

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
November 26, 2018**

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PLANNING BOARD MEMBERS PRESENT: Christopher Carthy, Chairman  
Steve Sauro  
Michael Pollack  
Jim Jensen  
Gideon Hirschmann

Also Present: Adam R. Kaufman, AICP  
Director of Planning

Joe Cermele, P.E. CFM  
Kellard Sessions Consulting

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

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

: Andy Block  
Conservation Board Representative

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**APPROVAL OF MINUTES:**

**November 5, 2018**

Mr. Pollack made a motion to approve the minutes as amended. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Sauro abstained.

Mr. Carthy thanked Andy Block Conservation Board representative for being present this evening.

**PUBLIC HEARING NEW OR CON'T:**

**ROCCO/LIVANOS [ 18-028]**

**50 & 54 Wrights Mill Road**

**101.03-1-50 100.04-3-16**

**Lot Line Realignment**

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

**Discussion**

**Consideration of resolution of approval**

Proposed lot line change resulting from a portion of the pool equipment serving 50 Wrights Mill Road that encroaches onto 54 Wrights Mill Road. The subdivision would shift the existing common lot line between the properties so that the pool equipment remains entirely on 50 Wrights Mill Rd, while also keeping both properties at their current size.

Present for this application was Kory Salomone. Mr. Sauro read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application and no noticed neighbors were present.

Mr. Salomone described the application as noted above and reminded the board that his clients receive ZBA approval on November 1, 2018. The board did not have any further questions on this application at the time. Mr. Salomone inquired about the draft resolutions and his questions were answered to his satisfaction.

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

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

Mr. Sauro made a motion to approve the preliminary subdivision resolution as amended, it was second by Mr. Hirschmann and approved with five ayes.

Mr. Sauro made a motion to approve the final subdivision resolution as amended, it was second by Mr. Hirschmann and approved with five ayes.

**OZDOBA/MADONNA ENTERPRISES [18-035]**

**811 Mount Kisco Road/ 1 Shoemaker Lane**

**101.03-2-5 101.03-2-7.1**

**Lot Line Change**

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

**Discussion**

**Consideration of Resolution of approval**

The property owner is seeking a 0.13-acre lot line realignment from 1 Shoemaker Ln (Madonna) to 811 Mt. Kisco Rd (Ozdoba) so that retaining walls, underground propane tanks and utility pole encroachments can be placed on the 811 Mt. Kisco Road property. No new building lots will be created.

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

Present for this application was Kory Salomone. Mr. Salomone described the application as noted above.

Mr. Salomone reminded the board that this lot line change was taking place so that all of the encroachments from the Ozdoba property at 811 Mount Kisco Road that were located on Mr. Madonna's property at 1 Shoemaker lane would now be located on the 811 Mount Kisco road.

The board had no further comments at this time. Mr. Salomone had no comments regarding the resolution.

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, it was second by Mr. Hirschmann and approved with five ayes.

Mr. Sauro made a motion to approve the preliminary subdivision resolution as amended, it was second by Mr. Hirschmann and approved with five ayes.

Mr. Sauro made a motion to approve the final subdivision resolution as amended, it was second by Mr. Hirschmann and approved with five ayes.

**34 CREEMER ROAD [18-002]**

**34 Creemer Road**

**108.04-2-14**

**Single Family Home Site Plan**

**Ralph Alfonzetti, PE Alfonzetti Engineering**

**Jay Fain, MS, PSS, CPESC, CERP Jay Fain & Associates**

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

**Discussion**

**Consideration of amended site plan approval**

Mr. Kaufman stated that the applicant's client would like to sell the property and not build it. Mr. Salomone is requesting condition (#25) regarding the wetland bond which is presently under prior to signing the site plan be moved to prior to the issuance of a building permit. Then whomever purchases the site will be the builder and will hold the bond as well.

The board was in agreement to this request since the town's professionals did not have any concerns or issues.

Mr. Block's comments were answered to his satisfaction.

Mr. Cermele suggested that condition #13 regarding 3% cost estimate be moved as well to prior to the issuance of building permit. The board agreed to this suggestion as well so the most updated cost estimate can be provided at the time of the building permit.

Mr. Carthy made a motion to amend the resolution as discussed above. Mr. Hirschmann second the motion and it was approved with five ayes.

**CARDARELLI [18-026]**

**7 Patriots Farm Court**

**102.03-2-15**

**James Ryan, RLA Principal – John Meyer Consulting**

**Special Use permit**

**Discussion**

Proposed new in-ground pool, patio and pool house. The subject project was referred to the Planning Board by the RPRC.

Present for this application was the applicants professional Michael Thompson from John Meyer Consulting.

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

Mr. Thompson explained the application as noted above. He noted that most of the house and driveway were in the wetland buffer, he reviewed the amount of disturbance and the mitigation proposed for this application which included plantings and removal of

invasive species. He noted that both the Planning and Conservation Board had visited the site and he has a positive recommendation from the Conservation Board. He is scheduled to appear before the Planning Board on December 10, 2018.

Mr. Jensen inquired about the removal of invasive species and plantings as mitigation for this application. Typically, there is only plantings for mitigation. He did not recall removal of invasive species as a form of mitigation in the past. Mr. Block noted that the Conservation Board was alright with the proposed mitigation but would follow up with the Conservation Board regarding the removal of invasive species as a form of mitigation and get back to the Planning Board at their next meeting. No further questions were asked at this time.

Mr. Pollack made a motion to close the public hearing. It was second by Mr. Hirschmann and approved with five ayes. The board will consider a resolution at the next meeting once the applicant has ARB approval.

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

#### **CRINITI [16-010]**

**2 Barnard Road**

**108.03 - 3 - 60**

**Special Use Permit - Accessory Apartment**

**Roy Fredriksen, PE Rayex Design Group**

**Discussion**

Proposed relocation of existing air conditioner units six feet into existing hillside to mitigate noise in adjacent bedroom.

Present for this application was William Besharat on behalf of Jack Karell and the applicants Mr. & Mrs. Criniti.

Mr. Besharat stated that there is a 4' knoll on the side of the property, a small cliff. His client is concerned about the safety of their young children when they play in the back yard. He would like to feather the side lot and cut out about 40 yards of section and relocate some of the trees to make this a safer area for the kids to play. He would also like to relocate the AC unit approximately 6-8 feet from the house as the noise from the units is offensive to the applicants while in the house. The drainage for the lot will not change. The applicant would like to relocate a couple of the fruit trees on site. The work will be done on site by hand and with a small bobcat.

In response to comments from the board, it was noted that the applicant was amending the original site plan approval and an amended site plan approval from the Planning Board was necessary and a field change was not appropriate in this instance. Mr. Besharat responded to the comment in the memo regarding parking on the property and not in the driveway. Mr. Besharat stated his clients parked there temporarily while unloading groceries and then they move the car back to the driveway, it does not stay there for an extended period of time or overnight. The chairman reminded the applicant

that there is no curb cut there and the applicant should not park on the front lawn. He noted that he will inform his clients not to park there any longer.

Mr. Carthy inquired if these requests would have been typical or approved in the original approval. Mr. Cermele stated that he is not questioning the grading if the kids need an area to play in but it does not make sense to move the AC in the middle of that area. Mr. Besharat stated it is not a place for the kids to play, right now it is a 90-degree cliff and he would like to make it a 1:3 pitch to make it easier to walk on. He does not want to leave the temptation for the boys to jump off of it.

Mr. Carthy asked Mr. Cermele if there was any reason the board should be concerned with this request. Mr. Cermele stated no, but concerns have been expressed to him that the existing vegetation on the knoll would be stripped and that would reduce some of the screening. They were also concerned that the knoll will disappear altogether. Mr. Cermele reminded the board that these were concerns expressed by the neighbors. Mr. Besharat stated that will never happen again and the vegetation is invasive bamboo and a lot of them will remain, the applicant would like to relocate three fruit trees and if that does not work they will be cut down.

In response to comments from the board, it was noted a new neighbor notification will take place regarding this application. The board decided to do a site walk regarding this amended application.

A site walk was scheduled for Tuesday, December 4<sup>th</sup> at 8:00 a.m. on site.

### **WORKSESSION:**

#### **TOWN COMPREHENSIVE PLAN [18-036]**

Discussion of implementation of priority recommendations

The board asked that this item be adjourned to the December 10, 2018 Planning Board meeting. The board will provide some feedback on the information provided.

Mr. Pollack made a motion to adjourn the meeting. Mr. Hirschmann second the motion and it was approved with five ayes. Meeting adjourned at 7:49 p.m.