

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
September 25, 2017**

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**PLANNING BOARD MEMBERS PRESENT:**

Christopher Carthy Chairman  
Steve Sauro  
Michael Pollack  
Gideon Hirschmann  
Jim Jensen

**ALSO PRESENT:**

Adam R. Kaufman, AICP  
Director of Planning

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

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

Joe Cermele, PE  
Consulting Town Engineer  
Kellard Sessions PC

Conservation Board Representative:  
Jane Black

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

**PUBLIC HEARING:**

**AIRPORT CAMPUS [17-012]  
113 King Street (Formerly MBIA)  
118.02-1-1  
Amended Site Plan  
Mark P. Miller, Veneziano & Associates  
Anthony Guccione, RLA John Meyer Consulting  
Discussion  
Consideration of Negative Declaration  
Consideration of Amended Resolution**

Mr. Pollack made a motion to reconvene the public hearing. It was second by Mr. Sauro and approved with five Ayes. No noticed neighbors were present for this application.

Present for this application was the representative from Airport Campus Geoff Ringler as well as their professionals Mark Miller, esq. and Anthony Guccione engineer.

The Town's professionals met with the applicant's professionals and agreed to separate the parking approval conditions from all of the other prior conditions in the resolution and this resolution will simplify the resolution and noted all of the prior resolutions are still in full force and effect. There were some minor revisions to the resolutions the board was amendable to.

Mr. Sauro made a motion to close the public hearing. Mr. Hirschmann second the motion and it was approved with five ayes.

Mr. Sauro made a motion to approve the negative declaration. Mr. Hirschmann second the motion and it was approved with five ayes.

Mr. Sauro made a motion to approve the amended site plan resolution. Mr. Hirschmann second the motion and it was approved with five ayes.

**BRYNWOOD [11-079]**

**568 Bedford Road**

**101.02-1-28**

**Site Development and Preliminary Subdivision**

**Peter Weiss - Delbello Donnellan Weingarten Wise & Wiederkehr, LLP**

**Discussion**

**Consideration of Negative Declaration, Preliminary & Final Subdivision Resolutions**

The Applicant is seeking to subdivide the Property into two lots. Lot 1 is proposed to encompass the golf course, new club house and other ancillary facilities, and consist of approximately 130 acres. Lot 2 is proposed to be the Golf Course Community development parcel, and to consist of approximately 26 acres.

Mr. Carthy read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application. Noticed neighbor present was Pandorah Skotnicki – 554 Bedford Road. Letter was also received from ROWI (Residents of Windmill, Inc.) and the Rowi president was also present, Jan Bernstein – 34 Evergreen Row. Ed Woodyard- Windmill – 1 Spruce Hollow was also present.

Mr. Pollack recused himself from this application.

Present for the applicant was Peter Wise, attorney for the applicant Brynwood Partners LLC and Megan Maciejowski from Corigin Group.

Mr. Wise reviewed the application for the board and reminded them that his client has been working for the past 18 months to secure financing for this application and has found that the lenders who will lend to the residential portion, will not finance the golf course and vice versa. Lenders would also like to see the golf course on its own mortgagable lot and the residence on a subdivided mortgagable lot. No development is part of this subdivision. He has reviewed the draft resolutions and has no issues with them.

In response to a comment from the board, Mr. Wise stated that his client agreed to record a declaration for either a golf course or open space. He will record that as a condition of any approval the board grants. Mr. Baroni spoke to the Town Board after the last meeting and they told him that this is exactly what was envisioned with the zoning. It would continue as a golf course or open space. That was the tradeoff; we did not want any further development on that parcel of land.

Mr. Jensen's questions regarding the resolutions were addressed to his satisfaction.

Mr. Carthy stated to Mrs. Bernstein that he read the ROWI letter and it was very thorough and he did not see any reason why what the board was doing tonight does not reasonably satisfy what was stated in the letter.

Mr. Cermele's revisions to the resolution were so noted in the document.

Discussions were had regarding which lot the club house would be built on and its location, the club house is proposed on the residential lot. It was noted that site plan approval would be necessary in order for the club house to be built and its exact location will be determined and if a lot line change is necessary, that can be applied for.

Mr. Wise, in response to a comment, stated that the lenders wanted the sewage treatment facility on the residential lot, not the golf course lot. Mrs. Bernstein expressed her concerns that she did not want the amount of open space to change as a result of this subdivision or if the golf course was not developed or the residential component was not developed. Mr. Wise stated that they would make sure the net open space would remain the same. A lot of environmental review was done and if the amount of space changes then he would have to come back before the town.

Ed Woodyard confirmed that when the applicant was having site plan approval that members of the public could speak at that time. Mr. Carthy said yes they can.

Mr. Sauro made a motion to close the public hearing. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Pollack recused himself.

In response to Mr. Sauro's comment, Mrs. Maciejowski stated that they met with 38 different banks and we have a lender that is close on the residential piece and the golf course we are exploring as we have site plan approval for that one. We have work to do to get to site plan approval for the residential piece.

Mr. Sauro made a motion to approve the negative declaration. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Pollack recused himself.

Mr. Sauro made a motion to approve the preliminary subdivision resolution. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Pollack recused himself.

Mr. Sauro made a motion to approve the final subdivision resolution. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Pollack recused himself.

### **NEW AND CONTINUING BUSINESS:**

**OAMIC INGREDIENTS INC. [17-016]  
6 Labriola Court  
107.04-2-19  
Amended Site Plan  
Mark Miller - Veneziano & Associates  
James Ryan, John Meyer Consulting  
Discussion & Schedule Public Hearing**

Present for this application was Mark Miller.

Site plan approval and wetlands permit associated with changes to the existing warehouse building. The Applicant wishes to operate a warehouse and distribution center that would label, repack, store, and provide quality control for food and fragrance chemicals. Interior improvements include establishment of a new rack system to store the chemicals, relocation of the two existing bathrooms, establishment of a lunchroom and gym, creation of space for the quality control activities, improvements to the existing office space and the installation of a fire sprinkler system. The exterior work requiring site plan approval includes providing a water quality treatment system (none exists now), landscaping, installation of an aboveground water tank to provide fire flows to the fire suppression system and resurfacing a portion of the existing parking lot.

Mr. Miller stated that he has met with the Conservation Board on September 19, 2017. The Conservation Board was doing a site walk today. Their next meeting is October 17, 2017. He has made a Planning Board submission for the October 12, 2017 meeting and would like to open the public hearing that night and after discussions about the application, adjourn the hearing to October 23, 2017 so that he can get comments/approval from the Conservation Board at their meeting on October 18, 2017.

Mr. Jensen's comment regarding the flood plain was answered to his satisfaction.

Mr. Carthy asked Mr. Miller to inform the board at the next meeting about the bulk chemical storage on site, what would happen if there was a fire, he is aware there are

two fire suppression systems proposed. How would that work with bulk chemicals? What kind of chemicals will be stored on site?

In response to comments from the Board, Mr. Miller stated that the primary suppression system in the area with the more sensitive ingredients will have a nitrogen mist system designed not to contaminate anything, similar to what is used in a computer room, and there is a backup sprinkler system. The board noted this was a sensitive area and it would be good to have someone present to go over all of these requested details as well as the catch basins and detention basins on site. The applicant agreed to provide all of that detail.

The public hearing was scheduled for October 12, 2017.

**GJONAJ [12-035]  
7 Pine Ridge Road  
102.01-02-7  
3 lot Residential Subdivision  
Mark Miller - Veneziano & Associates  
Paul Sysak, RLA, ASLA John Meyer Consulting, PC  
Discussion  
Consideration of Extension of Time Resolution**

Mr. Miller requested an extension of time for the subdivision resolution. He noted that he is very close to finishing all of the requirements for filing the plat.

Mr. Pollack made a motion to grant the extension of time request. Mr. Sauro second the motion and it was approved with five ayes.

**100 BUSINESS PARK DRIVE [17-019]  
100 Business Park Drive  
Section 108.03-1-51  
Amended site plan  
Dennis Noskin, AIA LEED AP – Dennis Noskin Architects  
Discussion**

Site plan application to permit outdoor storage of material and the relocation of a freestanding sign at 100 Business Park Drive in the PLI Zoning District.

Present for this application was Dennis Noskin.

Mr. Noskin reviewed all the work done on site and noted that GPS Wrestling, Edge of Dance as well as the applicant Jan Tile were located on site. He noted his client did a lot of landscaping on site and fixed up the curbing on site as well but has no approval for outdoor storage. Based on the uses on site his client has an extra 36 parking spaces.

The Planning Board agreed to go out to the site individually and see if outside storage is appropriate in the proposed location. The board asked the applicant to update the plan and show exactly where the material will be stored outside.

In response to Mr. Errico's comments, he was advised that only the Town Board could address the matter of allowing his tenant, Edge of Dance to move into the building while resolving the violation of outdoor storage with Jan Tile.

The public hearing was scheduled for October 23, 2017.

**TEDESCO [15-121]  
1462 Old Orchard Street  
Section 123.01-1-1 & 15  
2 Lot Subdivision  
Nathaniel J. Holt, Holt Engineering & Consulting  
Discussion of Site Walk  
Referral/Recommendation to ZBA**

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 is Frank Tedesco.

Mr. Kaufman stated that we are at a crossroad. We had a subdivision plan that showed a private road that required several variances. We discussed that early on during the summer and at that time, the Planning Board had some reservations. Because this is a subdivision, the Planning Board has to make a recommendation either positive or negative to the Zoning Board regarding those variances. It appeared that a majority of the board potentially had some concerns giving a positive recommendation to the Zoning Board for the alternative. The applicant then prepared a third alternative that did not propose a road and essentially continued a driveway off of the existing driveway of the existing house which also required different variances. We are here tonight to discuss that alternative and if the board would be supportive of that alternative or the second alternative and to give the applicant some direction as to where the board stands with this subdivision.

In response to Mr. Carthy's comment, Mr. Cermele stated that they have not resolved the area variance matter yet but the steep slopes were resolved. Mr. Kaufman stated that regarding Alternative #2 the board had expressed some issues with that. Alternative #3 is a play on alternative #2. From the beginning, the issues were that any alternative would need variances and putting the house in that location could have negative impacts on the adjoining houses. It is not a great relationship with a house behind another house and from a planning point of view there are challenges with what is proposed and that is really playing out with the difficulty the board is having with finding a solution.

Mr. Pollack reviewed the summary table that was submitted regarding all three proposals and the amount of each variance needed regarding the different alternatives. He noted two out of three of the variances necessary were over 50% of the threshold and then you add in the desirability of the required amount. You would also consider the flag lot and how the proposed houses relates to one another and that negative impact. He would have a difficult time making a positive recommendation to the Town Board. Mr. Jensen and Mr. Sauro agreed with Mr. Pollack's comments.

Mr. Kaufman asked the board which plan they would recommend to the ZBA. Mr. Carthy thought that Mr. Holt preferred option #3. Continued discussion was had regarding this application and site walk the board took regarding option #3. Mr. Tedesco noted that he spoke to his neighbor and the neighbor preferred option #3. Mr. Tedesco stated he would prefer a referral for option #3.

Mr. Carthy asked for a negative recommendation to the Zoning Board of appeals regarding option #3. Mr. Pollack made a motion to approve. It was second by Mr. Sauro and approved with five ayes.

**470 MAIN STREET [16-021]**

**470 Main Street**

**108.01-6-19**

**Site Plan**

**Mix Use Commercial/Residential**

**Nathaniel Holt, PE Holt Engineering & Consulting**

**Discussion-Consideration of Negative Declaration, Site Plan Resolution**

Present for this application was the applicant, Michael Fareri.

Mr. Fareri stated that he has met with the Conservation Board on September 19, 2017 and received his approval and reviewed the proposed mitigation plan. He noted that he worked out with the conservation Board that Wampus Brook Park South would be a more appropriate mitigation location than behind this lot on town property. He said he will mitigate the bank, stabilize and remove the trees as shown on the Kellard Sessions plan for that site.

Mr. Fareri stated that he met with Mr. Kaufman and Mr. Cermele at Kellard Sessions office and Mr. Fareri stated that Paul Jaehnig will provide the documentation to Shippo for endangered species and the archeological study.

It was noted that the mitigation was submitted to the Conservation Board who approved it and the Town Board needs to approve it. The DOT still owns that strip of land and has issued a building permit to the Town.

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

Mrs. Black, Conservation Board Co-Chairman stated that the Conservation Board voted unanimously for the recommendation of the offsite mitigation at Wampus Brook Park South and noted this was a better benefit to the town than the prior mitigation proposed. The Conservation Board approved the mitigation on the applicant's site and Wampus Brook Park South. The only difference is the substitution of native plants. She noted that Kellards proposal was adopted two years ago.

Mr. Fareri suggested that the Conservation Board set up an offsite mitigation wish list or financial contribution. Mrs. Black suggested it be broken down by watershed.

Mr. Carthy noted that there were a lot of conditions in the draft resolution. Mr. Fareri stated that he has revised plans that he can submit that would address all of the outstanding conditions in the resolution.

The board agreed not to vote on the resolution due to amount of conditions to be complied with. The applicant will submit plans for the next meeting to reduce the amount of conditions in the resolution.

**IBM PARKING LOT EXPANSION [17-017]**  
**1 North Castle Drive**  
**Section 108.03-1-62**  
**Amended site plan**  
**Pietro Catizone, PE Catizone Engineering, PC**  
**Discussion, Discussion of Site Walk**

Site plan application for the construction of 442 additional parking spaces, increasing the number of site parking spaces from 1,223 to 1,665. 412 parking spaces will be located at the south side of the building and 30 spaces will be provided at the building entry roadway. Realignment of loading dock roadway on the north side of building and modification to Parking Lot F access roadway to accommodate truck turning movements. Construction of a 2,250 SF outdoor patio area on the east side of the building.

Present for this application was Pietro Catizone, PE & Matthew Dececco, EIT from Catizone Engineering , PC; Edward Nolan Esq. and Lynn Weining from Windels Marx Lane & Mittendorf, LLP; Charles Corey from IBM.

Mr. Catizone stated that the board conducted the site walk on September 19, 2017 and he will submit revised plans per the sitewalk and the memos prepared by the professionals as posted on the web. He would like to meet with the Town's professionals to go over the memos. He noted that IBM is working on the traffic study and the impacts to Route 22 and will address any questions. Mr. Kaufman stated that this application is moving in a good direction and there are no major comments at this time.

The board noted while at the site walk, which took place from 8:00 – 9:00 a.m. on Tuesday, September 19 that all of the parking spaces were not taken at that time and



questioned what if too many spaces were built. The applicant noted that the amount of spaces requested were based upon the badge swipes by employees and visitors.

Mr. Catizone stated his clients anticipates the traffic study to be completed by October 23, 2017 submission deadline and would like to schedule the public hearing for November 6, 2017. He would also like to schedule a meeting on the scope of the traffic study.

**CARDONA [16-036]**  
**15 Bedford Banksville Road**  
**102.04-1-17**  
**Site Plan**  
**John Scarlata, AIA**  
**Ralph Alfonzetti, PE Alfonzetti Engineering**  
**Discussion**

Present for this application was Todd Page who works for John Scarlata and Ralph Alfonzetti.

Site plan application for the construction of a 1,520 square foot accessory garage and the conversion of the existing residence to an office and apartment within the CB-B Zoning District.

Mr. Page briefly reviewed the application for the accessory structure for a landscaping business on site. Mr. Alfonzetti provide the parking for the site and additional lighting has been provided. There was a concern regarding the drainage on site from all the impervious surfaces and elevations due to the flood plain. The garage is on grade and would be burden to the raise the grade to get it above three foot elevation, what we would propose is breakaway lower garage door panels for all water to flood in and leave in the event the site were to flood. The foundation would be above the three foot flood plain. Mr. Cermele stated that if there is any mechanical equipment or HVAC in the garage you would want to elevate that as well. Mr. Page stated there was nothing proposed in the garage, it is just for storage of protection of vehicles and supplies, no heating or cooling is proposed.

Mr. Kaufman noted that there are few minor conditions to be addressed and the applicant, if ready, can move the public hearing.

In response to Mr. Carthy's comment, Mr. Page stated that he would store any chemicals on site or gas cans on shelving elevated off the ground and they would follow the state guidelines regarding storage. All questions were answered to the board's satisfaction.

A public hearing was scheduled for October 12. The applicant will resubmit plans by the close of business Wednesday. Based on comments from Mr. Alfonzetti, the board agreed that the photometric plan will be a condition of approval.

**STEIN [17-020]**  
**84 Old Byram Lake Road**  
**101.03-4-17.1**  
**Site Plan**  
**D. Peters Designs, LLC**  
**Ralph Alfonzetti, PE Alfonzetti Engineering**  
**Discussion – Schedule Site Walk**

Present for this application was the applicant Sandy Stein and her architect Dennis Peters as well as the engineer Ralph Alfonzetti.

Site Plan application for the construction of a new four-bedroom, 5,873 square foot, single family home and the removal of 36 Town-regulated trees. The Planning Board has site plan jurisdiction over all site development as a result of a note on the Red Brook Glen subdivision plat, which this lot is a part.

Mr. Alfonzetti reviewed the proposed application as noted above and stated there is no wetland disturbance. The original subdivision was approved in 2003. This basically is what was shown on the IPP at the time of subdivision.

Mr. Kaufman asked for the applicant to submit a landscaping plan and put some monuments in the ground. He would like the conservation easement line shown on the plan as well as the wetland buffer line.

The applicant should obtain ARB approval and schedule a site walk. Once the site has been staked he should let the Planning Department know to schedule the site walk. Once ARB and site walk have taken place, plans should be resubmitted addressing the professional's comments and the applicant can return for neighbor notification.

Mr. Alfonzetti will let the town know once the site has been staked for the site walk.

**HIRSCHMANN [17-015]**  
**5 Spruce Hill**  
**101.04-2-61**  
**Gideon Hirschmann**  
**Discussion- Schedule Public Hearing**

Mr. Hirschmann recused himself from this application.

Mr. Hirschmann stated that he has received tree removal for this site and has ARB approval. The trees removed have been reviewed and verified by the town. The planting plan has been submitted and reviewed by the ARB who complimented the plan.

He noted that the water line services three houses. He is working with the Town Attorney regarding the easements and Sal Misiti in the Water Department to separate the water line for each house. He reviewed where the new taps would go. He is also working with the Board of Health. Everything else on site conforms. He noted that as

small part of the driveway was shared, about five feet onto the property and he is moving the driveway onto his property so that we can cancel the easement and half two separate driveways with a buffer in-between them, about a 10 foot buffer. The second curb cut gravel driveway will be removed. In response to Mr. Cathy's comment, the site lines will be good with the driveways 10 feet apart. Mr. Hirschmann handed out an 11 x 17 landscape plan to the board and presented a color rendering that was shown at the ARB meeting.

Mr. Hirschmann will submit all the requested material by the close of business on Wednesday with an electronic submission.

A public hearing was scheduled for October 12, 2017.

**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 he has spoken with both attorneys who stated that this imminent.

Mr. Sauro made a motion to grant the extension of time resolution. Mr. Jensen second the motion and it was approved with five ayes.

Mr. Jensen made a motion to adjourn the meeting, it was second by Mr. Pollack and approved with fives ayes. Meeting was adjourned at 9:52 p.m.