

**NORTH CASTLE PLANNING BOARD
EXECUTIVE SESSION
15 BEDFORD ROAD – COURT ROOM
6:45 p.m.
April 24, 2017**

Mr. Delano asked for a motion to open the meeting at 6:44 p.m. Mr. Sauro made a motion to approve. It was second by Mr. Pollack and approved with four ayes. Mr. Carthy was not present for the vote.

At 6:45 Mr. Delano asked for a motion to go into executive session. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with four ayes. Mr. Carthy was not present for the vote.

Present for the executive session was Chairman Delano, Board members Steve Sauro, Michael Pollack, Jim Jensen, Town Attorney - Roland Baroni, Director of Planning - Adam Kaufman, and Joe Cermele – Consulting Town Engineer and Valerie Desimone – Planning Board Secretary.

At 7:11 p.m. Mr. Delano asked for a motion to adjourn the executive session, Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with four Ayes.

At 7:12 p.m. Mr. Delano asked for a motion to adjourn the meeting. Mr. Sauro made a motion to approve. It was second by Michael Pollack and approved with four ayes. Mr. Carthy was not present for the vote.

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
April 24, 2017**

PLANNING BOARD MEMBERS PRESENT:

John P. Delano, Chairman
Steve Sauro
Christopher Carthy
Michael Pollack
Jim Jensen

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Roland Baroni, Esq. Town Counsel
Stephens, Baroni, Reilly & Lewis, LLP

Joe Cermele, PE
Consulting Town Engineer
Kellard Sessions PC

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:

No one present

The Planning Board meeting was called to order at 7:15 p.m.

APPROVAL OF MINUTES:

April 3, 2017

Mr. Delano asked for a motion to approve the April 3, 2017 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Pollack and approved with four ayes. Mr. Jensen abstained.

March 27, 2017

Mr. Delano asked for a motion to approve the March 27, 2017 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Pollack and approved with five ayes.

February 13, 2017

Mr. Delano asked for a motion to approve the March 27, 2017 Planning Board minutes. Mr. Sauro made a motion to approve. It was second by Mr. Pollack and approved with five ayes.

PUBLIC HEARING Con't:

MADONNA

Route 128- Mount Kisco Road

108.01-1-30.3

Site Plan

Kory Salomone, Esq. The Law Office of Kory Salomone, PC

Frank Madonna, Applicant

Gregg DeAngelis, DeAngelis Architectural Services LLC

Ralph Alfonzetti, PE Alfonzetti Engineering PC

Consideration of Negative Declaration

Consideration of Site Plan approval

Present for this application was the applicant Frank Madonna and his professionals Kory Salomone and Gregg DeAngelis.

Noticed neighbor Christine Eggleton, 129 Old Mount Kisco Road was present.

The site plan application contemplates the construction a 39,987 square foot 16-unit multi-family building on the 3.6-acre property. The applicant was not able to obtain ARB approval prior to the last time they were before the Planning Board and without that approval, the planning board could not grant site plan approval. The applicant received ARB approval on April 12, 2017.

Mr. Delano asked for a motion to reopen the public hearing. Mr. Carthy made a motion to approve, it was second by Mr. Sauro and approved with five ayes.

Mr. Salomone briefly updated the board with the status of the application. Mr. DeAngelis presented the architectural plans and landscaping plans to the board. He stated that 44 parking spaces were proposed and 38 of those spaces were enclosed. He also presented color renderings from all angles of the site.

In response to comments from the board, Mr. Madonna stated that the electronic fence would be open during the day and closed at night. The queuing area could accommodate three cars on site off of Route 128. All other questions were answered to the board's satisfaction. A typo on the plan was noted and the architect will update the plans accordingly.

Ms. Eggleton noted that the vacant lot next to the site was recently cleaned up and encourages the applicant to maintain the cleanliness of the site. She also stated she

would like a guardrail similar to the wood rail in front of CVS. It was noted that the wood rail was on CVS property and the rail on Old Mount Kisco Road would be on town property and the town does not allow wood railings but would follow up with the highway department in regards to a metal railing. In regards to her comment about the landscaping on site, Mr. Madonna stated that typically 6-8 foot trees are planted and he is planting 8-10 foot trees on this site. Ms. Eggelton stated at the ARB meeting the board was concerned about the landscaping and the appearance from Jeff Hahn's home to the site. The applicant reviewed the landscaping to her satisfaction.

Mr. Delano 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 five ayes.

Mr. Delano asked for a motion to approve the negative declaration as amended. Mr. Sauro made a motion to approve as amended. It was second by Mr. Carthy and approved with five ayes.

Discussions were had regarding the draft resolution and some revisions were made to the document. Mr. Kaufman noted that he spoke with Sal Misiti, Superintendent of the Water and Sewer Department earlier today who expressed his concern if the amount referenced in the resolution for the pump house on school street would be sufficient as this quote of \$19,800 was three or four years old. Mr. Salomone presented to the board an agreement from the Town of North Castle signed by the Supervisor accepting the amount of \$19,800. Mr. Salomone stated this was an offer of contribution and anything in excess was the town's responsibility.

Mr. Delano 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 five Ayes.

PUBLIC HEARING:

MONTESSORI SCHOOL

67 Old Route 22

107.04-2-8

Amended Site Development for Office Addition

Raffaele Tarulli, PE

Discussion

Consideration of Amended Site Plan resolution of approval

The Applicant is seeking approval for the construction of a new 1,073 square foot classroom addition, within the Town-regulated wetland buffer, at the Montessori school;

Mr. Delano 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: Mr. Babu abutting property owner at 61 Old Route 22 and Mr. Bernson at 7 Alder Way.

Mr. Tarulli reminded the board of the prior approval for the swimming pool that was granted on site and noted it was never built and the applicant was proposing this addition in the same location. He noted there would be no change to the student count as the existing classroom will be converted to an activity room. There will be no additional staff required either.

Mr. Bernson and Mr. Babu's questions were answered to their satisfaction.

Mr. Bernson suggested the applicant paint his fence green or brown because the white fence was offensive as seen from his property through the woods.

Mr. Delano asked for a motion to close the public hearing. Mr. Pollack made a motion to close. It was second by Mr. Sauro and approved with five ayes.

Mr. Delano asked for a motion to approve the resolution. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with five ayes.

MIANUS RIVER GORGE PRESERVE, INC.

99 East Middle Patent Road

95.04-2-27

Preliminary Subdivision

Rod Christie, Executive Director, Mianus River Gorge Preserve

Discussion

Consideration of Negative Declaration

Consideration of Preliminary Subdivision resolution

Consideration of Final Subdivision resolution

Present for this application was Rod Christie.

The subject application involves a subdivision of the existing 73.087-acre lot containing a single family house into a 4.2 acre building lot and a 68.887 acre non-building lot with a conservation easement.

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

Mr. Christie presented the application to the board.

In response to Mr. Carthy's comment, Mr. Christie noted this would provide a future board with a financial option, if necessary, if they did not want to be a property owner with housing any longer. It would not affect the 68 acre Conservation lot. It is not his intention or this board's intention to sell the 4.2 acre lot but does provide flexibility in the future.

No further questions were made at this time.

Mr. Delano asked for a motion to close the public hearing. Mr. Carthy made a motion to approve. It was second by Mr. Pollack and approved with five ayes.

Mr. Delano asked for a motion to approve the negative declaration. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with five ayes.

Mr. Delano asked for a motion to approve the preliminary resolution of approval. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with five ayes.

Mr. Delano asked for a motion to approve the final subdivision resolution of approval. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with five ayes.

CONTINUING BUSINESS:

11 NEW KING STREET PARKING GARAGE

11 New King Street

119.03-1-1

Proposed automated airport parking facility

Nanette Bourne, AKRF

Bill Null, Esq. Cudy & Feder

Consideration of acceptance of FSEIS

Present for this application was Bill Null and Nanette Bourne.

Mr. Null stated he was last before the board on March 27, 2017 and has since submitted full sets for review and when they received comments back they were addressed and resubmitted to the town on Friday.

Mr. Delano made a motion to accept the FSEIS (Final Supplemental Environmental Impact Statement). Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with five ayes.

BTD T PROPERTIES

18 Carolyn Place

100.04-1-5

Site Plan

Ralph Mastromonaco, PE PC

Frank Guiliano, Landscape Architect

Tim Miller Associates, Inc.

Jacob Amir, Esq. DDWWW LLP

Discussion

Re-consideration of site plan approval

Present for this application was Kirk Scuderi and his attorney Jacob Amir.

Mr. Carthy recused himself from this application.

Mr. Amir spoke with the board regarding the time line of the reimbursement of the bond amount. The resolution was updated accordingly. Some other minor revisions were made to the document based on comments from the professionals and board members to their satisfaction.

Ms. Kramon's comments were answered to her satisfaction.

Mr. Delano asked for a motion to reconsider the resolution as amended. Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with three ayes. Mr. Pollack abstained. Mr. Carthy had recused himself from this application.

470 MAIN STREET

470 Main Street

108.01-6-19

Site Plan

Retail & Multifamily Residential Market rate apartments

Nathanial Holt, PE Holt Engineering & Consulting

Discussion

The site plan application for the construction of a 13,544 square feet residential building containing 16 total units and the retention of the existing 1,400 square foot retail building at 470 Main Street. It is noted that the project will include 4 AFFH 1-bedroom units, 3 AFFH 2-bedroom units, 2 1-bedroom market rate units and 7 market rate 2-bedroom units.

Present for this application was Mike Fareri and Steve DeLaurentis.

Mr. Fareri wished Mr. Delano all the best in his next chapter of life.

Mr. Fareri informed the board of his recently approved special use permit approvals from the Town Board regarding approval for more than one apartment within the building and the second approval was to permit apartments on the first floor. At the Town Board's request he added private patio space to all of the first floor units. He had

applied for a third application while at the Town Board which was to move the six AFFH units from the Lumber Yard at 162 Bedford Road to 470 Main Street which was denied by the Town Board despite the positive recommendation from this Planning Board, Westchester County Planning and The Deputy Commissioner of AFFH . Because of the recent denial from the Town Board, he has to update his plans to show 2 AFFH units and 14 market rate units. He also noted was hoping that all of these units could be used as AFFH units for future developments in town. He presented photos to give the board an idea of what the site would look like from the road when built. He noted the photos show how this would blend in with the community.

Mr. Fareri has received and reviewed both memos from the professionals and discussions took place regarding how the building would change with the new unit count and Mr. Fareri stated the building size would not change. He noted in response to the comment on short EAF regarding potential archeological significance, there is not one area on the lot that was not already previously disturbed between the septic and structures already on the site, this is not a vacant lot. He reviewed other applications close by that would have looked into historic significance and CVS next door had no historic significance as that site was not vacant either. Mr. Kaufman noted that the board can make a decision that since the site was previously disturbed there will not be an impact. Mr. Delano noted the applicant could also get an archeological letter from the New York State. Mr. Fareri opined this was a waste of everyone's time and would rather donate the money for this report to another matter.

In response to Mr. Cermele's comment, Mr. Kaufman stated that this is an unlisted action. Mr. Sauro agreed with Mr. Fareri's comment, this is not vacant land. Mr. Delano stated he did not think that this was an issue.

In response to comments, Mr. Fareri will get sign off from the DEC regarding the DEC wetland buffer that runs onto Mr. Fareri's lot. Mr. Fareri noted there is no stormwater treatment presently on site and with his proposal the entire site will be treated. He noted he will build a wall so as not to run into the flood plain. The 2:1 mitigation will have to be determined and if off site mitigation is necessary; he does not want it to prolong his application like it did for the 20 Banksville Avenue application. Mr. Delano noted this was a case for the environmental bank.

Mr. Fareri also stated that he shared the first 100 feet of driveway with his neighbor; he asked his neighbor if they could share the entire driveway, the neighbor declined his offer. Mr. Fareri will provide a copy of the easement for the first 100 feet to the Town Attorney as requested.

Mr. Fareri felt it was valueless to provide a site distance plan as the driveway already exists and nothing is changing. He also noted that he was eliminating one of the curb cuts to the site, presently there were two and one will be eliminated with this proposal. Mr. Cermele noted this information was necessary and had to be submitted according to the town code. Mr. Kaufman also noted that this application would be adding additional intensity to the site, it is necessary to confirm the driveway is safe. After further discussion Mr. Fareri stated that he will have Mr. Holt address this comment. The board confirmed the speed limit in that area was 30 miles per hour and there was no

parking on either side of the driveway entrance, Mr. Fareri agreed with both comments.

Mr. Fareri confirmed there were no issues with the Sewer and Water on site and that was taken care of at the Town Board. He read aloud Mr. Kellard's memo in this regard.

Mr. Fareri continued reviewing comments from the Town Engineer memo and Director of Planning's memo and stated his professionals will address those comments. He noted Mr. Holt had been working on revising the plans per comments in the memos and was 95% done and did not want to review with the board this evening plans that were only 95% done and he will be resubmitting them within the next couple of days. Mr. Fareri stated he would like to review those amended plans at the next meeting on May 8th and schedule a public hearing after that.

Mr. Fareri wished Mr. Delano the very best in his retirement and thanked him for all of his time served on this board.

STAHL

7 Hadley Road

108.04 – 4 - 28

Site Plan

Barry Naderman, PE Naderman Land Planning & Engineering

Discussion

Mr. Naderman was present for this application

The site plan application for the construction of a new single family home and tree clearing on the above referenced property. The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board is warranted.

Mr. Naderman presented a comparison of the approval granted in 2009 named Cody Construction that was not built vs. the application before the board today. The prior approval was for a six bedroom home, the house proposed today is a four bedroom house and both houses are in the same location. The driveway is on the opposite side of the lot than what was previously approved. His client is not putting a pool or pool house on site. He noted that the applicant hired an arborist and landscape designer who determined that there are a lot of young trees on site and with such a large canopy of trees on site, his professionals suggested removing a lot of trees and all the dead trees and let the young trees thrive. He informed the board that his client presently lives

at 2 Spruce Hill which is on the corner of Sniffen Road and it is beautiful and his client will do the same to this site as well. The drainage and septic are both in the same location, the impervious area has been reduce. Mr. Kaufman noted the applicant should submit more details to the board regarding the removal of so many trees. Mr. Naderman will work in this request.

Mr. Naderman will address the comments in the memos and resubmit. Mr. Naderman was informed that once he has staked the site he should inform the Planning Board Secretary and a site walk will be scheduled.

Mr. Naderman wished Mr. Delano all the best and stated it was a pleasure, Mr. Delano thanked him and said it has been a a pleasure. He was honored to be his last applicant while he was chairman.

The board and professionals thanked Mr. Delano for all his time served on the board and all that he had done over the years. It has been an honor and privilege to serve with him and they have learned a lot from him over the years. The board and professionals appreciated his moral clarity, integrity and technical expertise over the years.

Mr. Carthy made a motion to adjourn the meeting in honor of John P. Delano, Planning Board Chairman. It was second by Mr. Sauro and approved with five ayes.

Meeting was adjourned at 9:29 p.m.