take place with two board members. The board will open and adjourn the public hearing.

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

Hearing was adjourned to the June 22, 2015 meeting.

DISCUSSION:

SKRILOFF/KARLBERG BARN 21 Hickory Kingdom Road Section 95.03, Block 2, Lot 27 Special Use Permit – Accessory Structure Paul Sysak, RLA, ASLA John Meyer Consulting Discussion

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

The application is for the construction of a 1,500 square foot barn on a 5.6 acre lot located within the R-2A Zoning District.

Mr. Sysak stated that the 50 x 30 storage barn is located entirely within the 100' wetland buffer. He has reviewed the memos from both professionals and stated that in regards to the memos he will make sure the height of the barn is in conformance with the code and will not exceed 22 feet; it is presently proposed at 21' 9". The barn will not be larger than 25% of the primary structure; his calculations show that the barn is 23% of the size of the primary structure. There is 7,750 square feet of wetland buffer intrusion which is kind of isolated on site. The applicant is still contemplating the best way to access his site to build the barn.

In response to Mr. Kaufman's comment, Mr. Sysak stated that the owner had been there for 1 ½ years and the out parcel building has a valid CO and his clients in-laws live there presently. Mr. Kaufman noted that in the Town records it shows approval for an Art studio and the applicant will have to show documentation regarding the permitted

use of the dwelling. Mr. Sysak will go over that with his client and get back to the board. Mr. Kaufman stated that if there is no paperwork, the applicant will have to apply for a Special Use Permit for an Accessory apartment and both SUP's can be obtained simultaneously.

In response to Mr. Carthy's comment, Mr. Sysak stated that this is a one bedroom dwelling which has its own septic system. In response to Mr. Adelman's comment, Mr. Sysak was not familiar with the prior owners name and noted it was close in proximity to the Gjonaj subdivision. Mr. Sysak would like to schedule a joint site walk with the Conservation Board and Planning Board.

In response to Mr. Kaufman's comments, Mr. Sysak stated that the barn will not be finished inside; there will be no second floor loft and no heat. There will be electricity from the little house. All of the items from the main garage will be stored in the barn. The foundation will be poured concrete. His client got the idea from another approval in town. He will have to go before the ARB as well. He will store the outdoor patio and pool furniture in the barn.

Mr. Kaufman noted during his review that the building department file showed that structure/ art studio was built in the 1960's and the Town Code permits accessory apartments in accessory structures that were built prior to 1985. There is an ability to obtain approval for this. The lot is also large enough to subdivide and make the accessory structure a primary structure on the new lot. Your client has a couple of options with that.

In response to Mr. Adelman's comment, Mr. Sysak stated that there is one 36" oak that is definitely coming out and there is another larger deciduous tree the owner would really like to save but is requesting removal just in case it could not be saved. It is their intention to keep it, but he is not sure if that will be possible. Mr. Kaufman stated that the board will look at those trees while out at the site walk.

Mr. Sysak will follow up with the Conservation Board and ARB and will let the Planning Board know when the wetland stakes have been established and the barn staked out for the site walk.

AMORE PIZZERIA AND PASTA

1 Kent Place

Section 108.03, Block 1, Lot 76

Mark Mazzotta

Discussion of second story usage

Present for this application were the property owners, Mark Mazzotta and his brother Joe Mazzotta.

Mr. M. Mazzotta stated that he received his approvals two years ago, during the

approval process at the time, it would have delayed his approval to get 2nd floor use approval and decided not to pursue it at the time. Presently the second story is unfinished and used to store dry goods. At this time he would like to pursue use of the second floor as a dining area. A photo as the area is used today was presented to the board at this time. The area upstairs is between 350 – 375 square feet. Usable area will be 300 square feet and would hold 15 – 20 people. He was informed that an additional five parking spaces in addition to the shortfall of spaces on the original approval would be necessary. He wanted to see if this was a possibility for this request or would there be too many hurdles to cross. The true usage of this space would only be during the winter months; during the beautiful weather they would never use the upstairs. This would be used during the colder months when the patio could not be utilized. The busiest time would be Friday and Saturday nights.

Mr. M. Mazzotta opined that from the audit and appraisal he has taken from the municipal parking lot, morning, noon and night, he understand he has to meet requirements, the parking is the same all the time. He feels that adding additional 15 – 18 seats is not the biggest burden. However, he would like to do everything appropriate and would like to comply and adhere and if they could get this permit that would be very helpful to them.

Mr. M. Mazzotta stated that when they originally were before the board the building was dilapidated and run down; their goal was to change the curb appeal and beautify the building. They wanted to make sure there was a conspicuous difference and that was done by changing the roof lines. The approvals were granted at the time without the second floor because his lease was running out and they had to get started with the construction. He has been here for two years and they are not going anywhere and would really like the use of the second story.

Mr. Adelman noted that the site is a real gem, a beautiful Tuscan look on the exterior and the patio is a real diamond, everyone loves it there. If there is something that can be done, we will do it. Mr. Adelman noted that the ZBA granted a 32 parking space variance on the original approval. .

In response to Mr. Adelman's comment, Mr. Baroni stated that the Planning Board has no jurisdiction to waive any parking spaces.

Mr. Baroni recalled that there was a note on the original site plan approval that there was a covenant put on the property that the applicant will join the parking district when and if it was formed, Mark Mazzotta agreed.

Mr. Joe Mazzotta stated that when and if that parking district is created that as far as he is concerned, if the Town needs some or part of his property to make the proposed additional parking, they would be more than happy to comply. Mr. Adelman noted that one of the whereas clauses in the original resolution states that whereas the applicant has offered to grant a public parking easement over the area to the west of the stream as the Town of North Castle owns the adjacent parcel. Mr. M. Mazzotta stated he stands by that statement. The land next to his lot is wet and not usable to him.

In response to Mr. Baroni's comment, the professionals were not sure how many additional parking spaces would be needed and how the applicants abutting lot would be used without having reviewed plans. It could be used as either wetland mitigation or access, they doubted they would actually build infrastructure on their lot. Mr. Baroni concluded that the land is important none the less, the professionals agreed. Mr. Baroni stated that what he was getting at was what makes your case to the ZBA to get a waiver for the additional parking.

Mr. Kaufman stated if the applicant is going to pursue this application they would have to submit an amended site plan application with amended plans showing the use on the second floor and updated tables showing the parking requirements with this additional use. The Planning Board will then say we can't approve this application because there are not enough parking spaces and this would be referred to the ZBA. The applicant would then go before the ZBA for blank parking spaces and a public hearing would be necessary. If approved the applicant would have to return to the Planning Board to complete their amended site plan approval, a public hearing would also be necessary as well.

Mr. J Mazzotta asked if anyone on the board had any issues with this proposal, he would rather know now than to go through this process and be turned down. Mr. Adelman, Mr. Sauro and Mr. Carthy were fine with the application going forward. Mr. Kaufman stated that the Zoning Board may say that they have already granted a 32 parking space zoning variance in a downtown that already has parking issues, he does not know what will happen at the ZBA and does not want the applicant to think all will proceed smoothly.

Mr. J. Mazzotta stated that this site has operated as a restaurant/bar for over 70 years. The use never changed, yet they had to get a variance for 32 parking spaces which cost them hundreds of thousands of dollars. He does not want to go through that process again. Mr. M. Mazzotta stated that you have given them some hope and they understand there is no guarantee.

Mr. Baroni stated that one question the ZBA will ask you is where will the dry goods be stored if this dining area is approved. Mr. M. Mazzotta stated that they buy in bulk and have another storage area the size of this room in Greenwich, CT. They make two or three trips a week to the storage area. Mr. Adelman noted that the pictures showing the available parking next to his lot would be helpful.

Mr. M. Mazzotta would like to clear on the other side of the stream and put in a Bocce Court with a gravel courtyard and an engineered bridge as access to the court and install flowers and planters for people to have a place to hang out and have a glass of wine. Mr. Kaufman stated that those plans would have to be submitted to the Planning Board and reviewed and then they could be referred to the CB. This can be done at the same time the second floor application is before the board.

Mr. Carthy inquired if there were any ADA requirements for the second floor public use.

Mr. Kaufman suggested the applicant follow up with the Building Inspector regarding that matter. Mr. J. Mazzotta stated they reduced the number of seats when the build out was done.

In response to Mr. J. Mazzotta's comment, Mr. Kaufman stated that the applicant will have to submit an application and plans showing the second floor and proposed Bocce Court to the Planning Board and once before the board, the Planning Board can make referrals to the ZBA and CB.

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 three ayes. Mr. Delano and Mr. Pollack were not present for the vote. Meeting was adjourned at 7:40 p.m.