

**NORTH CASTLE PLANNING BOARD MEETING
VIA ZOOM
7:00 P.M.
July 13, 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

PUBLIC COMMENT PROCEDURE:

Public comments can be submitted to planning@northcastleny.com during the meeting. Received comments will be read aloud. Include a telephone number in your comment if you would like to provide verbal comments to the Board during the meeting.

150 BEDFORD ROAD [19-021]

150 Bedford Road

108.03-1-40

Site plan

John Fry, AIA, LEED AP bd + c Principal

Nexus Creative Design Architecture Planning & Design

Paul Sysak, RLA John Meyer Consulting

Discussion

Consideration of Resolution of approval

Conversion of the first floor veterinary office to professional office, with new second story office addition and the removal of the existing second floor apartment and conversion of that area to professional office space. The existing rear residence is proposed to remain.

Present for this application Paul Sysak, John Fry and the applicant Vinny Renda.

Mr. Jensen read the affidavit of publication for the record. Mrs. Desimone stated all paperwork was in order for this application. Mr. Kaufman stated that noticed neighbor, Michael Fareri was in the waiting room and would like to provide some comments.

Mr. Sysak stated he has been before the ARB and was granted approval. He has also met with Mr. Cermele and Mr. Kaufman and coordinated with the Fire Department who has granted approval regarding this site.

Mr. Fry stated he did not go before the ZBA last week due to the issues regarding the compact parking spaces and the second floor. His client is considering the two alternatives for second floor use regarding apartment vs. office space and the parking necessary for each use. Parking for a business on the second floor is higher than if there was an apartment on the second floor.

Mr. Fry reviewed the application for the public and proposed changes to the building on the interior and exterior.

M. Kaufman stated that the board can leave the public hearing open and work with the Building Inspector regarding what was and not counted on the second floor and the exact amount of parking spaces necessary for both uses on the second floor. The Planning Board would also have to decide if they want to refer this application to the Zoning Board with parking for an apartment or parking for an office.

Mr. Ruisi inquired what if the board approves an apartment and the applicant uses it as an office. Mr. Kaufman stated that the Building Department does Fire Inspections and if that was the case and they saw it was used without an approved use, a violation would be issued.

Mr. Renda stated he would like the flexibility with the use on the second floor but realizes he needs to make a decision on what to get approval for. Mr. Kaufman reminded him that if down the road, Mr. Renda would like to change the use, there is a process with the town for that change. Continued discussions took place regarding how each use relates to the other uses on site. Mr. Kaufman stated that the apartment was a permitted use on site.

Mr. Fry stated that it is hard to determine which is more beneficial at this location, an apartment or business. In response to comments from Mr. Carthy, Mr. Sysak reviewed the landscaping plan for the site. The FAR was discussed at this time and the applicant will submit the requested additional information to the board. Mr. Fry stated that he has always been under the FAR maximum and has struggled with the parking on site.

Mr. Carthy suggested holding off on the referral to the ZBA until the second floor has been decided on an FAR confirmed.

Mr. Carthy asked if the board had any input regarding their preference of apartment vs. office or if they had no preference. Mr. Pollack was in favor of the accessory apartment

use since that would help alleviate the struggle with the parking. Mr. Jensen agreed with Mr. Pollack and stated that apartments are an unmet need in town.

Mr. Cermele stated that engineering wise he had minimum impact on this application and the applicant has addressed most of his comments. He inquired if the board was inclined to have the applicant install a sidewalk. He noted the abutting lot was granted site plan approval with a sidewalk which would connect to this site and then other sites on Bedford Road.

In response to comments, Mr. Sysak noted the parallel parking at the front of the site to the road was abandoned. At Mr. Carthy's request Mr. Cermele stated that sidewalks have been built during site plan approval and other applicant have put up a bond to build the sidewalk down the road when deemed necessary and the board should discuss how they would like to proceed. Mr. Carthy stated that he would like to see the sidewalk on the plan now and made part of the site plan approval not have money for that put into a bond. The board agreed.

In response to Mr. Renda's comments, Mr. Kaufman stated that street parking does not count towards the applicants parking count on site.

Noticed Neighbor Michael Fareri was welcomed to the zoom meeting at this time. He noted he was a noticed neighbor at 162 Bedford road which abutted this site as well as his other properties at 4 & 5 MacDonald Avenue.

Mr. Fareri expressed his frustrations that he found out about this application through the ZBA regarding parking before the Planning Board noticed him. He requested that the public hearing be held open so he would have a chance to review the plans regarding the second floor once finalized.

Mr. Fareri reviewed the zoning conformance chart for this site from existing to proposed uses and stated he was not in favor of compact cars and land banking parking spaces on this site. He was not clear on Mr. Fry's description of the interior change of raising the height of the building by two feet which changes the conformity of the building and how it was noted in the applicant's submission that a building permit would not be necessary. He was not in favor of the proposed land banked parking spaces and proposed compact car parking spaces.

Mr. Fareri reviewed the porches and staircases as it relates to the FAR Count. He also reviewed the information he found in the Assessor's office regarding this site and how it does not agree with the applicant's submission. He reviewed his concerns about the amount of parking provided and what was necessary for this site. He stated that the porches and staircase should be counted towards the FAR. He requested that the FAR be reviewed in detail for its accuracy. He expressed his concerns with the width of the driveway due to the installation of the staircase and suggested to the applicant to use a lift instead of a handicapped ramp as it would take up less space on site.

Mr. Fareri reminded the board that there was a lot of missing information as noted above and would like the public hearing to remain open. Mr. Fry responded to as many

of the comments as he could and reminded the board the existing width of the driveway will remain the same and the bollards will be installed in front of the door for people exiting the building regarding the 8th parking space on site.

Mr. Carthy stated that we would need an updated plan before this could be referred to the ZBA.

Mr. Sauro stated that we can keep the public hearing open and suggested the applicant clean up his plan and resubmit when ready. The rest of the board agreed.

Mr. Carthy made a motion to adjourn the public hearing, it was second by Mr. Ruisi and approved with five ayes.

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

Public hearing was not noticed correctly and the applicant was removed from the agenda.

100 BUSINESS PARK [2020-016]

100 Business Park Drive

108.03-1-51

Site Plan Approval

Paul Sysak, RLA John Meyer Consulting

Discussion

Consideration of Resolution of approval

The Applicant is seeking site plan approval to store 5,000 cubic yards of fill from an offsite construction project on the site that would be utilized later on the subject site if Planning Board approval is granted in the future.

The property is approximately 11.3 acres in size and lies within the PLI zoning district. The site is currently developed with a 62,782 square foot office/light industrial building with associated off-street parking.

Present for this application was Paul Sysak, John Meyer Consulting.

Mr. Carthy read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application. Noticed Neighbor Mr. Michael Fareri was in

the waiting room.

Mr. Sysak stated that the 5,000 cubic yards of fill has been reduced to 1,000 cubic yards. He has met with the Town Engineer and addressed many of his concerns, he proposed a swale to offset the temporary stock pile area of 40 cubic yards that was below the flood plain elevation. He is providing the required compensatory stockpile area which is required by the Town Code and located outside the wetland buffer.

In response to comments from Mr. Carthy, Mr. Cermele noted he had a productive discussion with Mr. Sysak since the last meeting and reviewed the added securities to make sure the plan was compliant to flood plain standards and wetland impacts. Mr. Sysak will be submitting in the near future cross sections, volume and compensatory storage information. He received confirmation from Mr. Sysak's office who received it from the NYSDEC that this is not in a state wetland or wetland buffer. He reviewed comments from the soil sampling reports and noted there are slightly elevated levels of chromium – which are not a point of concern according to Bill Canavan, President of Hydro Environmental Solutions, Inc. Bill Canavan also responded to Mr. Cermele's comment regarding the Chromium and its impact to the future water source near the site and according to Mr. Canavan's memo he did not think that it would pose a problem to the water supply. There are other recommendations in Mr. Canavan's memo and if this project is approved, he recommended that they be made part of the resolution of approval which he reviewed at this time.

Mr. Benedict inquired if the applicant would return to the Conservation Board. Mr. Sysak stated that since this was outside the local and state wetlands, he would not return to the Conservation Board.

Mr. Jensen expressed his concern with granting approval for this request ahead of site plan approval and the precedent it could set.

Mr. Pollack reviewed the concerns of the professionals, Mr. Cermele noted he has discussed these items with Mr. Sysak and they are in agreement with what needs to be done and does not expect it to be a problem. He reviewed the outstanding comments he had in the resolution as requested. Mr. Pollack asked Mr. Kaufman if his concerns had been addressed. Mr. Kaufman stated that he was still concerned regarding the sequencing but the resolution was prepared so that the board may proceed with this application if they want to. Mr. Carthy noted that condition #9 addresses that concern.

Mr. Kaufman noted that there was one person in the waiting room but was no longer there, he noted there was no other correspondence regarding this public hearing and no one else was in the waiting room.

Mr. Jensen stated he would like Westchester County to further explain their comments and rationale to flood plain concerns in their memo. Mr. Baroni stated that Mr. Errico has retained the services of the person who Westchester County hired in 2008 to make sure that the matter is addressed regarding the flood plain and will make sure they do what is necessary to comply with Westchester County comments on the flood plain issue comments.

Mr. Jensen inquired if the board approves this application, are we opening up this option for other property owners to make the same request prior to site plan approval. Mr. Baroni stated that he understands this is out of sequence and it is unusual and reminded the Planning Board that they have input on all approvals in this regard but did not think it was precedent setting. If the board determines this application has merit, then let's proceed and if the board does not think it has merit then you can maintain the position like the board took at the last vote.

Mr. Pollack's questions were answered to his satisfaction regarding the draft resolution.

Mr. Baroni stated the applicant was agreeable to the December 31, 2021 deadline to use the soil on site or remove it. Mr. Pollack was concerned that the resolution was not clear enough to avoid this site being used as a transfer station. The board agreed that the resolution will be updated to say if the fill is removed from the site it can't be replaced until full site plan approval is granted.

Mr. Kaufman noted no one was in the meeting room and no emails have been received.

Mr. Carthy asked for a motion to close the public hearing, it was second by Mr. Ruisi and approved with five ayes.

Mr. Ruisi made a motion to approve the negative declaration, it was second by Mr. Sauro and approved with five ayes.

Mr. Kaufman stated that the abutting property owner at 130 Business park Drive, Aero Hardware submitted the same comments as they did at the last meeting, they are opposed to this application.

Mr. Sauro made a motion to approve the amended site plan as noted regarding the transfer station update and recommendations from the HydroEnvironmental Solutions memo and a letter and report from the soil testing company supporting the lab results. Mr. Ruisi second the motion and it was approved with five ayes.

DISCUSSION:

6 STERLING ROAD SOUTH [2020-025]

6 Sterling Road South

108.02-1-30

Special Use Permit

Teo Siguenza

Discussion

Property owners Mr. & Mrs. Barasch were present with their professionals Teo Siguenza and Dan Holt.

The existing lot is 3 acres in the R-2A Zoning District with an existing single family residence, swimming pool, tennis court and detached accessory garage. The applicant is proposing the conversion of an existing four car garage building into a guest cottage with two garage bays in the lower level and the construction of a new sports court.

Mr. Siguenza presented the application as noted above and presented an aerial photo to give the board a sense of the site and existing landscaping on site. The garage was built in 1969 and expanded in 1974. He reviewed the interior layout of the house and the garages and its conversion to living space. His client is looking to create space for their children and grandchildren when they visit. He stated the application will be updated to reflect that the garage will remain and not be demolished as was noted on the plan. He will address the comments in the memos. He noted the basketball court was proposed on site in an area where it was already disturbed. Mr. Siguenza stated the Gross Land Coverage is in excess of the maximum permitted and approval from the Zoning Board of Appeals will be necessary.

Mr. Holt stated that the site has septic for eight bedrooms and the house presently has six bedrooms and two bedrooms are proposed for the cottage. Mr. Holt responded to comments in the Town Engineer memo and stated he will supply updated floor plans to the Board of Health showing this is a six-bedroom home. He stated he will test the drainage after they have received approval from the ZBA. He noted that the half basketball court would be 3,300 square feet.

Mr. Jensen expressed concerns about noise from the basketball court and its impact to the abutting property owner since it was proposed approximately 25 feet from the property line. Mr. Holt stated his client was considering some landscaping in that regard and mentioned that no lighting was proposed for the basketball court. Mr. Siguenza presented an Ariel view showing the existing landscaping in the area of the basketball court. Mr. Jensen noted the plan did not reflect the amount of existing screening shown on the aerial plan.

Mr. Kaufman stated that the issue is seeing how the Building Department will classify the existing garage. If it is classified as a garage, you can't have any living quarters, if it is classified as an accessory apartment that has garages – that would have to be qualified with the Building Department. The board would also have to approve the height of the structure and decide if compatible with the neighborhood. The application

is compliant with the Town Comprehensive Plan. The board decided a landscaping plan is not necessary for this application and neither was a site walk due to the amount of photos presented to the meeting, they had a clear understanding. Mr. Kaufman stated when the applicant had ARB and ZBA approval they could return to the Planning Board for a public hearing and resolution, the board agreed.

Mr. Carthy made a motion to refer this application to the ZBA, Mr. Sauro second the motion and it was approved with four Ayes. Mr. Pollack was not present for the vote.

4 LEDGEWOOD PLACE LLC [2020-012]

4 LEDGEWOOD PLACE

107.02-2-46

Site Plan

Joseph Paterno, Leed AP

Discussion

Applicant requested to be taken off of the agenda.

SUNSHINE BUDDHA [19-020]

736 North Broadway

122.16-3-15

Amended 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. Change of use of the ground floor from restaurant to retail. Additionally, the Applicant is seeking to legalize the existing second floor apartment and legalize storage on the third floor.

Present for this application Gabrielle Salman and the property owner Ngen Sumeng.

Mr. Kaufman stated that we have a new plan submitted by the applicant and a good number of comments that were in the last set of memos were repeated with this submission. He stated that of particular concern was how the applicant was addressing the apartments and the what is and is not counted for Gross Floor Area. The third floor storage space was divided into several rooms at the last meeting and we expected that those walls would have been removed on this recent submission. We also discussed at the last meeting where Gross Floor Area is and is not counted in commercial buildings and there still appears that certain areas were not counted. The applicant needs to go to the ZBA for the off street parking variance and that is predicated on us getting a good understanding of the Gross Floor Area of the Building. The Gross Floor Area of the Building dictates how many parking spaces are needed for the building. The other comments in the memo are minor.

Mr. Carthy asked for some clarity of what the applicant was looking for from the board this evening.

Mrs. Salman stated she was surprised because she was told at the last meeting they would be recommend to go to the ZBA, she has re-calculated the square footage and nothing has changed. She submitted signage to the ARB which will provide for a monument sign in front of the property and is scheduled to go before the ARB on Wednesday. Mr. Kaufman began reviewing some areas on site that were not counted toward the Gross Floor Area like corridors and storage areas. Ms. Salmon did not agree with Mr. Kaufman's comments

Mr. Carthy stated that a zoom meeting should be set up with Gabrielle Salman, Ngen Sumeng, Adam Kaufman, Rob Melillo and Joe Cermele to work through the comments in the memos. He also suggested Mrs. Salmon and Mr. Sumeng review the memos line by line from both professionals prior to the zoom meeting, she agreed to do that with the applicant.

At the very end of the Planning Board meeting the board discussed this application very briefly and relayed to the professionals that the applicant had to show real progress with their next submission before returning to the board.

ONE LABRIOLA COURT [19-012]

1 Labriola Court

107.04-2-23

Amended Site Plan

Dennis Noskin, Dennis Noskin Architects

Discussion

Consideration of extension of time resolution of approval

A site plan application has been submitted to permit the outdoor storage of trailers, containers and material in the rear parking lot of 1 Labriola Court in the RELIP Zoning District.

Mr. Carthy made a motion to approve, it was second by Mr. Sauro and approved with four ayes. Mr. Pollack was not present for the vote.

BTD T PROPERTIES [16-032]

18 Carolyn Place

100.04-1-5

Site Plan

Ralph Mastromonaco, PE PC

Frank Guiliano, Landscape Architect

Tim Miller Associates, Inc.

Jacob Amir, Esq. DDWWW LLP

Discussion

Re-consideration of recommendation to release bond

Mr. Kaufman stated this was discussed several months ago because we were unable to gain access to the site and verify if the plantings that were bonded had been planted and are living. He has a letter from the Landscape Architect stating that it was done but the Town Engineer was not able to gain access to the site and verify the plantings. The Planning Board needs to decide if this is sufficient information to release the bond and if the board decides to release the bond, should it be less the outstanding fees owed to the town.

Mr. Carthy made a motion to make a recommendation to the Town Board to release the bond less the amount of the outstanding fees owed to the Town of North Castle. Mr. Jensen second the motion and it was approved with four ayes. Mr. Pollack was not present for the vote.

Mr. Carthy made a motion to adjourn the meeting, Mr. Sauro second the motion and it was approved with four ayes. Mr. Pollack was not present for the vote. Meeting adjourned at 9:40 p.m.