

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

PLANNING BOARD MEMBERS PRESENT:

Art Adelman, Chairman
John Delano
Steve Sauro
Christopher Carthy

PLANNING BOARD MEMBER ABSENT:

Michael Pollack

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:
Jane Black

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

**TEDESCO
1462 Old Orchard Street
Section 123.01/ Block 1, Lot 1
2 Lot Subdivision
Nathaniel J. Holt, Holt Engineering & Consulting, PA
Discussion**

Application was adjourned at the professional's request.

HANNA
10 Briggs Lane
Section 107.02, Block 4, Lot 65
Tim Allen, Bibbo Associates, LLP
New Single-family Home Construction

Present for this application was Tim Allen and Nicholas Gaboury from Bibbo Associates.

Site Plan application is for the construction of a new 6,733 square foot house within the R-3/4A Zoning District. Site Development Plan approval for this lot is necessary because the Planning Board has site plan jurisdiction over all new construction within the DiGiacinto Subdivision.

Mr. Gaboury stated that this is the last lot to be developed within the subdivision; He has obtained Health Department approval for this lot. The application as proposed complies with the GLC (Gross Land Coverage) and FAR (Floor Area Ratio) calculations. The lot is presently vacant.

In response to Mr. Adelman's comment regarding the driveway location being proposed on the other side of the lot, are there any issues with the driveway location being moved. Mr. Kaufman stated that there were no issues with that.

Mr. Kaufman noted that there was a note on the subdivision plat that Planning Board retained all jurisdictions on these sites as part of the subdivision approval. He noted he would like a landscaping plan between the two driveways. He would like to see what it will look like post development. He also noted the height of the retaining walls needs to be adjusted to be code compliant. He noted that the proposed layout was very similar to what was shown at the time of the original subdivision.

Mr. Gaboury stated that he can comply with the comments in the memos. He was instructed to get ARB approval and to resubmit the plans per comments noted above and once that is done the Planning Board can have the Neighbor Notification and consider a resolution of approval. Neighbor notification was scheduled for March 23, 2015.

Mr. Adelman noted all water must be maintained on site, Mr. Gaboury stated because of the improvements to Briggs Lane, the stormwater runoff goes to a detention basin at 15 Briggs lane.

NYCDEP KENSICO RD CLOSURE TRAFFIC IMPROVEMENT

Intersection of King St. (Rt 120) at Nannyhagen Rd

North Broadway at Route 22

Mark Marrion, HDR

The DEP is proposing various traffic improvement measures to several intersections affected by the closure of Westlake Drive across the Kensico Dam. Application Update - Last Reviewed May 2012

Present for this application was Stephanie Cassin, P.E., M. ASCE and Steve Seymour, Senior Wetlands Biologist both from HDR.

New York City Department of Environmental Protection has submitted an application for the construction of various traffic improvement measures to intersections affected by the closure of Westlake Drive across the Kensico Dam. The closure of Westlake Drive has resulted in the rerouting of traffic around the Kensico Dam. The proposed intersection improvements would benefit residents within the Town of North Castle by improving traffic flow and safety.

Ms. Cassin stated that as a result of the closing of the Kensico Dam there were seven sites affected by additional traffic, four sites affected were in North Castle. Three were located in North White Plains and one in Armonk. The first site was located at Westlake Drive and Route 22, the traffic light and equipment were eliminated, the poles and wires will be eliminated. The second site was at the intersection of Park Drive (Kensico Dam Plaza) and Broadway, a traffic signal will be installed as well as a crosswalk with pedestrian lights. Discussion of timing of lights was had at this time and at the Chairman's request, a contact person from Westchester County, Kevin Rosen was provided by the applicant regarding adjustment of traffic signal timing.

The third site is at the intersection of North Broadway and Route 22 which is a NYSDOT traffic signal and Rich Stillman from NYSDOT is the contact regarding the traffic signal timing. A loop detector will be added when exiting Sir John's Plaza. There will be a pocket lane installed south bound for thru traffic from the traffic signal at Sir John's to the traffic signal at Hillandale, the pocket lane will be taken from the existing median. Also proposed is the crosswalk with A.D.A. curb ramps and pedestrian lights at the intersection of Hillandale and Broadway. Mr. Kaufman noted what an important cross walk this was as the only other crosswalk on Route 22 in this area is down by Stop and Shop.

In response to Mr. Adelman's comment regarding construction start date and end date. Ms. Cassin stated that each site is different and it will take a year to do the bids and the construction on North Broadway and Route 22 would begin in middle of 2017 and would take 3 to 4 months to complete. The work on Nanny Hagen would be done during the summer time when school is out and fewer buses are in the area. Ms. Cassin stated that the loop detector in Sir John's can detect through snow on the ground. Mr. Adelman stated that he is aware of the sensors and does not feel they are very effective.

Mr. Delano noted that the Fire Department has a device on the traffic light at Hillandale for emergency purposes. Ms. Cassin was aware of that. There will be clearer delineation on Route 22 North to clearly mark continuing on Route 22 or continuing on Broadway towards the dam. With this clearer delineation, this will reduce confusion to drivers unfamiliar with the area and assist them in where they want to go, reduce accidents and reduce drivers making illegal left turns on Hillandale or turning around on Hillandale side streets to access Broadway towards the dam. These road markings will also enable police officers to issue tickets to those that don't adhere to the road markings.

Mr. Ed Loberman a 50 year resident stated that the traffic issues have existed since he moved into town and he has been trying to get them addressed all this time. He is disgusted with Westchester County and NY State regarding this issue. He witnessed the blasting of I-287 and wondered why the Bronx River and the Sprain Brook Parkway were not connected to Route I-287. The problem is the traffic has increased over the years. He was told that it was "not in the plan" to connect the roads, there has to be a long term solution to connect the major roads and all he has been told over the years is that it is not in the plan. We should change the plan he said. He applauds the changes proposed this evening but that is only putting a band aide on the problem. Someone has to make a long term solution. Mr. Adelman reminded Mr. Loberman that this was something the Planning Board could not address and suggested Mr. Loberman reach out to Congress Woman Nita Lowey for assistance regarding his concerns.

Ms. Jill Gretto stated that she had two concerns. She is happy about the pedestrian access. She is concerned about the safety of the pedestrians at the proposed crosswalk at the intersection of Park Drive and Broadway. She felt the sign would be ignored and is concerned about the safety of the pedestrians. Ms. Cassin stated these proposals are made as a result of the road closure over the dam and its traffic impacts, not the pedestrians. Ms. Gretto noted that the road closure over the dam did not cause all of the problems but have contributed to the existing problems. She asked to get Ms. Cassin's assistance with DOT.

Mr. Adelman suggested the applicant report back to the NYCDEP and NYSDOT the comments made by the neighbors and incorporate their comments with the summer of 2017 work.

It was noted that John Nonna, County Legislator District #3., met with the Town, some residents, and the NYSDOT years ago and at the time said it would take 20 years to do. Ms. Gretto stated that the proposals will help alleviate the problems and was hoping to get some more help and support from the Town and the professional present this evening, as she and the residents present have tried everything that they know how to do to, to address these issues. Ms. Gretto noted that North Castle was not on the contact list for the Tappan Z Bridge scoping project as I-287 does not run through North Castle. I -287 dumps all of the traffic onto our local roads and that stretch of Route 22 is treated like an off ramp. Mr. Adelman suggested that the residents present reach out to Nita Lowey. Ms. Gretto asked if the DEP and DOT could reach out to Nita Lowey as an additional voice that would be very helpful. The changes proposed will not be enough

to address all the present problems and the additional problems by closing of the dam. They are not listening to the residents, North Castle officials or county officials. Ms. Cassin stated that this has to go through an environmental review process and suggested these concerns be part of a separate application. Ms. Cassin stated that this project started in 2010 and with all the environmental legislation to go through, it takes time.

Mr. Adelman asked Ms. Cassin to prepare a letter with all of the neighbors' concerns discussed this evening on her letterhead and forward it to the NYSDOT and the NYCDEP.

Mr. Loberman thanked the board for listening to their concerns and noted after over 50 years of living in town he has contacted everyone and gotten nowhere. Mr Adelman suggested that the neighbors reach out to Nita Lowey.

Ms. Cassin then stated the fourth site was located at the intersection of Route 120 and Nanny Hagen. A traffic signal will be installed at this location and there will be a left turn lane coming from Armonk on Route 120 into Nanny Hagen . Drainage was reviewed and a storm water pollution prevention plan was prepared. Mr. Kaufman noted that originally aesthetics played a big role at this intersection but now since all of the tree devastation from Hurricane Sandy, it is no longer an issue.

In response to one of the neighbors comments, Bear Ridge Road was part of the study and noted there were no problems with this intersection. Mr. Adelman stated he hopes that the sensor works at that traffic signal. He opined that is why people run stop signs and red lights due to sitting in a situation where there is no traffic around and faced with a red light. In this high technology age there has to be a way to resolve this. He would like a suitable traffic control signal. Ms. Cassin stated that the light is set up based on a traffic program that is modelled on how traffic flows and how much green time and red time are needed and this will be sensitive to commuter times.

The applicant would like a referral to the Conservation Board. The applicant will submit the updated SWPPP as requested by Jane Black, Conservation Board Representative. Ms. Cassin stated that it has not changed much, the wetland grew in size and the swale design did not change.

In response to a comment made, Mr. Seymour stated that there are three reasons why the size of a wetland would change, the passage of time, a new delineation manual (adopted in 2012) or the loss of trees. The wetlands grew and the impact grew, the loss of trees doubled the size of the wetland that was impacted. The flags have been delineated. A Nationwide 19 Permit was applied for from the Army Corps of Engineers. There should be less than 1 cubic yard of disturbance in the wetlands. An invasive wetland species report was submitted previously and previously approved.

The Town Engineer had some general comments and will verify the wetland boundaries and will review and update the SWPPP (Storm Water Pollution Prevention Plan).

Mr. Carthy inquired about the impact of the intersection of Route 120 and Whippoorwill Road. Ms. Cassin stated that she would look into that and get back to the board and that information would be in the traffic report that was previously submitted.

Mr. Adelman thanked the members of the public for attending and providing their valuable input.

Mr. Cermele and Mr. Baroni left the meeting at this time.

GROSS LAND COVERAGE

Referral from Town Board

To Permit a one-time gross land coverage expansion, per owner, up to 250 feet without the need to seek RPRC review.

Referral from the Town Board is pertaining to the owner of any one- or two-family dwelling shall be permitted a one-time gross land coverage expansion of up to 250 square feet without the need to seek RPRC review as long as the expansion does not require wetland or steep slope disturbance permits.

Mr. Kaufman stated that the Town Board was looking to expedite or reduce the material that is needed for small gross land coverage applications like a sidewalk or a single parking space. The process and the amount of material that needs to be submitted was felt to be a little too onerous and this would create a onetime exemption from that process up to 250 square feet. They are trying to reduce the time and impact to property owner.

In response to Mr. Sauro's comment regarding is this a one-time per property owner or per life of property legislation. Mr. Kaufman stated that is was designed per property owner, the Building Inspector will have to make a determination but did not see residents transferring title of the property from name to name in order to avoid the process. It would be too timely and costly.

Mr. Delano inquired if the applicant was over the maximum amount of permitted gross land coverage (GLC) would this still be permitted. Mr. Kaufman stated we would not know if the applicant were over the maximum because the GLC worksheet would not have to be filled out in this case. In theory, this is a small negligible impact and hopefully not abused.

In response to Mr. Delano's comment, Mr. Kaufman stated that there have been complaints from people doing very small projects, the cost of the survey, calculating the gross land coverage through an engineer could cost almost as much as the actual improvement itself for something this small, the Town Board was receptive of this comment.

After a brief discussion the board did not see any issues with this application. Mr. Adelman asked for a motion to positively refer this proposed local law to the Town

Board. Mr. Delano made a made a motion to approve, it was second by Mr. Sauro and approved with four Ayes. Mr. Pollack was not present for the vote.

ABOVE GROUND FUEL TANKS

Referral from Town Board

Law to require fuel tanks to comply with existing generator location/screening requirements.

Referral from the Town Board. A proposed local law that would require fuel tanks to comply with generator location and screening requirements.

Mr. Kaufman stated that this local law was generated from the Town Administrators office. He recommended that if this was an issue to treat it like a generator.

The board had a brief conversation regarding this referral and it was noted that it would not be permitted in the front yard unless it was located three times the front yard setback from the front property line. This would not be retroactive, existing fuel tanks would be grandfathered. The Town Board could require people to landscape existing tanks but as the legislation is presently proposed, they would not have to screen existing tanks. If a tank replacement were applied for, the resident would have to comply with this new legislation and screen the tank. It was noted that below ground tanks still have the hub showing above ground and this legislation would not apply to the hubs, there are no setback requirements for the hubs. It was also discussed that the tank has to be within the setbacks and the screening does not have to be within the setbacks.

Adelman asked for a motion to positively refer this proposed local law to the Town Board. Mr. Delano made a made a motion to approve, it was second by Mr. Sauro and approved with four Ayes. Mr. Pollack was not present for the vote.

THE PRAY FAMILY FOUNDATION, INC.

Referral from Town Board

16 Bedford Banksville Road

Section 102.04, Block 2, Lot 50

Establishment of a charitable institution.

Utilize existing structures on site.

No new construction is proposed.

The Town Board referred the Special Use Permit application to the Planning Board regarding 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. Pray was a classic car collector and this site never really operated as a single family residence. The Special Use Permit has utilized this site as a charitable institution which it has been used as for the past decade. The foundation would like to legalize the use. The board was concerned with night use, night lighting for safety reasons, how much parking is available on site, hours of operation, confirmation that this is exhibition space and the cars stored on site will not be driven around the property or driven off site. There were no real objections from the planning board except with some questions as noted above and the board would like the applicant to return for site plan approval so the questions noted above could be discussed in more detail.

Mr. Carthy noted that in Chapter 213-9 of the Town Code that the use of the word "retarded" was antiquated and inappropriate in this day and age and that part of the code should be updated to be more sensitive. The other board members agreed. Mr. Kaufman stated that he will pass that along to the Town Board and stated that presently they are working on a recodification of the code and can address that there.

11 NEW KING STREET PARKING GARAGE

Mr. Kaufman stated that later this week a meeting will be had with the Town Engineer regarding the Findings Statement that he prepared for this project and also discussed at this meeting will be the correspondence received from the Attorney General's office, The Department of Environmental Protection and the letter from Westchester County which included information from the FAA (Federal Aviation Administration). After that meeting there will be several changes to the Findings statement. He asked the chairman to attend this meeting. Mr. Adelman agreed to attend.

Mr. Adelman asked for a motion to adjourn the meeting. Mr. Sauro made a motion to approve, it was second by Mr. Delano and approved with four Ayes. Meeting adjourned at 8:25 p.m.