

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
June 10, 2019**

PLANNING BOARD MEMBERS:

Christopher Carthy, Chairman
Steve Sauro
Michael Pollack
Jim Jensen - ABSENT
Lawrence Ruisi

Also Present:

Adam R. Kaufman, AICP
Director of Planning

John Kellard, PE
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:
Andy Block

SANTOMERO BUILDING [12-005]

868 North Broadway

122.12-5-63

Amended Site Plan Approval

Joseph Riina, PE Site Design Consultants

P Daniel Hollis, Esq: Shamborg Marwell Hollis Andreyck Laidlaw PC

Lou Levy, Lou Levy Construction

Discussion

Site plan approval for the completion of the existing building under construction that would result in a new 4,300 square foot retail building and the construction of various retaining walls.

Present for this application was Mr. Hollis – esq., Tom Kerrigan – project engineer, and Lou Levy - contractor.

Mr. Pollack read the affidavit of publication for the record.

Mr. Hollis stated this is 4,300 square foot building on .43-acre lot. Two variances from the ZBA were granted on April 4, 2019 for front yard setback and parking. He stated

that ARB approval was granted on April 18, 2019. He noted that Mr. Levy wanted to make sure the board was aware of the additional landscaping proposed at the top of the wall to provide additional buffer to the residents at the top of the hill.

Mr. Hollis stated that he had reviewed the resolution and the negative declaration that were posted on the web site. He requested that three items be moved from prior to signing the site plan to prior to the issuance of a building permit. He also noted that if an updated ARB approval is necessary he could get on their June 19, 2019 agenda.

Mr. Levy stated that while before the ZBA it was noted that there will be a single tenant use on site to assist with the flow of traffic.

Mr. Kellard and Mr. Kaufman did not have any issues with moving the requested conditions but Mr. Kellard did note that if the condition regarding the NYSDOT was moved to prior to the Issuance of a Building Permit and if the DOT came back with any revisions to the site plan that the applicant would have to re-sign the plans, Mr. Hollis stated if they do, he will do what is required.

Mr. John Junker, NWP inquired who was the tenant for this site. Mr. Hollis stated his client does not have a tenant at the time.

Mr. Junker noted the prior tenant was noisy and he would like a stipulation in the resolution that this location not be rented to businesses with small engines, chain saws, small vehicles or similar in sound due to its proximity to the residential area. Mr. Hollis stated that his client should not be limited to the uses on site. His client has the same rights to whatever is a permitted use on site according to the present zoning for the site. The board and professionals continued discussions regarding this request. Notes were on the plans according to the uses permitted in the zoning district.

In response to comments regarding why would someone build and not have a proposed tenant. Mr. Hollis reviewed the history of the site and provided some background on his clients as developers all over Westchester County. He also noted that this site will have a single user because the parking works best on site.

The board and professionals also agreed that all the notes in the resolution will be placed on the plans as well.

Mr. Loberman stated that he received an email that this site was going to have a tenant with ATV's (all-terrain vehicles), he thought that was what Mr. Junker was referring too.

Mr. Hollis was not aware of this proposed tenant, Mr. Levy agreed that he was not aware of that tenant either and he works directly with the architect on this application. Mr. Hollis stated that whomever the tenant is, if he has to return to the board, he will, if his client does not need to return then he will not return. He will follow the rules of the code.

Mr. Carthy asked if there were any more comments from the public or board at this time.

Mr. Carthy made a motion to close the public hearing. Mr. Sauro second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

Mr. Carthy made a motion to approve the negative declaration. Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

Mr. Sauro made a motion to approve the resolution as amended. Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

MISTIS PROPERTIES Inc. [19-004]

176 Virginia Road

122.16-1-3

Site Plan

Stephen Berte, Fusion Engineering PC

Discussion

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

Present for this application was Stephen Berte, Fusion Engineering and Azim Aliriza from Pettrucelli Engineering.

Both professionals stated they have read both memos.

Mr. Berte updated the board with changes to the application and noted the retaining wall details were submitted. The professionals continued to discuss the contents of the memos from the Town Engineer and Director of Planning. Mr. Kaufman reminded the applicant that a referral was made to the Water and Sewer Department and the applicant should follow up with them directly.

In response to comments, the applicant noted there will be no free standing sign on site. Discussions took place regarding the frontage of the site and how that could be softened on this industrial street. Based on the layout of the proposed plan the landscaping would be on the town right of way. It was noted the town would not want to maintain the landscaping in the right of way, it was also suggested that the town permit the applicant to plant in the right of way and the applicant maintain the plantings. Follow up will be made with the Highway Department regarding this request. It was suggested to move the building further back on the lot for the landscaping to remain on the applicant's lot. It was noted that parking spaces would be lost at the rear of the site if the building were moved further back. Some of the postal trucks park outside and other park inside. Continued discussion took place regarding landscaping. At the applicants request Mr. Kaufman reviewed the code regarding landscaping for this zoning district based on the size of the lot.

Terri Loberman, resident and on the beautification Committee suggested planting an Ivy wall (Baltic & English Ivy) to help screen and landscape the building.

Mr. Junker stated that the Town Right of way is a location for cars to go when they break down or have troubles and if you put plantings in that location the cars will have no place to go. He also stated that the proposed building was so tall that you will see it from Washington's headquarters and all the fumes from the trucks will go into the residential areas surrounding this lot.

Mr. Ed Loberman inquired about how the master plan encouraged sidewalks. Mr. Kaufman stated that most of the property in this area is Westchester County owned and they are responsible for building the sidewalks and Westchester County has commented that North Castle should build the sidewalks. Mr Loberman expressed his concern about people walking from the Dam to Washington's headquarters and encouraged more sidewalks.

In regards to the sidewalk, Mr. Baroni suggested a sidewalk agreement, similar to a land banked parking agreement. When the board determines the sidewalk should be built, the sidewalk will be built.

In regards to the landscaping, Mr. Sauro suggested that due to the angled parking on site to install zig zag landscaping of trees in the dead space between the parking spaces to assist with the required landscaping on site.

It was suggested the applicant meet directly with the Town Engineer regarding the comments in his memo.

NICODEMUS [19-023]

28 Banksville Road

108.02-2-11

Special Use Permit

Peter J. Gregory, PE Keane Coppelman Gregory Engineers, PC

Discussion

Proposed new 800 square foot detached garage, located within a Town-regulated wetland buffer, on an existing developed single family residential lot. The RPRC asked for additional information prior to making a determination regarding the proposed application. The Applicant subsequently submitted an application to the Planning Board.

Present for this application was Peter Gregory, engineer for the applicant and Chris Ferro, Builder for the applicant.

Mr. Gregory presented the application as noted above and stated that the garage was proposed in the front yard due to the constraints of the property and is also located in the wetland buffer, one tree is proposed to be removed. He reviewed another possible access on site and stated that access would require crossing over the existing septic field. He wanted to know if the board would consider the proposed location on site.

The board discussed an alternate location on site, near the existing shed. Mr. Gregory

stated he would look into that and see if that would work.

Mr. Carthy asked the applicant to stake both locations for the site walk.

Mr. Block asked if the Conservation Board could join the Planning Board when the site walk took place. It was noted that the site walk information will be emailed to the Conservation Board Secretary. Site walk was scheduled for Tuesday, June 18th at 8:00 a.m. on site.

82 ROUND HILL ROAD [19-016]

82 Round Hill Road

102.03-1-40

Site Plan

Ralph Alfonzetti, PE Alfonzetti Engineering

Lou Demasi, AIA Demasi Architects

Discussion of site walk

Present for this application was Ralph Alfonzetti and property owner, Tomasz Fidziukiewicz and Stephen Lopez, Landscape AIA.

Proposed new 4,889 square foot home on existing undeveloped lot. The existing lot is highly constrained by Town-regulated wetland and wetland buffer areas. A Wetland permit for over 16,000 square feet of disturbance is necessary for proposed work performed in the 100' Town-regulated wetland buffer. 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 the Conservation Board is warranted.

The board conducted a site walk on Thursday, June 6, 2019. Conservation Board Chairman Jane Black was present as well as one other representative from the Conservation Board. Mr. Sauro was not able to attend.

Discussions took place regarding the site walk. Mr. Kaufman stated that the applicant would like some direction regarding the house size, location, septic size and location. The board discussed if there were some options on site to move the house or septic further out of the wetland buffer. The board concluded that there were not a lot of options for the house and septic given the lot constraints.

Mr. Carthy inquired what are the best practices for wetland and wetland buffer intrusion. Mr. Kellard responded to this question to his satisfaction. It was noted that the Conservation Board would have a lot of comments regarding mitigation and impacts to the wetland for this application. The applicant will address the comments from the site walk and professional's memos and resubmit to the board.

Mr. Carthy made a motion to adjourn the meeting. Mr. Sauro second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote. Meeting adjourned at 8:32 p.m.