

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
August 6, 2012**

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PLANNING BOARD MEMBERS PRESENT:	Robert M. Greene, Chairman John P. Delano Steve Sauro Art Adelman
PLANNING BOARD MEMBER ABSENT:	Guy Mezzancello
ALSO PRESENT:	Adam R. Kaufman, AICP Director of Planning  Joe Cermele, PE Consulting Town Engineer Kellard Sessions PC  Roland Baroni, Esq. Town Counsel Stephens, Baroni, Reilly & Lewis, LLP  Valerie B. Desimone Planning Board Secretary Recording Secretary  Conservation Board Representative: Zenaida Bongarts

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

**APPROVAL OF MINUTES:**

**July 23, 2012**

Mr. Greene asked for a motion to approve the July 23, 2012 Planning Board minutes. Mr. Delano made a motion to approve, it was second by Mr. Greene and approved with four Ayes. Mr. Mezzancello was not present for the vote.

**PUBLIC HEARING:**

**STOP & SHOP PEAPOD PICKUP**

**670 North Broadway**

**Section 8, Block 03, Lot 21 & 21.A**

**Geraldine Tortorella, Esq. Hocherman, Tortorella & Wekstein, LLP**

**Establishment of Peapod Pickup Point "Pup" within parking lot.**

**Discussion**

Mr. Greene read the affidavit of publication for the record. No noticed neighbors were present. Mr. Greene did note that a letter was received from Marc & Amy Mancini regarding their concerns with traffic and noise for this application.

Present for this application was Noelle Crisalli Wolfson, Esq. Hocherman, Tortorella & Wekstein, LLP; Robert Bencivenga; Stop & Shop Supermarket Company LLC; Michael W. Junghans, PE of VHB.

Mrs. Wolfson stated that this is a Stop & Shop Pea Pod Pick up Point "PUP" which is an on line grocery service. A select time for pick up is scheduled after the order is made. Once the person arrives at the PUP, the call box is used to alert someone in the store to come out with their groceries; the person brings out their order and signs for the groceries. The whole process takes about five minutes. The person does not need to leave their car. She also noted that ARB approval was granted on July 25, 2012.

Mr. Junghans gave a brief description of the uses presently on site, a supermarket, restaurant, dry cleaners, Laundromat and a bank. He noted the open canopy would be located at the southern end of the site. Signs will be located at the entrance to guide people to the Pea Pod Pick Up "PUP" which is conveniently located and away from the store, where there is a lot of pedestrian traffic. There will be a net loss of seven parking spaces if you include the spaces under the canopy. The canopy has been reduced to 18' from 22' which will keep this completely out of the wetland buffer. Mr. Junghans reviewed the path a car would take on site to enter and exit the PUP. He also noted that this is all pre ordered and paid for in advance. This is a scheduled service, not a drive through like a fast food restaurant. There is some room for a few cars to queue if all four slots are available. The roof color of the canopy will be the same color as the existing roof on Stop & Shop.

Mr. Greene inquired about the turning radius; he noted the applicant had not submitted that information which was previously requested. Mr. Jungians noted that information was placed on the exhibit before the board this evening, shown with a suburban, a 19 foot SUV, which would be worst case scenario pulling into the first parking spot. Mr. Greene inquired if a pick up truck had a similar wheel base and Mr. Jungians said that it did.

Mr. Kaufman stated that this illustrated his concern, which was raised at the previous meeting, is having the existing parking spaces which are serving the dry cleaner and

Laundromat removed. The path the vehicle has to take to get into the pup is a very awkward movement and the potential for a conflict between cars backing up and utilizing the parking spaces and the drive aisle to get into the PUP is awkward and there is the potential for some conflict. It was his recommendation that all of the spaces in front of the Laundromat and dry cleaners be removed which becomes a queuing aisle for the PUP. However, if you do that, one would have to question whether there is enough off street parking in that area of the site for the Laundromat and dry cleaner.

Mr. Greene stated that he could not see how the Laundromat and dry cleaners would be happy with that solution. What if a 21 foot vehicle were parked head on to the dry cleaner and Laundromat, would the circulation not work. Mr. Jungians stated no it does work; it is typical to any parking lot you go into now. A large vehicle seldom pulls in the first time, they have to back out and pull in again and that will be the same scenario here. The PUP spaces are 9 ½ feet and the exterior spots are 10'. According to the code there will be enough parking spaces on site even though a few of them will be removed. He also noted this was an excellent use for those with disabilities because they never have to leave the car to get their groceries.

Mr. Greene stated that this is a good idea and can be made to work; his questions about possible queuing on site were addressed especially with scheduled pick up times. The circulation plan perhaps is not perfect but if you look at any shopping center in any community, no circulation plan is exactly perfect if there are already big cars parked when additional big cars come in, a little back and forth will make that work. Mr. Junghans stated that the first parking space is the worst case scenario; they can choose the other three spaces. Mr. Greene asked is anyone else had any other comments at this time.

Mr. Kaufman stated that a resolution was not prepared for this evening. He suggested that a meeting take place with himself, the applicant, and FP Clark regarding the traffic details. Mr. Greene was comfortable with closing the public hearing and letting the professionals finalize the traffic details and the next time the applicant appears before the board it will consider approving the resolution.

Mr. Delano noted that the applicant was proposing gutters and roof leaders on the plans but no leaders were shown on the plan. The applicant will address that issue.

Mr. Greene noted for the record that a letter was received from the noticed neighbors, Amy and Marc Mancini, who was not able to attend tonight's meeting, noting their concerns about additional traffic and noise from this project. He also noted the ARB granted approval on this application.

Mr. Greene made a motion to close the public hearing. It was second by Mr. Delano and approved with four Ayes. Mr. Mezzancello was not present for the vote.

The applicant was hoping to return to the 9/10/12 meeting for amended site plan resolution.

**BRUNO**

**21 Whippoorwill Road**

**Section 2, Block 1, Lot 14**

**Robert Peake, AICP John Meyer Consulting**

**Subdivision of a 12.92 acre lot into two residential lots.**

**Discussion**

Mr. Greene read the affidavit of publication for the record. Noticed neighbor Pam Morgan, 19 Whippoorwill Road was present for this application. Mrs. Desimone stated that all paperwork was in order for this application.

Present for this application was Bob Peake, John Meyer Consulting.

Mr. Peake stated that this lot was 12.92 acres located at 19 Whippoorwill Road. The new lots will be over 6 acres each. There are no proposed improvements and access will remain as it presently is.

Mr. Greene noted this application started as 4 lot subdivision and was reduced to a two lot subdivision. All of the issues were resolved once the lot count was reduced. The board and professionals had no comments at this time.

Mr. Greene made a motion to close the public hearing. It was second by Mr. Adelman and approved with four Ayes. Mr. Mezzancello was not present for the vote.

Mr. Peake inquired about the whereas clause in the resolution on page 2 of 6 which read

“WHEREAS, it is noted that the potential for approval of a 4 lot subdivision would be difficult given the limited area for a septic system and the significant amount of Town-regulated steep slopes; and”

Mr. Peake was concerned that this sentence implied that a four lot subdivision was not possible. He noted that a four lot subdivision was submitted and would work; his client chose to go to a two- lot subdivision. Mr. Peake wanted to make sure it was clear that his client could return and further subdivide if they chose to at a later date.

After further discussion, the board agreed that the whereas clause did not restrict the applicant from further subdivision and agreed to keep the whereas clause.

Ms. Morgan inquired where the new house would go. It was noted that there were two houses on the lot presently, a house and guest house. The line would be placed to separate the house and guest house and no new construction was proposed. Ms. Morgan stated that she has lived next door since 1982 and over the years due to the slope of the land, there were water issues and small little springs that come from 21 Whippoorwill onto her property at 19 Whippoorwill Road and if there was a big change on the lot that would affect that.

Mr. Greene made a motion to approve the preliminary subdivision resolution of approval for the Bruno application, it was second by Mr. Adelman and approved with four ayes. Mr. Mezzancello was not present for the vote.

## **DISCUSSION**

### **99 BUSINESS PARK DRIVE**

#### **99 Business Park Drive**

#### **Section 2, Block 16, Lot 11.B09**

#### **Dan Holt, PE Holt Engineering & Consulting PA**

**Expansion of the existing parking area and a change of use from office space to office and warehouse space.**

**Consideration of site plan resolution.**

Mr. Fareri presented a variety of approvals that were presented and passed by the ARB.

Mr. Fareri suggested adding another condition for clarification to the resolution and the board agreed that resolution was clear enough in that regard. Mr. Kaufman confirmed with Mr. Fareri that he was not permitted to do any site work until plans were signed off on by the Planning Department. Mr. Fareri stated that as long as he did not need a building permit. Mr. Kaufman agreed with Mr. Fareri. Mr. Fareri was clear on this matter. A few minor revisions were noted and approved of by the board. .

Mr. Delano made a motion to approve the resolution as amended, it was second by Mr. Adelman and approved with four Ayes.

### **CVS**

#### **450 Main Street**

#### **Section 2, Block 13, Lots 7A & 10A**

**Site development plan for various amendments to the site and the establishment of a 17,389 square-foot pharmacy and 2,497 square-foot retail space.**

**Schedule Public Hearing**

Present for the applicant was Al Del Bello.

The Board scheduled a public hearing regarding this application for September 10, 2012.

Mrs. Bongarts, Conservation Board representative stated that the applicant has not come before the Conservation Board and wanted to know what was going to be done regarding the wetland impact on site. Mr. Greene stated if the applicant has not finalized all of his material with the Conservation Board then the applicant would not be able to get site plan approval. She noted at the last two planning board meetings the drainage had not been discussed. Mr. Greene stated it would be discussed September 10, 2012.

Mr. Greene stated that he received a letter from the attorney representing 12 Maple Avenue, requesting that parking district be established. Mr. Del Bello will consider it.

**SCOTT**

**80 Mianus River Road**

**Section 1, Block 7, Lot 4**

**J.D. Barrett & Associates**

**Proposed 4 lot subdivision on 38 acres with proposed common driveway.**

**Discussion**

Present for this application was Scott Kurnit, property owner and his professional Jerry Barrett.

Mr. Scott stated this application has been before this board since 2004. He is proposing a five lot subdivision and noted he is an executive Commissioner of the Mianus Gorge and has no intension of subdividing to build on the lots, he is subdividing to preserve the value and get the maximum amount to donate.

Mr. Kaufman stated that he is comfortable with the lot count, access to the lots and rear lot known as the "boot". Mr. Scot was alright with keeping the artist studio and this would not require him to appear before the ZBA. He will provide the information requested in order not to appear before the ZBA.

It was noted that the applicant needed final approval from the Conservation Board and a representative.

A public hearing was scheduled for September 24, 2012 providing all material was in order with the Conservation Board.

**KLEIN**

**14 Gifford Lake Drive**

**Section 1, Block 9, Lot 13-11,**

**Tim Allen, PE Bibbo Associates.**

**Amended Clearing and Grading Limit Line.**

**Discussion**

Applicant was taken off of the agenda due to outstanding invoices owed.

**SANTOMERO BUILDING**

**868 North Broadway**

**Section 3, Block 7, Lot 9A**

**Michael Piccirillo, AIA, Michael Piccirillo Architecture**

**Amended site plan approval for the construction of 5,134 square-feet of additions to the existing 4,435 square-foot office building.**

**Discussion**

Applicant's professionals submitted a letter the day of the meeting requesting to be taken off of the agenda.

**DUSANSKY**

**Special Use Permit**

**Section 2, Block 4, Lots 1-14**

**2 Dellwood Farm Way**

**Frank Guiliano, AIA**

**Construction of a 1,182 square foot pool house partially located outside of the previously approved limits of disturbance as defined by a Clearing and Grading Limit (C&GLL) within the R-2A Zoning District.**

**Consideration of approving special use permit extension of time resolution**

Mr. Delano made a motion to approve the extension of time resolution. It was second by Mr. Greene and approved with four Ayes. Mr. Mezzancello was not present for the vote.

**TURET**

**Preliminary Subdivision, Tree Removal, Steep Slope and Wetlands Permit**

**East Lane, West Lane, Nichols Road**

**Section 2, Block 16, Lots 18.B, 18.B3A, 18.D01, 18.E, 18.E01**

**Tim Allen, PE Bibbo Associates**

**Subdivision of an existing 8.28 acre lot into four residential building lots.**

**Consideration of approving 5th Extension of time resolution for Preliminary Subdivision.**

Mr. Delano made a motion to approve the extension of time resolution. It was second by Mr. Greene and approved with four Ayes. Mr. Mezzancello was not present for the vote.

Meeting adjourned at 7:55 p.m.