

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 p.m.  
April 11, 2011**

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**PLANNING BOARD MEMBERS PRESENT:**

Jane Black, Acting Chairman  
Steve Sauro  
Guy Mezzancello

**ABSENT:**

John Delano, Chairman  
Beata Buhl Tatka

**ALSO PRESENT:**

Adam R. Kaufman, AICP  
Director of Planning

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

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

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

Conservation Board Representative  
John Fava

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

**APPROVAL OF MINUTES:**

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**March 28, 2011**

The minutes were not voted on this evening due to the fact there was not a full board.

**DISCUSSION:**

**BENNIS**

**Special Use Permit**

Section 1, Block 3, Lot 6.B

250 East Middle Patent Road

Jerry Barrett, J.D. Barrett & Assoc. LLC

Discussion

Consideration of special use permit resolution

The application was removed from the agenda at the applicants request due to the fact that there were only three board members present. This application will be heard at the 4/25/11 meeting.

**BARON**

**Amended Site Plan**

**49 Sarles Street**

**Section 2, Block 4, Lot 1-15**

**Frank Giuliano, Landscape Architect**

**Consideration of fourth extension of time site plan resolution**

Mr. Sauro asked for a motion to approve the Baron fourth extension of time resolution. Mr. Mezzancello second the motion and it was approved with three Ayes.

**TEDESCO**

**Special Use Permit**

**Section 3, Block 14, Lot 1.G**

**1462 Old Orchard Street**

**Discussion**

**Petrucelli Engineering, Steve Basinni**

Mr. Basinni stated that his client was looking to legalize the accessory apartment. While out at the site the Building Inspector issued a violation for having two accessory apartments on site where only one is permitted. The Building Department said to remove all kitchen appliances, remove closet doors and all kitchen cabinets in order to renovate and create a storage area. The applicant has agreed to these changes. The applicant will not merge the lots at this time, she would like to clear up the violations first and may consider it in the future.

Mr. Basinni discussed Mr. Kaufman's memo regarding the setbacks within the building envelope

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and Mr. Basinni was clear how to proceed regarding that comment.

The Building Department noted in their memorandum what they would like addressed in order to resolve this issue. Upon a visual inspection of the accessory apartment, the applicant was advised that the kitchen in the basement area needed to be removed which included the removal of all cabinets, counter tops and applicances along with the removal of all closet doors in all the other rooms in the basement.

Mr. Kaufman stated that the basement was the main concern of this application and the board has great discretion with this application. If the board feels the removal of the closet doors, cabinets and applicances in the kitchen is adequate, as noted in the Building Department memo dated April 5, 2011, then the board can go ahead and approve the accessory apartment special permit. As it is noted in the Director of Planning memo and in the town code, the Planning Board is only permitted to approve one accessory apartment per lot and the basement should not and can not be converted into a second accessory apartment. It is up to the Planning Board to determine if the method of removing the existing illegal apartment is adequate.

Ms. Black asked Mr. Coyne and Mr. Kaufman if they had any other comments. Mr. Coyne had no comments other than what had been stated in his memo. Mr. Kaufman stated that all other comments in his memo reflect conditions from the town code which any other property owner with an accessory apartment would adhere to.

Mr. Sauro and Ms. Black both agreed that if the building department can regularly inspect the basement location and the accessory apartment according to code, they were comfortable approving this application with the recommendations from the Building Department.

Mr. Basinni stated that his client understands this will be a storage area and is looking forward to having the additional storage and understands there will be inspections made by the building inspector. His client was disappointed that the kitchen cabinet had to be removed as she was looking forward to the additional storage as there is no attic in the residence. She is prepared to eliminate the applicances and the doors to the closets but would like to keep the cabinets. Ms. Black noted that the letter from Mr. Richardson from the Building Department stated that the entire kitchen be removed and we should adhere to his recommendation.

A public hearing was scheduled for the May 9, 2011 Planning Board meeting and a resolution will be considered that evening as well.

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**WHITE BIRCH DEVELOPMENT, LLC.**

**Site Plan**

**Section 1, Block 2, Lot 4-6**

**7 Guion Lane**

**Discussion**

**Ralph Mastromonaco, Ralph Mastromonaco PE, PC**

Mr. Mastromonaco stated that this application was for new construction of a residence which is accessed by a previously approved three lot common driveway. He noted that in order to build the driveway that it would create a disturbance outside the easement area. He also noted that the common driveway comes within 15' of the proposed house site on the abutting lot. The applicant would like to access his house off of Guion Lane and not via the common driveway. Mr. Mastromonaco noted while out at the site walk, Mr. Delano requested the difference in disturbance between the two driveway locations. Mr. Mastromonaco handed out some paper work regarding the two driveway locations and stated there would basically be the same amount of disturbance for either driveway location.

Mr. Kaufman agreed with Mr. Mastromonaco's concerns regarding the proximity of the common driveway to the abutting property owner's house. Mr. Kaufman inquired if the easement is not used then the removal of the easement should be made part of this application.

Mr. Baroni stated that the applicant would have to relinquish the rights to the easement and the abutting property owner would have to extinguish the rights to the easement.

Ms. Black asked the professionals if they had any other comments. Mr. Coyne stated that he had some minor comments which can be worked out and if the board was comfortable with the driveway location he can work those issues out with the applicant.

Mr. Kaufman stated that a steep slopes permit may need to be issued for the disturbance of the driveway and if that is the case then information needs to be submitted regarding how much and what amount of the permit you are issuing. In response to Mr. Kaufman's comment, Mr. Mastromonaco stated that he was looking for approval of the pool on site as well as the residence and the area for the pool will be graded as well. Mr. Mastromonaco agreed to remove the additional parking space proposed next to the garage.

Mr. Sauro agrees with the proposed driveway location being located off of the existing property versus the previously approved common driveway. He agreed the common driveway is too close the abutting property house location.

Mr. Mezzancello inquired where the drainage from the new driveway was going to go. Mr. Mastromonaco stated that there are infiltration trenches along both sides of the driveway and this is not tied in to the basins on the cul-de-sac although it is possible that some of the water may reach the cul-de-sac catch basins.

Mr. Coyne stated that there are four catch basins and there are two existing ones on the

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driveway.

Mr. Kaufman inquired if the Guion Lane was dedicated to the town or not. If the road was not dedicated, he would like to know why it hasn't been dedicated and what needs to be done in order for it to be dedicated. The property owner said the road was not plowed during the snow storms this past winter which implied to him that the road had not been dedicated. The original owners were Kalmancy/Cserenyi.

Mr. Baroni stated that Guion Lane could be in Rem Fore Closure and we should follow up with the Tax Department regarding this matter. He also asked Mr. Coyne if there was a performance bond and Mr. Coyne said that he would look into that.

Mr. Mastromonaco stated that there is no work in the wetland or wetland buffer and he would prefer not to re-flag the wetlands, the work proposed is more than 20' away from the wetland buffer. He did not feel the wetland has grown 20 feet.

Ms. Black asked Mr. Coyne if that was a sufficient amount of distance not to flag it. Mr. Coyne noted the wetlands survey was old and that was why he asked to reflag the wetland and the common driveway was in the wetland buffer. Mr. Coyne would like to check the code in regards to the slopes in excess of 25% that shadows the wetland buffer line, the actual buffer would get extended 50 feet and this would then require a wetland permit. He was happy to review this new law with Mr. Mastromonaco.

Mr. Mastromonaco stated that to delineate the wetlands off site will cause a two month delay to this project . Mr. Coyne stated that he was ok with waiving the new wetland delineation requirements and using the previously staked locations, in this particular case would work, especially because the new driveway is out of the wetland buffer.

Mr. Mastromonaco wanted to confirm that the board was comfortable with the new driveway location.

Mr. Sauro stated that he was fine with waiving the requirements of staking out the new wetlands on site as long as this does not infringe on any CEA's (Critical Environmental Areas).

Ms. Black inquired if anything was going on with the other two lots. No one knew of any other plans to build and it was confirmed that present property owner of this lot did not own the other two lots. .

Ms. Black and Mr. Mezzancello were ok with the new location of the driveway.

The board was fine with waiving the requirement to delineate the wetlands again as long as Mr. Coyne was alright with it and did not feel it was a major issue and it complied with the code.

Mr. Kaufman stated that if there was no wetland permit needed then there would be no requirement for a public hearing. If a wetland permit was needed the applicant will have to go

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before the Conservation Board and require a public hearing.

Mr. Mastromonaco inquired if the wetland permit could be grandfathered. Mr. Coyne stated that if the slope in the wetland buffer is 25% or greater you extend the buffer up to a 50 foot circumference. He suggested that Mr. Mastromonaco email Mr. Coyne the updated information to determine if a wetland permit was necessary or not.

Meeting adjourned at 7:30 p.m.