

**NORTH CASTLE PLANNING BOARD MEETING
VIA ZOOM
7:00 P.M.
Thursday May 28, 2020**

PLANNING BOARD MEMBERS:

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

Also Present:

Adam R. Kaufman, AICP
Director of Planning

John Kellard, 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:
Andy Block

MINUTES:

January 13, 2020

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

January 27, 2020

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

February 10, 2020

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

May 11, 2020

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

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.

DISCUSSION:

NORTH CASTLE SOUTH FIRE DISTRICT #1 [2020-020]

621 North Broadway

122.20 – 1 - 5,6,7

Amended Site Plan

Mark Fritz, AIA Mark W. Fritz Architects

Discussion

Expansion of the existing parking lot from 12 to 23 off-street parking spaces at the North Castle Fire District #1 firehouse and the construction of new retaining walls and parking lot lighting.

Present for this meeting was the architect Mark Fritz and the engineer Benny Salanitro.

Mr. Kaufman presented the application as noted above. He highlighted some of the points in his memo for the boards consideration ie: walls proposed are taller than 6 feet and the board will have to approve that, lighting and site distance. Mr. Kellard noted a few items from his memo - NYSDOT will need to approve the new curb cut and the handicapped space needs to be ADA compliant. Erosion and sediment control measures need to be addressed and he inquired where will the dumpster location on site be and access to the dumpster.

Discussions took place regarding the screening between the lots and if residential or commercial properties bordered the site. The applicant was not sure who the screening would benefit and stated there is not that much room. Mr. Carthy stated that he would like some screening to improve the visual aspect from Route 22.

Mr. Jensen inquired if a parking space would be lost on North Broadway with the new curb cut. The applicant responded yes.

In response to Mr. Carthy's comment regarding landscaping on site, the other board members were in favor of the landscaping on site, especially screening to North Broadway and screening along the top of the wall and at the rear of the site. Mr. Salanitro stated that after this was done if there was room to put in landscaping he would and will return to the board with more landscaping if possible and updated photos of the site to clearly show existing conditions on site.

Lighting was discussed and Led lights will have more of a yellow tone to it.

A public hearing was scheduled for June 22, 2020 and the board will consider a resolution the same evening. The board will walk the site

**SALAZAR [2020-019]
10 Leisure Farm Drive
101.03-3-33
Amended Site Plan
Bill Einhorn,
Discussion**

The Applicant has removed trees in an area beyond the approved Clearing and Grading Limit Line depicted on the Leisure Farm subdivision plat. The plat contains a note stating that "All of the clearing and grading lines as shown on this plat shall not be altered without Planning Board Approval." Therefore, the Applicant is required to seek amended plat approval from the Planning Board.

Present for this application was Bill Einhorn and Julio Salazar.

Mr. Einhorn described the application as noted above. Mr. Kaufman reviewed the intent of the Clearing and Grading limit lines at the time of the subdivision. In response to comments from Mr. Carthy, Mr. Kaufman stated that when the applicant went before the RPRC for the pool and landscaping, what was proposed did not go beyond the Clearing and grading limit line. The Clearing and grading limit line was not on the approved plan by the RPRC. Mr. Kaufman inquired if there was anything else that needed to be approved of on site that was not approved previously. The applicant will update the plan to show everything and a new gross land coverage calculation worksheet will be updated and submitted.

The applicant was directed to stake out where the clearing and grading limit lines were originally and the board will come out to the site. (A site walk was scheduled for Tuesday, June 9th at 9:00 a.m.)

The neighbor notification was scheduled for June 22, 2020.

**375 MAIN STREET [2020-011]
375 Main Street
101.01-1-6
Amended Site Plan
Leo Napior, HKP Harfenist Kraut & Perlsten LLP
Discussion
Consideration of resolution of approval**

The subject property is an existing legal nonconforming gasoline filling and service station use in the CB Zoning District. In accordance with the prior Site Plan Approval Resolution dated December 9, 2019, the Applicant is seeking approval to redevelop the property. Specifically, the Applicant is proposing to remove the existing structure and fuel dispensers and construct a new 1,800 square foot convenience store, two fuel dispensers, a canopy and other associated site improvements (i.e. sidewalks, curbing, landscaped areas, etc.). There are 11 proposed parking spaces. New and enhanced

curbing, sidewalks and landscaped areas are proposed on site and in the immediately adjacent rights-of-way for Kent Place and Main Street.

Present for this application is Leo Napior, Jonathan Kraut, Frank Filiciotto, Robert Bronzino, Beth Evans, Oliver Young and Hani Sadallah.

Mr. Kraut stated that he has received both memos from the professionals. He asked for any further comments from the board at this time. His client made some significant revisions to the plan, his client will have two fueling dispensers and he relocated the canopies to eliminate the need for a variance. He will go over all of this with the Building Inspector that the proposed site is code compliant. He stated the parking spaces were reconfigured and the propane ice machine has been relocated on site. The rear and side yard façade were redesigned. A detailed response to both memos will be provided. He also noted the Town Board is considering a zoning change regarding gas stations.

Mr. Kaufman stated that the Town Board had some comments for the Planning Board to consider during their review of the site. He also stated that traffic comments are being prepared by Michael Galante from Hardesty and Hanover (formerly FP Clark) and will be forwarded to the applicant once received. He noted in regards to the referral to the Conservation Board a 2:1 mitigation plan should be part of that submission. Mr. Kraut stated the applicant asked to pay a fee in lieu of the mitigation plan and the Town can decide where to spend that money. Mr. Kaufman stated that the Conservation Board and Planning Board can discuss that but the fee in lieu is usually done as a last resort.

In response to Mr. Carthy's comment, Mr. Kaufman read the Town Board comments to the Planning Board. The Town Board asked that the Planning Board review the positioning of the building and if the convenient mart should face Kent Place or Main Street and to consider the amount of fuel bays on site, which have been reduced from three to two bays as the applicant noted earlier. Lastly, the exterior should be similar to the surrounding architecture.

Mr. Carthy inquired about the building being located on the property line and Mr. Baroni stated a temporary construction easement may be necessary. Mr. Kraut will look into that and get back to the board. Mr. Carthy suggested alternate plans be submitted facing main street. In response to Mr. Ruisi's request, the elevation plans were shown at this time.

Mr. Carthy inquired about the alternate plan facing main street. Mr. Kraut stated that his team has looked into that and there were many reason why that would not work and noted the tanks were recently replaced. Mr. Kaufman noted a variance for the rear yard setback would be necessary. Mr. Bronzino listed some issues they ran into when considering the building facing main street. Mr. Carthy asked the applicant to submit that information regarding the obstacles with the next submission, Mr. Kraut agreed to this request. Mr. Kraut stated that the plan is fully compliant and no variances are necessary at this time and if the Main Street concept is done variances would be needed.

Mr. Kaufman suggested the applicant proceed to the Architectural Review Board and Conservation Board. Letters will be sent to both boards.

Mr. Carthy asked for some screening along the property line. Mr. Baroni stated an easement would be necessary for the plantings. Mr. Kraut stated they would reach out to the abutting property owner regarding the fence and landscaping in front of the fence. Mr. Napior stated that they also needed to determine who owned the fence. Mr. Carthy noted the fence was a horrible contribution to the site even with an updated façade.

Mr. Pollack inquired about the comments in the memo about the amount of parking on site and if a space at the pump would be included in the parking count for the site. He also inquired about the location of the vacuums and air pumps on site and how they are included in the parking spaces. Mr. Kaufman stated these are all policy decisions of the board and if they are appropriate or not. Mr. Pollack asked what other gas stations are doing in town and in other municipalities regarding parking spaces counted at the pumps. Mr. Kaufman stated that he has seen it both ways regarding the parking spaces being counted at the pumps or not in other municipalities and there have not been any approvals for gas stations in town for over 15 years. He noted that some codes are explicit and some are not, North Castle's code does not have any input on this. Mr. Carthy asked the board what their thoughts were on this matter. Mr. Kraut stated that most people start pumping the gas and go in and grab gum or coffee and finish fueling and disburse.

Mr. Ruisi stated that he was alright with counting the space at the pumps as parking spaces since many people go inside and get what they need when the car is filling up. Mr. Pollack was reluctant due to the lack of guidance in the code and lack of history in the town. Mr. Kaufman will follow up with Mr. Galante regarding this matter. Mr. Filiciotto stated that he was the traffic engineer for the applicant and 65% of the time people share a parking space for guests and the convenient mart. He would be happy to supply that additional information to the board.

Mr. Jensen inquired about outdoor sale of products like propane tanks, beverages. Mr. Kaufman stated that would have to be factored into the site plan, any outdoor storage or display would require a special use permit. Mr. Napior stated the sale of propane and ice is shown on the site plan back by Amore. Mr. Carthy was concerned about the location of the vacuum and air compressors. Mr. Kraut stated it was not permitted near the pumps due to possible sparks and vacuuming near the pumps would take up fueling time. Mr. Kaufman was concerned about the noise impacts of the vacuum and air compressor to the outdoor seating at Amore restaurant next door. Mr. Carthy was concerned about the noise of the vacuum to the restaurant as patrons walk in and out of the to go door.

Mr. Block suggested the applicant come to the Conservation Board with a 2:1 mitigation plan for the site for their review and consideration. The board would like to see what options there are for the in lieu of fee. Mr. Kraut stated that this is a fully developed site and there is no room for mitigation.

The applicant stated they will submit responses to both memos and comments raised this evening.

25 ORCHARD DR / 22 ANNADALE ST [2020-018]

25 Orchard Drive & 22 Annadale Street

108.01-6-78 & 108.01-6-67

Subdivision (no new building lot)

Ralph Mastromonaco, PE PC

Discussion

The Applicant is seeking approval of a proposed lot line realignment (subdivision) that would alter the existing common lot line between 25 Orchard Drive & 22 Annadale St. Currently, a patio associated with 22 Annadale St is located on 25 Orchard Drive via an easement. The proposed subdivision would enlarge 22 Annadale so that the patio is located on 22 Annadale and reduce the lot size of 25 Orchard Drive. If approved, the patio on 22 Annadale will be reduced in size so that it is no closer than 5 feet to the new rear yard setback.

Present for this application was Ralph Mastromonaco and the applicant Mr. & Mrs. Santucci.

Mr. Mastromonaco presented the application as noted above and noted the easement was granted years ago. He also stated the shed was over the property line and this will be corrected as well. The board and professionals had no comments, the application was pretty straight forward.

A public hearing was scheduled for June, 22, 2020. A resolution of approval will also be prepared for the board's consideration.

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

Discussion

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 was Paul Sysak, Vinny Renda, John Fry and Jaclyn Tyler.

Mr. Fry described the application as noted above, he stated that there were two structures on site that were originally built in the 1920's. The rear structure will remain as a single family structure. The front building was previously a veterinary office on site and his client would like to convert it to Edward Jones Financial Business on the first floor and professional office space on the second floor. He noted the second floor access presently would go through the same door that accesses the first floor and then upstairs to the second floor and his client would not like to continue access in the same manner. His client would like access to the second floor from the outside and at the rear of the site. The basement height is over 5 feet and he would like to raise it 2 feet to make it a useful mechanical and storage area for his client. He then reviewed rental space on the second floor and provide use in the attic space. He then reviewed all four sides of the front building and noted how these changes will make the property more functional and maximize the existing elements. He presented the color renderings and building sections at this time to assist the board in understanding the challenges of the site and why.

Mr. Fry stated the property owner, Mr. Renda, has one car appointments and also had video appointments which would reduce car volume on site. Mr. Fry continued and explained the history and architectural details of the site and how his client wants a wall mounted sign.

Mr. Fry stated that it would be virtually impossible to plant the 10-foot planting buffer on the easterly side as required by the code. The plan presented as much of a planting as possible but cannot reach 10 feet. He Then referenced the 25' usable aisle width. Mr. Kaufman stated that there is not that much room to have the planting requirement and there is an exception in the code for driveways and you have what you have and you will maximize it to the extent that you can. Mr. Kaufman asked if the applicant could put in regular sized parking spaces because the board does not have the ability to approve all compact car parking spaces on site.

Continued discussion took place regarding the driveway and parking spaces and if you could count tandem spaces, full size vs. compact size parking spaces and land banked parking spaces. It was noted that the proposed parking space near Bedford road could not be counted. It was noted that if full size parking spaces were used, the site would be short one space. Occupancy limit was also discussed to alleviate the parking issue. It was noted that would be very difficult to enforce and having the land banked parking spaces would be easier to regulate on the site.

Mr. Carthy inquired why develop the lot with the existing residence. Mr. Kaufman stated that it is a permitted use in the district and on the site and the applicant is showing that development of the site is pretty much compliant except for the width of the driveway. Mr. Fry noted this has value to his client. The width of the driveway was also discussed and because the property was zoned RB a variance for the 20-foot-wide driveway was not necessary according to the Town Attorney.

It was noted that access to the second floor via stairs would abut the former lumberyard property. There were concerns of the visual impacts to the former lumberyard property. It was noted this was the least intense use for the site and was uniquely appropriate

use. The applicant will have to go to the ARB and get their feedback. The applicant requested a referral to the ZBA for the compact parking spaces.

Mr. Kaufman requested the plan be updated showing the mechanical and storage areas in the basement.

In response to comments the applicant was directed to proceed with addressing the comments from the professional's memos while simultaneously going before the ARB and ZBA. The applicant hopes to get on the ZBA meeting in July and return to the Planning Board on July 13, 2020 if all of the approvals are in order.

Mr. Carthy made a motion to adjourn the meeting, it was second by Mr. Sauro and approved with five ayes. Meeting adjourned at 9:40 p.m.