

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
June 6, 2016**

PLANNING BOARD MEMBERS PRESENT:

Steve Sauro, Acting Chairman
Christopher Carthy
Michael Pollack
Jim Jensen

Absent:

John Delano, Chairman

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 III

:

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

APPROVAL OF MINUTES:

Mr. Sauro asked for a motion to approve the May 23, 2016 minutes. Mr. Pollack made a motion to approve, it was second by Mr. Jensen and approved with three ayes. Mr. Carthy abstained; Mr. Delano was not present for the vote.

May 9, 2016 minutes were not voted on as there wasn't a quorum present for the vote.

PUBLIC HEARING:

MCKENNA CUSTOM HOMES

25 Thornewood Road

102.01-1-75

Sports Court

Alan Pilch, PE, RLA, Evans Associates

Discussion

Consideration of Site Plan Resolution

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.

Mr. Sauro made a motion to re-open the public hearing. Mr. Pollack made a motion, it was second by Mr. Jensen and approved with four Ayes. Mr. Delano was not present for the vote.

The following noticed neighbors were present: Andrew & Marisa Maldonado – 23 Thornewood Road; Steven Schneider – 28 Thornewood Road; Stephen Fischer – 24 Thornewood Road; Dr. Craig Fern - 27 Thornewood Road; Susan Fier – 29 Thornewood Road; Jeff Strauss – 32 Thornewood Road.

Mr. Pilch briefly reviewed the application before the board this evening.

Mr. Ettari presented his comments based upon his report dated May 20, 2016 and submitted to the Planning Board on May 23, 2016. Mr. Pilch responded to those comments. Mr. Ettari responded to Mr. Pilch's comments. Mr. Pilch and Mr. Ettari had differences of opinion on several items. Mr. Cermele stated that all of the engineering submitted by the applicant was appropriate and met all of requirements of the town code.

Mr. Baroni noted there was a series of drainage improvements proposed in the windmill area and asked if any of them was proposed on Thornwood Road. Mr. Cermele will look into that and get back to Mr. Baroni and the board. An email was received a few days later from the Town Engineer noting this was not one of the places in Windmill where drainage improvements was proposed.

Mr. Schneider stated that he did not understand 80% of what the engineers just discussed. He noted the hydrant, located one house up the street from this applicant, has water pouring out of it, which is ground water from what he was told from the Town. The water has been pouring out of the hydrant all winter long and to date is still pouring out of the hydrant, 10 to 12 months later. The applicant is proposing to remove trees whose roots take water out of the ground; the applicant is proposing to store water under the ground - Something does not make sense. He inquired why this valley has a water table higher than everyone else. Last week during the storm, tons of water came across his driveway and he can't control it. He is waiting to see what his neighbor, four

houses above his is going to do as they were permitted to remove all of their trees and as a result of those trees coming down, there has been flooding on his lot. He will address his flooding issue once his neighbor finishes his lot. This has been going on for three or four years now. He would like the board to take this all into consideration before rendering their decision.

Dr. Fern agreed with Mr. Schneider that he did not understand 85% of what was said between the engineers. He appreciates the differences of opinions about what is proposed for this site vs. what is happening at this site. The Town Engineer noted earlier that his project meets all the standard requirements. His street is not the standard situation, his street is already stressed. The residents have experienced massive flooding on the street and no one knows why and the applicant is proposing to add additional water to an existing problem. The board has to balance local development and protect the citizens of this community. There are differences of opinions here tonight just like there are in medicine, it does not mean that one is right or wrong, just differences. Whether this meets the standard statues or not this street has a problem and approving this plan without recognizing that does not protect the residents of that street and that is the duty of this board.

Mr. Strauss stated that he lives at the bottom of Thornewood Road and he agrees with his neighbors comments and noted how many neighbors have come out to both meetings and there is a major problem with water. To exacerbate that problem for a basketball amenity - he asked the board to consider the impact to the street. Anything that makes that worse will impact all of the neighbors.

Mr. Carthy inquired about detention vs. retention on site. Mr. Pilch noted the detention system was being used because of the location of the septic system was down and 25' away on site. Mr. Carthy inquired if the comment would be null and void regarding the drainage if the drainage could go to retention basin. Mr. Pilch stated that he did not think it would have any net effect on the capacity of the drainage system or the calculations. The stress on the municipal system is at peak rate, not volume. Infiltrators were looked at on site but were not done because of the setback requirements for septic systems and slopes on site.

Mr. Schneider noted that no one has commented about the number of trees removed from this site during the house renovation. The 12 trees that are 80' tall to be removed as part of this application are not comparable to the 12 proposed trees that are 24 feet tall. The runoff from the hydrant up the street has been happening for the last year plus and has been running so long that it has destroyed the storm drain basin and all concrete around it, that is how bad this has been. Mr. Sauro sympathized with Mr. Schneider and agreed that this is urgent matter and needs to be addressed.

Mr. Ettari stated that if the site is not able to accommodate infiltrators due to the slopes on site then the site is not able to accommodate a flat sports court. He also disagreed with Mr. Pilch's comments. Mr. Cermele clarified for the board definition of steep slopes and how things were calculated according to the Town Code.

Mr. Sauro asked if there were any other comments. No more comments were made at this time.

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

Mr. Pollack noted it was stated in the minutes from the last meeting that Mr. Pilch and Mr. Maldonado were going to speak regarding the landscaping buffering the two lots and wanted to know if that took place. Mr. Pilch noted there were some preliminary discussions, Mr. Maldonado agreed and both stated that the final conclusions have not been reached yet.

Mr. Sauro asked Mr. Pilch to review the planting plan, what is being taken down and what is being replanted. Mr. Pilch answered his question to his satisfaction. At Mr. Sauro's request per a comment from a resident at the last meeting, Mr. Pilch will provide additional screening to the sports court per the view from the road down the driveway.

Mr. Jensen stated that our Town Engineer has confirmed that the proposed rates will be less than the existing rates for the entire site on the 100 year storm and that work was done by the applicants engineer and confirmed by our Town Engineer. He feels it is a significant statement that the runoff will be less than the existing conditions.

Mr. Carthy agreed with Mr. Jensen's comments. Regardless of what happens, he appreciates the system is fully stressed and on the other hand there are two sides to this coin. The applicant has certain rights and whether this happened or did not happen this would not resolve the problem of this system being fully stressed. The way the system was designed ameliorates the existing condition.

Michael Pollack noted this is a difficult situation as everyone has mentioned, there is a larger issue in play here and we have two professionals with different opinions and the Town's consulting engineer has satisfied himself that the peak rates of flow have decreased. There is only so much water that can flow through a pipe at any given period of time. To prevent any further development on a lot because there is a larger issue in play that is out of control for everybody. Everything has been done to mitigate the situation and potentially reduce the problem that is in place, it is unfortunate what the residents of the area are living through. There is a larger solution that needs to be explored. The discussion shows this may be a small part of the solution but there is a bigger issue that needs to be addressed.

Mr. Sauro agreed with Mr. Pollack. He stated that he can sympathize with the neighbors and noted that Dr. Fern's input was valuable. We have to be respectful of an applicant's rights and the applicant has done extensive work to mitigate potential degradation of the lot and the net result will be a more controlled environment with respect to stormwater, in his opinion. In regards to noise, he feels that it is healthy to have an active area for kids to play, be happy and healthy. The larger issue on that street, he wishes he had

more power in this regard, comments need to be made to the powers that be to address that situation and that is far greater than what the board is discussing here. If there was anything that he could do, he would be happy to help. Having said that, he did not see a reason to hold up this application, he is one of five people on this board.

The board agreed to add a condition as noted earlier regarding additional landscaping between the Maldonado property and the applicants property. Mr. Pollack also followed up on a comment by Mr. Delano at the last meeting – were the basketball hoops added to the plan. Mr. Pilch stated he will update the plans to show the basketball hoops and noted there would be no lighting on the sports court.

Mr. Sauro asked for a motion to approve the resolution as amended. Mr. Pollack made a motion to approve, it was second by Mr. Carthy and approved with four ayes. Mr. Delano was not present for the vote. .

WAMPUS MILLS

805 & 809 Route 128

101.03-2-6&7

Six Lot Subdivision

Frank Madonna

Kory Salomone, Esq. The Law Office of Kory Salomone, PC

Ralph Alfonzetti, PE. Alfonzetti Engineering PC

Discussion

Consideration of Preliminary Subdivision Resolution of approval

The application for a six lot subdivision of the existing 10.07-acre parcel located within the R-1A 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.

Present for this application was the applicant Frank Madonna and his professionals, Ralph Alfonzetti, engineer and Kory Salomone, attorney.

Mr. Sauro read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application. Present for this application was Fred Ozdoba, 811 Mount Kisco Road (Route 128) and Ernie Stass – 149 Old Mount Kisco Road.

Mr. Salomone presented the application to the board. The lots will be 1- 2 acres in size and will have sewers and septic. He noted there was a condition that none of the lots will be further subdivided.

Mr. Stass stated that he has invested \$250,000. Into his house and lot over the years and is concerned about his well water and rocks possibly rolling down the hill during construction. He also expressed concerns regarding a letter he received in the mail

regarding a monthly maintenance contract for city water. The board suggested he bring in the letter for the professionals to take a look at. Mr. Salomone noted all of the lots proposed with this application would have well water. The board and professionals were concerned this letter may not be legitimate. After the meeting, Mrs. Desimone asked Mr. Stass to bring in the letter he received so that the professionals could take a look at it – to date the letter was not brought in.

Mr. Ozdoba stated that he lives next door to the application and he objected to the original application and Mr. Madonna worked with him and he has no objections to this application.

In response to Mr. Jensen's comment regarding the maintenance of the cistern it was noted by Mr. Kaufman that still needs to be worked out between the fire department and the town as to who will maintain it. Mr. Salomone reiterated that his client was happy to build it but will not maintain it.

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

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

Mr. Sauro asked for a motion to approve the preliminary subdivision resolution as amended, Mr. Pollack made a motion to approve, it was second by Mr. Jensen and approved with four Ayes. Mr. Delano was not present for the vote.

17 CREEMER ROAD

17 Creemer Road

108.04-2-4

2-Lot Subdivision

Joseph Daniels, Contract Vendee

Dan Collins, Hudson Engineering

Discussion

Consideration of Preliminary Subdivision resolution

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

Present for this application was Dan Collins, engineer for the applicant and contract vendee - Joe Daniels.

Mr. Sauro read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbor, Susan Berman - 21 Creemer Road was present for this application.

Mr. Collins stated that this four acre lot was going to be subdivided into two lots and there were freshwater wetlands at the rear of the site. There is a stone wall at the rear of the site. Each lot is proposed with a house footprint of 3,200'. He pointed out the 35' no mow line, which will be delineated by boulders. The now mow line was changed per comments from Mr. Delano at the last meeting. He has addressed the comments from the Town Planner's and Town Engineer's memos.

Mrs. Berman expressed her concerns regarding screening to her side of the property and wants insurances that it is done properly. She was promised at the ZBA meeting that there would be suitable screening between the lots. She was concerned that the side of her house near the proposed driveway was where her bedrooms were located and did not want headlights shining into her bedroom. She was also concerned about the septic and well locations and would like the driveway moved.

Mr. Kaufman noted that that the board may retain site plan approval and can look at the driveway location during site plan review, landscaping would also be reviewed during site plan approval. The board is only reviewing subdivision at this time. If the board approves the resolution as drafted the applicant would be required to return to the Planning Board for site plan approval and neighbor notification regarding the public hearing would be done and at that time the floor plans, architectural renderings and location of the driveway along with screening would be available for review and discussion.

Mr. Collins stated that he kept 10' of landscaping along the driveway. He has some substantial screening proposed - Pine Trees, Norway Spruce and Green Giant Arborvitae proposed. Mrs. Berman stated that she prefers Spruce Trees. Mr. Collins stated that he can do that. He also noted that the driveways were located on the outskirts of each lot to keep more open space on the two lots besides the point that each abutting neighbor had their driveways on the other side of the their lots. The proposed driveway locations breaks up the monotony of the lots and keeps them from looking identical.

Mrs. Berman stated that she wants to keep her privacy and preserve the character of the Street.

All additional comments or questions were answered to the board's satisfaction.

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

Mr. Collins inquired if the board could do site plan review while the subdivision was being finished. Mr. Kaufman noted the review can begin; the applicant would need to

submit the site plan application with floor plans and elevations of the house and get ARB approval. Approval of the lots can't be given until the subdivision is finalized.

Mr. Sauro made a motion to approve the negative declaration. Mr. Carthy made a motion. It was second by Mr. Jensen and approved with four Ayes. Mr. Delano was not present for the vote.

Mr. Sauro made a motion to approve the preliminary subdivision resolution. Mr. Carthy made a motion to approve. It was second by Mr. Jensen and approved with four Ayes. Mr. Delano was not present for the vote.

Mr. Sauro made a motion to approve the final subdivision resolution. Mr. Carthy made a motion to approve. It was second by Mr. Jensen and approved with four Ayes. Mr. Delano was not present for the vote.

WESTFIELD DAY SCHOOL INC.

7 North Greenwich Road

108.03-3-16

Site Plan

Nathaniel Holt, PE Holt Engineering & Consulting

Discussion

Recommendation to Town Board

Planning Board site plan application for the establishment of a new private school at 7 North Greenwich Road. The proposed school would accommodate a maximum of 40 students and 15 staff members. The property is located within the PBO Zoning District.

Present for this application was Peter Schoenholtz, Clinical Social worker and founder of Westfield Day School and his associate Pam Heldman, Administrator and Educator as well as the property owner, Michael Fareri.

Mr. Schoenholtz stated that he would like his referral to the Town Board and reviewed the new bus circulation route on site which was not discussed previously and would require construction of a sidewalk and no variance would be needed. Mr. Kaufman was concerned when the bus was stopped that traffic could not flow in either direction regarding access to the rear of the site. His preference was alternate #3 with a hammerhead on the Route 22 side. He was also concerned with the noise generated from the bus as it relates to the next door neighbor.

Mr. Fareri stated that there would be no impact to the traffic flow to the site behind them. He did not feel there will be an impact to the neighbor. He reminded the board that his tenant needed a recommendation to the Town Board from the Planning Board this evening.

Mr. Jensen stated that in regards to the common driveway, cars could line up and que

to get on site or off site and the advantage of the other plan is that possible queuing will be eliminated.

Mr. Carthy stated that he likes separating the bus drop off from the kids. He felt with the new location of the bus drop off that the neighbors will be impacted.

Mr. Fareri noted Mr. Holt will be at the public hearing on June 20th to go over the plans.

Mr. Pollack inquired about the bus drop off vs. the number of parking spaces on site. It was noted that 21 or 22 parking spaces were needed and five landbanked parking spaces were proposed.

Mr. Sauro made a motion to make a positive recommendation to the Town Board regarding this application. Mr. Carthy made a motion to approve. It was second by Mr. Jensen and approved with four Ayes. Mr. Delano was not present for the vote.

PATERNO DAM

17 Windmill Road

101.04-2-67 & 29, 101.04-3-50 & 51

Spillway Channel

PW Scott Engineering & Architecture, P.C.

Discussion

The application for site plan, wetlands permit and tree removal permit to eliminate the existing outlet control structure, construct a new outlet control structure, repair the earthen dam and construct a new auxiliary spillway.

Present for this application was P. Daniell Hollis, attorney from Shamberg Marwell Hollis Andreyca & Laidlaw and PW Scott engineer for the applicant.

Mr. Hollis updated the board with the status of the application. Mr. Hollis asked for a reaffirmation that this is a Type II action so that the NYCDEC can act on their approval as they need a SEQR determination from the Planning Board before they can make their determination. He would also like to schedule a public hearing.

He noted they will return to the Conservation Board on June 21, 2016. He thought they had an agreement with the abutting property owners with regard to mitigation and easements, this is not the case. Counsel has been retained by the neighbors. Photos were presented at this time of the deterioration of the structure within the dam. Mr. Hollis discussed the planting plan proposed vs. screening plan requested by the neighbors. He would like the repairs proposed to be done once the NYCDEP grants approval. Mr. Kaufman suggested a bond for the repairs and Mr. Hollis agreed that was a good suggestion.

Mr. Sauro asked for a motion to confirm this application is a Type II action. Mr. Jensen made a motion to approve. It was second by Mr. Carthy and approved with four Ayes. Mr. Delano was not present for the vote.

Mr. Scott noted that there were about five agencies that wanted trees removed from the site and about half of the trees requested will come down. In regards to the pond, the wetland impacts are minimal but the channel has extensive wetland impacts and wetland remediation will need to be done off site, he suggested the Middle Patent Cemetery. He is having trouble mitigating the wetlands on the neighboring properties. Even though this was submitted as one application, it seems to be working out that things need to be handled separately for the pond and the channel. Some mitigation can be proposed on site and around the pond and off site for the balance of the mitigation.

Mr. Kaufman suggested the Conservation Board make a recommendation back to the Planning Board regarding the mitigation for the site.

A public hearing was scheduled for August 1, 2016.

470 MAIN STREET

470 Main Street

108.01-6-19

Retail & Multifamily Residential Market rate apartments

Nathanial Holt, PE Holt Engineering & Consulting

Concept Discussion

The concept plan for the construction of a 14,435 square feet residential building containing 12 two and three bedroom units and the retention of the existing 1,400 square foot retail building at 470 Main Street.

Present for this application was Michael Fareri, who noted he was the contract vendee.

Mr. Baroni explained to the applicant that he should start with the Town Board regarding this concept plan since a special use permit would be required from the Town Board.

NYCDEP KENSICO RD CLOSURE TRAFFIC IMPROVEMENT

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

North Broadway at Route 22

The DEP is proposing various traffic improvement measures to several intersections affected by the closure of Westlake Drive across the Kensico Dam.

NYCDEP - Maria Mandarino, PE Capital Planning, Chief

Consideration of extension of time site plan approval

The New York City Department of Environmental Protection is seeking approval for the construction of various traffic improvement measures to intersections affected by the closure of Westlake Drive (Kensico Dam) and has resulted in the rerouting of traffic around the Kensico Dam. There are a total of four intersections proposed to be improved within the Town of North Castle which will improve traffic flow and safety. The four locations are at King Street (Route 120) at Nanny Hagen Road; North Broadway at Route 22; Westlake Drive at Route 22; and Park Drive at Broadway.. The applicant has requested an extension of time.

Mr. Sauro asked for a motion to grant an extension of time for this application. Mr. Pollack made a motion, it was second by Mr. Carthy and approved with three ayes. Mr. Jensen abstained and Mr. Delano was not present for the vote. .

Mr. Sauro made a motion to adjourn the meeting. Mr. Pollack second the motion; it was approved with four Ayes. Mr. Delano was not present for the vote. Meeting was adjourned at 9:28 p.m.