

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
April 8, 2019**

PLANNING BOARD MEMBERS:

Christopher Carthy, Chairman
Steve Sauro
Michael Pollack
Jim Jensen
Gideon Hirschmann

Also Present:

Adam R. Kaufman, AICP
Director of Planning

Joseph M. Cermele, PE CFM
Kellard Sessions Consulting

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

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

Conservation Board Representative:
John Krupa

APPROVAL OF MINUTES:

March 11, 2019

Mr. Pollack made a motion to approve the minutes, Mr. Sauro second the motion and it was approved with fives ayes.

March 25, 2019

Mr. Jensen made a motion to approve the minutes, Mr. Hirschmann second the motion and it was approved with three ayes, Mr. Pollack and Mrs. Sauro abstained.

PUBLIC HEARING:

GDC EQUITIES, LLC [18-032]

873 North Broadway

122.12-4-27

Site Plan

Rich Williams, PE Insite Engineering Surveying & Landscape Architecture, P.C.

Discussion

Consideration of Resolution of approval

Mr. Pollack read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order. Present for this application was Nancy Battistelli, Michelle Fallott and Nora Kanze Manuelle. Gail and Branko Kraljevic from 877 North Broadway were also present.

Rich Williams and his client, Mr. Stephen Tobia were present for this application.

Application for proposed establishment of an industrial/commercial dry cleaning facility.

Mr. Williams stated that this site was formerly an automobile repair shop (Fishers Garage) and the applicant is proposing a dry cleaner on site. The applicant is proposing to do a facelift on the outside of the building and will eliminate the parking in front of the building and install a side walk along the front of the property. Proposed in front of the building are landscape strips with planters and topiaries (living awning) are proposed. He has ARB approval and all parking will be located at the rear of the site. The dumpster will be enclosed and the SWPPP is in place. The pipe that was illegally installed was removed and the swale will be installed.

Mrs. Battistelli stated that the storm drain has always been a problem since she was a small child and the Town should help this applicant if they can. She stated the water gets blocked up and backs onto Route 22. Mr. Williams responded that the lawn area adjacent to the school discharges water onto his client's neighbor's property and then onto his client's property and then onto the neighbor's property on the other side of his client's lot. This is a NYSDOT drain and his client does not create the water, the water passes through his property. Mr. Cermele stated that we are hoping with the improvements to this lot and on 11 Washington Place East that this will improve the situation.

The board questions regarding the conditions to be complied with prior to signing the site plan resolution were addressed to their satisfaction.

Discussions were had about the amount of time it would take to receive the NYSDOT Permit and it was agreed to move the condition to prior to the issuance of a CO. If the applicant does not have a permit from the State by then, the applicant can return to the board and address it at that time or post a bond until the DOT grants approval.

Mrs. Kraljevic stated that she owns the grey house next door which has two apartments. She wanted to know what the operating hours were of this business. She noted that

she had called Mr. Tobia regarding his application several times and he never returned the calls. She was concerned about the parking area for her tenants since access to the site was through her backyard.

Mr. Tobia stated that he had returned the phone calls and Mr. Kraljevic stated not all of them. Mr. Tobia also noted he had a legal easement to access his lot. Mrs. Kraljevic expressed her concern about where were her tenants going to park. She wanted to work something out with Mr. Tobia. Mr. Tobia stated that he would consider that option at a later date but needed to get his approvals now so he could open his business.

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

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

Mrs. Manually inquired about the noise ordinance as it relates to the trucks. Mr. Tobia stated his trucks are electric trucks and are very quiet. In response to comments, Mr. Kaufman also stated that the town code states when garbage can be collected.

Mr. Jensen made a motion to approve the resolution as amended. It was second by Mr. Sauro and approved five ayes.

NEW AND CONTINUING BUSINESS:

**(914) CARES, LLC [19-009]
(CHAPPAQUA CARES, CHAPPAQUA SHARES)
901 North Broadway
122.12-4-51
Amended Special Use Permit
Referral from Town Board
Discussion**

Town Board Special Use Permit was previously granted to operate an expanded charity at 901 N. Broadway. The Applicant currently has permission to utilize 3,976 s.f. of space within the existing office building to operate the (914) Cares charity. The charity receives clothes and distributes clothing to needy children and families. The Applicant is seeking an amended Special Use Permit to permit a "Baby Bank" that would distribute baby supplies in boxes (that include diapers, pack and plays, etc.) in suites 15 and 16 of the 901 N. Broadway Building.

Present for this application is Seth Mandelbaum, esq. pro bono for the applicant. From 914 Cares Jessica Reinmann and Stephanie Roth. And Intern Paul Dibbini from Pace Law School.

Mr. Mandelbaum reviewed the application as noted above for the board members. He noted this was all interior work and would like the Planning Board to waive site plan

approval. He stated the hours of operation would remain the same and the amount of staff on site would remain the same. A building permit will not be necessary for this application.

Ms. Roth went into more details with the board about the baby bank and noted the importance of physical and mental wellbeing and this would assist children from 6 months to 2 year olds with diapers, pack and plays etc.

It was noted the last time the applicant was before the board that they were hesitant or reluctant to use the elevator and the board inquired how the applicant was receiving deliveries. In response to this comment, the applicant noted that deliveries are made at the existing loading zone in front of the building. It was noted that the site plan was not being amended, the loading area has been there for a very long time. Mr. Kaufman noted that if it was sanctioned previously as a loading zone, there is no need to revisit it.

Mr. Carthy suggested that the Building Inspector inspect the shelving to make sure it is installed safely.

Mr. Carthy made a positive recommendation back to the Town Board regarding this application which will include the Building Inspector review the shelving plan and make sure it was installed correctly. Mr. Hirschmann second the motion and it was approved with five ayes.

Mr. Carthy made a motion to grant site plan waiver. Mr. Hirschmann second the motion and it was improved with five ayes.

MISTIS PROPERTIESS Inc. [19-004]

176 Virginia Road

122.16-1-3

Site Plan

Stephen Berte, Fusion Engineering PC

Discussion of site walk (March 28, 2019)

Proposed construction of 2 metal prefab buildings (totaling approximately 5,000 square feet) which will be primarily used as parking bays for tractor trailers, including one wash bay.

Present for this application was Azim Aliriza, from Fusion engineering.

The Planning Board discussed site walk and site plan. Mr. Jensen inquired about a sidewalk from Lafayette Avenue to Washington Headquarters, he suggested this so there would be a safer pedestrian/bicycle connection to different existing access points regarding same. Mr. Kaufman stated that the sidewalk may or may not happen and may or may not connect to anything in the future.

The applicant stated that he will submit internal architectural plans and he will only wash and fuel his own vehicles on site, this will not be for public use. Mr. Kaufman stated that

the board will have to decide if these uses are accessory uses to the proposed Warehouse. The Planning Board was concerned with the amount of proposed disturbance to the site for six bays and seven outdoor spaces as well as the length of time required for all of the rock and dirt removal and the impacts on the neighborhood. Mr. Sauro was also concerned about the construction of the walls and retaining walls on site. The board discussed the landscaping at the rear of the site and the fuel tank at the front of the site. It was suggested that the board visit some of the other sites the applicant owns to see how it is set up and ran. It was suggested that the applicant do some preliminary research on the wall and rock on site.

Mrs. Manually stated that Virginia Road is unsightly and this is the historic district. The Miller house was fixed up and now Washington's Headquarters will be fixed up. She is concerned all of this work and noise will be going on with this site when the grand opening of the Miller house takes place this fall. She was concerned about a 2,000-gallon tank and the safety of those people that live around the area and for those who visit the Miller house.

Mrs. Battistelli was concerned that during rush hour these trucks will be backing in and out of the site onto Virginia Road.

Mr. Junker stated that he was concerned with the flooding and where is the water going for the trucks that are washed. He likes the proposed sidewalk to Lafayette Avenue by Mr. Jensen, he thought it was a great idea.

In response to comments from the Board, Mr. Aliriza stated that his client will build his building in phases, he will not get his CO's in phases.

In response to concerns about the safety of a 2,000-gallon tank on site, Mr. Cermele stated that after a tank exceeds 1,100 gallons Westchester County takes over regarding the safety regulations. The board was concerned about the amount of fuel proposed for the site. After much discussion, no conclusion was reached regarding the sidewalk along the property frontage. Mr. Kaufman was directed to coordinate with Highway Department regarding the sidewalk on Virginia Road and on Town property next door. Planning Board was OK with proposed use.

It was noted that the applicant has the Planning Board comments and both professional's memos. It was suggested the applicant reach out to Sal Misiti regarding water used and discharged. It was suggested to reach out to the Fire Department regarding their comments about fuel stored on site. The applicant was directed to address comments and return to the Planning Board for additional review.

SIR JOHN'S [19-008]

909 North Broadway

122.12-4-52

John Magnotta

Amended site plan

Discussion

Application adjourned, at the applicant's request, to April 29, 2019.

SIR JOHN'S REZONING [19-002]

3 Emmalon Avenue

122.12-4-55

John Magnotta

Referral from Town Board

Discussion

Application adjourned, at the applicant's request, to April 29, 2019.

NYCDEP BOWLING ALLEY [13-045]

1 George Smith Place

107.04-2-17

Maria Mandarino, NYCDEP

Discussion

Consideration of 6th Extension of Time Resolution

Mr. Jensen recused himself.

Mr. Cermele informed the board that the contract was signed and preconstruction meetings with the applicant are taking place regarding removal of the bowling alley and macadam on site and installing a path to the Betsy Sluder Preserve.

Mr. Carthy made a motion to approve the extension of time. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Jensen recused himself.

GECAJ [18-025]

3 Vincent Lane

101.01-1-6

Residential Site Plan

**James A. Ryan, RLA JMC Planning Engineering Landscape Architecture & Land
Surveying, PLLC**

Discussion

Wetland Mitigation Bond Recommendation

Mr. Carthy made a motion to approve the wetland mitigation recommendation to the Town Board. Mr. Hirschmann second the motion and it was approved with five ayes.

Mr. Carthy made a motion to adjourn the meeting. Mr. Hirschman second the motion and it was approved with five ayes. Meeting adjourned at 8:57