

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
Monday – January 8, 2018**

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PLANNING BOARD MEMBERS PRESENT:	Christopher Carthy, Chairman Steve Sauro Jim Jensen
Absent:	Michael Pollack Gideon Hirschmann
ALSO PRESENT:	Adam R. Kaufman, AICP Director of Planning  Joe Cermele, PE Consulting Town Engineer Kellard Sessions Consulting, PC  Roland Baroni, Esq. Town Counsel Stephens, Baroni, Reilly & Lewis, LLP  Valerie B. Desimone Planning Board Secretary Recording Secretary  Conservation Board Representative: Zenaida Bongaarts

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

**APPROVAL OF MINUTES:**

December 11, 2017 – there was not a quorum present tonight of those that were present at the December meeting to vote on the minutes this evening.

**PUBLIC HEARING:**

**1 WOODLAND ROAD [17-023]**

**1 Woodland Road**

**Site Plan, Tree Removal, Wetland Permit**

**95.02-1-59**

**Nicholas Gaboury, Project Manager, Bibbo Associates**

**Discussion**

**Consideration of resolution of approval**

The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board and Conservation Board is warranted.

Site plan application for the demolition of the existing home and the construction of a new 8,026 square foot single-family home on the 6-acre parcel. The project also includes a reconfiguration of the driveway, construction of a new in ground pool and the construction of associated drainage improvements.

Present for this application was Nicholas Gaboury.

Mr. Jensen read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbors present were Stacy & Elliott Brown at 8 Woodland Road.

Mr. Gaboury presented the application and stated that he has received Architectural Review Board and Conservation Board approval for this application. This was a beach club for the neighborhood with a large parking lot and boat ramp to the pond. The proposed residence is where the old house was located and the large parking lot will be removed as well as the removal of the large deck, a pool is also proposed in the previous pool location with an infinity edge. The existing well will be used on site. He noted he had Health Department approval for the septic on site. Stormwater management has also been incorporated into the site.

Mr. & Mrs. Brown inquired about the house location and condition of the dam. The applicant did not have a rendering to present at this time. Their questions were answered to their satisfaction. Mr. Carthy inquired about the Dam on site. Mr. Gaboury stated that the dam has been on site since the early 1900's but does not have a specific year that it was built. It is not a regulated dam as far as the DEC is concerned; therefore, there is no further permitting or approvals that need to be completed for the dam itself due to the actual height of the dam and the amount of water it impounds. It is a small enough structure that it does not require DEC approval.

Mr. Jensen inquired how the depth of the water surface was calculated and verified, he did not see any of that supporting information with the submission. Mr. Gaboury stated that the back part of the dam was no taller than 5' and the amount of water it is impounding is not the key structure, it is actually on the downhill side of the dam which controls the 6 foot height. The height is 5' on the downside part of the dam. There are

other DEC requirements impounding 1 million or 3 million gallons of water and those don't apply either to this site. In response to Mr. Jensen's comment, Mr. Cermele stated that they have certification from Mr. Gaboury's office to this effect.

In response to Mr. Carthy's comment, Mr. Baroni stated that the legal agreement is recorded and runs with the land. Mr. Gaboury stated that was the best way to ensure that this dam will continue to function properly as it is now and it is helping to control the pond depth currently and keeps it consistent as well as supporting the natural wildlife habitat right now. The long term maintenance agreement will require the two property owners to maintain the dam.

Mr. Brown inquired about the height of the existing house vs. the proposed house. Mr. Gaboury was not sure of that answer but Mr. Kaufman noted the house was code compliant and the maximum height according to the code is 30'. In response to Mr. Brown's comment, Mr. Gaboury stated the present driveway curb cut would remain and be reduced to the current driveway width of 18' and 14 trees would be removed which were mostly along the edge of the house and edge of the pool. Additional screening is proposed along woodland road, a combination of low shrubs and Spruce trees will be used for the screening.

Mr. & Mrs. Brown asked to see the rendering of the house and the applicant did not have that information with them. Mrs. Brown provided her email address to Mrs. Desimone and that information will be emailed tomorrow morning. That was acceptable to Mr. & Mrs. Brown. In response to Mr. Sauro's comment, Mr. Gaboury stated that when you total up the deck and macadam on site it is approximately 10,000 square feet that is being removed with this application. Mr. Kaufman noted that most of that if not all of that was in the wetland buffer which is a benefit with this application. Mr. Gaboury reviewed the area of impervious surface that was going to be removed within the buffer. Mr. Kaufman stated that compared to the first draft the RPRC saw for this site, the applicant has made significant improvements to the plan and this plan is in good shape. In response to additional comments from the neighbors Mr. Gaboury stated the applicant would like to break ground within the next couple of months and also reviewed the proposed drainage on site.

Mrs. Brown noted that currently the pond is soupy and green with a lot of mosquitos over the pond, she inquired if there would be a better process for the pond with this application. Mr. Gaboury stated that his client had no intention to do anything at this point with the pond as that would require more wetland approvals for the pond and more disturbances to the pond. He did note that by reducing the impervious surface that is flowing to the pond; there should be less pollutants going into the pond which will make it healthier. We do not have any immediate recommendations to clean the pond. Mrs. Brown stated that if the house is sold during the summer months with the way the pond looks, she did not think that would be a strong selling point. Mr. Gaboury stated that he can discuss this with the builder to see if a pond study can be done or see if anything can be done. It is a fairly shallow area of water and he was not sure if there was anything you can do regarding the growth but that growth does support other life forms.

In response to Mr. Brown's comment, Mr. Gaboury stated that three sides of the pond and the vast majority of the pond is owned by the applicant. The 4<sup>th</sup> side of the pond is owned by the other neighbor.

Mr. Carthy inquired what mechanisms were in place to ensure the dam inspections and wetland monitoring were done and enforced on site. Mr. Cermele stated that the maintenance agreement requires the property owner to higher an engineer to do annual inspections and there is a 3 year wetland monitoring plan. Mr. Cermele stated that a maintenance bond would be posted and part of that bond allows for monies to be held for the maintenance and monitoring portion of the project which will ensure that is done and those reports are filed.

Mr. Jensen inquired if the agreement included the aesthetics like the neighbors were inquiring about the Algal Growth across the top of the pond or any odors from the pond. Mr. Gaboury stated that this is high end house and with that type of owner coming in – Mr. Brown interrupted and stated that there is a house across the street with a smaller pond who has a nice aerator and the pond looks beautiful all summer long.

The board members and members of the public had no further comments at this time.

Mr. Carthy asked for a motion to close the public hearing. Mr. Sauro made a motion to close the public hearing. Mr. Jensen second the motion and it was closed with three ayes. Mr. Pollack and Mr. Hirschmann were not present for the vote.

Mr. Sauro made a motion to approve the resolution as posted on the website and as amended. Mr. Jensen second the motion and it was approved with three ayes. Mr. Pollack and Mr. Hirschmann were not present for the vote.

**OAMIC INGREDIENTS INC. [17-016]**

**6 Labriola Court**

**107.04-2-19**

**Amended Site Plan for change of use**

**Mark Miller - Veneziano & Associates**

**James Ryan, John Meyer Consulting**

**Discussion**

**Consideration of Negative Declaration and Site Plan approval**

Present for this application was Mark Miller and the applicant Steven Gu.

Mr. Sauro made a motion to reconvene the public hearing and it was second by Mr. Jensen and reopened with three ayes. Mr. Pollack and Mr. Jensen were not present for the vote.

Mr. Miller stated at the last meeting the board raised concerns about the structural integrity of the building for this type of use as well as the various chemical reaction of the ingredients stored on site if they were mixed, spilled, on fire or wet. The applicant has hired some professionals regarding these concerns and two of these reports were

submitted on Friday and third report will be submitted tomorrow. Copies of these reports will be sent to the Town's professional, Bill Canavan.

Mr. Miller stated what the reports will indicate that it does not present a unique toxicological profile to properly trained emergency responders. If the ingredients were to burn, over 99% of what comes out would be the same to what would come out from kerosene or a wood fire. There is no issue of mixing of the chemicals with either water or with each other. Overall safety, a lot of that will be handled by the administrative controls like the safety plans etc. The structural engineering controls that are in place regardless of what the plans are. The building will be fully sprinklered, there is a 150,000 gallon water tank to provide fire suppression. There will be at the most 50,000 gallons of ingredients stored on site, chances are that it will never get that high but it could go that high. We have a total of 200,000 gallons, from an engineering standpoint, plans will be submitted showing a 16 inch containment dyke made up of concrete blocks which are reinforced and the inner surface including the floor will be coated with a epoxy which will create in a sense "a 200,000 gallon swimming pool." This will all be contained in the building and then pumped out. As the reports indicated there is no synergistic or additional toxicity or any reaction caused by that. We will submit plans showing the containment and once that is done we will get sign off from the Fire Marshal and the Fire Department. There was also an analysis in the report that if there was something beyond a catastrophic event and if this material somehow escaped the building; there are no toxic effects on the reservoir. They have very low solubility and don't reach the established levels of toxicity to provide any problems. The reports also discuss the GRAS (generally recognized as safe) standard which is considered safe as these products are used in food.

Mr. Miller reviewed the emailed comments from the Conservation Board Co-Chair Zenaida Bongaarts. He addressed each of her comments to her satisfaction and appreciated her suggestions. Mrs. Bongaarts stated that she was very pleased with the applicant's response to her comments and additional reports submitted by licensed chemists.

Mr. Jensen stated that Mr. Elston is a certified industrial hygienist and opined that he may be able to draw an opinion but not necessarily a conclusion on the impact of the spill conditions or dilution calculations. He did not think that the four points Mr. Elston referenced would be supported. He opined if Mr. Cermele or the DEP reviewed the dilution characteristics they would have a different rationale. Mr. Kaufman stated he had the same concern and sent the reports to the DEP as well for their comments with respect to the Reservoir and hopefully we will hear back from them by the next meeting. Continued discussion took place regarding this matter. Mr. Gu reminded the board that a toxicology expert noted there was no adverse effect level and this detailed analysis report will be submitted tomorrow or Wednesday.

Mr. Sauro stated that he was not present at the last meeting but watched the last meeting and agreed with Mr. Hirschmann's comment regarding the structural details of the building. He looks forward to reviewing the plans and asked the applicant to keep in mind the doorways, thresholds and loading docks for the site. Mr. Miller stated his architect has looked that over very carefully.

Mr. Carthy stated he had a conversation with the new fire chief and new assistant fire chief and discussed the different classes of ingredients. Mr. Miller confirmed that the applicant is only storing class 3 chemicals on site and no class 1 or 2 would be stored on site, the applicant agreed and Mr. Kaufman noted he would note that in the resolution as well. Mrs. Bongaarts then confirmed again that would be put in writing as part of the approval. Mr. Miller stated if his client wanted to store class 1 & 2 on site they would have to return to the Planning Board to get approval for that.

Mr. Miller stated that he will resubmit plans per comments in the memos and regarding some of the comments from Mrs. Bongaarts along with the third report and would like to return to the board at their January 22, 2018 meeting.

Mr. Sauro made a motion to adjourn the public hearing, Mr. Jensen second the motion and it was approved with three ayes. Mr. Pollack and Mr. Hirschmann were not present for the vote.

**NEW AND CONTINUING BUSINESS:**

**SWISS RE SOLAR PANELS [16-013]**

**175 King Street**

**113.04-1-2**

**Amended Site Plan**

**Gerhard Schwalbe, PE Divney Tung Schwalbe**

**Lucia Chiochio, Esq. Cuddy & Feder LLP**

**Discussion of landscaping condition**

No one was present for this application. Mr. Kaufman stated that there was a condition in the resolution which read as follows;

**Prior to the Issuance of a Certificate of Occupancy/Compliance:**

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- \_\_\_\_\_1. The Planning Board shall review the buffer condition in the field with the Landscape Architect and the Owner so as to identify the locations for plantings.

Mr. Kaufman stated that the applicant came in with the solar panel application, the board requested the landscaping be reevaluated once installed and that condition was put into the resolution at the time of approval. Since that time an application came in for the landscape feature and while the board was out to the site to see where that would be placed they reviewed the landscaping for the solar panels at the same time.

Mr. Sauro recalled while at the site that the applicant did a good job with additional material to ensure the screening of the solar panels was good, Mr. Carthy agreed. Mr. Jensen noted he had been out to the site and saw the supplemental planting plan and it was acceptable.

Mr. Carthy made a motion for the board to approve the landscaping plan and supplemental planting plan regarding the Swiss re solar panels. Mr. Sauro second the motion and it was approved with three ayes. Mr. Pollack and Mr. Hirschmann were not present for the vote.

**WAMPUS MILLS [14-103]**

**805 & 809 Route 128**

**101.03-2-6&7**

**Six Lot Subdivision**

**Frank Madonna**

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

**Ralph Alfonzetti, PE. Alfonzetti Engineering PC**

**Consideration of 4th Extension of Time Resolution**

Mr. Sauro made a motion to approve the Wampus Mills extension of time resolution. Mr. Jensen second the motion and it was approved with three ayes. Mr. Pollack and Mr. Hirschmann were not present for the vote.

**SCOTT KURNIT [17-026]**

**78 Mianus River Road**

**Section 96.01-1-8.1**

**Single Family Concept Plan**

**Jeri Barret, RLA J.D. Barrett & Associates, LLC**

**Discussion**

Mr. Carthy stated that at the last Planning Board meeting he stated the Scott Kurnit application was a bad application. He should have said instead that the application as presented would be a difficult application given the statues we are charged with following. He did not intend to mischaracterize the application or to judge it prematurely.

Mr. Sauro made a motion to adjourn the meeting. Mr. Jensen second the motion and it was approved with three ayes. Mr. Pollack and Mr. Hirschmann were not present for the vote.

Meeting adjourned at 7:54 p.m.