

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
November 22, 2010**

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

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

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

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

Conservation Board Representative

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

APPROVAL OF MINUTES:

November 8, 2010

Ms. Michelman asked for a motion to approve the November 8, 2010 minutes as amended. Mr. Delano made a motion to approve the amended minutes. Ms. Black second the motion and the minutes were approved with four Ayes. Ms. Tatka abstained from the vote.

PUBLIC HEARING:

SANTOMERO BUILDING

Site Plan

868 North Broadway

Section 3, Block 7, Lot 9.A

Michael Piccirillo, AIA

Discussion

Consideration of approving site plan resolution

Megan Smith, Esq. Shamberg, Marwell, Davis & Hollis; Mike Picarello and Rod Lais from Lorde were present this evening.

Ms. Michelman read the affidavit of publication for the record. Ms. Desimone stated that all paperwork was in order for this application and 15/21 green cards were returned regarding the Santomero Building public hearing and four envelopes were returned unclaimed. No noticed neighbors were present this evening.

Ms. Michelman stated that the board had not received any comments from the traffic consultant. Mr. Kaufman suggested relocating the gate, he was concerned about the car blocking traffic while it was waiting for the gate to open. Mr. Picarello suggested pushing the gate back. Mr. Lace stated that he could put the gate on a timer so it would be open when the first person arrives on site. Mr. Sauro stated that in the event of a snow storm it would be hard for the gate to open and close on a timer. He was also concerned about any emergencies on site during non business hours, it would be hard to access the property.

Ms. Michelman asked Mr. Kaufman to send a letter to the traffic consultant with the boards concerns.

The public hearing was adjourned until the traffic report was submitted for review.

Mr. Delano made a motion to adjourn the public hearing. Ms. Black second the motion and it was approved with five Ayes.

PUBLIC HEARING CON'T:

FEIT

Wetland Permit

114 Cox Avenue

Section 2, Block 5, Lot 20.D01

Jerry Barrett, RLA J.D Barrett & Associates

Discussion

Consideration of approving Wetland Permit Resolution

Guilina Feit, applicant was present for this application.

Ms. Michelman noted that at the last meeting the affidavit of publication was not submitted and the public hearing was held open until the paper work was in order. Ms. Desimone stated that all paperwork was now in order for this application and the affidavit of publication was received. Ms. Michelman asked if there were any noticed neighbors present regarding this application. There were no noticed neighbors present but the following people were present regarding this application. Jose Berra, 6 Rose Hill Drive and Carolyn Carroll from 8 Rose Hill Drive.

Mr. Berra stated that he had concerns with his view of 114 Cox Avenue. He was also concerned with the proposed planting of 1 ½ inch caliber trees as well as concerns about the visibility of the 8' deer fence and the poles that will hold up the fence. He felt that the applicant should have known better and should put the same effort into replacing what was removed. He would like to know what is normal or reasonable in this situation. He felt the applicant should have to plant something more substantial than 1 ½ inch caliber trees. Mr. Berra felt 3 – 3 1/2 inch caliber trees were more appropriate. He also inquired about the amount of the bond and was that sufficient. He would also like better landscaping.

Ms. Michelman stated that there were some limitations as to what can and can't be done regarding the planting plan. Ms. Michelman asked Mr. Kaufman about the caliber of tree that Mr. Berra spoke about. Mr. Kaufman stated that 1 ½" caliber tree will grow faster and will have a much better survival rate than a 3 – 4" caliber trees which will grow slower and have a higher mortality rate.

The board felt that faster growing trees with a higher survival rate was good but did not recall discussing the caliber of the trees to be planted.

Mr. Berra reminded the board about his concern with his view and the appearance of the deer fencing. Ms. Michelman and Ms. Black noted that they both have black 8' deer fence in their back yards and the fence was not noticeable. Ms. Black noted that she has the black poles that connect the fence and it melds into the scenery, her neighbors have wood stick poles. She noted it was a matter of preference. Ms. Michelman noted that the wood poles will deteriorate over time.

Mr. Berra presented photos taken of his view from his property. Ms. Black suggested

specifying in the resolution what type of deer fence netting would be installed. It was noted that the Conservation Board recommended approval of the mitigation plan which included the 1 ½ inch caliber trees.

In response to Mr. Berra's question, Mr. Baroni stated the bond was in the amount of \$90,000.

Mr. Berra inquired about the caliber of trees. Continued discussion was had regarding the caliber of trees for this project. After a lengthy discussion Mr. Sauro and Ms. Tatka both agreed that a larger caliber tree (larger than 1 ½ ") should be planted. .

The board discussed at great length the quantity of trees that should be upgraded to 3 – 3 ½" caliber trees. The board discussed somewhere between 1/3 and ½ of the trees to be upgraded from 1 ½ " to 3 – 3 1/2" caliber. It was agreed that 27 /54 trees proposed to be planted will be 3 – 3 1/2 inch caliber. Mr. Berra was satisfied with this conclusion.

In response to Mr. Berra's question. Mr. Baroni stated that a maintenance bond amount was not included in the performance bond amount and it was agreed that a maintenance bond will be established at 15% of the performance bond figure.

Mr. Berra inquired about what type of pole would be used for the deer fence. The board did not have a preference regarding the black pole or the wood stick to attach the deer fencing to. The board asked Mr. Berra what his preference was and he did not know which one he preferred and could not answer the board. The board suggested that the applicant and neighbor work it out. Mr. Kaufman will update the resolution according to the items discussed this evening. The resolution will reflect a black pole or a wooded stick.

Ms. Michelman asked for a motion to close the public hearing. Mr. Delano made a motion to approve. It was second by Jane Black and approved with five Ayes.

Ms. Michelman asked for a motion to approve the Feit resolution, Ms. Black made a motion to approve. It was second by Mr. Delano and approved with five Ayes.

O'DONNELL

Special Use Permit

Section 1, Block 4, Lot 1D-23

2 Hemlock Hollow Road

Martin Kravitt, AIA

Discussion

Consideration of approving Special Use Permit Resolution

No one was present for this application. The board agreed to adjourn this application to the next meeting because there were some items that the board members wanted to discuss with the professional before considering approval of the resolution.

DISCUSSION:

**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
Consideration of approving site plan resolution**

Cara Bonomolo was present for this application.
Mr. Delano recused himself from this application.

After a brief discussion by Ms. Bonomolo, Mr. Baroni and Mr. Kaufman, it was agreed that to be consistent with these types of applications, the applicant will have to get ARB approval.

After a brief discussion regarding the FCC Shock Clock Order with Ms. Bonomolo and Mr. Baroni, they mutually agreed to grant an extension of time for this application.

Ms. Bonomolo stated that the applicant has revised the plans according to the memos and due to the recent revision to the plans a 24' tree will have to be removed. Mr. Kaufman will update the resolution to reflect a tree removal permit.

Mr. Sauro stated that he was not concerned about the cell tower being a physical eye sore because the new antennas were to be attached to an existing water tank. He was concerned about the radiation the new antennas would give off and its proximity to the neighbors within a specified radius of the cell tower. Mr. Sauro stated that he was aware of the 1996 FCC ruling prohibiting state and local governments denying cell tower applications based on potential harmful effects of cell tower radiation. He then asked Mr. Baroni to elaborate on the law.

Mr. Baroni stated that the FCC ruled that local government can not consider health related effects. The Government has determined that there are no health effects.

Mr. Sauro agreed with Mr. Baroni's explanation of the law but felt that the law did not protect the public adequately. Mr. Sauro stated that in his opinion, Telecom companies lobbied to get this passed with little regard of the effects of radiation to the public in close proximity to cell towers. Mr. Sauro was concerned that a public hearing did not take place regarding this cell tower and those residents in the area were not notified. Mr. Sauro thought that all residents within a radius (to be determined) should be notified of this and any cell tower application in the Town of North Castle.

Ms. Bonomolo stated that the facility would operate at less than 1% of what is permitted by the FCC (Federal Communications Commission) regulations.

Mr. Sauro pointed out the irony of the environmental laws considering the harmful effects on

endangered species more than the effects on humans.

Mr. Sauro cautioned the residents and the Town Board to carefully weigh the benefits of the revenue stream from the cell tower to specific water districts against the potential harmful effects of a cell tower in close proximity to a residential area. Mr. Baroni stated that only the residents in that water district would benefit from the cell tower, it would not be town wide revenue. He also noted that the superintendent of the water department lives close by and is aware of this application as well as Mr. Schrank, is also aware, whom the town has an easement through his property to this site.

Ms. Bonomolo stated that the applicant has demonstrated a need for the facility and all the code issues have been addressed.

Mr. Sauro , Ms. Tatka and Ms. Michelman agreed that the neighbors should be notified. Mr. Baroni stated that he would make the Town Board aware of this issue.

Ms. Black made a motion to approve the resolution as amended. Ms. Michelman second the motion. Ms. Black and Ms. Michelman vote Aye. Mr. Sauro and Ms. Tatka voted Nay. Mr. Delano was not present for the vote.

After a brief discussion, another whereas clause will be added to the resolution which will require notice to be sent out to the neighbors.

Ms. Black made a motion to rescind the prior vote on the T-Mobile resolution. Ms. Tatka second the motion and the resolution was rescinded with four Ayes. Mr. Delano was not present for the vote.

Ms. Black made a motion to approve the resolution as amended. Ms. Tatka second the motion and the resolution was approved with three Ayes. Mr. Sauro voted Nay. Mr. Delano was not present for the vote.

90 BUSINESS PARK DRIVE
Referral from the Town Board
90 Business Park Drive
Sec 2, Blk 16, Lot 11B08
Anthony Veneziano, Esq. Veneziano Associates
Discussion

Contract vendees Engel Berman and Steve Krieger were present as well as their professionals, Anthony Veneziano, Esq. - Veneziano Associates, John Saccardi - Saccardi & Schiff, Steven Grogg - M.C. Laren P.C., and David Mameena AIA – David Lawrence Mameena.

Mr. Veneziano stated that this is a referral from the Town Board to the Planning Board for a zoning change request in the PLI district. The Town Board has requested that the Planning

Board act as lead agency.

Mr. Veneziano stated that the property is 6.44 acres in size and in the late 1980's, this site was previously approved for an office building. In this market, no one is really renting office space. The applicant is proposing 128,000 square foot high end assisted living facility which will have 144 units. The Principal would like to use two acres for this site. There will be no school impacts with this proposal.

Ms. Michelman stated that she had concerns with 144 units on 2.0 acres of land, that will be very dense. She would prefer a more suburban look of the site. She was concerned with the impacts vs. the bulk of the building.

Mr. Saccardi stated that in Westchester County, the office market was not very good. This is an application which is economically beneficial for the Town. There is very low traffic generated during peak and rush hours. Saturday will generate the most traffic with visitors.

Mr. Kaufman noted that during the environmental review, the applicant will need to study what can be done on the other lot of this proposed subdivision.

Based on ongoing discussions, Mr. Veneziano replied that there are 179 rooms in the hotel abutting the site.

Mr. Krieger stated that 90% of the residents live within 5 miles of the building or their family members live within five miles of their buildings. This will be a high end, assisted living facility. On site, the residents will be provided with three meals a day, activities, movies, arts and crafts, a salon, Bocce Courts and a Gazebo. There will also be an ambulate, assistance with bath and showers if necessary and a reflections wing which is very beneficial to the Alzheimer patients. Transportation will be provided to the theatre and for shopping off site.

Mr. Krieger continued. The building will cost between 30 - 40 million dollars to build and there will be three shifts from 7-3, 3-11 and 11-7 which will have no impact on traffic. A new location in East Northport Long Island, New York will be opening soon.

The applicant's professionals have reviewed the Director of Planning's comments and prepared revised plans which was presented to the board. The Planning Board appreciates the changes made to the plans and likes the new plans much better. The applicant's and their professionals prefer the new plans as well and appreciated the Director of Planning comments in his memo.

Mr. Mameena stated that this will become the feature site of Business Park. The applicant has built six other locations and is very aware of the parking requirements. The applicant makes sure that each site melds into the community.

Ms. Michelman stated that the board cannot only look at this proposal while they are aware of the other proposal (supermarket) at 99 Business Park Drive. The board has to make sure that sewer and water can accommodate the capacity of this building. The board will also have to

confirm that there will be no traffic increase as a result of this project. The board would love to work with the applicant and needs a full picture of Business Park before a recommendation can be made back to the Town Board.

Mr. Veneziano stated that the applicant will submit all of the information the board requests as well as the records of emergency calls from other locations. Mr. Kaufman noted that the more information the applicant can provide, the better.

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

Based on the comments from the Town's professionals memos. The applicant decided to address those comments before appearing before the board.

TEDESCO

Special Use Permit

Section 3, Block 14, Lot 1.G

1462 Old Orchard Street

Discussion

Petruccelli Engineering

Mr. Steven Basini, project manager, Petruccelli Engineering was present on behalf of the applicant.

Mr. Basini stated that based on comments from the professionals memos, both lots were owned by the Tedesco's and he has recalculated the GLC & FAR worksheets and the parking is sufficient. The zoning information has been updated and the backup data will be provided.

Ms. Michelman inquired about the removal of the kitchen downstairs. She also asked if the applicant would be leaving the walls, closets, bathrooms and accessories in place. She felt it appeared to still be an apartment. She would like the Building Department to take a look at the existing conditions as well as the proposed apartment. Mr. Basini agreed.

It was noted that a NYS variances would be needed due to the height issues.

Discussions were had at this time regarding the uses of the basement and whether it was part of the proposed accessory apartment.

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The Planning Board would like the Building Department comments prior to scheduling a public hearing.

ROSENBLUM

Site Plan

Section 1, Block 4, Lot 10- 420

4 Thorne Lane

Nick Poudier, Poudier Design Group, Landscape Architect

Consideration of 3rd extension of time site plan resolution

Ms. Michelman asked for a motion to approve the extension of time resolution regarding the Rosenblum addition application. Ms. Black made a motion to approve. It was second by Mr. Delano and approved with five Ayes.