

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
April 25, 2011**

PLANNING BOARD MEMBERS PRESENT: John Delano, Chairman
Jane Black
Steve Sauro
Beata Buhl Tatka
Guy Mezzancello

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

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

APPROVAL OF MINUTES:

March 28, 2011 – Mr. Delano asked for a motion to approve the March 28, 2011 minutes. Mr. Sauro made a motion to approve. It was second by Ms. Tatka and approved with four Ayes. Ms. Black abstained from the vote.

April 11, 2011 – Mr. Delano asked for a motion to approve the minutes from the April 11, 2011 Planning Board meeting. Mr. Sauro made a motion to approve. It was second by Guy Mezzancello and approved with three Ayes. Mr. Delano and Ms. Tatka abstained from the vote.

PUBLIC HEARING

SULLIVAN

Preliminary & Final Subdivision

24 Glendale Avenue

Section 2, Block 13, Lot 17-18

Barry Naderman, PE Land Planning & Engineering PC

Consideration of approving preliminary & Final Subdivision resolution

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone stated that 19/24 green cards were returned and all paper work is in order. No noticed neighbors were present for this application.

Mr. Naderman stated that this subdivision application had received approval a few years ago and has expired. The applicant is seeking reapproval of the original approval which was to tear down the existing residence and subdivide the lot into two building lots. There are no changes from the prior approval.

Mr. Delano asked if any of the board members or professionals had any comments or questions at this time. No comments or questions were made.

Ms. Black made a motion to close the Sullivan public hearing. It was second by Mr. Sauro and approved with five Ayes.

Mr. Delano asked for a motion to approve the Sullivan preliminary subdivision resolution. Ms. Black made a motion to approve the preliminary resolution. Ms. Tatka seconds the motion and it was approved with five Ayes.

Mr. Naderman noted a minor typo in the final subdivision resolution which will be corrected in the resolution.

Mr. Delano asked for a motion to approve the final subdivision resolution as amended. Ms. Black made a motion to approve the final resolution as amended. Ms. Tatka seconds the motion and it was approved with five Ayes.

CONTINUING BUSINESS:

BENNIS

Special Use Permit

Section 1, Block 3, Lot 6.B

250 East Middle Patent Road

Teo Siguenza, Architect PLLC

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

Discussion

Consideration of special use permit resolution

Mr. Barret handed out new material to the board to review at this meeting. Mr. Delano noted that the professionals should have submitted this material timely for the board and its professionals to review.

Mr. Bennis noted how this submission is responding to the most recent Martabano letter. This is a response to a response that was previously discussed. These were all comments that were discussed previously and the public hearing is closed.

Mr. Barrett stated that they will be using the existing septic on site which enabled us to reduce the amount of disturbance. He then formally submitted an alternate plan for part of the file. This alternate plan was spoken about at the March 2010 meeting and again at the public hearing in 2011 but never formerly submitted to the board and he submitted at this time.

Mr. Barret noted that Mr. Sauro asked for a plan to show the garage out of the wetland buffer. This plan was prepared and presented to the board in March 2010. Yes, you can get the structure out of the wetland buffer, but there is appropriate grading needed to be done in order for this location to work. He also noted that a back up turn around space would then be necessary if the garage were kept out of the buffer area. He was trying to keep the same amount of impervious surface for this location as well. By the time he did the grading and put the turn around area in, any gain to the site was lost due to the turn around area and the grading.

Mr. Barret then compared the alternate plan that Mr. Sauro requested to the proposed plan his client prefers. The GLL (Grading Limit Line) for the proposed plan is 4,150 square feet and the alternate site is 6,400 square feet. The area of disturbance within the buffer of the proposed plan is 3,500 square feet and the alternate plan is 2,400 square feet. Any gain from moving the garage out of the wetland buffer is lost on other areas of disturbance on site.

Mr. Barret noted that the same question keeps on resurfacing, why is a turn around necessary with the alternate plan. He handed out a plastic basic turning template for a full sized car by AASHTO (American Association State Highway and Transportation Officials). He reviewed the back up and turn around for the car in the alternate plan. He reviewed all three car locations backing out of the garage in both directions and noted that if no turnaround were built, people would need to make a four point turn to exit the site. It would not be good planning to not have a turn around.

Mr. Barrett noted that Mr. Martabano's letter stated that the turnaround was not necessary. He then reviewed the Martabano alternative with the plastic basic turning template for a full sized car by AASHTO for the board. He showed the board that Mr. Martabano's proposal would need a turn around as well. Mr. Delano stated that Mr. Martabano had previously stated that he was not a professional when it came to drawing these plans and Mr. Delano agreed with Mr. Barret's point regarding the turnaround. Mr. Barret stated he wanted to clearly state for the board that a hammerhead or turnaround was necessary and he was not adding it to the plan to increase coverage.

Mr. Delano inquired if in the alternate plan, could Mr. Barrett use some alternate walls as you did on the proposed plan. Mr. Barret stated that yes, you could and that would probably reduce the figures a little bit.

Mr. Delano stated that Mr. Barret noted that Mr. Martabano's sketch showed the garage at 35', not 37'. Mr. Delano stated that the architectural plan shows 31' 10". Mr. Barrett stated that 37' includes the steps and retaining wall around the structure.

Mr. Barrett reminded the board that Attorney Martabano's plans were not professionally done and it is hard to compare this plan to his professional plan and it is casting a bad light onto his project.

Mr. Kaufman inquired what the difference was in the Martabano garage location vs. the alternate location out of the wetland buffer. Mr. Barret stated that the Martabano garage location is at the edge of the driveway. Mr. Kaufman noted that would be about 15' difference in location of the two garages. Discussions were had regarding shifting the garage around. Mr. Barret also noted that the garage location would block the sunlight in the kitchen and the applicant does not want to lose the sunlight in the kitchen.

Mr. Bennis stated many alternatives were reviewed and discussed with the Conservation Board and when the Conservation Board made their recommendation back to the Planning Board, they "strongly endorsed" this location. The numbers are clear; the proposed location has significantly less impact.

Mr. Delano stated that he has reviewed the minutes and the proposed resolution this evening. There is a lot of "hearsay" in the record that this is not an acceptable location due to a certain view. There is nothing in the record to document that, there is no exhibit or drawing that he can go to regarding this comment in the record. He felt it was important, due to the fact that a law suite was already filed regarding this application when it was before the ZBA and that could happen at the Planning Board.

Mr. Bennis stated that they have raised the issue regarding his visual impact because it is his preference and the former Planning Board Chair felt that his preference of the location of the garage was relevant. However, they were not presenting his preference this evening. Mr. Delano stated that the applicant had used this reason for not studying this location and locating the garage in the preferred area. Mr. Bennis stated that may be point #8 out of 10 points why that garage did not work in that location. Continued discussion was had.

Mr. Bennis stated that there have been no valid points or facts raised that he has not addressed or disputed with facts. He has been through this process for two years and feels that he has made every accommodation that everyone has asked for. He is to the point where he feels that he is being mistreated because Mr. Martabano states he is not an architect, yet he brings up percentages and an issue that was discussed and resolved at the public hearing is being brought up again. He feels there is no end to the discussion. He feels like he keeps giving in and is trying to be patient and each thing that is suggested, he tries to accommodate. This proposal improves the wetlands and helps the Mianus Gorge preserve. No one has raised a substantive complaint about it other than hearsay, which is where his frustration comes from. He feels his professionals have spent a lot of time on this project and documenting all of the details. This plan is acceptable and preferable from the Conservation Board.

Mr. Barrett stated that there are views from the back that would be blocked and sunlight would be blocked as well. The plan proposes a narrow corridor between the house and the garage which is a bad idea because, it is in an awkward location and people who pass by will say what happened. The applicant has agreed to capturing the run off, turning radius and permanent deer fence, which will be code compliant, buffer plantings will be installed and storm water infiltrators. Mr. Annicelli stated the septic location under the driveway has been approved and Mr. Barrett will submit a copy of that to the board. Mr. Bennis has also agreed to plant some landscaping on the applicant's side if the neighbor was agreeable. This is far superior to what is presently on site.

Mr. Sirigano stated that the visual plan between the two plans is diminutive if any. The Planning Board should not disagree with the Conservation Board. Mr. Bennis has rights and the neighbors do not have any signed sealed plans to disprove Mr. Barrett's plans. There are no signed sealed plans by licensed professionals disproving his client's work.

Mr. Martabano stated that he appreciates having the opportunity to discuss the alternate location that is the single most important issue as far as he is concerned. It is not just a Special Permit which is not compliant; it is a steep slopes disturbance permit and a wetland permit. He noted he is not an engineer and "he does not have the burden of proof". The applicant under your code has the burden of proof. If there is an alternate location, he doesn't have to prove it, the applicant has to prove there is no reasonable and practical alternative location, and the applicant doesn't. He would like an analysis done of his proposal, no one has seen that. Tonight's submission was in response to our letter dated April 6th and we would like to have an opportunity to respond to this material that was submitted this morning and this evening at the meeting.

Mr. Bennis stated that the reason why the garage was not closer up was because this was in response to the Conservation Board's specific comment on this that you can't have that building outside the buffer. It was not arbitrary, we do have the burden of proof and we proved it to the Conservation Board and he believes he has proved it to the Planning Board.

Mr. Delano asked if the professionals wanted to review the material submitted this evening or does the board want to vote. Mr. Sauro asked the professionals what their opinion was. Mr. Coyne stated that he has not seen these plans, other than the last half hour, from an engineering

stand point; he does not feel there is much of a difference between these two plans. He noted that the septic and the storm water are the same. The applicant has stated that there is less buffer disturbance as shown and he has not had time to review this material.

Mr. Kaufman stated that the board needs to decide if 800 or 1,000 square foot is diminimus in the grand scheme of things, in terms of wetland buffer impacts. He did not know what the difference between the steep slopes impacts are. In order to create a good solid record, he felt it would be interesting to have a good solid engineering plan, as the neighbors are suggesting. This would enable the board to review and quantify the differences and make a reasoned determination as to what the differences are between all three locations are. The three locations being the applicant's proposed location, applicant alternative which the garage is pushed back and the neighbor's location

Mr. Siragano stated that they are not interested in having the garage block the kitchen. We are not going to waste our time or money to put that request before the board. Mr. Bennis stated that his professionals have reviewed several alternate locations that were presented to the Conservation Board and the Planning Board.

Mr. Delano would like the town's professionals to look at everything submitted today and prepare memos for the board to review at the next meeting.

Ms. Black understands the applicant's frustration and understands why the neighbors plan was not preferable, but; due to the fact this information was given to the board this evening, she agreed with Mr. Delano that the professionals as well as the board member should have time to review the new material submitted earlier today and this evening. She feels that everyone should have the time to review this material until the next meeting and to give it the careful consideration and know that we looked at it and compared it to the previous responses and submissions.

Mr. Sirigano agreed to let the board review the material until the next meeting.

Mr. Sauro stated that in order to build more of a record, as Mr. Kaufman noted, plus the fact that the board just received this information today, he agreed with Ms. Black and Mr. Delano that the board and professionals should have until the next meeting to review this new material. Some of the board members may be ready to move on this application today, but if he has to review this submission and build a stronger case regarding his decision on this application he is happy to do it. If the applicant could jump through one more hoop and have a little more patience, which he commends Mr. Bennis for his patience and his character through out this whole process, if he could endure one more hoop, he thinks the board can move it along.

Mr. Bennis stated that he feels like he has heard this for a year now. He has been to a lot of meetings and feels as if he has been under the impression for the last year to do just one more thing and Murphy's Law comes into play and ten or more things have come up.

Mr. Mezzancello stated that he was a new board member and would like some time to review this material.

Mr. Kaufman stated that he will update the resolution regarding the recent submission.

The applicant will come back before the board on May 9th, 2011 and the board will consider the resolution at that time.

BAC ELECTRIC

Site Plan

873 & 877 North Broadway

Section 6, Block 2, Lot 1

Discussion

Barry Naderman, PE Naderman Land Planning & Engineering

Also present was Mr. Jr Cavallaro, lessee.

Mr. Naderman stated that Mr. Cavallaro was renting 873 North Broadway and the applicant was previously at 99 Lafayette Avenue. The applicant is renting the site for his business which is Electrical retailing and Contracting. The historical aerials show car and vehicle storage at the rear of the site for over 40 years. This site was previously known as Fishers garage and United Rental. The applicant is proposing a site plan for a change of use. His client has cleaned up the site and provided additional screening. As part of this application the applicant will provide additional screening on site as well as security lighting, a dumpster enclosure and a small storm water infiltrator trench at the rear of the site. 873 North Broadway is presently owned by the same abutting property owner, 877 North Broadway which is a two unit apartment building which has been existing for over 40 years and there are no proposed changes to this site. There is also a garage at the rear of 873 North Broadway.

Mr. Naderman continued and stated that there is a garage at the rear of the site and a building permit was issued last year to renovate the structure. Presently on site is Mr. Cavallaro's corporate offices, Generator Sales Office and a Personal Trainer on site. Another electrical contractor was approved down the road in 2009 and the resolution stated since the applicant was not exacerbating the non conformity, it remained. He also noted that there are other similar uses and wants to continue the use as it is today.

Mr. Delano inquired what was the non conformity? Mr. Naderman stated that it was a beverage retailer on one side and an electrical contractor on the other side, as well as electrical vehicles parked on the other side, which was a non complying use of the property. Storage of vehicles and supplies were parked behind the building and out of site and behind landscaping. No variance from the ZBA was necessary due to the fact the non conformity was not exacerbated. There are some other types of construction uses on Virginia Road.

Mr. Naderman stated that Mr. Cavallaro has been a resident all his life and started his business in town in 1990. He would like to stay in town and due to economic conditions, it is pretty rough to go through a whole comprehensive site plan approval, when all he is asking to do is to continue

to use the property as it has been historically used, along with the improvements he has already made to the site with some additional screening and some additional improvements to the parking.

Mr. Delano asked Mr. Kaufman what the biggest hurdle was regarding this application.

Mr. Kaufman stated that the board has to deal with the uses on site. Mr. Kaufman stated that Gerster Electric was an Electrical retail store and had a counter and could sell things. The memo stated that you need to show 51% retail and show 49% warehouse use. Ms. Black stated that Mr. Kaufman's memo requested the applicant to show the break down of space on the plan.

Mr. Kaufman stated that the corporate offices are ok on site. Improvement of the parking lot is up to the Planning Board. The Town Engineer and Planning Board can waive certain requirements. Mr. Delano stated that the Town Engineer can waive the requirement for paving and the Planning Board can waive the requirement for concrete curbing. There are a couple of safety issues that need to be addressed like how are you going to get from the parking lot to the front doors? Mr. Delano noted that the handicapped parking needs to have some paved surface; you can't have wheel chairs going over gravel.

Ms. Black inquired how you would access the site from the parking lot. Mr. Naderman stated that you can access the site through the back of the building as well as the front of the building.

Mr. Naderman spoke to his client about some of the things that were discussed in the field. There is the ability to put a macadam walkway to the front of the building which would provide some access, he was not sure how often it would be used. Mr. Kaufman asked why he did not think that it would be used. Mr. Naderman stated that there is not that much activity now and people that go there use the back door.

Ms. Black stated that she was out to the site on Sunday and inquired if the applicant could clean up the pot holes. Mr. Naderman stated that they could try and stabilize some of that to give it a cleaner surface.

Mr. Kaufman stated that another item referenced in his memo was the side walk on the frontage of North Broadway, which would help close up the gap in the side walk. Mr. Naderman stated there was no sidewalk on the building next to this site and pointed out where the site walk picked up again and noted that this was all completely in the right of way and his client can't afford to put down a concrete side walk. Mr. Kaufman stated that we are certainly trying to improve the aesthetics of North White Plains. Mr. Cavallaro stated that it was not economically feasible to put a side walk in front of the building. He has spent a lot of money on site thus far and if you compare his site to the other sites in the area, his site is substantially better.

At Mr. Delano's request Mr. Kaufman stated that in order for the applicant to move forward with this application his professional needs to address the retail use figures, the method of how it is permitted. In addition, a portion of the garage is on the other lot. Part of the parking requirement is on the other lot. Mr. Baroni stated that the applicant needs an easement from the neighbor regarding parking spaces. Discussions were had regarding the parking spaces and

garage at the rear of the site.

Ms. Black inquired what the space was used for in-between the buildings. Mr. Naderman stated that the space is used to store ladders and equipment.

Mr. Naderman will look into an easement for the garage as well as the parking spaces. After a discussion with the board and professionals, the applicant agreed to proceed with an application at 873 North Broadway only.

Discussions were had regarding parking in front of the 2 unit apartment at 877 North Broadway.

Mr. Kaufman stated that the other issues the Planning Board will have to give some direction on is regarding paving, curbing and side walk fronting along North Broadway,

Mr. Coyne stated that he was o.k. with the gravel driveway and it has been that way for a long time. The applicant is proposing an infiltration trench. He yields to the board regarding the gravel. He was concerned with the safety of the parking in front of the building. He was also concerned with the parking in front of the two-family house. Mr. Cavallaro stated that he did not recall any accidents in front of the buildings.

Discussions were had regarding the access to the two units next door. Discussions were had regarding angled parking spaces in front of the two family house. Mr. Sauro inquired if the tenants next door have access to the house from the rear of the site. The board was concerned about the safety of the cars backing out onto North Broadway. Mr. Cavallaro stated that he will not ask the property owner to change the parking spaces to an angle at 877 North Broadway. He reminded the board that he is the tenant and not the property owner.

Mr. Naderman stated that he will work on getting an easement and provide more information regarding the interior use.

MJ LACAV

Site Plan

Section 2, Block 16, Lot II.B05

125 Business Park Drive

Barry Naderman, PE

Discussion

Consideration of approving extension of time Special Use Permit Resolution

Mr. Delano asked for a motion to approve the extension of time resolution regarding the MJ Lacav application at 125 Business Park Drive. Ms. Black made a motion to approve. It was second by Mr. Sauro and approved with five Ayes.

MILLER

Site Plan

5 Valhalla Avenue

Section 5, Block 25, Lot 13

Ken Murphy, Petruccelli Engineering

Discussion

Mr. Miller was present, property owner.

The following neighbors were present. Nancy Hadley, niece to Tony Nassetta, neighbor. Cecelia Nassetta, 4 Valhalla Avenue and Jill Gretto, neighbors were also present.

Mr. Murphy stated that he applying for a site development plan for new construction on a lot that is 28,000 square foot parcel and is located 300 feet from the intersection of Overlook Road. Presently, there is a common driveway which accesses four lots. The applicant is proposing to widen the common driveway in certain areas to allow access to emergency vehicles. The owner will extend the common driveway to reach his lot. The owner has rights over Valhalla Avenue. There will be some improvements to the curbing to pick up the existing drainage. The only drainage the applicant will be addressing is from the extension of the common driveway to his residence. He will tap into the water from Rock Cliff Place; there is no water main on Valhalla Avenue. There is a sewer main that runs across Valhalla Avenue and ends at the end of the common driveway and goes out to an easement. His client is proposing to pump from his property to the manhole on the common driveway. There are existing steep slopes and we are trying to avoid the slopes by doing all of the work at the top of the site. The proposed residence is designed to fit in with the existing hillside. He then presented the rendering to the board members. Some drywall will be necessary to pick up the drainage off of the roof. The White Plains watershed abuts this site and will not be impacted by this application.

Mr. Delano asked the applicant to give all of his information regarding access to the road for all of his proposals for water and sewer to the Town Attorney. He was also interested in the phasing of the project.

Mr. Kaufman stated that the first step is how do you allow a building permit to ultimately be issued, which has to have frontage on a suitably improved road. He did not think that the applicant has demonstrated that the road was suitably improved yet. Definitions of how we delt with this in a subdivision; where we asked the applicant to prove out the town road and bring it up to private road standards. We need to have discussions about if that is what we are going to have the applicant do.

In response to Mr. Baroni's comments, Mr. Kaufman stated that Valhalla Avenue is a private road and not built to town standards. Mr. Delano noted the road is very narrow and the Town does not do any maintenance on it whatsoever, it is only used by four families.

Mr. Baroni stated that the applicant needs to submit a deed and legal memorandum exemplifying rights to the road.

Mr. Kaufman stated that the applicant would also have to establish rights over the road. Mr. Baroni stated that the Town Engineer needs to decide what is suitably improved and suitably improved does not necessarily mean to town standards.

Mr. Delano stated that there have been a few projects within the last few years that have had private roads.

Discussion were had regarding what needed to be done to this driveway that don't meet any of the standards presently.

At Mr. Baroni's request, Mr. Miller will also submit the title policy along with any comments from his attorney to Mr. Baroni.

Mr. Delano stated that he would like all of the legal information regarding the deed and title from Mr. Miller's attorney and a determination made by Mr. Miller's attorney provided to Mr. Baroni.

Mr. Miller stated that a town roadway standard is not necessary.

Ms. Hadley stated that she was present on behalf of her Aunt Cecelia Nassetta and was previously the Deputy Planning Commissioner for Westchester County. She pointed out the property owned by Cecelia Nassetta and stated that her uncle Tony Nassetta had built the driveway. She expressed her concerns with the steep slopes and the size of the house. She noted that Mrs. Nassetta's attorney was Mr. Joe Papalardo and would appreciate the three attorneys working together on this matter. She was also disappointed that Mr. Miller had not reached out to neighbors regarding this application.

Ms. Hadley expressed her concern with a 5,200 square foot residence and inquired if the applicant would have a business on site at well as the residence. Mr. Miller stated there would be no business on site and the 5,200 square feet included habitable and non habitable space.

Mrs. Nassetta stated that when they first moved in it was a gravel driveway and the town told her that before she built her home, the town was going to make it a regular road and they were supposed to connect Valhalla Avenue to Rock Cliff Place. As time went on the town said that they were never going to do that. She said that replenishing gravel every year was too expensive and she and her husband decided to pave it at their own expense. Sewers were also brought up there at her own expense. She was not clear why the town suddenly had rights to this road. Mr. Kaufman noted that it was never a town road and never a right of way.

Mr. Delano stated that we are in the beginning of the process with this application. We just had our site walk last week and this is the first meeting on the matter.

Mr. Kaufman stated that according to the code there is no requirement for a public hearing regarding this application, this is a referral from the RPRC. The RPRC referred this application to the Planning Board and the Architectural Review Board. He suggested the neighbors sign up for email updates regarding the Planning Board Agenda's.

Ms. Hadley inquired about the access again. Mr. Baroni stated that he suspects that it will be found, that somewhere in the past, the road bed was put on a filed map as being a paper road, capable of future construction. Mrs. Nassetta gave copy of the survey for the Town Attorney to look at. Mr. Baroni stated that when Mrs. Nassetta said early that the town was going to complete it up to rock cliff place, that is what makes him believe that it must have been on a filed plat.

Mr. Miller stated that his other abutting property owner was present and his lot was part of five lots and his abutting neighbor owns the first two of lots which he purchased from his grandparents. The remaining three lots are owned by Mr. Miller. He stated that his grand parents put in the driveway to access their house which was the only house on the mountain in the 1930's.

Someone noted that they had a filed map dated 8/24/1900 showing this parcel. Mrs. Hadley asked if there was a filed map when the gravel driveway was paved. Mr. Baroni stated that you have the right as lot owners then, to build what the town then required, then if it was a driveway over the bed of the paper road. That does not extinguish someone else's rights to be able to now improve the road to whatever standards the town now requires, to enable them to access their property.

Mrs. Gretto wanted to know if this was still a building lot because the steep slope regulations have changed in the last few years and she was concerned about construction on steep slopes. Mr. Kaufman stated that there was nothing in the code that would make this lot unbuildable, unless the Planning Board decided not to issue the steep slopes permit, but there would be ramification to that of course.

In response to Ms. Gretto's question, Mr. Kaufman stated no variances were necessary for this application as presently proposed.

Mr. Miller noted that he does not want to blast on site and the house steps down with the slope. The house is eco friendly. The house will have sun exposure in the winter and minimal sun in the summer. The footing and foundation will be by chipped rock. A lot of attention has been paid to the site. There will be cutting to the outer shell of the rock for the footing and the grades.

Ms. Gretto noted that there have been other recent projects in the area which were suppose to have no impacts and Rock Cliff Place now regularly floods. This is one of the highest elevations in North Castle and it floods and it never happened before the other homes were put in. She is very concerned about what the implications are going to be regarding run off and flooding.

Mr. Miller stated that his property was below Ms. Gretto's property. Mr. Murphy stated that was why infiltrators were put in to address the run off for the site.

Mr. Coyne stated that there are infiltrators proposed and he will review the SWPPP (storm water pollution prevention plan) and what does drain, will drain to the south. He understands the comment and will review it.

Ms. Hadley inquired what approvals were necessary from the town in order for this house to be built. Mr. Kaufman stated that no public hearing was needed for this application. Site Plan, Steep Slopes Permit and Tree removal permit are necessary for this application as well Architectural Review Board. The Planning Board needs that recommendation before it can act on this application.

Mr. Miller stated that he had received his ARB approval last week. Ms. Hadley expressed her concern regarding the neighbors being in the dark with this project. Ms. Black noted that all agendas are posted on the town's web site.

Ms. Hadley stated her Aunt sent in a letter to the Planning Board in December asking to be kept informed of anything going on in her neighborhood because she saw flags on the neighboring lot. Mr. Kaufman stated that the response to this request and similar requests is to sign up for E-News updates so that you can request Planning Board agenda's be emailed to you; we do not have a proactive way of calling up all of the neighbors.

Ms. Hadley noted in other towns that certified mailing were sent out to all the neighbors to attend a meeting and because that was not done, they are catching up on this. She was concerned that the ARB had already granted approval of this house. Mrs. Nassetta stated that it was looking like an office building and it is a very woodsy area and this did not fit in with the character of the neighborhood and it doesn't. Mr. Kaufman stated not to similar or not to dissimilar.

Ms. Hadley asked for copies of the ARB meeting as well at the RPRC meeting which are both not televised. She was directed where to get this information.

Mr. Delano suggested the applicant read the memos on line and address those comments as well as submitting the material the town attorney requested.

Meeting adjourned at 8:50 p.m.