

**NORTH CASTLE PLANNING BOARD MEETING
17 BEDFORD ROAD – HIGHWAY MEETING ROOM
7:00 P.M.
May 22, 2017**

PLANNING BOARD MEMBERS PRESENT: Christopher Carthy – Acting Chairman
Steve Sauro
Michael Pollack
Jim Jensen

ALSO PRESENT: Adam R. Kaufman, AICP
Director of Planning

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

John Kellard, PE
Consulting Town Engineer
Kellard Sessions PC

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative: Absent

There was a trial going on in the court room, the jury was deliberating in the judge's chambers and the courtroom was not available at this time. The Planning Board meeting was moved to the 1st floor of the Town Hall Annex in the Highway Department room (formerly known as the senior's room).

The meeting was called to order at 7:15 p.m.

APPROVAL OF MINUTES:

May 8, 2017

Mr. Pollack made a motion to approve the May 8, 2017 Planning Board minutes. Mr. Sauro second the motion and it was approved with four Ayes.

PUBLIC HEARING:

10 NEW KING STREET [17-001]

10 New King Street

118.02-2-2

Landscape Equipment and Vehicle Storage

Dennis Noskin, Dennis Noskin Architecture, PC

Discussion

Consideration of amended site plan approval

Amended site plan application to permit a fenced area for the storage of landscaped equipment and located within the IND-AA Zoning District.

Dennis Noskin was present for the applicant.

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

Mr. Noskin reviewed the application for the board's information and noted that he has received ZBA approval regarding the fence height on April 6, 2017.

In response to the board's comment, the applicant had reviewed the resolution and had no comments at this time. A minor revision was noted by Mr. Jensen.

Mr. Sauro made a motion to close the public hearing. Mr. Pollack second the motion and it was approved with four ayes.

Mr. Sauro made a motion to approve the resolution as amended, Mr. Pollack second the motion and it was approved with four Ayes.

As noted at the meeting the resolution will be updated and signatures obtained and the applicant will need to submit plans for final signature.

NEW AND CONTINUING BUSINESS:

470 MAIN STREET [16-021]

470 Main Street

108.01-6-19

Site Plan

Mix Use Commercial/Residential

Nathanial Holt, PE Holt Engineering & Consulting

Discussion

Site plan, Wetlands and Tree Removal permit applications for the construction of a 13,544 square foot residential building containing 16 total 1 and 2 bedroom units and the retention of the existing 1,400 square foot retail building at 470 Main Street. It is noted that the project will also include 2 AFFH units.

Present for this application was Michael Fareri and Steve DeLaurentis.

Mr. Fareri stated that he would like to have a public hearing on June 19, 2017. He presented photos to the board of the existing site and what it would look like once built. He stated that there would be 8 units on the first floor and 8 units on the second floor. Two of these units would be AFFH units. He pointed out the wetland and wetland buffer on site and reviewed the planting materials proposed on site. Mr. Fareri stated that he was hoping to move 6 AFFH units from the Lumberyard site to this location and this request was denied by the Town Board and a law suit was filed as result of that decision.

Mr. Fareri presented his plan and noted that common charges would be around \$100. per month, per unit because there is a separate entrance for each unit and no common space to heat or cool. Mr. Fareri then reviewed each item from Mr. Kaufman's memo with the board at this time. Mr. Fareri commented that he liked the new format of the Planning Department memo. Based on comments regarding this memo, the applicant was informed that he did not need a referral to the Architectural Review Board or Conservation Board; he could make a submission to those boards directly. Mr. Fareri stated that he is working on the site line analysis and will be submitting that shortly.

Mr. Fareri reviewed the square footage of the units based on comments from the memos.

Mr. Fareri referenced section 213-44.C and stated that this section of the code allows the Planning Board to waive some of the parking spaces. Mr. Kaufman noted that section 213-44.C no longer exists and is now Section 355-56.C. This section does not permit the Planning Board to eliminate spaces, it gives permission to the Planning Board to waive improvement (land banking of parking spaces). The site plan does not depict the minimum required amount of off-street parking. The Applicant will need to seek a three space off-street parking variance from section 355-57 of the Town Code.

Mr. Fareri stated that he could reduce the bedroom size of the units which would reduce the parking requirements. He also noted that he has spoken to his neighbor and his neighbor did not want to be part of the shared parking lot agreement between both lots.

Mr. Fareri requested a public hearing for June 19, 2017. Mrs. Desimone noted that the next Conservation Board meeting was June 20, 2017; the next ARB meeting was June 21, 2017; the next ZBA meeting was July 6, 2017 and the next Planning Board meeting after that was July 10, 2017. Mr. Fareri requested a public hearing on July 10, 2017 and the board agreed to that date. In response to comments from the Board, Mr. Kaufman noted that if all of the approvals were not in place for this public hearing the public hearing could be adjourned.

Mr. Fareri reminded the board that at the last meeting they agreed to relief of the report regarding the Archeological significance and the board agreed. Mr. Fareri stated that relief also included the endangered species studies and Mr. Kaufman noted that was not the same as the archeological comments. Mr. Kellard stated that in order for the NYSDEC to issue their wetland permit, they will need the endangered species studies report.

Mr. Sauro made a motion to refer this application to the ZBA. Mr. Pollack second the motion and it was approved with four Ayes.

Mr. Sauro made a motion to schedule a public hearing on July 10, 2017. Mr. Pollack second the motion and it was approved with four Ayes.

As noted at this meeting the applicant will need to submit or receive the following approvals in order for the Planning Board to grant approval after the public hearing on July 10, 2017:

- Architectural Review Board
- Conservation Board
- Zoning Board
- Site line analysis
- Endangered Species Report
- NYSDEC wetland permit

11 WASHINGTON PLACE EAST [17-003]

11 Washington Place east

122.12-4-26 & 40

Mix Use Commercial/Residential

D'Amore Design Studio

Discussion

This is a referral from the Town Board for a special use permit application regarding the conversion of a second floor office and warehouse space into seven apartments (two 2-bedroom, three 1-bedroom and two studio apartments), the present use of the first floor will continue. If the Town Board grants the Special Use Permit the Applicant will return to the Planning Board for site plan approval. If the special use permit is not granted by the Town Board, the applicant will not return to this board for this application as presented.

Present for this application was Ted D'Amore as well as his clients, Frank Dellagalla, Janet Glover and James Glover.

Mr. D'Amore stated this site is commercially zoned and borders the residential zone. His client is proposing mixed use of apartments on the second floor and office on the first floor. The existing use is 17 parking spaces short of the required parking space count and the proposed mix use is 5 parking spaces short which is not nearly as much of a hardship on parking as the present use is on parking. He presented the proposed planters, curbing and sidewalk area in front of the site. He pointed out the enclosed dumpster on site per the town code. He stated at the side of the site a berm will be installed and he will install some crushed rock and pipe to collect and redirect the water into the town storm water system. He reviewed the planting plan at this time and noted that he was planting major azaleas which are larger plants. He also noted his client is putting up a Vinyl fence along the top of the berm on the side yard.

Mr. Sauro noted he was concerned about the lighting on site and wanted to ensure it reflected towards the building and not the neighbors. Mr. Dellagalla noted he was out to the site during the evening and took notice of lighting on other commercial buildings in the area and these other buildings shined light away from the building. He assured the board his lighting will shine toward the building and not impact the neighbors.

Mr. Dellagallo also stated that he has installed drainage measures that worked during the last storm and had been in communication with the side yard property owner Brian Macken who was please that his backyard for the first time was not saturated after the storm.

Mr. Jensen inquired what characteristics would be on the apartments, i.e.: balconies?

Mr. Kaufman suggested some grassy area on the side of the lot with some benches and fencing, a place someone could bar-b-que. Discussions were had regarding grass and impervious pavers in this location at this time.

Discussions were had at this time regarding whether the applicant had to go to the ZBA regarding the shortage of five parking spaces. The existing lot as is used today is 17

spaces short of the requirement and the new proposal will be five spaces short. It was noted this was a substantial improvement and was reducing the nonconformity. The applicant is renovating the existing building and is not adding to it. Mr. Kaufman and Mr. Baroni had differences of opinions on this matter. Continued discussion was had by all regarding this matter. Mr. Baroni inquired if the Building inspector opined on this subject and since he had not it was suggested to get his interpretation regarding the parking.

Mr. Sauro agreed that after you go through all of this you would end up in the same place in the end and you would be enhancing Washington Place East.

Mr. D'Amore reminded the board that the applicant is not increasing the intensity of the use.

Mr. Carthy inquired about the amount of work vehicles and employees on site. Mr. D'Amore stated that there are two work vans and two employees on site.

Mr. Pollack inquired about the water and sewer impacts for the site. Mr. Kaufman noted that these are not similar issues like they are in Armonk. This is not an issue for this lot.

Mr. D'Amore noted that his client received ARB approval last week on May 17, 2017.

Mr. Sauro made a positive recommendation to the Town Board regarding the special use permit. Mr. Pollack second the motion and it was approved with four ayes.

The board asked that the applicant follow up with the Building Inspector regarding his input on the parking count. The Director of Planning will also send written communication to the Building Inspector to this effect.

HIDDEN OAK SUBDIVISION [14-106]

13 Hidden Oak Road

Section 107.01-1-32

Alan Pilch, Evans Associates

3-lot subdivision

Consideration of extension of time resolution

Mr. Pollack made a motion to approve the extension of time resolution. Mr. Sauro second the motion and it was approved with four Ayes.

GJONAJ [12-035]

7 Pine Ridge Road

102.01-02-7

Preliminary 3 lot subdivision

Paul Sysak, RLA, ASLA John Meyer Consulting, PC

Mark P. Miller, Esq. Veneziano & Associates

Discussion

Consideration of Amended Final Subdivision Resolution extension of time

Mr. Pollack made a motion to approve the extension of time resolution. Mr. Sauro second the motion and it was approved with four Ayes.

11 NEW KING STREET PARKING GARAGE [09-032]

11 New King Street

119.03-1-1

Proposed automated airport parking facility

Nanette Bourne, AKRF

Bill Null, Esq. Cuddy & Feder

Discussion of Draft Findings Statement.

Present for this application was Bill Null, Esq from Cuddy & Feder and Justin Seeney, PE from AKRF.

The Planning Board reviewed a draft findings statement which was prepared by the Planning Department, Town Engineer and Town Attorney. The Planning Board determined that additional review of the draft document was necessary and a special work session was scheduled for Tuesday, May 30, 2017 at 7:00 p.m. at the Hergenhan Recreation Center 2nd floor meeting room to further discuss this material. The board will exchange comments that evening which will be incorporated into the final draft for consideration of approval at the next regularly scheduled planning board meeting on June 5, 2017.

PROPOSED APPLICATION PROCESSING RESTRICTIONS LAW

Discussion

The purpose of this chapter is to prohibit the processing and approval of any and all applications for approval and issuance of any permit or certificate of occupancy or use by any board or official of the Town of North Castle for any property owner who has outstanding fees owed to the Town of North Castle or where outstanding violations (as that term is defined in § 114-4.D herein) of any local laws or ordinances of the Town of North Castle exist on the property for which the approval is being requested.

The board discussed the proposed legislation and possible scenarios in regards to the effects of this legislation. The board asked for comments from the Building Inspector

regarding this legislation. The Director of Planning will forward the board's comments.

Mr. Pollack made a motion to adjourn the meeting. Mr. Sauro second the motion and it was approved with four ayes.

Meeting was adjourned at 9:28 p.m.