

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
June 19, 2017**

PLANNING BOARD MEMBERS PRESENT:

Christopher Carthy Chairman
Steve Sauro
Michael Pollack
Jim Jensen

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

ABSENT:

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

Joe Cermele, PE
Consulting Town Engineer
Kellard Sessions PC

Conservation Board Representative:
John Tiernan

The meeting was called to order at 7:03 p.m.

APPROVAL OF MINUTES:

June 5, 2017

Mr. Sauro made a motion to approve the June 5, 2017 Planning Board minutes as amended. Mr. Pollack second the motion and it was approved with four Ayes.

PUBLIC HEARING:

ETZIN [16-025]

1503 Old Orchard Street

123.05-1-64

Accessory Structure

Nathaniel J. Holt, PE

Discussion

Consideration of resolution of approval

The application is for the construction of a detached bath house, elimination of the existing septic system serving the bathhouse, connection of the bath house to the municipal sewer, elimination of gravel drives, construction of a new terrace at the rear of the existing principal house and the construction of an outdoor kitchen patio at the rear of the existing principal house on a 7.92- acre lot located within the R-1A Zoning District.

Mr. Pollack read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbor Randi Uszak at 2 Memorial Lane was present for this application.

Mr. Holt presented the application to the board and noted that he has received both of his variances for this application and also received Conservation Board approval as well. He also discussed the stormwater on site and noted his client preferred a raingarden as an alternative which is more attractive and he will work that out with the town engineer. He noted the terrace and outdoor kitchen would be built at a later time. His client would like to get the bath house built since he purchased a kit and would like to get that built which is his main objective with this approval. The first floor is a kitchen area and place to relax; the second floor has no bedrooms and has a toilet, sauna and whirlpool.

Ms. Uszak stated that his property was located to the side of this lot, across from the caretaker's cottage and she stated that the workers live in the caretaker's cottage at the moment. She inquired how many months or years of noisy construction will take place on site. Mr. Holt noted that most of the work during phase I will take about one year. Ms. Uszak noted she has lived with a lot of noise from this site already. She inquired about the sewers and taxes for this lot which was about \$100,000. a year. Mr. Holt noted this lot was not on sewers. Mr. Baroni stated that this applicant filed the appropriate paperwork and the property is not on the tax role, he does not pay taxes. In response to Ms. Uszak's comment, Mr. Baroni stated that all of the residents in town will have to absorb that tax money which is no longer collected from the applicant.

The board discussed the conditions in the resolution at this time. Mr. Jensen inquired about the NYCDEP letter which referred to work off property. Mr. Holt stated that his client did a lot of work and some of that work went onto the DEP's property. There was some land grading, landscaping and reconstruction of the stockade fences and the DEP was not happy about his happening and since that time he is waiting on a signed

agreement from the state that he does not go any further than he already has. We have a letter of understanding in place.

Mr. Cermele inquired if any further information was provided regarding the old access easement from which the applicant was going to remove and restore. Mr. Holt stated that the intent was to get rid of it and he has conversations with New York City on that and the wetland buffers on that to the watershed and he does not have any responses on that either and he is dealing with them on that matter as well.

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

Mr. Jensen inquired if some of the conditions should be complied with prior to granting the approval, he referenced conditions 2,3,4 under prior to signing the site plan. Mr. Cermele stated that these are technical details to be worked out with Mr. Holt and did not think that would impact the outcome of the plan. He provided comments regarding each of the conditions noted above. Mr. Pollack also expressed some concerns about all the conditions left for the applicant to comply with the resolution conditions which expires in one year. The applicant was reminded that once a building permit was issued he would not need to return to the board for extension of time but if a building permit was not taken out he would need to request an extension of time. Per Mr. Holt's request, condition #3 was updated to reflect "if the total disturbance exceeds".

Mr. Sauro made a motion to approve the resolution as amended, it was second by Mr. Pollack and approved with four Ayes.

NEW AND CONTINUING BUSINESS:

TEDESCO [15-121]

1462 Old Orchard Street

Section 123.01-1-1 & 15

2 Lot Subdivision

Nathaniel J. Holt, Holt Engineering & Consulting

Discussion

Application for preliminary subdivision approval of a two lot residential subdivision in the R-1A Zoning District. The site is currently a 1.7-acre single family lot and a 1.05 acre abandoned right-of-way parcel.

Present for this application was the applicants professional Dan Holt.

Mr. Holt presented the application to the board. He noted that when the lots were developed in the Town of Harrison there was no need after that to continue the road abutting his client's lot. It was shown as a paper road and is shown on the map but not as a right of way. The prior owners purchased this from the town in the 1950's and the Tedesco's purchased this paper road at the same time they did with the other lot. Based on this information he did not think that condition #5, regarding a road extension,

in Mr. Cermele's memo was appropriate. Mr. Kaufman noted that when the road does not connect, the code says it has to be a certain distance from the property line. Mr. Kaufman pointed out the end of the right of way to the back property line and noted it is approximately 60 feet. The purpose is to have a buffer in the rear. Given the shape of the lot it would be difficult to comply with that. Mr. Holt noted that since all the property has already been developed this road goes nowhere.

Mr. Carthy also noted that the board is reviewing this as well as a hammerhead this evening. Mr. Cermele stated that once the two lots are proved out and the variances are received, he would think the board would lean towards the private road standards with the lesser disturbance for the two lots. Mr. Holt also noted he still did not have 150' for the hammerhead.

In response to Mr. Carthy's comment, the Kaufman stated the board has the ability to waive subdivision standards. Whether it is a hammerhead or cul-de-sac the board would have to make the same waiver. The applicant has to prove that out and the board has to conclude whether it is appropriate to waive that part of the subdivision regulations.

Mr. Holt noted we was going for two variances and whether he needed a third variance or not and risk being denied because of too many variances.

In response to Mr. Carthy's comment, Mr. Kaufman summarized for the board the items they need to make a decision on regarding this application:

- 200' offset of roads – between Starkey Road and the proposed road (centerline to centerline) (Board can waive if appropriate)
- Where the Cul de sac is ending (Board can waive if appropriate)
- Variance for minimal contiguous buildable area – every lot has to have a certain amount of area that is free from environmental constraints; this is not possible due to stream setbacks and wetland buffer. (ZBA approval required)
- Steep slope area which may affect the net lot area (steep slopes and net lot area would need a variance)
- Highway Department comments – concern with water runoff to the street (PB decision)
- Additional information requested from the Fire Department. (PB decision)

Mr. Holt stated he had a conversation with Mr. Norris, Highway Department Superintendent. Mr. Holt said that Mr. Norris was not aware that they had to remove a section larger than the section of driveway they are building and the impervious surfaces that were draining onto the road from the existing driveway will not be there anymore and they are eliminating a curb cut. He then said he did not have a problem with that once he heard that information. He suggested the town follow up with Mr. Norris regarding that conversation.

The board discussed the items listed above.

Mr. Sauro stated that in regards to the offset of roads, this is a two lot subdivision and is not a heavy traffic area and did not see a burden with waiving this requirement. The shape of the lot is the shape of the lot and he has some lenience with that as well. Based on what was summarized with the Highway Superintendent he was alright with the status of that condition.

Mr. Jensen stated that he agreed with Mr. Sauro's comments. Mr. Pollack stated that he agreed with what was said about the Highway Superintendents comments but would like to see a comparison with the figures to ensure there is no net change or there is a negative.

In response to Mr. Pollack's comment Mr. Holt stated that you have setbacks from the wetlands and you have setbacks from the steep slopes. He pointed out the stream and its buffer and the location of the steep slopes and how there is not 150' in-between. The house is partially in the wetland buffer which the Conservation Board recommended approval for. With the private road approximately half the house is in the wetland buffer. The stream previously was 100' feet further away from this lot than it is today and the steep slopes are manmade, they are not natural. Mr. Pollack concluded that the deficiency is 75% – 80%, Mr. Holt agreed.

Discussions were had by the board that since this lot is challenged that they should make sure they were in support of this application prior to recommending this to the ZBA so that time and money are not wasted for the applicant.

Mr. Carthy inquired if the waivers that the Planning Board were considering have to or should be decided upon before making a recommendation to the ZBA. Mr. Kaufman stated that would be helpful but not a requirement. Mr. Baroni inquired if a coordinated review was done. Mr. Kaufman noted that a coordinated review has not been done and can be done; the Planning Board had not declared lead agency intent. Mr. Baroni stated ZBA will rely on this board for their comments regarding the environmental process and in this instance, is appropriate, since there are some environmental constraints which should be dealt with the Planning Board. Mr. Kaufman stated that if the board wants to do that they would have to declare lead agency intent tonight.

Mr. Baroni stated If the board refers this to the the ZBA, the ZBA will want a negative declaration from this board prior to rendering a decision.

Mr. Kaufman noted that that it is pertinent that the board have the steep slope issue resolved prior to the recommendation to the ZBA. If the board could come to some conclusion about the design and whether or not what the applicant is proposing is acceptable that would go a long way to help Mr. Holt and his client to design the subdivision.

In response to Mr. Sauro's comment, Mr. Holt stated that he and Mr. Cermele would be able to work out the steep slopes. Mr. Sauro stated if the figures work out and road configuration can be worked out, it is not an optimal situation but it can be done with a lot of work and if the variances are granted.

Mr. Jensen followed up with Mr. Pollack's point regarding the contiguous buildable area and that it is not slightly off, it is 80% off. As Mr. Pollack stated earlier, will we end up going down the road where the term is "are we wasting the applicants time" and it is not a slight variance it is a significant variance. He does not want to get in that position where we then would not be able to say yes. We need to explore that further with what that means. Mr. Kaufman clarified what Mr. Jensen was referring to was the board making a negative declaration to the ZBA, Mr. Jensen agreed. Discussions were had regarding a positive or negative recommendation will be made to the ZBA and the applicant's rights to go the ZBA regardless of that decision. Mr. Baroni stated that continued discussion by the board regarding a positive or negative recommendation to the ZBA ties into the environmental review and if the board is going to reach a negative declaration - how you are dealing with the unbuildable area and steep slopes is part of the environmental review. The board may not come to that decision tonight because the professionals have to work out the steep slopes and net lot area but the board can continue to discuss it as the 30 days lapses.

Mr. Sauro made a motion to declare lead agency intent. Mr. Pollack second the motion and it was approved with four ayes.

Mr. Holt and Mr. Cermele will work out the steep slopes and net lot area. It was noted that the minimal contiguous buildable area is still needed. In response to a comment, If the house were moved out of the wetland there would be no front yard and a variance would be needed for that as well.

The board was concerned that if the minimal contiguous buildable area does not get any better would they be inclined to send a positive or negative recommendation to the ZBA. Mr. Pollack stated that he has serious reservations about it but was happy to continue the dialogue about it. Mr. Jensen agreed with Mr. Pollack. Mr. Sauro was not ready to commit either way at this time.

Mr. Holt requested to come back before the board on July 10, 2017. The applicant was informed his submission deadline would be June 28, 2017 by 4:00 p.m.

23 COWDRAY PARK DRIVE [17-010]

102.03-2-28

Site Plan

Jon Halper, AIA Halper Architects LLC

Discussion

Present for this application was the applicants architect, Jon Halper and Craig Flaherty, PE from Redniss and Mead.

Site plan application for the construction of an approximately 365 square foot staff quarters within the second story(attic)of the existing horse barn and to add an exterior egress stair from the proposed staff quarters to the ground. Site plan approval is necessary for servant's quarters.

Mr. Halper presented the floor plans for this application. After the presentation the board discussed and then concluded that an administrative wetland permit would be appropriate for this minor application. The board decided a site walk was not necessary.

A public hearing was scheduled for July 10, 2017. A resolution will be considered the same evening.

SWISS RE LANDSCAPE FEATURE [17-011]

113.04-1-2

Amended Site Plan & Tree Removal Permit

Gerhard Schwalbe, PE Divney Tung Schwalbe

Lucia Chiocchio, Esq. Cuddy & Feder LLP

Discussion

Site plan application to construct a 10,000 square foot landscape feature with the Swiss Re name and corporate logo. In addition, the realignment of existing gravel access drive and the removal of 5 trees. Furthermore, the installation of a planting plan around the proposed new landscape feature.

Present for this application was Gerhard Schwalbe and Lucia Chiocchio.

Ms. Chiocchio presented the application to the board and noted that she has reviewed the professional's memo and can address those comments. She noted the landscape feature is a 9200 square foot logo of artificial turf with white letters on a green background. This includes a lot of landscaping which will not be seen except from above in an airplane along with some stormwater features. The landscape feature will be located behind the solar panels and will be well hidden. She has reviewed the professional's memos and has no concerns with addressing their comments.

Mr. Schwalbe noted the area will be approximately 50' x 200' and will be level, he oriented the board exactly where proposed on site. The letters will be between 15'- 24' in size. He noted the carpet was porous which allows water through it and is better than

turf. He will be able to address the comments in the professionals memos and will reach out to the NYCDEP as this project is in the watershed but wanted to meet with this board first. No lighting will be necessary, it is less than an acre of disturbance and only five trees are proposed to be removed. He noted there was a ribbon cutting ceremony for the solar panels last week which the Town Board attended as well as Bill Clinton.

The board discussed how this application would compare to a sign requirement. Discussions were had about the size requirements and how signs are visible to the general public and this was not a wall sign, free standing sign or temporary signs and this does not fit any of those definitions. The board discussed how the sign ordinance was not designed to address google earth, it was suggested that the code may need to be updated in this regard. The board scheduled a public hearing for the July 10, 2017 meeting and asked that a resolution be prepared for consideration the same evening.

78 LAFAYETTE AVENUE [16-020]

78 Lafayette Avenue

122.12- 1- 29

Site Plan

Timothy Nanni, AIA Construct Architecture Studio

Peter Gregory, PE Keane Coppleman Gregory Engineers PC

Discussion

Consideration of site plan approval

The applicant is seeking approval for the construction of a new 10,253 square foot warehouse and office building within the IND-A Zoning District.

A draft resolution was considered at the last meeting and was not approved due to the numerous conditions to be complied with. The board instructed the applicant to resubmit the plans and address as many of those conditions as possible and they will reconsider the resolution again at that time. The applicant has submitted updated plans which the professionals have reviewed and the resolution was updated accordingly.

Mr. Nanni presented the plans to the board and discussed the outstanding items with the board and the status of each condition. Mr. Cermele explained the level of details needed on the plans in order for the town to sign off on the conditions. Mr. Gregory reviewed how he would comply with the details of the plans. He also described what needed to be protected and a threshold to maintain the easement.

In response to comments from Mr. Gregory, Mr. Cermele reviewed more of the details to help the applicant understand what is needed to address these comments on the plans. He noted some of these comments were addressed in the cover letter but not reflected on the plans.

The board agreed that there were still too many outstanding items to be complied with and did not vote on approving the resolution as a result of the numerous outstanding conditions.

CVS [12-008]

450 Main Street

Section 108.01 Block 6, Lots 22 & 27

Janet Giris, Esq. Delbello Donnellan Weingarten Wise & Wiederkehr LLP

Discussion of Temporary CO Extension

Mr. Kaufman stated that CVS and the Neighbor are close to signing an agreement. The TCO (Temporary Certificate of Occupancy) is close to expiring and in order for it to be extended by the building Department, the Planning Board would have to give approval to reissue the TCO. If the TCO was not issued the building could not be used.

In response to Mr. Jensen's comment, Mr. Kaufman stated that when the Planning Board originally granted site plan approval there was a condition to move the utility pole and there was a large cost associated with moving the pole. The Planning Board then entertained building a sidewalk instead of moving the pole and in order for that to happen there needed to be an easement on the property to the west of the property. This has taken significantly longer than expected.

The board agreed to permit the Building Inspector to extend the TCO for this applicant. The board opined there would be no benefit denying it at this time.

Mr. Sauro made a motion to permit the Building Inspector to issue another TCO. Mr. Carthy second the motion and it was approved with four ayes.

Mr. Sauro made a motion to adjourn the meeting. It was second by Mr. Pollack and approved with four ayes.

Meeting was adjourned at 8:46 p.m.