

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
February 13, 2017**

PLANNING BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

:

Joe Cermele, PE
Consulting Town Engineer
Kellard Sessions PC

Conservation Board Representative:
Christine Argentina Futerfas

Roland Baroni, Esq. Town Counsel
Stephens, Baroni, Reilly & Lewis, LLP

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

APPROVAL OF MINUTES:

January 9, 2017

Mr. Delano asked for a motion to approve the minutes from January 9, 2017 as amended. Mr. Jensen made a motion to approve. It was second by Mr. Carthy and approved with three ayes. Mr. Sauro and Mr. Pollack both abstained.

December 12, 2016

Mr. Delano asked for a motion to approve the minutes from December 12, 2016. Mr. Jensen made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Mr. Carthy abstained.

PUBLIC HEARING:

9 & 3 SADDLE COURT

9 & 3 Saddle Court

95.02-1-33

Lot Line Change

Scott Gray, LS Thomas Merits Land Surveyors, P.C.

Discussion

Consideration of Preliminary and Final Subdivision resolutions

Present for this application was Mr. Gray, the professional for the applicant and his client Mr. Peter Delre from 3 Saddle Court.

The lot line change involves a land exchange between 9 and 3 Saddle Court so that the pool and appurtenances associated with Lot 33 (9 Saddle Court) is entirely located on Lot 33.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application. The following noticed neighbor was present, Peter Delre, 3 Saddle Court.

Mr. Gray presented the application to the board and noted the prior approval had expired and the application before the board this evening was identical to the application that was previously approved. The board had no further comments or questions at this time.

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. 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 preliminary subdivision resolution. 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 final subdivision resolution. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with five Ayes.

DIPIETRO

20 Banksville Avenue & 172 East Middle Patent Road

102.04-2-43 & 95.02-2-21

Reapproval & Restoration Plan – Mianus River Gorge

Beth Evans, PWS Evans Associates

Discussion

Consideration of Wetland Permit Resolution & Restoration Plan approval

Present for this application were the owners Jack and Karen DiPietro as well as their professional Beth Evans.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbor Steve O' Connor, 5 Round House Court was present for this application.

The Applicant is proposing a site plan, tree removal permit and wetlands permit application for the conversion of the 2,080 square foot existing residence to a 1,040 square foot storage area and 1,040 square foot residence.

Ms. Evans stated that she is before the board this evening because the prior approval expired while they were working on the restoration plan with the Middle Patent Cemetery. The Cemetery wanted to do something that was very different from what this board approved. This application for 20 Banksville Road is submitted exactly as it was previously approved, the only change is the location of the restoration plan which is now proposed at the Mianus River Gorge property at 172 East Middle Patent Road.

Ms. Evans reviewed the offsite mitigation proposal which included the removal of the overgrown invasive vegetation along the road at 172 East Middle Patent Road. The Mianus Gorge will replant the area with native species. Ms. Evans stated that the mitigation is at 2:1 ratio and they are proposing mitigation on site at 20 Banksville Avenue in the amount of 26,800 square feet and 26,800 square feet along 172 East Middle Patent Road. The applicant has found an offsite location for composting topsoil.

Mr. Delano noted there was one approval for both lots and a negative declaration for the board to consider. He asked Mr. O'Connor if he had any questions at this time.

Mr. O'Connor stated that he would like to review the photometric plan that is a condition of approval. It was agreed that the resolution would be updated to reflect zero lighting at the property line. Mr. O'Connor confirmed that the same conditions were in place as the last resolution regarding no outdoor storage and no outdoor parking. Mr. Kaufman stated that was in the resolution.

Mr. O'Connor stated that in regard to the CEA (Critical Environmental Area) he does not understand what special protection has been done for the CEA. Mr. Kaufman stated that the maximum stormwater plan has been proposed and both sites are in the same water district. Mr. Delano noted that there is more stormwater done on this site than

then there would normally be done because it is in a CEA.

Mr. O'Connor stated that the Petroleum Distillates performs poorly. Mr. Cermele stated that those units are accepted by the DEC. There is a list of accepted devices on the NYCDEC website and this is on the list.

Mr. O'Connor wanted to resubmit material to the board that has already been submitted. Mr. Kaufman stated that this resolution refers to all prior material. Mr. Baroni stated that the board did its review and homework on this application previously and will come to the same conclusions.

Mr. Carthy stated he has mentioned this one other time and felt it was a good opportunity to mention it again that an offsite mitigation bank would be helpful in these instances. Ms. Evans stated that this is a ripe idea for North Castle. The applicant was lucky to find a second site in the same water district.

Mr. Jensen reminded everyone that there is no mitigation on site presently.

Mr. Delano asked for a motion to close the public hearing. Mr. Carthy 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. Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with four Ayes, Mr. Delano voted nay.

Mr. Delano asked for a motion to approve the site plan resolution. Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with four ayes. Mr. Delano voted nay.

CONTINUING BUSINESS:

850 NORTH BROADWAY (LITTLE SPOT)

850 North Broadway

122.12-5-62

Site Plan

Hudson Engineering & Consulting, Michael Stein, PE

Discussion

Present for this application was Dan Collins, Hudson Engineering & Consulting and his client Scott Rosenberg.

Mr. Collins stated that he can address the comments as noted in the F.P. Clark Traffic Consultants memo. He also noted that the Fire Department was able to maneuver the site and the deliveries will happen off hours and a loading dock was not necessary.

Mr. Kaufman stated that he needed a lighting plan for the site as well as ARB approval.

Mr. Rosenberg stated there is a single box truck that makes deliveries in the morning. There is delivery at 9:00 a.m. in the Mamaroneck store and he expects deliveries at this location around that time. He also noted that he was closed in the winter months. After discussions between the board members, the board agreed to waive the loading space.

Discussions were had regarding the walls proposed on site. Mr. Carthy suggested a pitch on the wall to encourage people not to sit on the wall with their feet dangling over the wall facing Route 22.

Discussions were had regarding the exits on site and how there was a one way exit and the other exit was two way entrance/exit. It was noted that the NYSDOT would have the final say on the matter and noted the way this was set up was how FP Clark recommended it in their memo.

Nancy Battistelli inquired about the landscaping on site. Mr. Collins reviewed the landscaping plan to her satisfaction.

Discussions were had about what the applicant can do on site while he was waiting for the new ARB meeting date to be scheduled. If a new date is not scheduled in February, the next meeting date was March 15, 2017 and the next Planning Board meeting after that was March 27, 2017.

The board asked Mr. Kaufman to communicate with the building inspector in regards to interior work that can be done on site while the applicant was waiting for his approvals.

NORTH BROADWAY TOWNHOUSE DINER
720 North Broadway
122.16-3-31
Amended Site Plan
Joel Greenberg, Architectural Visions
Discussion

Present for this application were the applicants Mr. & Mrs. Gus Kutros and their professionals Joel Greenberg, Architect and Cathy Zalantis, esq.

Mrs. Zalantis stated that her client is seeking to legalize what they already had authority to do, put in a handicapped ramp and second means of egress. They would also like to enclose and screen a refuse container and install some landscaping. The board should understand that this is an existing diner, not a vacant piece of land. Her client is only looking to make minor improvements to the site. A property owners desire to make his business handicapped accessible should not be used as a pretext to require them to make whole sale site layout changes and access changes especially when that is something that is not allowed under the zoning code. She has reviewed the Director of Planning's memo and does not agree with his comments and procedural steps noted in

the memo. She submitted a memo dated January 30, 2017 in response to Mr. Kaufman's comments.

Mr. Delano noted that the applicant had gone before the ZBA. Ms. Zalantis stated that the ZBA application had been adjourned with hopes of resolving this matter with the Planning Board. In response to comments from the Planning Board. Mr. Baroni stated that there are a lot of intervening facts that we thought this board could perhaps deal with more effectively. When the Building Inspector issued the permit for the interior improvements, that was six months prior to this board granting site plan approval which included construction of the handicapped ramp. There was never another permit issued for the exterior ramp. That begged the whole question when we looked at it of whether or not the site plan the Planning Board issued was it really still in existence or had it expired. Usually what vests it is the issuance of a building permit and that never occurred here. In that light he does see Ms. Zalantis argument that the existing site plan the Planning Board issued, had expired because it was never acted upon, even though the ramp was built. Based on that information he felt it was more effectively dealt with by bringing it back to this board for some further study.

Ms. Zalantis stated that it is her legal position that a building permit was not needed for that work because it does not meet the definition of a structure. No site plan approval, no building permit was necessary, in fact that is actually what happened, her client was told to go ahead and build the ramp.

Mr. Delano inquired if the applicant needed any type of site plan approval from this board. Mr. Baroni stated to the build the ramp? Mr. Delano noted the ramp was built. Mr. Baroni stated that was all that was done to the exterior of the property. Mr. Delano asked if site plan was necessary to build the ramp. Mr. Baroni stated that the issue is would you determine that the ramp as constructed was an integral part of the building and attached to it. He does not know how you would rule on that. Mr. Baroni stated that Mr. Kaufman was of the mind that it changed the footprint of the building and required a building permit and required site plan approval. The building department did not issue a building permit for it and treated it like other minor improvements to the site which occur without the benefit of site plan approval, such as these garbage enclosures which have been appearing all over town but have not all come back to the Planning Board for approval. That is the issue that is before the board, did we not perhaps try and do too much to this particular site, given that all that was done was the building of a ramp.

Mr. Baroni noted that it was the applicants original rendering which showed much more work being done to the site is what triggered it to come before the Planning Board in the first place. As the application proceeded the rendering reduced in size. Mr. Greenberg stated that the ramp you are speaking about was put over an area where there was a sidewalk and steps. The actual footprint did not change; we just made it into a handicapped ramp. Mr. Delano confirmed that site disturbance and impervious area did not change. The applicant agreed.

Ms. Zalantis stated that it is their legal position that we do not need any approvals but without waiver of that right. We are here before this board seeking a minor site plan amendment to legalize the ramp, the second means of egress, the enclosed refuse container and provide some landscaping. She agreed with Mr. Baroni's point that her client did propose many more improvements initially but that would cost of \$200,000. and that was not within her clients means and if forced to do so, there will be another vacant diner there.

Ms. Zalantis then reviewed Mr. Kaufman's memo and provided her comments regarding her interpretation of the code and her point regarding parking on site vs. the Director of Planning comments in his memo. Mr. Greenberg then presented a plan showing the proposed landscaping on site and proposed refuse enclosure. He then showed the board a striped line across the front of the site for pedestrians to walk which will be done per DOT standards. Mr. Greenberg is waiting for the DOT response.

The board and professionals had conversations regarding what the applicant did on site and what the applicant is proposing and how best to move forward.

Mr. Greenberg stated that he checked the records and no one to his knowledge has backed out of this site onto Route 22 and been in an accident. Ms. Zalantis requested a public hearing be scheduled at this time. Once approved by the Planning Board, she will withdraw her application at the Zoning Board of Appeals.

Mr. Jensen noted that at the time of the approval, letters were sent out and comments were received back from FP Clark and our police chief that the plan we approved was the best plan. Mr. Delano stated that Mr. Baroni said this was not really a road we should have gone down with the applicant in the first place.

Continued discussions were had regarding this information presented this evening.

Mr. Carthy stated that he sees both sides of this matter but feels that the proposal presented this evening is the best way to resolve the matter.

Mr. Delano noted that the pavement parking is over the property line onto Castle Heights and a license agreement is necessary to resolve this. He also noted that in the northwest corner there is a concrete base and old rust pole which should be removed from the site. Mr. Greenberg agreed to these comments.

Nancy Battistelli inquired about the grass at the rear of the site which is on town property and abuts this lot, she would like the applicant to take care of the grass as many residents do with maintaining grass that is technically town property. The applicant agreed mow the lawn and noted he had been for the past three years.

A public hearing was scheduled for March 13, 2017.

Mr. Loberman was not happy that what was approved two years ago and what the board is considering this evening is very different and is happening as a result of the Temp CO that has been issued for the past two years.

PATTI
30 Palmer Avenue
122.161-4-59
Site Plan
Paul Berte, PE Fushion Engineering/Petrucelli Engineering
Discussion of site walk

Mr. Delano recused himself from this application. Mr. Sauro took over as acting Chairman at this time.

Paul Berte was present from Fushion Engineering/Petrucelli Engineering as well as his client Tony Patti.

Mr. Berte stated that the last time he was before the board he was asked to stake the site showing two parallel parking spaces vs. two perpendicular parking spaces and the board would do a site walk.

Having been out to the site, the board was aware of the shortage of parking spaces in the area and based on the site walk concluded that two perpendicular parking spaces would work in this location. The board was aware that the applicant would also need a variance from the ZBA for Gross Land Coverage as well a site line variance. The board and applicant also discussed the Grass Crete and tired retaining walls with plantings in between the retaining walls. The board was also concerned with the impact of the proposed walls and cars on the abutting neighbor's lots for the proposed driveway.

Mr. Patti noted that he has compromised and addressed 4 out of 5 of the concerns previously raised by the neighbors.

Mr. Berte stated that there are four other properties in the last five years that have had a double curb cut.

Mr. Sauro noted that the board is trying its best to balance the needs of this application and the applicant should return with a full site plan, showing the parallel parking spaces, landscaping, site lines, walkway gravel and guardrail. Mr. Cermele noted that we would want to mitigate the headlights as well.

Mr. Kaufman noted that the board can refer this application to the ZBA and if approved by the ZBA, the applicant can return to the Planning Board and work out the details of the site plan.

Mr. Ken Kaufman expressed his concerns and noted he was not in favor of this

application.

Mr. Sauro asked for a motion to refer this application to the ZBA for site lines and Gross land coverage. Mr. Carthy made a motion to approve. It was second by Mr. Jensen and approved with three ayes. Mr. Pollack voted nay.

78 LAFAYETTE AVENUE

78 Lafayette Avenue

122.12- 1- 29

Site Plan

Timothy Nanni, AIA Construct Architecture Studio

Discussion

Present for this application was Tim Nanni.

The application for the construction of a new 10,253 square foot warehouse and office building within the IND-A Zoning District.

Mr. Nanni stated that he received his approval from the Zoning Board of appeals on December 1, 2016 and that the bones of the plans are the same and 80-90% of the comments in the professionals memos were technical and would be addressed.

Mr. Kaufman reminded the applicant that ARB approval was necessary before this board could grant approval.

Discussions of the rear yard screening and fence were had at this time. The green roof for stormwater will be more aesthetically pleasing to the neighbors in the rear. Mr. Nanni stated that he could update the plans with a transparent fence if the neighbors preferred it that way.

Mr. Cermele asked the applicant to review the plans in regards to refuse pick up. Mr. Nanni noted that two parking spaces would be used for refuse pick up and that would not impact the parking count for the site. He also noted that refuse would be picked up during off hours.

The applicant will return to the Board once ARB approval was granted and will work on addressing the comments from the professionals memos and submit that with the ARB approval once granted.

PASVANKIAS

22 Hickory Pass

95.01- 1-26

Subdivision

Petrucelli Engineering, Ken Murphy – Assistant Engineer

Discussion of site walk

The application for preliminary subdivision approval of a two lot residential subdivision in the R-2A Zoning District. Neither proposed lot meets the minimum lot area requirement of the Town Code. It is noted that each lot is required to have at least 87,120 square feet of net lot area. Proposed Lot 1 is deficient by 18,545 square feet and proposed Lot 2 is deficient by 6,708 square feet.

Present for this application was Paul Berte, Fushion/Petrucelli Engineering.

Mr. Berte presented the application to the board.

Mr. Jensen noted that there were steep slopes on this site, neither site was compliant and the applicant was proposing a flag lot.

In response to a comment from the board, Mr. Berte stated that neither he nor his client reached out to the neighbors regarding access to the lots.

Mr. Carthy was in favor of a negative referral to the ZBA, there are too many deficits with this proposal. Mr. Pollack has not inspected the site and does not have an opinion either way. Mr. Delano and Mr. Jensen agreed with Mr. Carthy regarding a negative referral.

The applicant will need to complete SEQR before a referral can be made to the ZBA. It was also noted that a public hearing would need to take place at the ZBA before a public hearing could take place at the Planning Board.

Mr. Delano asked for a motion to declare lead agency intent. Mr. Sauro made a motion to approve. It was second by Mr. Jensen and approved with five ayes.

10 NEW KING STREET

10 New King Street

118.02-2-2

Landscape Equipment and Vehicle Storage

Dennis Noskin, Dennis Noskin Architecture, PC

Discussion

Present for this application was the architect Dennis Noskin and his client Mitch Beneroff.

The site plan application for a site plan amendment to permit a 8 'fenced area for the storage of landscape equipment at 10 New King Street located within the INDAA Zoning District. The proposed equipment storage area will take away three parking spaces and the site will not have the minimum amount of parking required per the code.

Mr. Noskin reminded the board that his client was just before the board and received approval to permit approval for parking limos on site. His client has received a violation from the Town about vehicles and screening on site. He stated the owner of the building was New King Street Holdings and Beneroff properties is the tenant along with West Crew who is a landscaping and snow plow company. He noted that there are two greenscape trucks that work only during the snow season and the equipment is stored on site and all the trucks are not on site all the time. He noted the 8' fence screens the truck and equipment area better and would need a variance as only 6' fences are permitted. The trucks leave in the morning and return in the evening. The applicant's client noted that he has been here for 13 years and the ancillary parking lot has never been filled. He noted a second variance would be needed for the parking spaces, to store the vehicles and equipment on site.

The board was in favor of the amended site plan application as proposed.

Mr. Delano asked for a motion to refer this application to the Zoning Board of appeals, Mr. Jensen made a motion to approve. It was second by Mr. Carthy and approved with five ayes.

Once the applicant has ZBA approval they can go straight to public hearing at the Planning Board and the board can consider a resolution at that time as well.

CARDONA
15 Bedford Banksville Road
102.04-1-17
Site Plan
John Scarlata, AIA
Ralph Alfonzetti, PE Alfonzetti Engineering
Discussion of site walk

The site plan application for the construction of a 1,520 square foot accessory garage and the conversion of the existing residence to an office and apartment within the CB-B Zoning District.

Present for this application was John Scarlata.

Discussions were had regarding the storage of equipment and if the storage is an appropriate use with the proposed use of the site. The board was satisfied the storage was appropriate with the use.

Mr. Scarlata was instructed to address the comments in the professional's memos and resubmit the plans.

MADONNA
Route 128- Mount Kisco Road
108.01-1-30.3
Site Plan
Kory Salomone, Esq. The Law Office of Kory Salomone, PC
Frank Madonna, Applicant
Discussion

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

Mr. Salomone stated that his client received a positive recommendation from the Conservation Board and received ZBA approval. His client has been to the ARB twice and is close to finalizing his ARB approval.

In response to a comment from the board, Mr. Alfonzetti explained how the rainwater harvesting on site works.

In response to a comment from the board regarding the entrance gate. It was noted the Town Board wanted the gate on site. Some concern was raised about backup of cars onto Route 128 while entering the site.

Mrs. Fernberg, 9 Wampus Ave was concerned about the overflow of water that would go into the wetland and how that additional water affects the lots on Wampus Avenue that abut the wetland. She noted one of her neighbors has a bog in their back yard.

Mr. Cermele noted that the applicant will have to design a stormwater mitigation plan and infiltration system for the units proposed on site.

The applicant requested a public hearing at the March 13, 2017 Planning Board meeting, that will give him time to go before the ARB and complete the approval. The public hearing was scheduled for March 13, 2017.

CARQUEST
215 Business Park Drive
114.01 - 1 - 1
Amended Site Plan
Michael Finan, EP LEED-AP Langan Engineering
Discussion

Present for this application was Michael Finan and his client Irwin Stockel.

The application for a proposed 44,658 square foot warehouse and office expansion and various additional site improvements. The property is 36.76± acres and is located at 215 Business Park Drive within the PLI Zoning District. The site is currently developed with a 112,000± square foot warehouse/office building. The proposed warehouse expansion will be located within the NYSDEC adjacent area for state wetland G-1 and within a Town-regulated wetland and wetland buffer.

Mr. Finan presented the plan to the board. He stated he has Conservation Board approval with 2:1 mitigation. He will resubmit plans for the February 27, 2017 meeting. He noted he would like to have a public hearing on March 13, 2017.

The applicant was reminded that the Planning Board needed sign off from Sal Misiti at the Water Department and ARB approval. Floor plans and elevation plans also need to be submitted for review prior to a public hearing.

SOUL CYCLE
45 Bedford Road
108.03- 1-65
Referral from Town Board
Dan Hollis, Esq. Shamborg Marwell Hollis Andreyckak & Laidlaw,pc
Rob Aiello, PE John Meyer Consulting
Marc, Petraro, PE John Meyer Consulting
Discussion

Present for this application was a representative from Soul Cycle, Paul Susko; his attorney Dan Hollis and engineer Marc Petraro.

The Applicant is seeking various zoning text amendments and site plan amendments to permit the creation of a Soul Cycle inside of the existing Garden Market Building.

Mr. Hollis stated that he is seeking a referral back to the Town Board. This is not a public hearing. There are three issues to be addressed.

- Water usage, they have written to the Water & Sewer Department and are waiting on a response. He noted that based on prior uses he had enough water.
- Land banked parking – Soul Cycle and applicant will develop the land banked parking spaces.
- Traffic – studies have been done at the corner of Maple and Bedford road. The traffic light was not working properly and the camera can be refocused or redirected or even replaced if necessary to help the light and intersection work properly.

In response to Mr. Baroni's comment. Mr. Hollis stated that the Town Board was lead agency for this application. Mr. Hollis stated that his client did not want to incur any further expenses while not knowing if the Planning Board was going to refer this back to the Town Board. Mr. Delano stated that he was not sure if the board had enough information at this time to make a recommendation. Mr. Kaufman noted this was a critical intersection and was not sure if the Planning Board could make that recommendation without having all the traffic information at that location. Mr. Hollis stated the board could condition the recommendation to the Town Board. He noted that more expenses are being incurred and the application is not moving forward. Mr. Baroni stated that he does not see the Town Board setting a public hearing date without all the data.

Mr. Delano stated that he wants all the information before the board can give a positive recommendation back to the Town Board. Mr. Jensen noted that he wants the traffic issues coordinated and resolved. Mr. Hollis suggested conditions be made with the recommendation back to the town board on the traffic issues to be addressed.

Mr. Carthy reviewed the issues in the traffic plan that we are trying to avoid. It was noted if the intersection were fixed, they could get accurate traffic counts. He stated that he wants to improve that intersection similar to the business park entrance with marking the road. He would like the road to have a left lane along with a right turn/straight lane. This would improve traffic movement in that area.

Mr. Petraro stated that he did the traffic count on Saturday during the snow storm and even during the storm it was still a very active intersection. He noted the cameras were not working accurately and is acting in a pre-timed condition, each approach gets a certain amount of time, with or without cars. The cameras are on Maple Avenue and should be on Bedford road. Once the cameras are realigned they will not get the green when no one is there. He continued to review all the data and how the intersection

would improve once the cameras were aligned correctly. He ran the numbers to get an idea of how the intersection would be. Mr. Kaufman suggested that information be submitted to FP Clark for review and comment and get comments back for the next meeting.

It was noted that if all the land banked parking spaces were built that will make the site code compliant.

In response to a comment from Mr. Carthy, Mr. Hollis stated that historically these classes are not 100% filled and their parking count is reflected at 100% occupancy for these classes to make sure there is always room. The applicant is also offering 30 minutes in-between classes to address the overlap. Mr. Petraro will submit the data to FP Clark tomorrow and look to come back before the board on February 27, 2017.

In response to Mr. Bauman's comment, Mr. Delano stated that this board would only make a positive or negative recommendation back to the Town Board as this time, there is not a public hearing with this board at this point. There is no public comment unless the Chairman accepts the comments and in the past, typically the chairman has accepted comments or questions without a public hearing.

Mr. Bauman additional questions were answered to his satisfaction. Mr. Bauman noted that he and those that are present were disappointed that there is no public comment at this point in the process.

BTDT PROPERTIES

18 Carolyn Place

Section 100.04-1-5

Ralph Mastromonaco, PE PC

Frank Guiliano, Landscape Architect

Steve Marino, Senior Wetlands Scientist - Tim Miller Associates, Inc.

Jacob Amir, Esq. DDWWW LLP

Site Plan

Discussion

Mr. Carthy recused himself from this application.

Present for this application was the applicant Kirk Scuderi and his professionals Jacob Amir, Ralph Mastromonaco, Frank Guiliano and Steve Marino.

Noticed neighbor, Penny Kramon – 12 Carolyn Place was also present.

Mr. Baroni updated the board regarding conversation with Westchester County and this site. Discussions were had regarding access for Westchester County to their lot and the sale of 18 Carolyn Place. It was noted that the work for the abutting county and town properties would need to be completed prior to the landscaping at 18 Carolyn Place. Mr. Baroni stated that he was looking to meet with Westchester County this

week. It was noted that the North Castle lot was land locked.

Mr. Amir noted that he has met with the Town Engineer, Director of Planning and Roland Baroni and has had two very productive meetings prior to tonight's meeting. He stated in regards to access to the abutting Town and County property, his client offered access to the lots until July 31, 2017. Continued discussion was had regarding access to the site and time line to access the site.

Mr. Amir discussed comments from the Engineers memo. He noted he would like a public hearing scheduled at this time.

Mr. Marino noted this application has to do with the removal of 12 trees within the wetland and water course on this property. He reviewed the water course and noted that the water discharges onto the site from a culvert on Carolyn Place and runs through the site down to Wampus Pond. There is also an intermittent water course on the adjacent property. He then presented to the board a comprehensive plan with the wetlands and wetland buffers; trees that were removed in the buffer and restoration for those trees; Planting Plan by Frank Giuliano. The wetland permit his client is applying for is for removal of the trees that were taken down. No additional grading or earth disturbance is proposed on site, there will be some disturbance to set up a machine to remove the trees. One solution would be to leave the trees where they are.

Mr. Marino stated that 12 trees were removed and they are proposing 20 new trees and 47 new shrubs. We are refining the planting plan according to comments with Mr. Sessions, Kellard Session office. He then reviewed the comments from Kellard Sessions office and provided an update on each item. He also discussed different options for removal of the trees.

Mr. Marino discussed the 2;1 ratio and noted it was different to quantify the amount of disturbance for the mitigation. He viewed this as more of mitigation plan than an area of disturbance. Mr. Marino continued going over each item from Kellard Sessions office. Mr. Baroni stated that while at their meeting on Friday, the professionals concluded that if the applicant could submit plans to the Conservation Board as discussed this evening, they could provide their recommendation at their meeting on March 21 and then come back to the Planning Board on March 27th for a public hearing and site plan approval. Mr. Amir referred to the zoning code regarding recommendation from the Conservation Board and waiving the recommendation to the Planning Board. The board concluded that they wanted comments from the Conservation Board. (The Conservation Board scheduled a special meeting on Tuesday, March 21, 2017 at (:00 a.m. for this application only). The applicant was instructed to submit amended plans by the close of business on Wednesday to give the Conservation Board time to review the amended plans.

Mr. Amir inquired about the Building Permit and asked the board to instruct the Building Inspector to issue the permit. Mr. Delano asked for a motion to refer this application to the Conservation Board. Mr. Sauro made a motion to approve. It was second by Mr. Pollack and approved with four Ayes. Mr. Carthy recused himself from this application.

The board was comfortable scheduling a public hearing on February 27, 2017 regarding this application. They will consider a resolution of approval the same evening if comments are received back from the Conservation Board in time for the meeting. It was noted that if site plan approval is granted, the applicant can then apply for a building permit once the conditions of the site plan resolution have been complied with.

Mrs. Kramon approached the microphone to speak at this time and she was informed that there was a public hearing scheduled for the next meeting and she could make her comments at that time. She handed out to the board a copy of the Town Code stating that there should be no building destroying the rim, this house is three stories. Mrs. Kramon was disappointed she was not permitted to speak this evening. Mr. Delano reminded Mrs. Kramon that she had been given opportunities to speak in the past and it was very late and she was encouraged to attend the public hearing at the next meeting and make her comments at that time.

TOWN OF NORTH CASTLE
15 Business Park Drive
Water District #4
108.03 - 1 - 58
Drilling of well
Consideration of minor wetlands permit

Mr. Cermele stated that this is just a test well for three different locations, if they get the yield they need after the first one they stop, if not then they will go to second or third if necessary. If it comes to fruition that this is a viable well there that they want to use then they would have to come back before the Planning Board and they would make that determination again. Mr. Kaufman stated that this application has limited impact and will not have any negative environmental impact on the wetland. The board determined that the application was minor in nature and an administrative wetland permit could be issued.

Mr. Sauro made a motion to handle this application administratively. Mr. Pollack second the motion and it was approved with five ayes.

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
Receipt of Professionals' Memos

Mr. Delano asked for a motion to accept memos from the professionals regarding 11

New King Street and to forward same to the applicant. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with five ayes.

ROLLING HILLS SUBDIVISION
Round Hill Road & Gifford Lake Drive
Consideration of release of bond
Recommendation to Town Board

Mr. Cermele stated that the road is complete and they have inspected the site and the board can consider releasing the bond.

Mr. Delano asked for a motion to release the bond for the Rolling Hills Subdivision. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with five Ayes.

APPOINT ACTING CHAIRMAN
In Chairman's absence

Mr. Pollack made a motion to appoint Mr. Sauro as acting chairman. Mr. Carthy second the motion and it was approved with five ayes.

Mr. Delano asked for a motion to adjourn the meeting. Mr. Sauro made a motion to adjourn; it was second by Mr. Carthy and it was approved with five Ayes.

Meeting was adjourned at 11:00 p.m.