

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
October 13, 2010**

PLANNING BOARD MEMBERS PRESENT: Peg Michelman, Chairman
John Delano,
Jane Black
Beata Tatka

Planning Board Member Absent: Steve Sauro

ALSO PRESENT: Adam R. Kaufman, AICP
Direction of Planning

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

Ryan Coyne, P.E.
Kellard Sessions Consulting, P.C.
Consulting Town Engineers

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Maggi Pack, Conservation Board Representative

The meeting was called to order at 7:01 p.m.

APPROVAL OF MINUTES:

September 13, 2010

Ms. Michelman asked for a motion to approve the September 13, 2010 Planning Board minutes as amended. Ms. Black made a motion to approve the minutes as amended. Ms. Tatka second the motion and the minutes were approved with four ayes. Mr. Sauro was not present for the vote.

September 27, 2010

Ms. Michelman asked for a motion to approve the September 27, 2010 Planning Board minutes as amended. Ms. Black made a motion to approve the minutes as amended. Ms. Tatka second the motion and the minutes were approved with four ayes. Mr. Sauro was not present for the vote.

PUBLIC HEARING:

GIZZI

Special Use Permit

Section 2, Block 5C, Lot 1.-2.A

7 Hunter Drive

Peder W. Scott, PE, RA , P.W. Scott, Engineering & Architecture, P.C.

Consideration of special use permit resolution

Chairman Michelman read the public notice for the record. Mrs. Desimone noted that 24 out of 29 green cards were returned and one envelope was returned unclaimed and all paperwork was in order for this application. Ms. Michelman asked if there were any noticed neighbors present for this public hearing. George and Sandra Groves, 6 Hunter Drive were present.

Also present, the property owner Mr. Gizzi and his professional Peder W. Scott.

Mr. Scott stated that Mr. Gizzi's lot was one of three lots that was created in a subdivision in the 1960's. The lots at the time were created with a lot of cross easements and driveways. The applicant is seeking approval for the construction of 2,958 square feet of additional driveway. He would like to widen his driveway entrance area near the house and create a turn around area. The original driveway was not built according to the approved plan. He is proposing to amend the easement to fit the existing driveway.

Ms. Michelman asked Mr. & Mrs. Groves if they had any comments or questions at this time. Mr. & Mrs. Groves stated that they were in support of the application.

Ms. Michelman asked the applicant if he had any questions or comments regarding the 7 Hunter Drive driveway expansion resolution. Mr. Gizzi and Mr. Scott had no comments regarding the resolution. The board and professionals had no additional comments.

Ms. Michelman asked for a motion to close the Gizzi public hearing. Mr. Delano made a motion to close the Gizzi public hearing. Ms. Black second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote. Ms. Michelman asked for a motion to approve the Gizzi driveway expansion resolution. Ms. Black made a motion to approve the Gizzi driveway expansion resolution. Mr. Delano second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote.

METRO PCS NEW YORK, LLC

Site Plan

Section 2, Block 16, Lots 9 & 10A

15 Business Park Drive

Discussion

David Boring, MetroPCS NY, LLC

Lucia Chiochio, Cuddy & Feder LLP

Consideration of site plan resolution

Chairman Michelman read the public notice for the record. Mrs. Desimone noted that 10 out of 12 green cards were returned and all paperwork was in order for this application. Ms. Michelman asked if there were any noticed neighbors present for this public hearing. No noticed neighbors were present.

Also present for this application was Lucia Chiochio, Esq. Cuddy & Feder.

Ms. Chiochio stated that this was a six panel antenna which will be located on a 160' tall tower. The panels will be located below the existing antennas. Also proposed is a 10' x 20' area for radio equipment cabinets. Mr. Kaufman noted that the applicant's equipment pad is located in the wetland and according to the Town Code there must be a 2:1 mitigation plan for building in a wetland. The Planning Board does not have the authority to waive this requirement, the applicant must seek approval from the Town Board for relief of this 2:1 mitigation requirement. Ms. Chiochio stated that she would take this matter up with the Town Board. She also noted that she has received the NYSDEC wetlands permit for this application.

Ms. Michelman asked the applicant if she had any questions or comments regarding the resolution. Ms. Chiochio stated that she had no comments regarding this resolution. The board and professionals had no additional comments. Mr. Delano asked for a motion to close the public hearing. Ms. Black second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote. Ms. Black made a motion to approve the Metro PC six panel cell tower antennae resolution. Mr. Delano second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote.

DISCUSSION:

SINGER

Special Use Permit – GLC & FAR

1 Quarter Mile Road

Sec 2, Blk 11A, Lot 24

Bob Roth, PE John Meyer Consulting, PC

Consideration of approving extension of time Special Use Permit Resolution

Ms. Michelman asked the board and the professional, if they had any questions or comments regarding the Singer Special Use Permits Accessory Apartment over 800 square feet, Gross Land Coverage and Floor Area Ratio Special Use Permit extension of time resolution. The board and professionals had no comments. Ms. Black made a motion to approve the Singer extension of time resolution. Ms. Tatka second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote.

FEIT

Wetland Permit

114 Cox Avenue

Section 2, Block 5, Lot 20.D01

Jerry Barrett, RLA J.D Barrett & Associates

Discussion

Present for this application was Jerry Barrett, Steve Coleman and Galina Feit property owner.

Mr. Barret stated that during the reconstruction of the house, clearing around the house had been approved and unfortunately the contractor continued clearing up the slope which is why this application is before the board for a restoration plan. The code requires a 2:1 restoration plan and the applicant does not have enough land to plant a 2:1 ratio. A solution to this situation is the applicant is proposing .66 acre on site restoration and the remainder of the .44 acre restoration to be done off site. Mr. Kaufman noted the Planning Board was not able to grant this type of request and the off site restoration would have to be considered by the Town Board.

Mr. Barrett also noted the pool location on site which is currently before the RPRC (Residential Project Review Committee) and is pending wetland approval. He also pointed out where the proposed wild life corridor would be located, at the rear of the property, per the Conservation Board comments.

Discussions were had regarding the 12” plastic pipe. Mr. Coyne noted that removing or blocking the pipe was a solution.. A check dam or weir should be at the entrance to the pipe. He was concerned about the pipe draining water into or out of the wetlands. The elevations need to be shown and how it affects the wetlands. Mr. Coyne was also concerned about how this pipe will affect the adjacent property owner? Mr. Barrett stated that he will contact the next door neighbor and build a weir or check dam as suggested by Mr. Coyne. Mr. Coyne agreed with Mr.

Barrett.

The Planning Board decided that they liked the plan presented this evening and would like the Conservation Board comments/approval of the plan presented this evening. The applicant also needs an off site location for the proposed off site mitigation. If the applicant receives approval from the Conservation Board at their next meeting on 10/19/10 then they can return to the Planning Board for further discussion on 10/25/10.

Mr. Kaufman will prepare a letter to the Town Board regarding the proposed off site mitigation plan.

Ms. Michelman asked for a motion to adopt a negative declaration regarding the Feit Wetland Permit. Ms. Black made a motion to approve. It was second by Mr. Delano and approved with four Ayes. Mr. Sauro was not present for the vote.

SENIOR HOUSING

Referral from Town Board

Section 2, Block 12, Lot 2-2, 2-1, 3

123 & 125 Old Mount Kisco Road

Mount Kisco Road

Kristopher L. Kellard, Kristopher Lawrence Consulting, LLC

Concept Plan Discussion

Present for this application was Frank Madonna, applicant and his engineer Ralph Alfonzetti, Alfonzetti Engineering as well as Kris Kellard, Kristopher Lawrence Consulting. LLC. Mrs. Virginia Madonna was also present.

Ms Michelman stated that the law requires the MIU's be located on site. She suggested the applicant go to the Town Board and see if they would grant a waiver regarding off site MIU's. She also suggested that the applicant have a location in mind for the off site MIU's when they are before the Town Board. Mr. Madona stated that he has been in contact with the property owner of the Cockren MIU's on Old Route 22. Mr. Madona said the owners were on board with two MIU's proposed at the site.

Ms. Michelman also recommended that the applicant discuss the age limitations as well with the Town Board. Ms. Michelman also suggested that while Mr. Madona was before the Town Board, he should discuss with the Town Board what he had discussed with the Planning Board at their September 27, 2010 meeting. "While at the September 27, 2010 Planning Board Mr. Madonna stated that he was considering asking the Town Board to change the percentage of floor area to the amount of MIU's required."

Mr. Kellard stated that if the MIU's do have to remain on site, smaller units will be grouped together and the general layout will be the same.

Mr. Alfonzetti brought with him and presented for the first time the grading plan for the site. Mr. Kaufman requested that in the future, all material should be submitted prior to the meeting so that the professionals can do a proper review of the material. It is hard to give constructive comments when you have never seen the plans before.

Mrs. Virginia Madona handed out the three different types of floor plans for the board's reference and reviewed each of the floor plans with the board members. Ms. Michelman noted that the rooms were very large and there was excess space for future rooms.

**Recommendation to Town Board
Local law to eliminate the basic amount
of Floor Area Ratio & Gross Land Coverage**

Mr. Kaufman stated that the legislation proposed is to eliminate the basic amount of the Floor Area Ratio & Gross Land Coverage. Town Board favorably reviewed this legislation and believe that this would expedite the review of the applications. Mr. Kaufman noted that by eliminating the basic amount for the Floor Area Ratio and the Gross Land coverage that would put more work on the RPRC (Residential Project Review Committee).

Mr. Delano noted that a big trigger with this proposal is that everyone will have to go before the ARB. Mr. Kaufman stated that it is within the purview of the RPRC to send an applicant to the ARB or not

Mr. Delano stated that in haste to push the projects along there is the potential to take away opportunity for public comment, he values the public input. Presently there is a trigger to go to the Planning Board, the basic amount for the Gross Land Coverage and Floor Area Ratio. This is a step backwards to exclude the public.

Ms. Black stated that one year ago the basic amount was raised which did not really require less applicants to appear before the Planning Board. She is concerned that someone could build a house to the maximum size with no public comment.

Ms. Black stated there is a misconception of how long the process really takes to get an approval before the Planning Board. The board as well as Mr. Baroni agreed with this statement.

Ms. Michelman stated that raising the basic amount did a lot of good and there were many positive outcomes from the public and from the Planning Board that made the project much better. By eliminating the basic amount and eliminating the public comments, what is there left for the Planning Board to do?

Ms. Black stated that she has attended many of the RPRC meetings and a lot of good comes out of those meetings. By eliminating the basic amount, you are not addressing the larger projects.

Ms. Tatka stated that in this economy, how many projects have come before the board? This

will not speed up the process of the project.

Ms. Michelman stated that speeding up the process is not necessarily thorough. Decent thought in positioning a house and protecting the neighbors needs the input of the Planning Board and neighbors, not just the professionals. Projects have better results with everyone's comments. There is a real misconception about the Planning Board process and the time it takes to go before the board and receive an approval.

Ms. Michelman also noted that to keep the residents better informed, signs are put on the applicants property informing the neighbors at the beginning of an application rather than at the time of the public hearing. The sign reads "NOTICE this property is the subject of an application before the North Castle Planning Board, for more information contact the Planning Department at 914-273-3542 or at www.northcastleny.com" many efforts have been made to improve public input and communication with the public.

Ms. Michelman asked for a motion not to adopt the proposed changes as recommended by the Town Board. Ms. Black made a motion to not adopt the proposed changes as recommended by the Town Board. Mr. Delano second the motion and it was approved with four Ayes, Mr. Sauro was not present for the vote. The Director of Planning will prepare a letter to the Town Board.

Meeting adjourned at 8:42 p.m.