

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
NOVEMBER 23, 2015**

PLANNING BOARD MEMBERS PRESENT: Art Adelman, Chairman
 John Delano
 Steve Sauro
 Christopher Carthy
 Michael Pollack

ALSO PRESENT: Adam R. Kaufman, AICP
 Director of Planning

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

 Joseph Cermele, PE
 Consulting Town Engineer
 Kellard Sessions PC

 Conservation Board Representative:
 Larry Nokes

Absent: Valerie B. Desimone
 Planning Board Secretary
 Recording Secretary

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

Mr. Adelman noted that there was a retirement dinner in honor of John Fava, Conservation Board Chairman who served our community for over 40 years this past week as well as grand opening of the White Plains Urgent Care Center at 99 Business Park Drive.

APPROVAL OF MINUTES:

October 26, 2015

Mr. Adelman asked for a motion to approve the minutes as amended. Mr. Delano made a motion to approve, it was second by Mr. Sauro and approved with five Ayes.

PUBLIC HEARING:

THE PRAY FAMILY FOUNDATION, INC.

16 BEDFORD BANKSVILLE ROAD

102.04-2-50

Katherine T. O'Neill, Whitman Breed

Discussion

Consideration of resolution of approval

Mr. Adelman read the affidavit of publication for the record. All paperwork was in order for this application. No noticed neighbors were present.

Present for this application was Katie O'Neill, attorney for the applicant and Mary Kay from the Pray Foundation.

The site plan application is for the establishment of a charitable institution at 16 Bedford Banksville Road. The Applicant is proposing to utilize the existing structures on the site and no new construction is proposed. The property is located within the CB-B and R-1A Zoning Districts.

Mr. Adelman noted that since the board was familiar with the application and there were no members of the public present, a presentation was not necessary. The Director of Planning reviewed two of the conditions in the resolution with the board members. All questions were answered to their satisfaction and the resolution was amended accordingly.

Mr. Adelman asked for a motion to close the public hearing, Mr. Delano made a motion to close, it was second by Mr. Sauro and approved with five ayes.

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

DIPIETRO

20 Banksville Avenue

102.04-2-43

Site Redevelopment – Office & Garage

P. Daniel Hollis, Esq. Shamberg, Marwell & Hollis

Dan Holt, PE Holt Engineering and Consulting

Discussion

Present for this application was Dan Holt, engineer for the applicant and Jack DiPietro, applicant. Beth Evans, Evans associates, Dan Hollis, esq. Chris Crocco, AIA. Michael Fareri and noticed neighbors Mr. & Mrs. O'Connor.

The site plan application is for the conversion of the 2,080 square foot existing residence to a 1,040 square foot storage area and 1,040 square foot residence. In addition, the site plan depicts the construction of a 2,600 square foot garage with a 1,500 square foot second floor office within the RC Zoning District.

Mr. Adelman stated this hearing was already opened and asked for a motion to reconvene the public hearing. Mr. Delano made a motion to approve. It was second by Mr. Sauro and approved with five ayes. Mr. & Mrs. O'Connor were noticed neighbors that were present.

Mr. Adelman asked the members of the public to not repeat any comments made from the meeting the public hearing was opened. He asked for new information to be presented only.

Mr. Holt echoed Mr. Adelmans kind words about Mr. Fava.

Mr. Holt stated that after the last meeting he and his client and architect went back to the drawing board and this new plan is 1869 square feet from the original proposal of 2,600 square feet. This is still a two truck garage and the interior staircase was moved outside building. The parking area was reduced on the site and the impervious area in the wetland buffer was reduced as well. The garage was 50 x 52 and is now 42 x 46. The stormwater mitigation and stormwater quality proposed will remain the same; it will not be reduced even though the building size is being reduced.

Mr. Holt noted at the last meeting a concern was raised about the oil run off and vortex units being sufficient and noted with the reduced building size what was proposed was more than sufficient. He also reviewed some of the other mitigation proposed on site. This site does comply with NYS law standards. There is no real opportunity for oil to be spilt on site because no materials can be stored outside, the trucks will be stored inside the garage.

In response to Mrs. O'Connor's comment, Mr. Crocco stated that the garage bay on the left goes up to roof and the office space is above the right garage.

Mr. Kaufman answered Mrs. O'Connor's questions to her satisfaction regarding the

uses permitted in one building, principal uses and accessory structure uses.

Mr. O'Connor inquired if any of the water courses off of the driveway drain to the Mianus River. Ms. Evans pointed out the locations of the water courses which lead to a pond which then proceed underground to join the Mianus River which is under the repair shop. Mr. O'Connor expressed his concern about the water draining into the AA water course. Mr. Adelman suggested the professionals present would be able to answer this question. Mr. Holt stated that there is no waste discharge, a new septic is proposed, there is no industrial waste generated, the applicant is not dumping gallons a day, perhaps drops with the vehicle and trucks coming on and off site. Nothing is being discharged into the CEA; we are doing better on site than what is there now. Mr. Cermele stated that he did not feel it was an AAS stream, Mr. Delano disagreed. Mr. Cermele stated even if that were so, the applicant has a number of treatments and mitigation on the property. The wetland mitigation and water quality units are proposed. The hydro carbons adhere to the sediments; the applicant meets the minimum requirements of NYS and then some. Ms. Evans stated that they have done everything that they possibly can to insure that the water coming off of this property is cleaner when everything is built than it is today. Mr. O'Connor stated that he is hearing no to his question, Mr. Adelman stated he was hearing yes to Mr. O'Connor's question.

Continued discussion was had regarding this matter. Mr. Delano noted that this is great for removing sediment but not phosphorus and nitrogen. Mr. O'Connor stated that was his question. Continued discussion took place. Mr. O'Connor stated that is why this is a CEA and that is what makes this development inappropriate in this area; it is too close to protected waters.

Mr. Fareri stated that he met with the O'Connor's last Saturday regarding the reduced sized of the garage (now just over 1800 square feet). He reviewed the positive comments that Mr. Fava provided in his recommendation to the Planning Board and noted the other positive effects this project will have to the site as well as the dredging of the pond in front of the Middle Patent Cemetery. He would like to see the board vote in favor of this application at this time. He noted all the professionals have noted that nothing more can be done to the site at this time.

Mr. Hollis stated that if this parcel were developed as a single family residence with all the activities that take place at a house, the impervious surface would be as much or more and the runoff would be untreated and find its way into the Mianus River. Mr. Adelman noted that was a good point, the treatment may not be perfect, but nothing is perfect, but it is as good as it can be.

Mr. Holt noted that the phosphorus and nitrogen discussed is lawn fertilizer and if this were a residence all of that phosphorus would not be picked up and it would run off. The only way to hold it is to keep 100% of it on site by holding it. If you hold everything on site you would dry out the wetlands by holding it on site. During the winter months the nitrogen and phosphorus die and moves off site, it is part of nature.

Mr. Adelman asked if the board members or professionals had any further comments.

Mr. Carthy noted this was a major improvement.

Mr. Pollack inquired about the offsite wetland mitigation comments as noted in the resolution. Mr. Cermele stated he would like more input from the board regarding the proposed mitigation, discussions were had regarding the location of the mitigation comments in the resolution to be complied with. Beth Evans referenced Mr. Fava's memo stating there was a meeting at the Middle Patent Cemetery on June 15, 2015 with the Town Engineer, Conservation Board Chairman, representatives from the Middle Patent Cemetery and Banksville Fire District to identify options for mitigation purposes. She then read the different options as a result of that meeting and funding in part. An overall plan will be prepared and then the applicant will fund part thereof. Mr. Fareri suggested that a bond be put up and the town can tell him how and where to spend the money.

Mr. Kaufman noted that Mr. Christie from the Mianus River Gorge was the last meeting and noted they were not in favor of dredging the Cemetery pond.

The board finalized the revisions to the resolution to everyone's satisfaction.

Mr. Adelman asked for a motion to close the public hearing. Mr. Carthy made a motion to close, it was second by Mr. Sauro and approved with four Ayes, Mr. Delano vote nay.

Mr. Adelman asked for a motion to approve the Negative Declaration resolution. Mr. Pollack and Mr. Delano read the negative declaration at this time. Mr. Adelman asked for a motion to approve the Negative Declaration as amended. Mr. Sauro made a motion to approve it, it was second Mr. Carthy and approved with four Ayes, Mr. Delano voted nay.

Mr. Adelman asked for a motion to approve the Site Plan resolution as amended. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with four Ayes. Mr. Delano voted nay.

Mr. Adelman thanked everyone for their participation in the process and as well everyone's hard work of give and take to balance out everyone's needs and concerns for the site. .

Mr. O'Connor said to Mr. Adelman that Mr. Adelman speaks as if this is the end of it.

DISCUSSION:

**McMANUS
19 Glendale Avenue
108.01-5-51
2-Lot Subdivision
Mark P. Miller, Esq. Veneziano & Associates
Discussion – Schedule Public Hearing**

The application for preliminary subdivision approval of a two lot residential subdivision in the R-5 Zoning District. The Applicant is seeking to retain the existing home after the creation of the lots while a new house is being constructed on the property.

Present for this application was Mark Miller, attorney for the applicant.

Mr. Miller stated that he has received the variance from the ZBA on November 5, 2015. He submitted the preliminary subdivision plat this morning and he would like to schedule a public hearing for this matter on December 14, 2015.

The board agreed to schedule the public hearing on December 14, 2016.

**9 & 3 SADDLE COURT
9 & 3 Saddle Court
95.02-1-33
Lot Line Change
Scott Gray, LS Thomas Merritts Land Surveyors, P.C.
Discussion**

The application for a land exchange between 9 and 3 Saddle Court so that the pool and appurtenances associated with Lot 33 is entirely located on Lot 33. Both properties are located within the R-2A Zoning District.

Present for this application was Scott Gray.

Mr. Kaufman noted that the applicant was before the board at the last meeting, there were some technical questions raised and the applicant has resubmitted the material. One of the lots has less than the minimum amount of net lot area and minimal contiguous buildable area and will need a referral to the ZBA.

Mr. Delano made a positive recommendation to the ZBA for both variances. Mr. Sauro second the motion and it was approved with five ayes.

**MCKENNA CUSTOM HOMES
25 THORNEWOOD ROAD
102.01 -1 - 75
Sports Court
Alan Pilch, PE, RLA, Evans Associates
Discussion**

The application for construction of a 1,800 square foot sports court on a 1.51 acre lot located within the R-1.5A Zoning District.

Present for this application was Alan Pilch.

Mr. Pilch noted this application was before the RPRC for addition and alterations to the residence along with the sports court. The RPRC approved the addition and alterations but referred the 30 x 60 foot sports court to the Planning Board. Some of the trees are proposed to be removed as a result of the sports court and are also close to the septic system. The sports court is located in the rear portion of the property. A portion of the sports court is located within the wetland buffer of the stream which is located at the rear of the yard. It is heavily wooded at the rear of the property. He reviewed the stormwater management plan for the site. He has reviewed the comments from both professionals' memos. He will review and consider the comments of moving the sports court to the north.

The board will walk the site and invite the Conservation Board to join the walk. Mr. Adelman suggested reaching out to the neighbors at 23 Thornwood Road. The applicant will stake the wetland buffer and mark the trees to be removed.

A joint site walk was scheduled with the Conservation Board on December 4, 2015.

**17 CREEMER ROAD
17 Creemer Road
108.04-2-4
2-Lot Subdivision
Joseph Daniels, Contract Vendee
Discussion**

The application for preliminary subdivision approval of a two lot residential subdivision in the R-2A Zoning District.

Present was Dan Collins, Hudson Engineers.

Mr. Collins stated that presently there exists one residence which is proposed to be demolished. There are wetlands at the rear of the site and the existing stone wall marks the wetland line and is also located on the ridge which divides the drainage between

two watersheds. The water from the wall back drains to the rear of the site and the water from the stonewall to the road drains towards the road. Both lots show a 3,800 square foot building footprint to show conformance as well as driveways and pathways. Nothing is proposed in the rear yard setback within the wetland buffer. A variance will be necessary for lot reduction due to the wetlands at the rear of the site for each lot. The septic is proposed in the front of the site, potable wells are proposed at the rear of each lot which is within the buffer area. The existing pool on site is going to remain in the same location and be updated.

Mr. Collins can accommodate most of the comments as noted in both memos and will follow up with both professionals regarding a few of the comments in the memo. He would like a referral to the ZBA.

In response to the board members comments, the applicant has enough property to subdivide and the houses proposed will have a 30 foot side yard setback.

It was noted that the applicant needed a variance for net lot area on both lots and lot width on one lot. The applicant has to double check his figures on the minimal contiguous buildable area for both lots to see if a variance is needed for either lot. A recommendation was not made to the Zoning Board until this information was provided regarding the minimal contiguous buildable area. .

The applicant was informed that he prematurely submitted his application to the ZBA and the public hearing for the ZBA will not be able to take place without a recommendation from the Planning Board.

A site walk was scheduled for December 4, 2015.

LOWENSTEIN, SCHMOLKA, CELAJ, CAI
2 & 6 Deer Trail, 17 & 19 Whippoorwill Crossing
107.01-1, 2, 3 & 100.03-1-13
Pond Dredging & Remediation
PW Scott Engineering & Architecture, P.C.
Discussion

The wetlands permit application for the removal of excessive accumulation of sediment deposits within the manmade lake within the R-2A Zoning District.

Present for this application was Peder Scott and one of his clients Mr. Schmolka.

Mr. Scott stated that this is a repair of an existing pond which has four property owners who surround the pond. The pond collects stormwater runoff from other properties. The pond is proposed to be 5 ½ feet deep, 2600 cubic yards of material will be removed off site and he explained how the geotubes (25 – 30 feet wide and 40-50 feet long) can hold a 1,000 cubic feet and will be stacked in layers vertically and stacked on the

hillside horizontally. The geotubes work with removing the water and sediment from the site. A 15 foot organic buffer is proposed around the lake which is about 24,000 square feet of buffer plantings. They have appeared before the Conservation Board and the Conservation Board requested the Planning Board join them on the site walk. This type of dredging has been done on other sites and has worked well. He noted that all four lots total over 8 acres and there is about 1 acre of disturbance proposed and the mitigation is about ½ acre. A temporary driveway will be installed (geotech tile) and once completed, removed from the site. These ponds are nice to look at but no one wants to maintain them.

Mr. Schmolka noted his property will be used to access the pond and noted the frag mites are steadily taking over the pond. He presented a picture of the Geotube to the board at this time and begged the board to accelerate the project before one of the neighbors changes their minds.

Mr. Adelman asked for a motion to declare lead agency intent. Mr. Delano made a motion to approve, it was second by Mr. Sauro and approved with five ayes.

A joint site walk was scheduled with the Conservation Board on December 4, 2015.

WAMPUS MILLS

805 & 809 Route 128

101.03-2-6&7

Proposed Rezoning from R-2A to R-1A

Frank Madonna

Kory Salomone, Esq. Veneziano & Associates

Referral from Town Board

Discussion

The application for a six lot subdivision of the existing 10.07 acre parcel located within the R-2A Zoning District. The site currently contains a single-family residence, which is proposed to be removed. New single-family residences are proposed to be constructed with all lots served by public sewer and private wells.

Frank Madonna, applicant was present along with his professionals Mark Miller and Ralph Alfonzetti.

Mr. Miller stated that this applicant was referred from the Town Board to the Planning Board for a zoning change from R-2A to R-1A. This would enable the applicant to go from four lots to six or seven lots. His client has agreed to six lots and there is also a petition to the Town Board for an expansion of sewer district #2. Due to the density of this project his client will extend the sewer district to the remaining residents on Old Mount Kisco Road. His client is part of another application on Old Mount Kisco Road and is installing sewer district for the first half of the street with that project and now with

this project he can install sewers for the other half of the homes on Old Mount Kisco Road. His client has submitted the additional information requested regarding the six lot subdivision.

Mr. Madonna noted the sewage capacity would not be an issue; He spoke with Sal Misiti, North Castle Water and Sewer Department who is waiting for some additional information from the DEC regarding the nitrogen removal process in the sewer and water plant. Mr. Alfonzetti noted that is why the figures changed from 1150 to 1800, the original reports allocated for the other lots that are in the district to change the water flow, and this new report for 1800 is just for this property.

In response to a comment made by one of the board members, it was noted that water usage is based on assessment and a unit formula.

The Planning Board has reviewed and discussed the Wampus Mills proposed Town Code and Comprehensive Plan amendments. Mr. Adelman asked for a positive recommendation to the Town Board that there were not any evident global planning issues with respect to amending the Town Code and Comprehensive Plan but noted that the proposed sewer use appears to exceed the capacity of the sewer plant. The Town Board should closely review the proposed rezoning request with the Director of Water & Sewer Operations prior to amending the zoning on the property. Mr. Delano made a motion to approve, it was second by Sauro and approved with five Ayes.

99 BUSINESS PARK DRIVE

99 Business Park Drive

108.03-1-57

Amended Site Plan

Dan Holt, PE Holt Engineering & Consulting PA

Discussion of field change re: landscaping

Present for this application was Michael Fareri. Also present was Ed and Eric Lashins, neighboring property owners.

Mr. Fareri stated that he is requesting a landscaping change in front of the White Plains Urgent Care entrance this evening which opened last Tuesday. He presented the original landscaping plan that was approved in August, 2012 to the board at this time. Since the loading docks were eliminated on the side of the building, the building Department made a field change to remove the trees that were proposed in that location.

Mr. Fareri then presented a landscaping plan that his tenant, White Plains Hospital wanted around their site which was for 400 Hydrangeas, 600 rose bushes and 60 of another plant. This was also considered a field change by the Building Department. Another field change was approved by the Building Department to put up screening of the dumpsters on the side of the building with 23 Great American's to take away the impact, visually of the dumpsters. Tonight's application is to eliminate the 13 Norway

spruces which have been replaced with a berm and hydrangeas near the entrance sign to the site. He noted the parking lot has been repaved, restriped and beautifully landscaped. He noted most businesses along Business park drive do not have landscaping around them.

Discussions were had about the landscaping proposed and if it were more susceptible to deer or not.

Mr. Lashins stated that he was here to oppose this application. He noted that he was the original developer of the Business Park and reviewed the history of the site with the board members to the present day. He reviewed prior projects proposed at Business Park Drive and their outcome over the years and how it could have changed the dynamics to Business Park Drive. He also noted the financial impacts these projects have had on him over the years. He then reviewed the history of 99 Business Park Drive and noted if the revised planting plan proposed today were proposed back in 2012 he would have objected at that time because of all the visible parking spaces proposed.

In response to Mr. Lashins comments it was noted that it was not necessary to have a registered landscape architect sign and seal the plans and revision one of the landscape plans we eliminated. He noted a field change by the Building Inspector of Green Giant Arborvitae but no height at planting was noted. He noted some of the plantings in the berms had died; he was not sure when they died. He noted the trees shown on the plan as existing are no longer there and should be replaced. Mr. Lashins continued and stated that Mr. Fareri is proposing to remove 13 Norway Spruce but forgot to include the 6 Colorado Spruce which are proposed to be planted in the same area are to be removed as well, all of these trees are proposed at 8 feet tall. This is no minor amendment or field change. These are the trees that are between the sea of parking and his buildings and for these reasons the Planning Board should not approve this application.

In response to Mr. Lashins comment, Mr. Kaufman explained what a minor site plan amendment and a field change were according to the code.

Mr. Kaufman noted that with respect to the dead material on site, the applicant will have to replace what has died on site that was part of the original site plan and they have to replace it by the next growing season. He wants the original trees proposed by the sign kept on site, which is why he did not object at the public hearing back in 2012.

The Planning Board needs to determine if this is a reasonable substitution or not. Continued discussion was had on this matter. Mr. Adelman stated he did not have a problem with the substitution or eliminations proposed this evening. Continued discussion was had regarding this matter.

Mr. Lashins requested a field trip to the site to work this out.

Discussions were had with the board members and Mr. Fareri to see what can be done to alleviate Mr. Lashins concerns. Mr. Fareri noted that as you proceed down Business

Park Drive there is no landscaping between the road and the buildings. He noted lower shrubs when entering and exiting the site is safer. He then presented the original landscaping plan. He noted this is not a warehouse any longer. Patients would rather see flowers going into the Urgent Care Center and would rather have Urgent Care very visible vs. seeing trees. He has not heard one negative comment regarding the exterior of the building and this site is enhanced from what it was. The trees referenced by Mr. Lashins were town trees not his trees and the Town removed them, he did not remove them. Mr. Fareri noted he did plant four additional red maples not shown on the landscape plan, Mr. Cromwell told Mr. Fareri at the site that if he wants to plant more he was not going to stop him.

Mr. Lashins noted that a field walk could resolve the matter and the site can use both the trees and the flowering shrubs as is done on his sites.

Continued discussion was had with Mr. Fareri and the board.

In response to Mr. Pollack's comment, Mr. Lashins stated that he is concerned with his view from this building as well as street level.

Mr. Delano noted that he did not feel it was inappropriate for the tenant to submit a landscaping plan to their satisfaction and the use is softer than what was originally thought about as an option back in 2012. This is a business park and we can't hide the vehicles or the buildings, we can mask it but not hide it. Mr. Adelman agreed with Mr. Delano's comments. Mr. Sauro appreciates the level of detail Mr. Fareri puts into his residential and commercial projects. Mr. Fareri wants to enhance his site to protect the viability of his own tenant and that is a very reasonable request. He also agrees with Mr. Delano's comments and can't screen everything from everybody and with a focal point on certain sections of the building; he feels they have every right to do that. Mr. Carthy had nothing further to add.

Mr. Lashins offered to plant Norway spruce at his expense on Mr. Fareri's property to help screen the parking. The members of the board noted they could not make that decision; Mr. Lashins would have to work it out with Mr. Fareri, the property owner.

The board requested that the landscaping plan prepared by the Urgent Care Center be updated with the four new Red Maple Trees (4 inch caliber) along the street. Mr. Fareri stated he could accommodate that request.

Mr. Adelman made a motion to approve the field change, Mr. Delano seconded the motion and it was approved with five ayes.

CHATTERTON BUILDING DEVELOPMENT CORP.

57 JAMES STREET

123.05-1-59

New Single Family Home Construction

Philip Fruchter, AIA

Consideration of extension of time resolution

Site plan application for the construction of a 4,580 square foot four-bedroom house replacing an existing 880 square foot home.

Mr. Adelman asked for a motion to approve the extension of time resolution. Mr. Delano made a motion to approve, it was second by Mr., Sauro and approved with five Ayes.

SINGER

1 Quarter Mile Road

107.04-1- 25

Paul R. Sysak, RLA, ASLA, John Meyer Consulting, PC

Consideration of extension of time resolution

Special use permit application for an Accessory Structure over 800 square feet.

Mr. Adelman asked for a motion to approve the extension of time resolution. Mr. Delano made a motion to approve, it was second by Mr., Sauro and approved with five Ayes.

Mr. Carthy made a motion to adjourn the meeting, Mr. Delano second the motion and it approved with five ayes. Meeting was adjourned at 10:16 p.m.