

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
June 24, 2019**

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PLANNING BOARD MEMBERS:

Christopher Carthy, Chairman  
Steve Sauro  
Michael Pollack  
Jim Jensen  
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:  
Jane Black - Absent

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**APPROVAL OF MINUTES:**

**June 10, 2019**

Mr. Carthy made a motion to approve the June 10, 2019 Planning Board minutes, Mr. Sauro second the motion and it was approved with four ayes, Mr. Jensen abstained.

**May 30, 2019**

Mr. Carthy made a motion to approve the May 30, 2019 Planning Board minutes as amended, Mr. Sauro second the motion and it was approved with four ayes, Mr. Pollack abstained.

**PUBLIC HEARING:**

**ONE LABRIOLA COURT [19-012]**

**1 Labriola Court**

**107.04-2-23**

**Amended Site Plan**

**Dennis Noskin, Dennis Noskin Architects**

**Discussion**

**Adjourned from May 30, 2019**

**Consideration of resolution of approval**

Proposed outdoor storage of two trailers in the rear parking lot of 1 Labriola Court that contain building materials for construction used by one of the tenants.

Present for this application was Dennis Noskin and the property owner Mitch Beneroff.

Mrs. Desimone stated that the notice was published timely and correctly in the newspaper. Mr. Sauro made a motion to reopen the public hearing. Mr. Pollack second the motion and it was approved with five ayes.

Mr. Noskin presented photos of 5 different angles of the site. His client has stated that he will keep the site neater. It was noted that it is necessary for each business to keep garbage dumpsters close to their door or they will leave the bag outside the back door and if forgotten, animals will get to it and make the site much worse.

Discussions took place regarding fencing around each of the garbage receptacles and how those fences are not durable and will not last very long. Mr. Kaufman stated that it must be screened from view and with no access to rodents. Mr. Beneroff stated that if too much screening is put up you will hide the rear of the building and it will not be as safe. Presently when the police drive by they can see everything, if too much screening is put up and the back area is hidden, it will not be as safe.

After continued discussions took place it was agreed to place 2-3 evergreens on the left side of the rear driveway entrance and 2-3 evergreens on the right side of the rear driveway entrance. The applicant will also plant 2-3 evergreens to screen the view on the side of the building from the front to the rear to also screen the trailers at rear of the building. This is also the side of the building that the dogs are walked. A grand total of 6-9 evergreens in three different locations on site were approved. The board and the applicant were agreeable to this solution.

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

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

**NEW AND CONTINUING BUSINESS:**

**SUNSHINE BUDDAH [19-020]**

**736 North Broadway**

**122.16-3-15**

**Site Plan**

**Gabrielle Salman, AIA**

**Discussion**

Site plan approval for the reconfiguration of the North Broadway frontage to include a new deck, portico and sidewalk. Additionally, the Applicant is seeking to legalize the existing second floor apartment.

Present for this application was Gabrielle Salman.

Ms. Salman explained the application as noted above and stated that she reviewed the memos prepared by the Town's professionals. She requested that the 1992 parking space plan be applicable for this site and she will submit elevations for the site. Mr. Kaufman stated that Ms. Salman needed to show the parking spaces were compliant on her submission.

It was noted that the outdoor seating would not affect the parking count on site. Mr. Jensen and Mr. Ruisi inquired if the width of the parking spaces on site were 9', they noted when driving by the site they did not appear to be 9'. Ms. Salman stated that the spaces were 9'. Mr. Jensen and Mr. Ruisi inquired if the parking spaces were restriped correctly, Ms. Salman stated they were.

Mr. Kaufman noted the applicant will have to show compliance of the size of the parking spaces vs. the number of parking spaces and that the Portico/Canopy itself should be within the setback. Ms. Salman will follow up with the Building Inspector regarding the compliance of the Portico/Canopy. Mr. Kaufman also noted that the restaurant sign location is not code compliant and it will not be grandfathered in and the applicant will need permission from NYSDOT for it to stay in its present location. It was noted that the existing apartment access is from the rear. There needs to be some clarification regarding existing apartment access from the rear of the site, is that leased out or does staff use it. Right now it is one office and one storage area. Mr. Jensen inquired how the accessory apartment would impact the parking count.

A site walk was scheduled for Tuesday, July 2, 2019 at 8:00 a.m. the applicant will start working on addressing the comments in the memo and comments noted above.

**170 BEDFORD ROAD [19-014]**

**162 Bedford Road**

**108.03-1-42**

**Michael Fareri**

**Concept Plan Discussion**

The Planning Board has been presented with a concept plan that proposes two new multi-family buildings with 24 total units (10 3-bedroom units; 10 2-bedroom units and 4 1-bedroom units) in the R-MF-SS Zoning District. 16 percent of the apartments will be AFFH units and will be located on-site.

Mr. Fareri reviewed the history of the site from the Fire at the lumberyard to purchasing the Greene property next door and merging it with this lot and his most recent approval from the Planning Board for 30 market rate units and 6 AFFH units in May, 2016. He also noted he has an active Building Permit on site. He reviewed all the fees he paid to the town for this application and taxes. He also reviewed figures regarding the diminishing Byram Hills school enrollment over the years and the amount of fees per child to attend school. He refreshed the board's memory regarding all the projects he was completed in town and prided himself on always completing the best job that he could. Mr. Fareri presented multiple plans to the board at this time and reviewed the zoning that was approved for the site which inspired a lot of the different sets of plans presented this evening. He pointed out the pluses and minuses of each plan and his thought process and asked the board what plan they liked and were leaning towards.

Mr. Carthy thanked Mr. Fareri for all of these variations presented to the board (approximately 10) but noted that he could not possibly make a decision with such limited information and only just seeing all the variations for the first time this evening. The rest of the board agreed with him. Mr. Carthy stated Mr. Fareri was an experienced developer and should pick out the best plan based on the zoning, cost of the project and all the other factors to consider on project of this magnitude and submit it for review and it will be discussed before the board. Continued discussion took place between the board and the professionals regarding sewer and water on site, the sites proximity to I-684, possible subdivision of the site, the amount of units on each lot, amount of AFFH units on site and if these were going to be apartments or Town Houses. He noted that 36 units worked originally and now it does not work any longer.

Mr. Fareri stated he would like to build Town Houses, Row Housing, he presented a photo to the board and stated it was aesthetically pleasing and had no common areas or elevators.

Mr. Jensen agreed with Mr. Carthy that it was hard for the board to opine with just seeing all of these different plan variations for the first time this evening. Mr. Fareri stated he was just being courteous to the board and out of respect this was what he was considering, he appreciated the board listening and he will make a formal presentation.

**NICODEMUS [19-023]**

**28 Banksville Road**

**108.02-2-11**

**Special Use Permit**

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

**Discussion of site walk**

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.

There was no one present for this application and was not discussed.

**150 BEDFORD ROAD [19-021]**

**150 Bedford Road**

**108.03-1-40**

**Site Plan**

**Sid Schlomann, AIA – SI Design Group**

**Discussion**

Conversion of the first floor veterinary office to professional office, proposed 571 square foot second story office addition and the removal of the existing second floor apartment and conversion of that area to professional office space.

Present for this application was Vincent Rendal owner and his professional Sid Schlomann.

Mr. Schlomann explained the application as noted above, he noted that he was not able to put in enough landscaping according to the code. Mr. Kaufman stated that there are a lot of deficiencies on site now and maybe not enough room for the additional space to build which will add more deficiencies.

Mr. Schlomann state that he would like a positive referral to the ZBA for parking spaces or a referral for the two parallel parking spaces which the setbacks are two feet short.

Mr. Kaufman stated that the key points of this application are the parking and lack of landscaping on site. The owner noted he can landscape around the building and will provide a handicap ramp.

A site walk was scheduled for July 2, 2019 at 8:00 a.m.

**23 COWDRAY PARK DRIVE [17-010]**

**23 Cowdray Park Drive**

**102.03-2-28**

**Site Plan**

**Jon Halper, AIA Halper Architects LLC**

**Consideration of 2<sup>nd</sup> Site Plan extension of time**

Site plan application for the construction of an approximately 365 square foot staff quarters within the second story (attic) of the existing horse barn and to add an exterior egress stair from the proposed staff quarters to the ground.

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

**DISCUSSION:** Construction in the Wetland and Wetland Buffer

Mr. Pollack stated that there is a perception that when there is construction in the wetland or wetland buffer that if the 2:1 mitigation can be met that it is an as of right for applicants. He wanted a clearer understanding of the functions of the wetland and wetland buffer and what they serve. He noted that once a wetland is intruded upon it is non reversible. He suggested a presentation to the board regarding the permeability of the soil, wetland function, species survival, etc. to better understand the wetland and wetland buffer approvals granted by the board on applications.

Mr. Kaufman noted that Dave Sessions and Dave Hildebrand from Kellard Sessions are experts regarding the wetlands and review the wetland applications that come before the board.

Mr. Kellard stated when applicable the board can request the presence of Dave Sessions or Brian Hildebrand as experts for the board to ask questions to regarding wetland applications.

Mr. Kaufman stated that there is a spectrum of permits for wetlands. Typically, the board would not create a lot that is within the wetlands. The older lots the board will have to deal with and there are lots that have disturbed land vs. non disturbed land.

Mr. Pollack inquired if we had developed framework for wetland analysis. What more specifically should we look for during review. He was not trying to undermine the Conservation Board, he would like communications improved with the Conservation Board.

The board agreed that they would like some education on wetlands. Mr. Kellard will have his staff put something together for the board. The board also agreed that in the consultants reports they would like a report on the quality of the wetland.

Mr. Carthy made a motion to adjourn the meeting. Mr. Jensen second the motion and it was approved with five ayes. Meeting adjourned at 9:07 p.m.