

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
March 21, 2016**

PLANNING BOARD MEMBERS PRESENT:

John Delano, Chairman
Steve Sauro
Christopher Carthy
Michael Pollack
Jim Jensen

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
George Drapeau

:

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

Mr. Delano welcomed George Drapeau, Conservation Board Representative.

APPROVAL OF MINUTES:

March 7, 2016

Mr. Delano asked for a motion to approve the March 7, 2016 Planning Board minutes as amended. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with five Ayes.

PUBLIC HEARING:

WAMPUS BROOK PARK SOUTH

2 Business Park Drive

108.03-1-46

Amended Site Plan

Joe Cermele, PE Kellard Sessions Consulting, PC

Discussion

Consideration of Site Plan and Wetland Permit Resolution

The application is for site plan, wetland permit and tree removal permits application for the establishment of a new park on a 2.73 acre property located within the R-10 Zoning District.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Present for this application was Neal Bauman on behalf of St. Stephens Church.

Mr. Cermele presented the application for the board members and members of the public. He noted the lot was 2.7 acres in size and the town owns 1.6 acres and New York State owns 1.1 acres, a portion of the NY State property will be deeded to the Town. This site was totally wooded before Hurricane Sandy which removed a majority of the vegetation on site. Site lighting will be provided and LED lights will be used (a softer light similar to what is used in Wampus Park presently), the same light fixtures that are on Main Street will be used. Park benches are proposed as well. He reviewed the landscaping proposed and vegetation to be removed on site. He noted this application has been before the Town Board, The Conservation Board and the Parks and Recreation Advisory Board.

Mr. Bauman noted that this is a wonderful project and expressed his appreciation to the board regarding it on behalf of himself and St. Stephens's church. St. Stephens was initially concerned regarding additional parking at the Church as a result of this project and was happy to see the 20 space parking area for the proposed park. Mr. Bauman thanked the members of the board for all their service to the community.

All questions and comments asked by the members of the public and board members were answered to their satisfaction.

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

Mr. Delano asked for a motion to approve the negative declaration as amended, Mr. Sauro made a motion to approve. Mr. Carthy second the motion and it was approved with five Ayes.

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

The Board noted that Mr. John Fava, recently retired Conservation Board Chairman had a lot of input and work on the plans and the Planning Board wanted to acknowledge that time and effort and thanked him for that.

CONTINUING PUBLIC HEARING:

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

Consideration of Wetland Permit Resolution

The application is for a wetlands permit for the removal of excessive accumulation of sediment deposits within the manmade lake which borders four lots within the R-2A Zoning District. The public hearing was originally opened and immediately adjourned at the applicants request at the February 8, 2016 Planning Board meeting.

Mr. Scott and Mr. Lowenstein were present for this application this evening.

Mr. Delano asked for a motion to reopen the public hearing. Mr. Sauro made a motion to reopen the public hearing, it was second by Mr. Pollack and approved with five Ayes. Mr. Leo Schmolka at 17 Whippoorwill Crossing was present this evening.

Mr. Scott reviewed some of the conditions in the resolution with the board members. He noted his clients concerns in an event of a natural disaster i.e.: Hurricane Sandy after all the work is completed. They were concerned that the turnaround time in that event was too short according to the resolution and wanted to discuss that this evening. Mr. Cermele noted that a natural disaster was separate from the approval the board was considering this evening and the Town would work with the applicants. It was noted that if a catastrophic event takes place the applicant would have to go through the appropriate approvals as they are today.

Mr. Scott noted he has submitted a bond estimate with some plans for review. Mr. Cermele noted that material was submitted after the deadline submission for this meeting and only one copy was submitted, not 8 sets. Mr. Scott was directed to submit a complete set of material for review and final signature per the conditions in the resolution the board was considering this evening.

Mr. Schmolka noted that he and his neighbors have spent \$45,000. so far and it will cost another \$175,000. to do the work. He and his neighbors were concerned about open ended financial expenses on this project. He and his neighbors feel they are

doing a good thing here and did not want an endless time line and endless costs associated with this project. He and his neighbors agreed upon an annual cap of \$12,000. a year. He expressed his concerns about what if another Hurricane Sandy hits this area, what are their requirements and guidelines. Discussions were had by the board and applicant at this time.

Mr. Scott will provide legal language agreements regarding the bonds to the Town Attorney.

After a brief discussion with the board members and the professionals regarding the time element and contained cost of a natural disaster, if this work was never done in the first place the neighbors would be under no obligation to fix any damage after a natural disaster. The applicant agreed to a five year term and the Planning Board agreed that whatever Mother Nature does after five years they can live with it. The resolution will be updated to this effect.

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

Mr. Delano asked for a motion to approve the negative declaration, Mr. Pollack made a motion to approve. Mr. Carthy second the motion and it was approved with five Ayes.

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

DISCUSSION:

11 NEW KING STREET PARKING GARAGE

11 New King Street

119.03-1-1

Proposed automated airport parking facility

Nanette Bourne, AKRF

Bill Null, esq. Cudy & Feder

Continued Discussion

Discussions were had regarding comment one in Adam's memo which read as follows: Page 7 and Comment 40 of the SDEIS contains a discussion of the FAA Determination of No Hazard to Air Navigation and associated Advisory Recommendation. The SDEIS should be revised to state that the Lead Agency will need to determine whether there are any significant adverse impacts associated with permitting this type of discouraged use within the RPZ.

Multiple Discussions were had by the board and the professionals regarding this item in Adam's memo. The language was amended to everyone's satisfaction.

Mr. Delano asked for a motion to accept the 11 New King Street DSEIS as complete. Mr. Pollack made a motion to approve, it was second by Mr. Jensen and approved with five Ayes.

A public hearing was scheduled for April 11, 2016. Written comments will be accepted 15 days after the closing of the public hearing.

BUCK'S FLOWER GARDEN
65 Bedford Banksville Road
102.02-1-23
Amended Site Plan
Vasilka Bukov
Discussion

Present for this application was Vasilka Bukov

The application is for site plan approval for the establishment of a new freestanding sign along the Bedford Banksville property frontage.

Ms. Bukov stated that her nursery produces annuals and perennials to landscapers at wholesale prices and she would like to put a 3 x 3 sign on a 10' post.

Mr. Kaufman noted that no public hearing was necessary in a residential zone for a sign. There were no further comments from the board or professionals at this time.

Mr. Carthy made a motion to approve the resolution; it was second by Mr. Sauro and proved with five Ayes.

MCKENNA CUSTOM HOMES
25 Thornewood Road
102.01-1-75
Sports Court
Alan Pilch, PE, RLA, Evans Associates
Discussion

Present for this application was Allan Pilch and his client Kevin McKenna.

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

Mr. Pilch stated that this application was before the RPRC for an addition and sports court. The RPRC granted approval for the addition and referred the sports court to the Planning Board for site plan approval. There was a site walk on December 4, 2015 regarding the site walk and as a result of that site walk the sports court was moved 35' east. This has reduced the impact to the wetland by almost 50%. The original impact was 864 square feet and the new impact is 450 square feet. This move is also reducing the impact to significant trees in the rear yard. He has proposed 920 square feet of wetland mitigation which is more than the required 2:1 ratio.

The board members discussed materials, color and visibility of the proposed sports court to the neighbors. Mr. Pilch presented a concept plan of the sports court. The green color of the sports court shown at the meeting was acceptable to the board members.

The applicant needs to go before the Conservation Board and once approved can return to the Planning Board for a wetlands public hearing, neighbor notification and resolution can be considered at the same time. It was noted that no lighting was proposed on the sports court and a note has been added to the site plan to this effect.

BAC ELECTRIC

877 North Broadway

122.12-4-27

Amended site plan

Barry Naderman, PE Naderman Land Planning & Engineering

Consideration of Extension of Time Resolution

Present for this application was Paul Vink, attorney and his client JR Cavallaro.

Mr. Carthy recused himself from this application.

Mr. Vink requested a one year extension of time and noted that there were some developments that he was not allowed to go into details about, there have been some discussions regarding changes to the properties and what might happen. His client anticipates moving forward with this plan but based on the way things have evolved he was not able to get things done at this time. Depending on what happens over the next few months with the properties he may be back before the Planning Board with a new plan depending on how negotiations work out in the area.

Mr. Pollack Made a motion to adopt the resolution. Mr. Sauro second the motion. Ms. Gretto asked to speak at this time.

Jill Gretto stated that there are significant issues on this site, the landlord has never attended one of these meetings. The block is owned by this same absentee landlord and it is the worst property in North White Plains, the applicant has had years and years

to comply and nothing has been done. This started years ago when the sidewalk was paved over and they started parking in front of the building and backing out onto Route 22 and nothing has been done. The tenant has been advocating having all of these things done and complaining the changes will put him out of business. She does not know how many years the site has been non-compliant. A violation was issued to trigger this applicant to come before the board for a change of use. This is the one opportunity the board has to get this site back into compliance and for the residents in the area to look at something nice instead of the way it is today. The extensions are granted and nothing changes. She would like to know why this board keeps giving concessions.

Mr. Baroni suggested the board consider a six month extension.

Ms. Gretto stated that the board needs to keep pressure on the applicant to keep making progress with the site.

It was noted that Handy Rent All was not part of this application.

Mr. Vink requested a one year extension. Mr. Delano noted that Mr. Naderman requested a six month extension of time on behalf of the applicant. Mr. Delano suggested that the next time the applicant is before the board in six months, the applicant should provide copies of the correspondence noted in the cover letter submitted to the board i.e.; copies of the application that were sent to the DOT and correspondence back from them and updates with status of completing the other items in the resolution. The applicant should try to address the relatively easy items in the resolution and provide the board with an update in six months regarding the status of each item. If the board feels the applicant is making relative progress, they can grant another six months or another year's extension of time. The board was in agreement with Mr. Delano's comments.

Mr. Pollack noted the original plan that was approved in 2012 expired and the applicant came back before the town and got another approval in 2015. He noted in the cover letter there was a lease extension issue with the tenant and property owner. Mr. Vink stated that matter has been resolved since Mr. Naderman's letter was submitted.

Mr. Cavallaro stated that the site meeting with NYSDOT took 3 ½ months to schedule a meeting last time they met. He requested a one year extension from the board. Mr. Delano stated that he would like a copy of the DOT application sent to the Planning Board for our files showing when the applicant reached out to the DOT and any follow up letters that go along with that and or dates of meetings to keep the board in the loop. Mr. Delano would like the progress of addressing the conditions provided to the board within six months. If the applicant shows honest substantial progress in complying with the conditions, then he did not see why the board would not grant the extension of time.

Mr. Delano offered to reach out to the applicants engineer, Barry Naderman if that would assist in anyway.

Mr. Sauro made a motion to approve a six month extension of time. It was second by Mr. Pollack and approved with four Ayes. Mr. Carthy recused himself from this application.

DOONEY WOODWORKS LLC

30 Bedford Banksville Road

102.04 -2-65

Site Plan

Frangione Engineering, LLC

Sullivan Architecture, P.C.

Discussion

Present for this application was the applicant and property owner Peter Dooney, his associate Paul Matthews and his Architect John Sullivan, Sullivan Architecture.

The site plan application is for the establishment of a new retail showroom and artisan's workshop on the 2.3 acre property. Retail uses and Artisan's Workshops are permitted in the CB-B Zoning District.

Mr. Sullivan stated that his client plans to use the entire building and according to the code he can use 25% of the space for retail use and 75% for storage or other activities. His client has an existing business in Greenwich Ct and makes very high end wood furniture. His client has ARB approval. There is very little if any site work associated with this site. The site is predominantly in a flood zone and wetland area. The site is already paved and very much in disrepair. There will be minor exterior work and the interior will be upgraded. His client received Health Department approval last fall. He noted there was very little site work. He discussed the professional's memos and noted that there was no proposed lighting on site but lighting was proposed on the building, at the entrances and on the sign. A minor amount of planting was proposed to dress up the door. Mr. Sullivan did not see a purpose of going before the Conservation Board as noted in the professional's memos because all of it exists today and there is no exterior work proposed with this application and his client will return at a later time with an exterior plan. For today he would like to get his client into the building.

Discussions were had about additional landscaping on site. Mr. Kaufman suggested additional planters in front of the site. Mr. Sullivan stated that he was present for interior approval only

Mr. Cermele stated that the comments in the professionals' memos were based on pre-application meetings with the applicant who said they would provide lighting and resurface the parking area. Mr. Kaufman noted we have to make it safe to access the site.

Mr. Sullivan stated that he did not think it was right to have his client wait a few months to move in to address all of these conditions. Mr. Kaufman noted the items requested

would not take a few months to address, lighting, landscaping and a top coat on the parking lot to make it safe. . .

Mr. Dooney noted that he has owned the property since 2001 and it was very costly to pull out the tanks and spent over \$500,000. to remediate the site which delayed him from doing anything for a long time and then the property was rezoned. He noted that he runs a very high end mill shop all done by hand. He would like to do a grander plan outside and is concerned with doing work outside now, it may be redone with a grander plan that he returns to the board with. Mr. Dooney stated that based on Mr. Kaufman's comments, he would like to do a skim coat on the parking lot and restripe the parking spaces.

Discussions were had about what can be done on site. The parking lot has to be made safe and the building has to look nice. The board agreed to walk the site to help determine what the applicant has to address.

Mr. Sullivan further discussed with the board what can be done to get his client in as soon as possible.

The board agreed to conduct a site walk and discuss exactly what needs to be submitted at the April 11, 2016 meeting and hopefully schedule a public hearing at the April 25, 2016 meeting.

It was suggested that the location of the sign be shown on the plan so that when the applicant is ready to put the sign up, he will not have to return to the board to get approval for its location. It was noted that the applicant needs to obtain site plan approval for this use on site and cannot obtain a building permit until site plan approval is granted. The applicant needs to also provide a breakdown of the parking spaces on site.

A site walk was scheduled for April 8, 2016.

DEER RIDGE SUBDIVISION

7 Deer Ridge Lane

100.04-2-20

Preliminary Subdivision

Ralph Alfonzetti, PE Alfonzetti Engineering PC

Anthony Veneziano, esq. Veneziano & Associates

Dan Merritts, Thomas C. Merritts Land Surveyors

Discussion

Present for this application was the applicant Dom Dioguardi and his professionals Anthony Veneziano & Ralph Alfonzetti.

The application is for a five lot subdivision of the existing 17.11 acre parcel located within the R-2A Zoning District. The site currently contains a single-family residence, which is proposed to remain, along with a guest house and greenhouse which are proposed to be demolished. The new single-family residences are proposed to be accessed via a new Town Road with all lots served by on-site wastewater treatment and wells.

Mr. Veneziano stated that the 17 acre site will have a public road that will be 750' long. He noted one lot was not part of the subdivision, is under contract and proposed to have access and built facing the newly proposed road. It was noted that the corner lot where the present house is located was designed by a famous architect at the time. He would prefer this application not be sent to the LPC, the applicant and current property owner agree as well.

Discussions were had about the separate tax lot that the applicant is proposing to be built and if this should be part of this subdivision or not, this lot is also owned by the same property owner. Mr. Veneziano will discuss this with Mr. Baroni on how best to proceed.

It was noted that this was an unlisted action. Mr. Delano asked for a motion to declare lead agency intent. Mr. Sauro made a motion, it was second by Mr. Carthy and approved with five Ayes.

Discussions were had about whether a referral should be made to the LPC. Mr. Kaufman stated that this was not a typical referral to the LPC because this site is not located in the historic district and the applicant is not requesting to have this house landmarked. The LPC in the past has not landmarked a site if the property owner did not want it landmarked. It was noted the house was built in 1975.

Susan Mattris, property owner of 7 Deer Ridge Lane noted that the architect, Robert Stern did not work alone on this house. There were two architects that designed the home at the time. Since the house was built she has bumped out the kitchen, added a bedroom and made many changes to the house. She reached out to Mr. Robert A.M. Stern, starchitect to come and see the house and he did not have an interest in coming, admittedly he made a lot of mistakes with the house and now has abandon this style of house. He does a lot of work for Disney, designs lobbies of buildings and townhouses in New York and his current style is not contemporary like her home, it is more south Hampton, beach style homes. She does not think the house has the historical significance it once did. She would prefer it not be landmarked.

Mr. Kaufman noted that neither he nor the board was going to interpret this, the Planning Board is not arbiters of what is landmarked and what is not. Our roll is to inform the LPC there is an application before the Planning Board and the LPC can proceed how they deem appropriate. Mr. Veneziano noted this lot is on private property and will be a private residence and there is no real benefit. Mr. Kaufman noted that you can only be criticized for not referring this to the LPC. Mr. Veneziano did not want this referral to get blown out of proportion.

Discussions were had regarding whether to refer this application to the LPC or not. Mr. Delano, Mr. Carthy and Mr. Sauro did not feel it was necessary to send this to the LPC. Mr. Baroni noted that the LPC only can recommend to the Town Board. For as long as he has been around, the buildings the LPC has been interested in were hundreds of years old, this house was built in 1975. Mr. Veneziano noted the house was not being demolished; it will remain, it may have some updates but will still exist.

It was noted this application would be referred to the Open Space Committee because it was over 10 acres in size. Mr. Veneziano will do some more research in regards to the referral or no referral to the LPC.

A site walk was scheduled for April 8, 2016.

CRINITI

2 Barnard Road

107.01-1, 2, 3 & 100.03-1-13

Special Use Permit - Accessory Apartment

Roy Fredriksen, PE Rayex Design Group

Discussion

The application is for the construction of a new 1,038 square foot accessory apartment adjacent to the existing 3,242 square foot home on a 1.1 acre lot located within the R-1A Zoning District. In addition, the plans depict a new 307 square foot second floor addition.

Present for this application was William Besharat.

Mr. Besharat stated that he can address the comments in both professionals' memos and is currently before the Board of Health. In response to a comment from the professional's memos, the sliding French doors proposed at the front of the home were for aesthetic purposes. He will also be submitting an application to the ARB. The Parents will be moving into the accessory apartment and the kids will remain in the house. The applicant will update the plan to show the separation from the accessory apartment to the residence.

The applicant needs to show how the accessory apartment complies with zoning. Mr. Besharat stated that this application will be completely conforming and this is one of the smaller homes in the neighborhood.

A site walk was scheduled for April 8, 2016.

37 & 41 MAPLE AVENUE

37 & 41 Maple Avenue

108.01-6-35 & 108.01-6-33

Lead Agency Letter from Town Board

Discussion

Communication to Town Board

The Town Board is currently reviewing a local law to amend section 355-22 of the Town of North Castle Town Code to add clarifying language regarding multifamily dwellings located on the first floor within the CB-A zoning district as well as multifamily dwellings on the second floor within the CB-A zoning district. In addition, the proposed action includes the merger of the 37 and 41 Maple Avenue lots, demolition of the building at 41 Maple Avenue, construction of additions to 39 Maple Avenue to provide three two bedroom and three one bedroom apartments along with approximately 831 square feet of retail space. The Town Board has declared lead agency on this matter.

The Town Board would like a response from the Planning Board regarding the Town Board's intent to be lead agency. The Planning Board did not have any issues with the Town Board acting as Lead Agency regarding this application.

Mr. Carthy made a motion that the Planning Board was alright with the Town Board acting as lead agency regarding the above referenced application. Mr. Pollack second the motion and it was approved with five ayes.

Mr. Delano noted a couple of glitches on the EAF form that was submitted and reviewed that with the board and professionals at this time.

Mr. Sauro made a motion to adjourn the meeting, it was second by Mr. Pollack and approved with five Ayes. Meeting was adjourned at 9:44 p.m.