

**NORTH CASTLE PLANNING BOARD MEETING
VIA ZOOM
7:00 P.M.
August 3, 2020**

PLANNING BOARD MEMBERS:

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

Also Present:

Adam R. Kaufman, AICP
Director of Planning

Joe Cermele, 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:
Craig Benedict

MINUTES:

June 22, 2020

Mr. Carthy made a motion to approve the June 22, 2020 minutes as amended, Mr. Sauro seconded the motion and it was approved with four Ayes. Mr. Pollack was not present for the vote.

July 13, 2020

Mr. Carthy made a motion to approve the July 13, 2020 minutes, Mr. Sauro seconded the motion and it was approved with four ayes, Mr. Pollack was not present for the vote.

PUBLIC HEARING:

BRYNWOOD [2020-015]

568 Bedford Road

101.02-1-28.1

Amended Site Plan

Josh Lowney, PGA• General Manager• Brynwood Golf & CC

Discussion

Consideration of Resolution of approval

Present were the principals Jeff Mendell and Spence Romanoff; General Manager Josh Lowney; Andrew Thompson, Jay Fain and Bryce Swanson from Reese Jones office.

Brynwood is seeking approval for an amended site plan that reduces the scope (Phase A) of golf course improvements and significantly reduces the work area from 72.90 acres to approximately 9.80 acres and further reduces environmental impacts.

Mr. Lowney presented the application as referenced above.

Mr. Lowney requested that conditions 1,2,6 and 8 in the resolution regarding the IPM (Integrated Pest Management) and the ITPMP be eliminated from the resolution. He and Mr. Swanson explained how this project was significantly reduced from the original approval and how these conditions were no longer necessary.

Mr. Jensen suggested obtaining input from those who prepared the LBG (Leggette Brashears & Graham) report to make sure that the removal of the conditions would be appropriate. Mr. Jensen was also concerned with the total amount of disturbance being just under 10 acres which is the threshold amount for DEC (Department of Environmental Conservation) review.

Mr. Mendell stated that they did a lot of ground water samples and did not feel it was necessary to burden the job with additional testing and reports. He is committed to doing this in a professional matter.

The board clarified they did not want additional testing and reports, they just wanted the town's professionals and the Town's hydrogeologist (HES) to review what the applicant was requesting prior to granting the request to remove the conditions in the resolution.

Mr. Sauro stated that we are going over all of this to alleviate our fears and protect the surrounding residents. He inquired what the frequency of testing was. Mr. Lowney stated that the soils were tested 3 times per year and sent labs for analysis.

Mr. Benedict inquired if all the products, frequency and amount of products that are sprayed in the trees and on the ground are recorded and submitted to the town for review. Mr. Lowney stated that information was not submitted to the town but he is required to keep records for the NYSDEC, which can inspect the records on site at any time. He noted that if all of the required paperwork is not in order then the

superintendent would be taken away in handcuffs.

Mr. Lowney suggested that HES comments could be required prior to an issuance of a CO. Mr. Lowney stated this level of review is not typically required for smaller projects like this one.

The Planning Board noted that the resolution will be amended to require input from HES with respect to ground water and the Town will review the material as expeditiously as possible.

Mr. Sauro stated that the protocols that are in place today are sufficient and did not think that HES review and comment was necessary.

Mr. Kaufman stated that he would reach out to HES regarding draft resolution comments 1,2,6 and 8 and request they get back to him as soon as possible.

Mr. Carthy made a motion to close the public hearing. It was seconded by Mr. Ruisi and approved with five ayes.

Mr. Carthy made a motion to approve the negative declaration as amended. Mr. Sauro seconded the motion and it was approved with five ayes.

Mr. Lowney stated that the Conservation Board memo stated 1,000 trees were to be removed and noted that only 37 trees were to be removed as part of the reduced scope project. He stated that he would reach out to the Conservation Board for an updated memo.

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

DISCUSSION:

HARRIS [19-017]

9 Sterling Road North

108.02-1-58

Site Plan

Dan Holt, Holt Engineering & Consulting, PC

Discussion

Present for this application was Dan Holt and property owners Hugh & Violetta Harris.

The Applicant is proposing a new pool and patio located in the Town-regulated wetland buffer. This property was referred to the Planning Board by the RPRC as the project may have significant environmental impacts.

Mr. Holt presented the application as noted above. His client would like a pool and patio on site and that would increase the GLC calculations over the maximum permitted and a referral to the ZBA would be necessary. He noted that most of the lot was in the wetland buffer. His client has a minor septic system failure and will need a new system which will require the import of 3 feet of fill on site. He also noted that a barrier wall was put up in the back yard to separate the wetland and wetland buffer area. Mr. Holt inquired if he should go to the ZBA or CB first.

Mr. Holt stated that back when this lot was created the rules were different than they are now. There is a lot of redevelopment in this area and his client would like similar amenities to stay competitive with other homes in his neighborhood. He noted that a recently constructed patio was previously approved by the RPRC.

Mr. Carthy inquired if a pool was ever approved 100% in the wetland buffer. Mr. Kaufman stated that he recalled a couple of approvals where this occurred, but generally the Planning Board has expressed concern with approving recreational amenities wholly within the regulated wetland buffer.

Mr. Carthy inquired about the double curb cut as the driveways are not connected. Mr. Kaufman suggested reducing the pavement to address the gross land coverage issue. Mr. Harris stated that he has always had two curb cuts and put in pavers in the same location as the existing driveway. Mr. Harris stated there were multiple pipes running through the rear area of his property and would like to finally get all of the water mitigated.

The board will schedule a site walk.

34 CREAMER ROAD [18-002]

34 Creamer Road

108.04-2-14

Single Family Home Site Plan

David Graber, applicant

Consideration of 2nd extension of time resolution

Site plan approval for the construction of a new 5-bedroom 8,100 square foot home on a vacant lot was approved on July 13, 2018 and an extension was granted in July 29, 2019.

Mr. Carthy made a motion to approve the extension of time request. It was seconded by Mr. Sauro and approved with five ayes.

4 GINA LANE [2020-024]

4 Gina Lane

102.01-2-81

Amended site plan

Mike Testa, applicant

Discussion

Present for this application is the applicant Jack DiPietro and his professional Mike Testa.

The Applicant is seeking approval of an amended site plan for the legalization of interior modifications and associated exterior site improvements.

Mr. Testa acknowledged that the site and house has undergone substantial changes without approval from the Town of North Castle. Specifically, trees have been removed, a pool has been removed, a driveway has been improved, a breezeway addition has been constructed, a portico has been constructed and the roof has been modified. In addition, interior changes have been completed without the benefit of a building permit. This property was recently referred for Planning Board site plan approval by the RPRC.

Mr. Testa stated that Legacy Development sold this property to Mr. DiPietro two years ago and the trees were cut a couple of years ago and the trees removed were very close to the house. He is here before the board to legalize what was done on site.

Mr. Carthy was not in favor of the proposed line of arborvitae along the driveway. Mr. DiPietro stated they were planted to help screen the proposed abutting driveway from this site. Mr. Carthy suggested a couple of ornamental trees vs. the proposed five arborvitae. Mr. Kaufman suggested one or two decorative trees could enhance the lot. Mr. Testa and Mr. DiPietro agreed.

Mr. DiPietro and Mr. Testa were informed that once they have ARB approval to return to the Planning Board.

27 ORCHARD DRIVE [2020-026]

27 Orchard Drive

108.01-6-79

Maximum exterior wall height

Deborah & Dominick Santucci

Discussion

Present was Deborah and Dominick Santucci.

The rear elevation maximum exterior wall height of 36.5' does not comply with the maximum permitted exterior wall height of 34 feet in the R-10 Zoning District. However, pursuant to Section 355-26.D of the Town Code, the Planning Board has the authority to allow a greater maximum exterior wall height after taking into consideration the topographic conditions of the building site, the amount of building setback provided and the size of the parcel involved.

Mr. Kaufman stated that this applicant was before the RPRC and was approved for new construction except for the maximum exterior wall height which is proposed at 36 ½ feet where 34 feet is allowed per the code. When in excess of the maximum permitted amount, the code refers the applicant to the Planning Board.

Mr. Santucci stated that based on the lay of the land a walkout basement worked well with this site and his client who is purchasing the house likes the walkout basement and would like to keep it. He noted he did it on the other house in this subdivision.

The board reviewed the plans as presented and concluded that only part of the house was in excess of 34' due to the slope of the property and did not see any reason to not grant this approval.

Mr. Ruisi made a motion to grant approval for the additional 2 ½ feet of exterior wall height. Mr. Sauro seconded the motion and it was approved with five ayes.

77 LAFAYETTE AVENUE [2020-027]

77 Lafayette Avenue

122.12-1-35

Site Plan Approval

Ed Swaby, RA

Robert Banta, Applicant-Fast Signs

Discussion

Present for this application was the property owner, Katherine Finelli, the applicant Robert Banta and the professional Ed Swaby.

The Applicant is seeking to establish a new sign manufacturing business at the subject site. However, 77 Lafayette Ave does not have a valid site development plan approved by the Planning Board. In order for the new use to be established on the site, the Planning Board must first adopt a site plan for the property. Since the Applicant is not

proposing any new construction and the building has existed since the 1950s, the goal of this limited site plan review is to ensure that all uses established and proposed on the site comply with the use requirements of the IND-A Zoning District, that off-street parking meets the minimum required for the uses existing and proposed on the site and to ensure that adequate site safety lighting is provided.

Mr. Kaufman stated that there were no previous site plan approvals in the town's records regarding this site and the applicant is before the board to get an updated site plan with all the uses on site as well as parking and lighting.

Mr. Swaby reviewed each of the general comments in the Director of Planning's memo with the board and professionals. Mr. Swaby did not agree with Mr. Kaufman regarding the internal space and how it was counted. The applicant was instructed to follow up with the Building Inspector regarding this matter.

Mr. Banta stated that lighting and photos of the lighting on site will be submitted. He also stated that he will provide a planter box and a tree on site. After discussing the application further, it was agreed upon that the Director of Planning, Town Engineer and Building Inspector would get together and finalize the amount of parking spaces necessary for the variance and they would also review the internal space on site and uses presently on site with the use proposed by the applicant to ensure the correct variance is requested. It was noted on the plan that the parking spaces in front of the building are not 100% on the applicant's property and are partially in the right of way of the road. The applicant will need a referral to the ZBA regarding the parking on site.

Mr. Carthy made a motion to refer this application to the Zoning Board of Appeals, Mr. Ruisi seconded the motion and it was approved with five ayes.

8 COLE DRIVE/24 DAVIS DRIVE LOT LINE [2020-028]

8 Cole Drive & 24 Davis Drive

94.01-1-8 94.02-1-9

Lot Line Change

Kory Salomone, Esq.

Discussion

Kory Salomone and Pete Gregory were present for this application.

The Applicant is proposing a lot line realignment that would alter the existing common lot line between the two lots by transferring 126,880 s.f. from 24 Davis Drive to 8 Cole Drive, resulting in 8 Cole Drive increasing in size to approximately 8.8 acres and 24 Davis Drive decreasing in size to approximately 7.8 acres. In addition, the Applicant is proposing a new driveway for 24 Davis Drive that would directly impact the Town-regulated wetland and Town-regulated wetland buffer. Furthermore, the proposed new driveway would require the issuance of a steep slope permit and tree removal permit.

Mr. Salomone described the application, as noted above, and stated that his client owned both lots and would like permission to transfer 3 acres from 8 Cole Drive to 24 Davis Drive. His client would like to change the lot line to enhance the privacy of his

backyard and to put an addition on his house for his parents and in-laws to stay while they are visiting from Russia and to build a gymnastic training room.

Mr. Gregory stated that 4,000 square feet of wetland disturbance and 8,000 square feet of mitigation is proposed. 54 trees will be removed for the new driveway location. Mr. Ruisi inquired how 20 feet of fill for the new driveway would hold up over time. Mr. Gregory stated that there is a process to be followed and reviewed some of those engineering details.

Mr. Kaufman stated that there were a significant amount of impacts associated with the proposed driveway relocation. Mr. Salomone stated that his client has a limited backyard and is concerned with the close proximity of the driveway to his side lot.

The applicant will work on addressing the comments in the memos and a site walk will be scheduled.

FARRELLY [2020-030]

6 Pine Ridge Road

102.01-2-9

Special Use & Site Plan

Ralph Alfonzetti, Alfonzetti Engineering, PC

Discussion

Present for this application was Ralph Alfonzetti and the applicant, Mr. Farrelly.

Special Use and Site Plan application for a new 934 square foot two story detached garage with storage on the second floor. No plumbing is proposed for the structure. The majority of the proposed structure is within the Town-regulated wetland buffer.

It was noted that this application was dormant since December, 2018 and any applications that are dormant for more than one year have to fill out the application forms again and pay the application fees again. Mr. Farrelly asked to discuss this policy with the board, Mr. Carthy stated that the residents of North Castle should not have to absorb the costs of this application and that the rules of the town should be followed; the board agreed with the chairman. Mr. Farrelly did not agree and was not happy with his comments. The board suggested the applicant follow up with the Conservation Board and work out some mitigation for the site and requested a joint site walk be scheduled.

27 SARLES STREET [2020-029]
27 Sarles Street
101.01-1-69
Special Use Permit
Blythe Yost, Yost Designs
Discussion

Mr. Carthy recused himself from this application.

Present for this application was Laura Cannistraci.

The Applicant is proposing the conversion of the existing two car garage and the construction of a new addition into a new accessory apartment.

Mrs. Cannistraci stated that her mother, Rose, is living on site with her and she would like to add a third garage and convert all three garages into an accessory apartment for her mother to live in. She was looking for a referral to the ZBA in regards to the side yard setback for the third garage. The front of the garage will be preserved to blend in with the look of the existing house. She explained that her mom walks with a walker and they are building a ramp from the apartment to the house for access to the house and will also accommodate a wheel chair if necessary in the future. She then presented photos of the existing garage and surrounding landscaping and showed photos of blue lines on the grass where the third garage was proposed. She also presented a landscaping plan. Mr. Jensen stated the proposed landscaping was a good asset to the site.

Based on all of the photos shown and details of the plans and landscaping plans, the board did not feel it was necessary to do a site walk.

Mr. Sauro made a motion to refer this application to the ZBA, Mr. Ruisi seconded the motion and it was approved with four ayes.

The board discussed possible site walk dates (took place on Wednesday 9/9/2020)

Mr. Carthy rejoined the meeting and made a motion to adjourn the meeting. Mr. Jensen seconded the motion and it was approved with 5 ayes. Meeting adjourned at 10:29 p.m.