

**NORTH CASTLE PLANNING BOARD MEETING
VIA ZOOM
7:00 P.M.
September 14, 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:
John Krupa

MINUTES:

August 3, 2020

Mr. Carthy made a motion to approve the August 3, 2020 minutes. Mr. Sauro seconded the motion and it was approved with five Ayes.

PUBLIC HEARING:

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

The project involves the 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, Jacklyn Taylor, John Fry and the applicant Vinny Renda.

Mr. Carthy made a motion to reconvene the public hearing. Mr. Sauro seconded the motion and it was approved with five ayes. Mr. Kaufman noted there was one person in the waiting room regarding this application.

Mr. Sysak reviewed the application as noted above and stated that his client has decided to leave the second floor as residential use with associated storage for the business on the first floor. Eleven off street parking spaces are required, eight are provided and a variance for three will be necessary. Mr. Kaufman recommended that the dumpster be relocated to be under the outdoor stairs in order to maximize additional parking on site.

The board welcomed noticed neighbor Michael Fareri to the meeting.

Mr. Fareri reminded the board that he has two lots that abut the site and one noncontiguous lot around the corner on Maple Avenue. He stated that he had three concerns to review with the board: Sufficient Parking, Landscaping and Driveway Width and wished to be provided an explanation as to how the building could be raised two feet on the 1st & 2nd floor.

Mr. Fareri opined that he did not agree with the Building Inspector's interpretation of the code that the deck and covered stairs should not be included in the FAR. He was concerned that overflow parking would park on Bedford Road which would impact his abutting lots.

Mr. Fareri stated that the driveway width was 12' for residential and now that it was commercial on the first floor, the driveway width should be increased to 20' as was required when he developed 20 Bedford Road when it was converted from residential to commercial use.

Mr. Fareri expressed concerns regarding the removal of landscaping from the front of the site and noted that pedestrians would be hit by car bumpers when backing up of the first space closest to the sidewalk.

Mr. Fareri opined that the landscaping plan could be better. He also noted that school traffic resulting from Covid-19 is a potential hazard.

Ms. Jacklyn Tyler responded to each of Mr. Fareri's comments. She noted the structure was being raised via common construction practices. She continued and stated that multiple discussions took place with the Building Inspector who stated the deck and staircase and the staircase landing were not classified as a porch and therefore the square footage was not included in the FAR. They will review the driveway width and see if a variance is needed for that.

In response to comments from Mr. Fareri, continued discussion took place regarding what was and was not counted toward the FAR. Mr. Baroni reminded Mr. Fareri that the Building Inspector interprets the code. Mr. Fareri stated he wanted consistency regarding the code and as it relates to the width of the driveway.

Mr. Fry stated that FAR coverage does not include pedestrian ways, circulation, awnings and columns.

Mr. Fareri was concerned about the precedent of relocating the stairs to the exterior of the building and if approved now what impact that would have on future projects in the town.

He stated that a big issue in town is parking deficiency and the applicant is requesting a 25-35% parking waiver for this site.

Mr. Ruisi stated that aesthetically, Mr. Fareri makes a good point that the exterior stairs do not look good. He asked if we have a clear understanding of traffic and movements on site. Mr. Kaufman stated that we don't know about future businesses on site.

Mr. Fareri was concerned about traffic on site if a deli or subway sandwich store were to move in the future. Mr. Kaufman stated that could not take place without Planning Board approval. Mr. Carthy reminded the applicant and the board that we are reviewing uses today as well as into the future.

Mr. Sauro suggested removing one of the parking spaces in front of the site since there was not a lot of maneuverability on site with the parking space closest to the road. Mr. Sysak stated he would review that information further.

Mr. Pollack agreed with Mr. Sauro's comment and noted if the driveway entrance from Bedford Road were widened it may help the turning radius for that first parking space. Ms. Tyler stated that patrons can park in the front and employees could park in the rear and that way no one would run into one another in the driveway.

Mr. Carthy stated that he has noted the concerns about the parking onsite but reminded everyone that the rear apartment is part of the reason why parking is deficient on site.

In response to comments, Mr. Sysak stated that the last approval was for 11 parking spaces.

Mr. Kaufman noted that no one else was in the waiting room regarding this application.

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

The board continued discussion of the application at this time and summarized if this application was referred to the ZBA was the board satisfied with the exterior staircase as presently located, the width of the driveway, eliminating one of the parking spaces in front of the business and whether there was sufficient landscaping on site. The board

discussed moving the stairs to the rear of the site or the other side of the building facing MacDonald Avenue. Mr. Sysak stated that it was less than ideal to redesign the building for a staircase on the other side of the building and parking spaces would be lost if moved to the rear of the site.

Mr. Jensen noted the building has existed for decades and the previous use was a Veterinary office and the applicant is not making the site any worse. Mr. Fry stated that the present stair location and handicapped accessibility works for the site and if moved to the opposite side of the lumberyard it would make entry to the site convoluted. He also stated that he had received ARB approval and they liked the planting and landscaping plan.

Mr. Carthy stated that this is late in the game to be asking for these sort of changes. Mr. Kaufman stated that this information was presented in his memos all along and the board can discuss knocking down the structure and rebuilding in a better location. Mr. Fry stated that did not make economic sense.

Mr. Ruisi suggested that the Board is concerned with the width of the driveway and the impact of the reduced size driveway upon future uses. He recommended that the ZBA discuss that matter.

Mr. Sauro stated that he was not sure if moving the stairs to the west side was beneficial as you would lose some of the existing landscaping on that side of the building. He would like to widen front driveway to 20' or a width to make it more maneuverable in the front of the site.

In response to Mr. Pollack's comment. Mr. Kaufman confirmed that the applicant is requesting a variance for 3 parking spaces according to the Building Inspector's determination.

Mr. Carthy made a motion to refer this application to the ZBA, 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 applicant Robert Banta.

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. Banta stated that this application went before the ZBA and they were unable to complete that application and the public hearing was adjourned.

Mr. Cermele stated that the plans reflected 13 parking spaces at the rear of the site and he counted 12 parking spaces and had counted a total of 36 parking spaces where the plans showed 37 parking spaces. He did not want the applicant to get an approval with the wrong parking count and suggested that this information be double checked.

Since the applicant did not have ZBA approval, the board could not move forward with this public hearing or consider the draft resolution prepared. Mr. Carthy made a motion to adjourn the public hearing, 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
Blyth Yost, Yost Designs.
Discussion of site walk

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

The Applicant is proposing a new pool and patio located 100% 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. Ruisi inquired if there were any comments from the Conservation Board since he would like their input. Mr. Krupa stated that the board was debating this matter and queried the Planning Board whether they had ever approved a pool or application that was 100% in the wetland buffer. Mr. Kaufman replied that there were limited examples of the Planning Board approving recreation features totally within the buffer, but that each application has to be reviewed on the merits.

Mr. Carthy inquired about the significance of the wetland buffer and whether the Applicant has provided the Board with a wetlands functional analysis.

Mr. Holt stated that Beth Evans, a wetlands consultant could opine on the function of the wetlands. The board instructed the applicant to have the report prepared and

submitted to the Conservation Board and Planning Board.

Mr. Holt suggested going to ZBA for the variance prior to going to the Conservation Board. The board instructed Mr. Holt that they wanted the report and comments from the Conservation Board prior to a referral to the ZBA.

FARRELLY [2020-030]
6 Pine Ridge Road
102.01-2-9
Special Use & Site Plan
Ralph Alfonzetti, Alfonzetti Engineering, PC
Discussion of site walk

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

This application is for a 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.

Mr. Carthy referenced the email received from one of the neighbors regarding the commercial use of the site in the past. Mr. Farrelly stated he did not know this neighbor and he would not park commercial vehicles on his property overnight.

Mr. Ruisi confirmed with Mr. Farrelly that the detached garage was for residential use only and also confirmed that the storage on the second floor would be for residential use only. Mr. Farrelly stated that he has a three car garage now which hold both of his wife's cars and his car and the additional garage was for his kids to park their cars since he has four kids turning 16 every two years and did not want his yard looking like a parking lot.

In response to comments, Mr. Alfonzetti stated that it was 92' to the property line and 80% of the garage would be located in the wetland buffer. No mitigation plan has been submitted to date.

Mr. Kaufman stated that the Planning Board would like to hear comments from the Conservation Board. Mr. Krupa stated that the applicant was not on the Conservation Board agenda for the September 15, 2020 meeting. Once they have reviewed the application, comments will be provided to the Planning Board.

Mr. Kaufman stated that the applicant will need to address whether the existing bridge and stream crossing is permitted in the established conservation easement. He noted that the Conservation Board should also comment on the existing pipe and crossing as well as the proposed new garage.

Mr. Carthy made a motion to refer this matter to the Conservation Board, Mr. Sauro 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 of site walk

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. Gregory stated that he was asked by the Planning Board to minimize the proposed impacts to the wetlands and steep slopes and presented a plan that attempted to address those concerns. In response to comments, Mr. Gregory stated that boulders, trees, shrubs and branches will stabilize the proposed driveway. He will provide sufficient mitigation and replacement on site.

Mr. Carthy stated that there is a lot of disturbance on site and there will be a significant amount of fill brought on site which would necessitate a substantial number of truck traffic. Mr. Carthy expressed his concern regarding construction impacts upon the community. He directed the Applicant to continue to work on the plan with a goal of further reducing impacts. Mr. Gregory stated he will continue to review the proposal to see if the impacts can be reduced any further.

Mr. Jensen stated that the proposed driveway location requires a different skill set other than a civil engineer to review and provide comments, he was looking for more of a specialist on this application.

Continued discussion took place regarding alternate driveway locations with an aim at minimizing disturbance and impact.

Mr. Carthy stated that the board is not considering new construction and all of the proposed disturbance is proposed to improve the rear yard views of the next door property. Mr. Salomone stated that the proposed plan is a great benefit to his client as he will have a bigger backyard and will be able to put in a swimming pool and expand the house.

Mr. Salomone stated that he will discuss the alternatives with his client and return to the board.

Mr. Krupa stated that the applicant was not on the Conservation Board agenda for the September 15, 2020 meeting. Once they have reviewed the application, comments will be provided to the Planning Board.

4 SHOEMAKER LANE [2020-031]

4 Shoemaker Lane

101.03-2-7.5

Amended Site Plan

Ralph Alfonzetti

Kory Salomone

Referral from RPRC

Present for this application was Frank Madonna and his professional Ralph Alfonzetti.

The Applicant is proposing the construction of a new motor court. The application was referred to the Planning Board by the RPRC.

Mr. Alfonzetti stated this was the second house on your left while entering the site. He reminded the board that this lot was recently before the board for a lot line change and the grading in front of the site was updated at that time.

The board was concerned with the aesthetics from the road as a steep slope is proposed directly adjacent to the road. Mr. Cermele suggested a series of tiered walls to soften the appearance with a landscape plan. Mr. Alfonzetti stated that walls are expensive and suggested berms instead. Mr. Madonna stated that his buyer wants the courtyard on Lot 5 and it is comparable to Building lots 2,3, and 4. The Planning Board authorized a return to the RPRC for approval subject to a new grading plan that reduces visual impacts as viewed from the road. Mr. Kaufman noted that if the RPRC is not happy with the terrace and landscape plan then the RPRC will remand the application back to the Planning Board. The board was agreeable to this request.

VAKKAS [2020-017]

1 Round House Road

102.04-2-32

Site Plan

Ralph Alfonzetti

Second Curb cut

The applicant is seeking permission to construct a second curb cut on the property.

Present for this application was the property owner Tom Vakkas and his professional Ralph Alfonzetti.

Mr. Vakkas stated he was concerned with the safety of his children. He noted that it is tough on his guests when they visit and have to park on the road. He further noted that there are five other circular driveways within the vicinity of his house.

Mr. Cermele stated that the driveway is required to have 200' of site distance when exiting the driveway and the proposed 1st curb cut is too close to Round House court and the required site distance can't be met.

Mr. Carthy suggested a hammerhead and/or to expand the parking spaces in front of the house. Mr. Ruisi suggested widening the area in front of the house for more spaces.

If the applicant decides not to move forward with a second curb cut, they may proceed with the RPRC. The Board noted that they were not in favor of a second curb cut. If the applicant decides to put a motor court in front of the house and they meet the setbacks they can proceed with the RPRC, if they don't meet the setbacks they will need a referral to the ZBA for a front yard setback variance.

The professional and his client will discuss these option and decide how they would like to proceed.

14 MIANUS RIVER ROAD [2020-033]
14 Mianus River Road
96.03-1-21.1
Special Use Permit
Kahlil Hamady, Hamady Architects LLC
Discussion

The Applicant is proposing the construction of a 726 square foot accessory barn with storage shed. A new driveway will be created from the street to access the barn structure and an existing curb cut will be eliminated. Stormwater mitigation is proposed to address runoff from new impervious surfaces. The application was sent to the Planning Board due to the scenic road legislation.

Present for this application was John Needham, Pete Gregory, Mark Jackson, Kahil Hamady.

Mr. Needham presented the application as noted above. He stated that he did a lot line merger two months ago and donated 7 acres to the Mianus River Gorge. Also proposed is a shed with no plumbing that will be used for storage. The height of the accessory structure is in conformance and no wetland buffer intrusion is proposed. The front yard setback will need a variance.

The applicant noted he would like to work with the Town Wetland Consultant regarding the NYS wetlands and their sign off procedures if this application falls within the NYS regulated area.

Mr. Carthy made a motion to refer this application to the zoning board of appeals for a front yard setback. Mr. Ruisi seconded the motion and it was approved with five ayes.

168 HICKORY KINGDOM ROAD [2020-034]

168 Hickory Kingdom Road

95.02-2-37

Special Use Permit

Brian O'Connor, aia Senior Associate | Neil Hauck Architects, LLC

Neil Hauck, Neil Hauck Architects LLC

Discussion

The Applicant is proposing a new two story detached garage with storage on the second floor.

Present for this application was Brian O'Connor and Neil Hauck.

Mr. O'Connor presented the application as noted above and stated a lift was proposed in the garage to house an antique car. He stated he was scheduled to go before the ARB tomorrow evening. The board had no further comments or questions for the applicant. The applicant will follow up on addressing the comments in the memo and can return to the board for a public hearing and resolution of approval after updating the plans per tonight's memos and receiving ARB approval.

257 EAST MIDDLE PATENT ROAD [2020-035]

257 East Middle Patent Road

88.04-1-13

Site Plan

Patrick Croke, AIA Patrick M. Croke Architect

Discussion

The Applicant is proposing the construction of a 577 square foot addition to the first floor, a 94 square foot entry deck and a second story addition with covered roof deck. In addition, a new septic system will be constructed on the site. The application was sent to the Planning Board as the project is located on a scenic road.

Present for this application was Patrick Croke and Matthew Gironda, Bibbo Associates.

Mr. Croke presented the application as described above and noted that three additional trees needed to be removed as part of this application. He refreshed the board's memory that a year ago this site was approved for a pool, pool house and tennis court. The board was comfortable with the application as presented and had no further comments or questions.

The applicant will follow up on addressing the comments in the memo and can return to the board for a public hearing and resolution of approval after receiving ARB approval and making a submission to the Planning Board.

ODOARDI [19-039]
22 Nethermont Avenue
122.16-4-7
Site Plan
Gabriel Senor PC – Eliot Senor, P.E., L.S.
Discussion

The Applicant is proposing a new four bedroom 2,134 square foot home, driveway and yard area on vacant land. The property was referred for Planning Board site plan approval by the RPRC.

Present for this application was Gregg Capccioppoli and Eliot Senor from Gabriel Senor's office.

Mr. Capccioppoli presented the plan and reviewed the results of the geotechnical report with the board. The report recommended a boring and chipping rock removal method without blasting. He noted the basement was removed from the plan to minimize rock removal.

Mr. Ruisi asked about the size of the rock removal area. His question was not definitively answered.

Mr. Carthy inquired if there was a gentler way to split rock vs. hammering. Mr. Senor stated that you can do chemicals on the rocks and Mr. Senor said he will look into that method further.

Mr. Carthy and Mr. Kaufman both asked the applicant the expected duration of rock removal on the site. Mr. Capccioppoli estimated two weeks maximum. Mr. Kaufman stated that if that information was accurate, the anticipated duration was reasonable. Mr. Cermele stated that there will be additional drilling necessary for electrical, sewer and water lines.

Mr. Jensen stated he was happy to see the basement eliminated and reduced to a crawl space. However, he noted there were several factors that would be difficult for a future homeowner. Specifically, Mr. Jensen noted that there is a long run of steps to the front door and there is a lack of an internal connection from the garage to the first floor.

Mr. Ruisi inquired what the fall back plan was if there was too much vibration on site.

Mr. Ruisi inquired what the Applicant's plan would be if there was damage to neighbors during this process. Mr. Baroni reviewed the blasting code and stated the applicant would have to have certificate of insurances done for the neighbors.

Mr. Carthy stated this is a legal building lot and the plan appears to be reasonable. He would like the Applicant to address the outstanding comments in the memos and have ARB approval prior to scheduling a public hearing on this matter. Mr. Sauro stated the applicant was taking the right steps with this application.

Mr. Cermele stated that this set of plans showed the removal of the retaining walls. He suggested some walls to soften the height of the house. Mr. Senor stated that he can do pockets of walls and put some dirt back in. Mr. Carthy suggested veneer stone on site which the applicant could obtain from his site instead of doing a concrete wall.

In response to comments from Mr. Pollack regarding stormwater, Mr. Capccioppoli stated that there will be less impact than what there is today.

Mr. Carthy and Mr. Jensen inquired if there was a way to connect the garage to the house. Mr. Senor stated that they were trying to reduce the amount of rock removal and that was why there was not a connection.

The applicant was instructed to update the plans to try and connect the house to the garage and take this direction back to his client, revise the plans according the memos and return to the Planning Board.

Mr. Jensen requested to see the internal layout of the house prior to the applicant going to the ARB.

In addition, the Planning Board requested alternate plans regarding the rock chipping and removal from the site. The board also requested more specific details regarding the duration of rock hammering and duration of rock removal.

Mr. Cermele asked the applicant to review the building height, he measured the maximum exterior wall height at 36' and Mr. Capccioppoli responded that he measured it at 29'. He will review the measurements again.

BRYNWOOD [2020-015]

568 Bedford Road

101.02-1-28.1

Amended Site Plan

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

Discussion

Release of Bond

The applicant has requested a release of the original Mitigation Plantings Bond in the amount of \$49,500.00, as well as the second bond for the 5-year maintenance plan in the amount of \$6,750.00 for the now abandoned larger golf course redevelopment and the establishment of a new bond that reflects the current reduced scope project. The Planning Board recommended that the Mitigation Plantings Bond be released as long as the new Bonds are established as described below:

Bond for the construction of the proposed Wetland Mitigation Plan in the amount of \$33,324.00 (\$30,295.00 + 10%).

Second bond for the 5-year, long-term monitoring and maintenance plan in amount of \$4,545.00 (\$30,295.00 x 15%).

Mr. Carthy made a motion to recommend release of the original bond and recommend establishing the new bond. Mr. Ruisi seconded the motion and it was approved with five ayes.

Mr. Carthy reminded the board that he would like to further discuss the rock hammer proposed legislation at another Planning Board meeting. He also noted the Conservation Board would like to meet with the board and discuss trees. Mr. Krupa thanked Mr. Carthy regarding his comments about the trees and noted the Conservation Board looks forward to this discussion with the Planning Board. Mr. Carthy stated that he will let staff know when to set up these meetings for discussion on the agenda.

Mr. Carthy made a motion to adjourn the meeting. Mr. Sauro seconded the motion and it was approved with 5 ayes. Meeting adjourned at 11:18 p.m.