

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM**

**7:00 p.m.**

**September 27, 2010**

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**PLANNING BOARD MEMBERS PRESENT:**

Peg Michelman, Chairman  
John Delano,  
Steve Sauro  
Jane Black  
Beata Tatka

**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

Larry Nokes, Conservation Board Representative

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The meeting was called to order at 7:00 p.m.

**APPROVAL OF MINUTES:**

September 13, 2010

The board was not able to vote on the September 13, 2010 minutes at this time.

**WAXMAN**

**Special Use**

**Section 1, Block 4, 10-430**

**33 Thornewood Road**

**Consideration of approving special use permit resolution**

Mr. Waxman was present for this application.

Ms. Michelman asked the applicant if he had any questions or comments regarding the 33 Thornewood Road resolution. Mr. Waxman had no comments regarding the resolution. The board and professionals had no additional comments. Ms. Black made a motion to approve the Amended Waxman Landscaping plan resolution. Mr. Delano second the motion and it was approved with four Ayes. Ms. Tatka was not present for the vote.

**MACKEN**

**Site Plan**

**23 Washington Place East**

**Section 6, Block 3, Lot 1**

**Ralph Mastromonaco, PE PC**

**Consideration of approving site plan resolution**

Mr. & Mrs. Macken were present for this application.

Ms. Michelman asked the applicant if he had any questions or comments regarding the resolution for 23 Washington Place East. Mr. Macken noted that the project description noted that the driveway would be accessed via Washington Place East, but the project was amended to place the driveway on Denim Place. He noted that the resolution should be revised to reflect this change. Mr. Macken had no further comments regarding the resolution. The board and professionals had no additional comments. Ms. Black made a motion to approve the Macken Amended Site Plan Resolution for four additional off street parking spaces, as amended. Mr. Delano second the motion and it was approved with five Ayes.

**MACKEN**

**Curb Cut**

**17 Washington Place East**

**Section 6, Block 2, Lot 13**

**Ralph Mastromonaco, PE PC**

**Consideration of approving site plan resolution**

Mr. & Mrs. Macken were present for this application.

Ms. Michelman asked the applicant if he had any questions or comments regarding the resolution. Mr. Macken had no comments regarding the 17 Washington Place East resolution. The board and professionals had no additional comments. Mr. Delano made a motion to approve the Macken Amended Site Plan Resolution to provide a second curb cut for four additional off street parking spaces.. Ms. Black second the motion and it was approved with five Ayes.

**MILLER**

**Final Subdivision**

**Section 1, Block 11, Lot 11-9 & 11-6**

**7 & 9 Ashfields Lane**

**Barry Naderman, PE Naderman Land Planning & Engineering**

**Consideration of approving final subdivision resolution**

Present for this application was Bruce Eckerson from Wesley Stout Associates.

Ms. Michelman asked the applicant if he had any questions or comments regarding the Lot Line Change resolution between 7 & 9 Ashfields Lane. Mr. Eckerson stated that he had no comments regarding this resolution. The board and professionals had no additional comments. Ms. Black made a motion to approve the Miller Resolution. Mr. Delano second the motion and it was approved with five Ayes.

**PUBLIC HEARING:**

**SHANGHAI MOON (Elide Plaza)**

**Site Plan**

**111 Bedford Road**

**Section 2, Block 16, Lot 11A**

**Bob Peake, AICP John Meyer Consulting**

**Discussion**

**Consideration of approving site plan resolution**

Bob Peake, AICP from John Meyer Consulting was present as well as the applicant Mr. Alex Lee.

Ms. Michelman read the affidavit of publication for the record. No noticed neighbors were present this evening. Mrs. Desimone noted that 17 out of 17 green cards were returned and all paperwork was in order for this application.

Mr. Peake stated that the existing take out Chinese Restaurant located at 111 Bedford Road in Elide Plaza will maintain the same footprint and is now proposing a 36 seat sit down restaurant. There are currently 89 parking spaces on site and the applicant is short three parking spaces, which will be landbanked.

Ms. Michelman asked the applicant if he had any questions or comments regarding the resolution. Mr. Peake stated that he 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 five Ayes. Mr. Delano made a motion to approve the Shanghai Moon Resolution for a 36 seat, sit down restaurant. Ms. Black second the motion and it was approved with five Ayes.

**PUBLIC HEARINGS CONTINUED:**

**BYRAM RIDGE ROAD SUBDIVISION**

**Preliminary Subdivision**

**Byram Ridge Road & Hunter Drive**

**Section 2, Block 5C, Lot 10**

**Jim Ryan, RLA Senior Associate, John Meyer Consulting**

**Discussion**

Dan Hollis, Esq and Megan Collins Esq. were present from Shamberg, Marwell, Davis and Hollis. Also present from John Meyer Consulting was Jim Ryan and Rob Aiello. Beth Evans from Evans Associates was also present for the applicant.

Ms. Michelman asked if there were any noticed neighbors present this evening for the Byram

Ridge Road Subdivision continued public hearing. Vincent Giordano, 72 Byram Ridge Road was present for this application.

Mr. Hollis reviewed with the board why this application is a five lot subdivision and how the Conservation Board made a positive recommendation for a five lot subdivision back in the fall of 2009.

Ms. Michelman stated that there are a lot of troublesome issues that our professionals have raised regarding this project. She noted that the Town's professionals have stated from the beginning that the site is better suited as a four lot subdivision. She further noted that the Town Code contains criteria they have to adhere to with respect to the issuance of wetlands permits. The board does not want to create lots that are invasive to the wetlands and wetland buffer. Ms. Michelman also noted that some members of the Conservation Board have stated many times that this should be a four lot subdivision.

Mr. Hollis stated that a five lot subdivision will improve the wetland and its buffer and noted that the only environmental issue in the whole subdivision relates to the wetlands. He further noted that the five lot subdivision is similar in lot size to what is presently in the neighborhood.

At the request of Mr. Delano and the board. Mr. Hollis read chapter 209-7.A regarding the criteria for the issuance of a wetlands permit. Mr. Hollis read the reasons for approval and denial of a wetland permit. Mr. Hollis noted that he believes the benefits far outweigh the negative of this application.

Mr. Delano inquired as to whether the Applicant received a letter from "SHIPO" (New York State Parks, Recreation, and Historic Preservation) regarding on-site cultural resources. Mr. Ryan said he would provide the board with a copy.

Ms. Evans noted that the DEC is aware of the slight buffer encroachment in the driveways of Lots 4 & 5.

Mr. Giordano stated that he would prefer smaller houses on each lot to keep in character with the neighborhood and if that means a five lot subdivision then he supports a five lot subdivision, if smaller houses are built.

Mr. Kaufman stated that the maximum house size for each lot is determined by lot size. Therefore the larger the lot, the larger the house permitted.

Mr. Delano suggested that the Conservation Board review each line item in chapter 209-7.A and provide a narrative as to how the issuance of a wetlands permit related to the items in that section of the Town Code. Mr. Hollis noted that it may not be proper procedure to request such a report at this time since the Conservation Board has already voted on this matter.

Ms. Michelman noted that the board can request additional information from the Conservation Board and noted that the most recent Conservation Board memo stated that a four lot subdivision

is preferred.

The Board discussed the Conservation Board recommendation and the minority report.

Mr. Nokes, Conservation Board representative requested that the Planning Board be explicit in their request to the Conservation Board. Mr. Hollis requested to see a draft of the letter before the Conservation Board receives it.

This application will be heard again at the October 25, 2010 Planning Board meeting. The board will need the Conservation Board memo prior to that meeting.

Mr. Delano made a motion to adjourn the Byram Ridge Road Subdivision Public Hearing. Ms. Black second the motion and it was approved with five Ayes.

## **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**

### **Discussion**

Present for this application was Frank Madonna, applicant and his engineer Ralph Alfonzetti, Alfonzetti Engineering.

Mr. Madonna stated that this new submission was reduced from 22 units to 15 units. The units are now proposed with two car garages, more guest parking and the site will be totally screened from Old Mount Kisco Road. With the new plan, the MIU's will have to be located off site. Mr. Kaufman noted that the code does not permit off site MIU's and an application would have to be made to the Town Board in order to change the law. Mr. Kaufman also noted that at this time the agreement on a concept plan was paramount. The Board and professionals discussed the pros and cons and their likes and dislikes of the different plans presented. Mr. Madonna noted that he was presently looking at different locations for the MIUS and was considering the Cockren site for a few of the MIU's. 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 in exchange for sidewalks to the town, or hook up to the sewers. Mr. Kaufman suggested a meeting take place in the Planning Office to go over the additional details. Mr. Madonna said he was fine with the density of the plan and the location of the units. The board was happy with the progress of the application.

**C & H PROPERTIES**

**Preliminary Subdivision**

**Section 1, Block 2, Lot 1**

**336 Bedford Road**

**Brad Schwartz, Esq. Zarin & Steinmetz**

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

**Discussion**

Present for this application was Brad Schwartz, Esq. Zarin & Steinmetz, Peter Gregory, PE, Keane Coppelman Engineers, PC and the property owner Mark Cash.

Mr. Schwartz stated while at the site walk the previously approved site plan for this lot was discussed. The main item discussed was the condition regarding the no further subdivision restriction that was part of the 2007 approval, and which, erroneously, has not been recorded.

Mr. Schwartz stated that subject to Roland and Adam's agreement, C&H would sign a deed restriction stating that no further subdivision of the property may occur, and Roland would hold the deed and associated transfer documents in escrow during this subdivision application. If the application is approved, Roland would discard the deed. If the application is denied, Roland would be permitted to record the deed restriction.

C&H proposes this approach in response to the Board's concerns about the deed restriction not having been filed prior to the issuance of the Building Permit in accordance with the 2007 Planning Board Resolution. The Applicant agreed to deliver the deed to Roland prior to the next submission.

Mr. Schwartz stated that the restoration for the farm house was complete. They have not done any work on the main house. The applicant would like to see the existing farm house placed on its own building lot.

Ms. Michelman confirmed that permits were in place for the clearing of the land up on top of the lot. Mr. Cash stated that he had taken out permits.

Mr. Gregory presented that the lot is currently 5.6 acres and they are proposing a two lot subdivision, Lot #1 (existing Farm House) 2.2 acres and Lot #2 (Vacant Lot) 3.4 acres. The lot was previously approved with a five bedroom septic by the board of health and they are now proposing a four bedroom home. In order to minimize the disturbance to the steep slopes there will be a common drive at the entrance to the site. They are proposing underground wires up to Lot #2. Seventy-five trees were removed that were 8 – 12 inch caliper and one 36 inch oak tree was removed. They are proposing to restore the top area with soil and seeding.

Ms. Michelman inquired as to how many trees would come down with this application. Mr. Gregory was not sure and would follow up on that. He also noted that he can respond to the comments in both memos and will resubmit the plans.

Mr. Coyne would like a comparison of the previously approved plan to the plan that is proposed today. The current plans shows the stormwater for Lot #2 on Lot #1 and typically stormwater for Lot #2 would stay on Lot #2, which would be a benefit.

Mr. Kaufman noted that there were not that many differences from the original plan to this plan.

Mr. Delano stated at this time that he was in favor of the offering that Mr. Schwartz made earlier about Roland holding the signed C&H paperwork until the project is complete. The rest of the board seemed to agree with Mr. Delano.

Mr. Delano asked for a motion to declare Intent to be Lead Agency. Ms. Black second the motion and it was approved with five Ayes.

**T-MOBILE NORTHEAST LLC**  
**Site Plan – wireless telecommunication facility**  
**Section 6, Block 5, Lot 6.A**  
**Custis Avenue (Water Tower)**  
**Cara Bonomolo, Esq. Snyder & Snyder, LLP**  
**Discussion**

Mr. Delano recused himself from this application and left the room at this time.

Present for this application is Cara Bonomolo, Esq. Snyder & Snyder, LLP as well as Greg Lahey, PE from Tectonic Engineering.

Ms. Bonomolo stated that she had an FCC Compliance report, a structural certification letter by Tectonic Engineering and all of the required paperwork. She also noted that there could be three to four more sites for other carriers.

Discussions took place regarding the swale along the east side of the property, the driveway easement location, proposed equipment area and access driveway. Mr. Coyne noted that he was concerned with additional disturbance by moving the driveway easement and noted that the 12' wide gravel driveway would be preferred, but the 10' wide gravel driveway would be acceptable. Mr. Kaufman noted that the driveway can be located over the water main.

Ms. Black asked for a motion to declare lead agency intent. Ms. Tatka second the motion and it was approved with 4 Ayes. Mr. Delano has recused himself from this application.

**61 and 67 OLD ROUTE 22 SUBDIVISION**

**Subdivision**

**Section 2, Block 11, Lots 9-2 & 9-4**

**61 & 67 Old Route 22**

**Discussion**

**Bob Peake, AICP John Meyer Consulting, PC**

Pursuant to Section 19-5.B of the Town Code, Mr. Kaufman noted for the record that his daughter attends the Montessori school. He further noted that he did not feel her attendance at the school would impact his ability to perform a review of the project for the Town.

Mr. Peake said there are two lots proposed. Lot #1, Montessori School, will be approximately 1.80 acres and 12 additional parking spaces are proposed to the existing 28 parking spaces. Lot #2 will be approximately 2.78 acres and three additional parking spaces are proposed to the existing 23 parking spaces. Both existing uses will remain the same. The line proposed as the subdivision line is in the same location as the existing lease line. Ms. Michelman noted that the board can not approve non-conforming lots as discussed in the memoranda from the Town Planner and the Town Engineer, the lease line may not be the best line for a subdivision.

Ms. Black urges the applicant to consider the shared parking between the applicants as discussed in the memoranda from the Town Planner and Town Engineer. Mr. Kaufman noted that one concern of a shared parking lot is that a shared lot necessitates cooperation between both owners.

It was noted that a lot of information is still required. Mr. Peake stated that he would work on the requested information and will discuss the memos with the litigators and get back to the board.

**114 COX AVENUE**

**Construction Cost Estimate – Bond**

**114 Cox Avenue**

**Section 2, Block 5, Lot 20.D01**

**Jerry Barrett, RLA J.D Barrett & Associates**

**Recommendation to the Town Board**

The board asked Mr. Coyne if he was comfortable with the plans and the bond amount that was proposed and he is comfortable with the memo as it stands.

Mr. Delano asked for a motion to make a positive recommendation to the Town Board regarding the Feit Construction Cost Estimate Bond. Ms. Black second the motion and it was approved with five Ayes.

Meeting adjourned at 8:42 p.m.