

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
March 9, 2015**

PLANNING BOARD MEMBERS PRESENT:

Art Adelman, Chairman
John Delano
Christopher Carthy
Michael Pollack

PLANNING BOARD MEMBER ABSENT:

Steve Sauro

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:
Peter Limburg

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

APPROVAL OF MINUTES:

FEBRUARY 23, 2015

Mr. Adelman asked for a motion to approve the February 23, 2015 Planning Board minutes. Mr. Delano made a motion to approve, it was second by Mr. Carthy and approved with three Ayes, Mr. Pollack abstained.

NEIGHBOR NOTIFICATION:

**SOKOLOFF
15 BRIGGS LANE
107.02 / 4 / 66.2**

Site Plan

**Tim Allen, PE Bibbo Associates Discussion
Consideration of resolution**

Present for this application was Nicholas Gaboury, Bibbo Associates.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbor, Mary Jo Mahon , 9 Rockwood Place was present.

The Applicant has submitted an amended site plan application for the construction of a new 832 square foot in-ground pool and 2,610 square foot driveway expansion within the R-3/4A Zoning District.

Mr. Gaboury stated that the applicant put a deck on the rear of the house and that is why the pool location has been pushed further back towards the clearing and grading limit line.

Mrs. Mahon stated that she was not happy that the pool was 17 feet closer to her property. She was concerned about the drainage issues relating to the pool and the underground drainage that presently drains onto her property. She also expressed her concerns about the basin of water that presently exists where the pool is proposed. She was also concerned about the location of the pool equipment on site. She was concerned if there would be blasting on site.

Mr. Gaboury stated that there is drainage proposed around the pool, if there is underground drainage he is not able to see it now and it will have to be addressed when the snow melts. After discussions regarding the location of the pool house, it was agreed that a note would be added to the resolution that the location of the pool equipment will be code compliant and the pool equipment cannot be placed any closer to the Mahon residence. There is no blasting proposed at this time and if blasting is necessary, all the proper steps according to the code will be taken.

In response to Mrs. Mahon's comment, Mr. Nast, the prior owner will be building the pool. The drawdown of the pool will drain to the eastern side of the lot to the infiltration system

Ms. Mahon was concerned about the two Norway spruce trees that did not appear healthy but were critical to her, she wanted to make sure they were not removed. It was noted there was a condition in the resolution that any dead trees would be replaced within the next growing season.

Mr. Gaboury stated that he is alright with the resolution as drafted.

Mr. Kaufman incorporated the changes as noted into the resolution.

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

PUBLIC HEARING:

REITER/WAYNE LOT LINE CHANGE

1 & 7 Banksville Road

Section 102.01, Block 2, Lots 71 & 72

Lot Line Change

Dennis Lowes, LS, Ralph MacDonald Co. Engineers & Surveyors

Discussion

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

Present for this application was Mr. Dennis Lowes and the applicant Barry Reiter.

The application is for a land exchange of 0.395 acres from 7 Banksville Road to 1 Banksville Road. Both properties are located within the R-2A Zoning District.

Mr. Lowes stated that he did not have his referral from the Zoning Board because the meeting was cancelled on Thursday, March 5, 2015 due to a snow storm. The Zoning Board meeting was rescheduled for April 3, 2015 and the applicant will return to the Planning Board on April 16, 2015.

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

170 BEDFORD ROAD & 156 BEDFORD ROAD

162 Bedford & 156 Bedford Road

Sec 108.03, Block 1, Lots 42 & 41

Michael Fareri, applicant

Dan Holt, PE Holt Engineering

Joe Crocco, AIA Joseph R. Crocco Architect, pc.

Merger of both lots and re-divided into two new lots with the western lot containing 20 units and the eastern lot containing 12 units.

Discussion

Consideration of subdivision and site plan resolutions

Present for this application was Mike Fareri, Jack DiPietro, Steve DeLaurentis, Joe Crocco, Chris Crocco and Dan Holt.

Mr. Adelman read the affidavit of publication for the record. The following noticed Neighbors were present. Norma Hill, 9 Wampus Close and Susan Barensen 1 Wampus Close.

Two buildings are proposed, one building has 20 market rate units with 10 garages and the second building has 12 units, 6 market rate and 6 fair and affordable housing units. The renderings were presented at this time and are similar to the building across the street. The stormwater on site has been mitigated.

Ms. Barensen was concerned if there will be enough water for all of these units. Mr. Fareri read into the record at this time a letter from the Water and Sewer Department dated March 9, 2015 stating that there will be adequate water and sewer on site. A copy of the letter was given to Mrs. Berenson by the Planning Board Secretary.

Mr. Fareri inquired about the demolition of the trees while finalizing this application. He was instructed to follow up with the building department on that matter.

Multiple questions were asked by Mr. Fareri at this time regarding the conditions in the preliminary, final and site plan resolutions. Multiple discussions were had by the applicant, the board and the professionals regarding these questions. Revisions were made to the resolutions accordingly. Some of the discussions had were regarding how the total amount of fair an affordable housing units were calculated, recreation fees, recreation area and contents of recreation area on site (playground, bar-b-q's, benches, picnic tables), median income, price of fair and affordable units and price of market rate units were some of the items that were discussed.

In response to a comment made it was noted the HOA would maintain the recreation area and the items in that area like the playground, benches, bar-b-q's and picnic tables.

Based on discussions of the recreation fees, the resolution was updated with the following comments: Pursuant to Section 141-5.A of the Town Code, the Planning Board finds that a recreation fee of \$78,000 would be an appropriate recreation fee to

be collected and the Applicant shall submit payment of the recreation fee in the amount of \$78,000 as stated in Section 143-5 of the Town Code. (Original recreation fee proposed in the draft resolution was \$84,000. the fee was reduced because the applicant stated he was installing a playground, benches, bar-b-q's and picnic tables)

In response to Ms. Hill's comment, the sidewalk only goes to the edge of the property where there will be a crosswalk to the other side of the road where there is an existing sidewalk that goes into town.

In response to Mr. Carty's comment, Mr. Fareri stated that there are no improvements proposed to the cul-de-sac.

Mr. Limburg inquired what the size of the six trees were to be removed. Mr. Fareri did not know and Mr. Limburg asked that he email Julie Mucker, Conservation Board Secretary with that information. Mr. Fareri agreed.

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

Mr. Adelman asked for a motion to approve the Negative Declaration. Mr. Delano made a motion to approve, it was second by Mr. Carthy and approved with four ayes. Mr. Sauro was not present for the vote.

Mr. Adelman asked for a motion to approve the Preliminary Subdivision as amended. Mr. Delano made a motion to approve. It was second by Mr. Carthy and approved with four ayes. Mr. Sauro was not present for the vote.

Mr. Adelman asked for a motion to approve the Final Subdivision resolution as amended. Mr. Delano made a motion to approve. It was second by Mr. Carthy and approved with four ayes. Mr. Sauro was not present for the vote.

Mr. Adelman asked for a motion to approve the Site Plan resolution as amended. Mr. Delano made a motion to approve. It was second by Mr. Carthy and approved with four ayes. Mr. Sauro was not present for the vote.

CONTINUING BUSINESS:

UHAUL

1 Virginia Road

Section 122.20, Block 1, Lot 2

U-Haul Representative - Patrick Keefe or Ted Hardy

Discussion – Canopy

Present for this application was Patrick Keefe from U-Haul.

The U-Haul application is for the “after the fact” site plan approval of a proposed Canopy at the U-Haul site for vehicle release and dispatch. The property is located within the INDA Zoning District. The Applicant previously received approval of a site plan on January 23, 1984 for the establishment of a six-bay recreational vehicle service center. The applicant was present to rectify a canopy that was constructed after the fact.

Mr. Kaufman stated that the applicant needs to submit a plan showing the location of the canopy on site as well as the appearance and elevation of the canopy. He also inquired if the applicant would improve the sidewalk along the property frontage. Mr. Keefe was amenable to install the sidewalk.

Mr. Adelman noted that he had spoken with some residents from North White Plains who were pleased with the appearance of the site. The board and professionals were very happy with the applicant’s response to install the sidewalk. Discussions were had regarding the barbwire on the fence and Mr. Keefe stated that he thought that was on the side of the fence with the Ambulate and would look into that, if the barbwire were on his property, he would remove it.

Mr. Keefe was instructed to submit a sidewalk plan and to work on getting the Westchester County approvals for the installation of the sidewalk.

TEDESCO

1462 Old Orchard Street

Section 123.01/ Block 1, Lot 1

2 Lot Subdivision

Nathaniel J. Holt, Holt Engineering & Consulting, PA

Discussion

Present for this application was Dan Holt.

The application is for preliminary subdivision approval of a two lot residential Subdivision in the R-1A Zoning District. The site is currently a 1.9 acre single family lot and a 0.8 acre abandoned right-of-way parcel.

Mr. Holt stated that the applicant purchased the right of way from the Town a few years ago and the applicant would like to create one new building lot. He presented a conventional subdivision with a public road and noted his client would prefer a private road with this lot.

It was noted the applicant was before the board a few years ago regarding an accessory apartment which approval was granted.

In response to Mr. Limburg's comment regarding intrusion into the wetland buffer, Mr. Holt stated once the snow melts he will provide that information as soon as possible. Mr. Holt also noted that he will contact the Planning Department and let them know when they are ready for a site walk.

4 OAK STREET

4 Oak Street

Section 122.16, Block 4 Lot 14-1

Steve Sacrapanti, applicant & owner

Discussion

Present for this application was the applicant's professional Joe Paterno as well as the applicant Steve Sacrapanti.

It is noted that the Planning Board granted site plan approval for this lot on September 8, 2014. The Applicant is seeking amended site plan approval for the reconfiguration of the driveway. Due to these changes variances from the Zoning Board of appeals will be necessary for the front porch and steps, the rear porch and steps and the gross land coverage maximum has been exceeded for this lot.

Mr. Adelman asked for a motion to refer this application to the Zoning Board of appeals. Mr. Delano made a motion to approve. It was second by Mr. Pollack and approved with four Ayes. Mr. Sauro was not present for the vote.

11 NEW KING STREET PARKING GARAGE

11 New King Street

Section 119.03/ Block 1, Lot 1

Proposed automated airport parking facility

Nanette Bourne, AKRF

Bill Null, esq. Cudy & Feder

Discussion

Present for this application were the principals Kim Frank and Jeff Brown. Also present were the applicants professionals Bill Null and Nanette Bourne.

The Lead Agency/Planning Board is in receipt of correspondence from Westchester County, NYCDEP and the Watershed Inspector General relating to the Park Place FEIS. While many of the comments received deal with technical issues that can be appropriately addressed at the time of site plan review or within a SEQRA findings statement, some issues contained within the letters represent new information, not previously available, concerning significant adverse impacts.

Based upon a review of the recent correspondence, it appears that the following issues, based upon new information, have not been adequately addressed. It is recommended that the Applicant be required to address the following issues in a Supplemental Environmental Impact Statement SEIS:

1. Location within the Runway Protection Zone (RPZ) for Westchester County Airport. The previous FAA "no Hazard" determination for the project has expired, new rules governing development within the RPZ have been issued, and the proposed height of the garage has been increased.
2. Potential conflicts with project elements and airport safety with respect to bird attraction associated with stormwater mitigation practices and sun glare from proposed rooftop mounted solar panels.
3. The proposed construction is to occur wholly within the Kensico Reservoir Watershed. Runoff from the site may affect the water quality in the Kensico Reservoir, a public drinking water supply. The plans submitted for the proposed action incorrectly identified the "limiting distance" to the NYCDEP mapped intermittent stream as 50 feet where 100 feet is the correct limiting distance.

It is recommended that the SDEIS address the above issues as well as the correspondence from Westchester County, NYCDEP and the Watershed Inspector General. In addition, it is recommended that the applicant prepare a new alternative for review where no portion, or a reduced portion, of the proposed garage building is located within the 100-foot limiting distance to the NYCDEP intermittent stream.

Mr. Al Pirro, Esq. stated that he was present representing the Airport Parking Associates, Inc., the General Partner of Westchester Airport Parking Associates, LP. who was in opposition of this application and does not want a supplemental EIS to be limited to the last few letters that were received, he would like to be able to submit items that were not addressed in the FEIS. Mr. Pirro requested a scoping session to address all the comments that should be in in the SEIS, to make sure it is thorough and all agencies have responded.

Mr. Adelman asked Mr. Pirro to provide a list of agencies that have not responded.

In response to Mr. Adelman's comment, Mr. Baroni stated that a scoping session is optional, the Town Engineer and Director of Planning have done their review and we are alright to proceed.

Mr. Null responded to Mr. Pirro's comments and Mr. Pirro responded to Mr. Null's comments and this continued back and forth for a while regarding why the board should include or not include more information in the SEIS document.

Mr. Pirro noted he had letters from the Westchester County Executive , Conservation Board and Watershed inspector General that have not been addressed In the FEIS. The board asked that copies of these letter be provided. Mr. Pirro stated he would forward the letters to the board and Mr. Null and asked that Mr. Null extend the same courteously to him regarding correspondence on this application. Mr. Null stated that all comments that were submitted during the DEIS were addressed in the FEIS.

The board discussed the benefits of a scoping session at this time and agreed it was not necessary.

Mr. Adelman asked for a motion to adopt a Positive Declaration. Mr. Delano made a motion to approve, it was second by Mr. Carthy and approved with three ayes. Mr. Pollack abstained. Mr. Sauro was not present for the vote.

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

The application is for amended site plan approval for the modification of the previously approved building and the construction of a retaining wall at the rear of the building. The property is located within the CB Zoning District.

During the construction process there was runoff behind the building and the applicant built a retaining wall and there were other changes made to the Building and a stop work order was issued.

It was noted that a sidewalk in front of the building was part of the previous approval and the Engineers plans don't show a proposed sidewalk. The applicant was asked to submit a survey with the next submission and to include the previously approved sidewalk.

One of the board members noted that back in December of 2005 an entire strip mall was crushed by a rock slide due to the frozen ice on the rock at the time. He recalled it being owned by the same property owner as this lot.

Nancy Battistelli from North White Plains inquired what the space would be used for. It was noted that presently it was office space but could change in the future. She was

concerned if there would be enough parking for the employees and customers on site. She was very much in favor of the sidewalk.

Mr. Piccarillo stated he will address the comments in the memos and resubmit the plans to the board.

AMORE PIZZERIA AND PASTA

1 Kent Place

Section 108.03, Block 1, Lot 76

Discussion of Field Change

Mr. Joe Mazzotta, owner was present for this application.

The project was approved and constructed. It was noted on the as built survey that the shed was located on the abutting property (shell gas station). The shed was moved and it was still located on the gas station property. The applicant at this point did not want to move the shed again so he had a legal agreement set up with the owners of the gas station which has been completed and signed off on by Roland Baroni, Town Attorney. This field change along with access sidewalk to the shed is being presented to the Board and noted in the record. The field change is the shed will remain in its present location with access sidewalk to the shed. The board was in agreement with this field change.

Mr. Adelman asked for a motion to approve the field change as noted above. Mr. Delano made a motion to approve, it was second by Mr. Pollack and approved with four Ayes.

TURET

East Lane, West Lane, Nichols Road

Preliminary Subdivision, Tree Removal, Steep Slope and Wetlands Permit

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 10th Extension of time resolution for Preliminary Subdivision.

The Planning Board reviewed the extension of time request (Original approval date was March 8, 2010) and determined that this was an appropriate time to look at the issues of this project and what it is going to take to complete this application as there were potentially significant changes that have occurred to stormwater regulations since the project was approved in 2010. The board requested that the applicant appear with his engineer before the Planning Board to discuss the status of the project and to discuss any changes to the project the new stormwater regulations would have upon the project. The board agreed to grant an extension until the first meeting in April which would allow the applicant two opportunities to appear before the board (March 23 or April 16, 2015)

Mr. Adelman asked for a motion to grant an extension until April 16, 2015. Mr. Carthy made a motion to approve. It was second by Mr. Pollack and approved with four Ayes. Mr. Sauro 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.

Recommendation to the Town Board

At the last meeting this application was discussed but a formal vote did not take place; therefore, the board still needs to make its referral.

Mr. Adelman asked for a motion for a positive recommendation back to the Town Board regarding the Pray application. Mr. Delano made a motion to approve. It was second by Mr. Carthy and approved with three Ayes. Mr. Pollack abstained. Mr. Sauro was not present for the vote.

Mr. Delano made a motion to adjourn the meeting. It was second by Mr. Carthy and approved with four Ayes. Mr. Sauro was not present for the vote.

Meeting Adjourned at 10:10 p.m.