

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
January 28, 2013**

PLANNING BOARD MEMBERS PRESENT: Arthur Adelman, Chairman
Steve Sauro
Guy Mezzancello
Christopher Carthy

PLANNING BOARD MEMBERS ABSENT: John Delano

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

Joseph 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:
John Fava

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

APPROVAL OF MINUTES:

May 30, 2012

Mr. Adelman asked for a motion to approve the May 30, 2012 minutes. Mr. Sauro made a motion to approve. It was second by Mr. Mezzancello and approved with three Ayes. Mr. Carthy abstained and Mr. Delano was not present for the vote.

PUBLIC HEARING:

NYCDEP

Nanny Hagen & Route 120

Section 103, Block 01, Lot 1

Section 103, Block 02, Lot 1 and Lot 1.A

Section 103, Block 04, Lot 1, Lot 2-.A

Property clean up from Sandy and removal of destabilized trees

Amanda Locke, Watershed Forester

Discussion

Consideration of approving site plan resolution

Mr. Adelman read the affidavit of publication for the record. No noticed neighbors were present. Mrs. Desimone noted all paperwork was in order.

Present for this application was Amanda Locke, Watershed Forester from the NYSDEP.

The application submitted by the New York City Department of Environmental Protection is for an emergency clean-up and salvage project on approximately 45 acres of NYCDEP owned watershed forest land at four sites around the Kensico Reservoir. The project is designed in response to significant damage caused by Hurricane Sandy. The objectives of the project are to remove storm debris from the sites, to remove remaining trees destabilized by damage to adjacent trees, and to restore forest cover on cleared sites as quickly as possible. The applicant will also clear the remaining spruce trees that are within 100 feet on both sides of the road.

Mr. Locke briefly reviewed each of the four sites for the board.

In response to Mr. Mezzancello's comment, Ms. Locke stated that we have guaranteed landscape replacement up to 18 months and an 85% survival rate for 5 year term.

In response to Mr. Sauro's comment, Ms. Locke stated that she did read the conservation board memo and will implement all comments made in that memo.

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

Mr. Adelman asked for a motion to approve the resolution, Mr. Sauro made a motion to approve the resolution. It was second by Mr. Mezzancello and approved with four Ayes. Mr. Delano was not present for the vote.

ADOPT A DOG

23 Cox Avenue

Section 2 Block 13 Lot 38

§ 213-57 review - Improvement of nonconforming use.

Construction of a parking area on the subject property with access from the Moderne Barn parking lot

Shamberg Marwell & Hollis, P.C.

Discussion

Mr. Adelman read the affidavit of publication for the record. No noticed neighbors were present. Mrs. Desimone noted all paperwork was in order.

Present for this application was Dan Hollis & Megan Collins, attorneys from Shamberg, Marwell and Hollis Esq., Nick Livanos – Moderne Barn, Dan Holt, Alyson Halm from Adopt a dog.

The site plan application is for the construction of a 31 space parking lot on the Adopt-a-Dog property. The proposed parking lot is to be utilized by both Adopt-A-Dog and the Moderne Barn with access from the Moderne Barn parking lot and driveway. The proposed shared use parking lot would be a benefit to both properties.

Discussions were had at this time regarding extending the stone wall from the Moderne Barn site to the Adopt a Dog site along the parking lot. Mr. Holt phoned a contractor earlier today regarding this request and noted a three foot wall would cost the applicant a minimum of \$20,000. Mr. Hollis stated that the cost of the wall was not proportionate to the project and suggested that could be brought up again when Adopt a Dog returns to the board for a full site plan application. Mr. Sauro inquired about additional landscaping as an alternative to the stone wall. Mr. Hollis suggested again that be put on the future site plan and the cost was not proportionate to the approval.

Continued discussions were had by the board members and Mr. Hollis regarding the stone wall and or additional landscaping. Mr. Hollis asked for some leeway on this matter. Mr. Adelman asked Mr. Livanos if he felt that if the wall was not built would it detract from his property. Mr. Livanos stated that it would not detract from his property.

After much debate and continued discussion regarding the stonewall the board agreed to not require the applicant to build the wall as part of this approval.

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

Mr. Adelman asked for a motion to approve the resolution as amended; Mr. Carthy made a motion to approve the resolution as amended. It was second by Mr. Mezzancello and approved with four Ayes. Mr. Delano was not present for the vote.

CONTINUING BUSINESS:

BYRAM RIDGE ROAD SUBDIVISION

62 Byram Ridge Road

2 / 5C / 10

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

Consideration of Extension of Time Resolution

Mr. Hollis explained that the cleaning service, at the surveyor's office, threw away the fully signed Mylar to be filled with Westchester County. The applicant now needs this additional time to get the Mylar resigned and filled; therefore, this extension of time is necessary.

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

PUBLIC HEARING:

SAMAD

100 Buckout Road

Section 3, Block 14, Lot 4A

New accessory apartment

Brad Demotte, RA De Motte Architects

Discussion

Mr. Adelman read the affidavit of publication for the record. No noticed neighbors were present. Mrs. Desimone noted all paperwork was in order.

The applicant submitted a written request that the public hearing be adjourned to the February 25, 2013 meeting.

Mr. Adelman asked for a motion to adjourn the Samad public hearing until Feb 25, 2013. Mr. Sauro made a motion to adjourn the public hearing, it was second by Mr. Mezzancello and approved with four Ayes. Mr. Delano was not present for the vote.

CONTINUING BUSINESS:

GJONAJ
7 Pine Ridge Road
Section 1, Block 05, Lot 1.D02
Preliminary Subdivision
Robert Roth, PE John Meyer Consulting, PC
Discussion

Present for this application is Robert Roth.

This application is for a three lot subdivision of the existing 12.153 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 on-site wastewater treatment and wells. The houses have been prepared by Richard Behr architect.

Mr. Roth stated that he has reviewed both professionals' memos and will be able to address those comments. He noted there are wetlands in the middle of the site. He noted that proposed Lot #2 had a minimal contiguous buildable area and part of that goes into the wetland buffer and he was looking for a referral to the ZBA for an area variance. The technical comments can be addressed after appearing before the zoning board.

Mr. Kaufman noted that a recommendation must accompany the referral to the ZBA regarding subdivisions. The Conservation Board would like to join the Planning Board during the site walk.

Mr. Kaufman noted there are no areas for stormwater management on site.

Mr. Baroni asked the applicant if there any other way to do this subdivision or would only this configuration work as the zoning Board of Appeals will ask that question. Mr. Roth stated that based on the legislation passed by the town in 2005/2006 regarding contiguous buildable area and that there is water and septic on site, it takes up a lot of space on this two acre lot. The same issue would arise if a pool was not on site. Mr. Kaufman noted that this lot is constrained by wetlands and geography of streams. Mr. Kaufman stated that tweaks could be made to the IPP and C&GLL to assist with keeping the footprints outside the wetland buffer but that can be discussed further with the Town Engineer, Mr. Roth and himself.

A site walk was scheduled for Friday, February 1, 2013.

BRYNWOOD GOLF & COUNTRY CLUB

568 Bedford Road

Section 2, Block 8, Lot 7.C1A

Proposed Golf & Country Club

Peter J. Wise, Esq. DelBello Donnellan Weingarten Wise & Wiederkehr, LLP

Discussion

Present for this application was Robert Roth, PE, John Meyer Consulting, PC

Mr. Roth stated that the site plan application has been filed for this project. The Town Board has accepted the Scope and the DEIS (Draft Environmental Impact Statement) will be submitted within the next few weeks to the Town Board which will be forwarded to this board for review. We accept and understand the comments from staff.

DIPIETRO

20 Banksville Road

Section 1, Block 12, Lot 7.D

Site Redevelopment – Warehouse and Storage

Dan Holt, PE, Nathaniel Holt PE

Discussion

Present for this application was Dan Holt, Engineer and Dan Hollis, attorney for the applicant as well as the applicant, Mr. DiPietro. Also present were residents Nancy and Eric Birnbaum, 1 Round House Court.

Mr. Holt stated that he has reviewed the comments from the last submission and addressed as many of those comments as he could and is hoping this project is more acceptable to the board. The comments made by both professionals based on this most recent submission are more technical and once the concept of the site is approved, he will address all of the technical issues. Since his last appearance before the board he is trying to define and narrow down the types of uses even more. This use is best described as an office warehouse. Presently the applicant is proposing four bays with individual offices on top. This use would be geared toward tradesmen like a plumber, electrician or surveyor who drive in vans or small trucks. Types of business that Mr. DiPietro works with on a fairly regular basis, tradesman like, electrician, plumber and cabinet makers. There will be no outside storage of equipment on site. The driveway entrance was reconfigured to 18' wide and is further from the wetlands. There will be six outside parking spaces and four spaces inside the garages. The applicant is trying to get uses and operations that are more specific on site and trying not to get a Special Use Permit.

Mr. Kaufman noted that there is no definition of a contractor in the town code. You have a similar use on the abutting lot, the Genkerell site, which received a special use permit and everything was stored inside.

Mr. Hollis stated that there are no backhoes and flatbeds on site, deliveries would be similar to what a residential site goes through. His client is gearing toward the use #5 in the GB zone. This property owner has a right to use this lot within the GB zoning district. Mr. Hollis noted that the plan has been reduced and the mitigation should be able to be kept on site, which will have to be confirmed.

Multiple discussions were had at this time regarding how to establish what types of trucks would be acceptable on site.

Mr. Holt reviewed the architectural drawings proposed at this time. The building is approximately 300 feet off of the road. He is proposing to fill 1' to 1 ¼ feet on the driveway to make sure the water stays on site. He pointed out the wetlands and water courses on site. The applicant could have put the building further back on the site but that would have put the building in direct sight of the residential homes and we felt it was better to fight the wetland issues then to put this in view of someone's back yard. Studies will be done on the septic on site; a four or five bedroom house would use more water than what is proposed right now. This is a concept plan.

Mr. Kaufman is still not comfortable with the use issue. The board has to make sure they are comfortable with this. Mr. Adelman agrees with the proposal. Most of the vehicular traffic is similar to what would be in a residential area. Mr. Kaufman stated specific restrictions will be put in the approval to make sure the use does not turn into a contractual storage yard.

In response to the board members questions the following information was provided by Mr. Holt. There will be enough space in the garage to store a pickup truck, the bay is 52 feet long and the garage height is standard height, approximately 14 feet high. Box trucks could be parked on site if the board permitted it, it is their decision, and the garage could be used for storage if the board permitted it. Mr. Adelman noted the site was 300 feet back from the road and the trucks would not be visible. All of these options would have to be clearly defined and enforceable.

Mr. Adelman stated that he is comfortable putting enforceable conditions on this application instead of them going to the Town Board; his sense is that the Planning Board could do it and was looking for the other board members comments. Mr. Carthy stated that he is familiar with a contractor's yard and what goes on but he felt if there was no outside storage that once you pull down the garage door it becomes storage for a warehouse. Mr. Holt stated the term warehouse crossed his mind as well.

Mr. Baroni stated doesn't the board have to be consistent; Mr. Lowery was proposing a contractors yard with all of the equipment stored inside. Mr. Kaufman referred to the Genkerell site next door. Mr. Hollis stated that given the fact that contractor is not defined, that does not work against the property owner, that works against the town. In the absence of a definition we are willing to say this is not a contractors yard, which the neighbors were really opposed to, which would include a flat bed, back hoe, fork lifts, and heavy equipment running like sifters and processing. We have taken this use far

from anything close to that, this is a whole sale and storage use which is a permitted use for site plan approval and does not need Special Use Permit from the Town Board. The difference between this application and the Lowrey application is this is not a contractor's yard, this is a site with tradesman which is someone without big heavy equipment.

It was concluded that the weight and size of the truck would be made part of the approval to limit the size of the trucks that could come on site. It was also confirmed that there would be no storage of gasoline and diesel fuels on site.

Mr. Board agreed that this was a big difference from the original proposal and a lot of the concerns have been addressed and the details need to be worked out and finalized to be clear as to what can and can't be done on site.

In response to a board members comment, Mr. Dipietro will be responsible to maintain and keep up the site and the board can imply approvals for the applicant to comply with the health, safety and welfare of the residents. The board would like to reach a solution that works for all.

Resident, Eric Birnbaum, 1 Round House Court had three comments. He suggested physical limitations to prevent larger trucks from coming on site. Mr. Kaufman noted that the site is not large enough for a tractor trailer and the width of the curb cut will limit what can enter and exit the site.

Mr. Birnbaum also inquired if Mr. DiPietro would take one of the bays. Mr. Dipietro stated that he may take one of the bays but his equipment will be stored off site.

Mr. Birnbaum stated that his last comment was if the tradesman would work 9 - 5 or 24/7. He was concerned about noise at night. Mr. Dipietro stated if the tradesman received an emergency call in the middle of night, he would go and take his truck out to the site, just like anyone with a car would go out in the middle of the night.

Mrs. Birnbaum confirmed that there will be no fueling station on site. Mr. DiPietro agreed, there will be no fueling station on site.

STONE MANORS AT ARMONK, LLC

2 Daphne Lane

Section 1, Block 11, Lot5.A5

New Construction of a 9,648 square foot residence

Consideration of extension of time site plan resolution

Mr. Adelman asked for a motion to grant an extension of time for the Stone Manors Lot #1 site plan. Mr. Mezzancello made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Mr. Delano was not present for the vote.

**STONE MANORS AT ARMONK, LLC,
4 Daphne Lane.
Section 1, Block 11, Lot 5.A6
New Construction a 9,056 square foot residence
Consideration of extension of time site plan resolution**

Mr. Adelman asked for a motion to grant an extension of time for the Stone Manors Lot #2 site plan. Mr. Mezzancello made a motion to approve the Stone Manors Lot #2 extension of time resolution. It was second by Mr. Sauro and approved with four Ayes. Mr. Delano was not present for the vote.

Meeting adjourned at 8:13 pm.

Mr. Carthy made a motion to reopen the January 28, 2013 Planning Board meeting. Mr. Sauro second the motion and it was approved with four Ayes. Mr. Delano was not present for the vote.

Appoint John Delano as acting Chairman in Chairman's absence

Mr. Adelman asked for a motion to appoint John Delano as acting Chairman in his absence. Mr. Sauro made a motion to appoint Mr. Delano. It was second by Mr. Mezzancello and approved with four Ayes, Mr. Delano was not present for the vote.

Meeting adjourned at 8:15 p.m.