

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
July 31, 2017**

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PLANNING BOARD MEMBERS PRESENT:

Christopher Carthy Chairman  
Steve Sauro  
Michael Pollack  
Gideon Hirschmann

Absent:

Jim Jensen

ALSO PRESENT:

Adam R. Kaufman, AICP  
Director of Planning

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

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

Joe Cermele, PE  
Consulting Town Engineer  
Kellard Sessions PC

Conservation Board Representative:  
John Tiernan

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The meeting was called to order at 7:03 p.m.

**APPROVAL OF MINUTES:**

**June 19, 2017**

Mr. Sauro made a motion to approve the June 19, 2017 Planning Board minutes. Mr. Pollack second the motion and it was approved with four Ayes. Mr. Jensen was not present for the vote.

**July 10, 2017**

Mr. Sauro made a motion to approve the July 10, 2017 Planning Board minutes. Mr. Pollack second the motion and it was approved with four Ayes. Mr. Jensen was not present for the vote.

**PUBLIC HEARING:**

**470 MAIN STREET [16-021]**

**470 Main Street**

**108.01-6-19**

**Site Plan**

**Mix Use Commercial/Residential**

**Nathaniel Holt, PE Holt Engineering & Consulting**

**Discussion**

Site plan, Wetlands and Tree Removal permit applications for the construction of a 13,544 square feet residential building containing 16 total 1 and 2 bedroom units with 2 AFFH units and the retention of the existing 1,400 square foot retail building at 470 Main Street.

Present for this application was the applicant Michael Fareri and Steve DeLaurentis and the professionals Dan Holt, Joe Crocco and Blyth Yost.

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

Mr. Fareri presented photos of the existing and proposed site to orient the board and members of the audience with the site. He noted the location of the wetland and wetland buffers on site. He noted that he had already received a Special Use Permit approval from the Town Board and approvals from the Conservation Board, Zoning Board and Architectural Review Board. He noted his neighbor was present at the ZBA meeting and had no objection to the application. He stated that he met earlier today with the Town Engineer and Director of Planning regarding the comments in their memos.

Mr. Fareri stated he would like to close the hearing and for the board to consider a resolution at the September 11, 2017 meeting. He did not think he would have the NYSDEC approval by then as that would take 6-8 weeks to get. He had a meeting on site last month with the NYSDOT and town professionals and the DOT approval is pending and he is hoping to have that approval by September 11, 2017. The sidewalks will be redone in front of the site which is part of the DOT approval he is waiting on. Mr. Fareri presented a photo to the board showing a two foot pipe dispensing stormwater from the CVS site which he opined has created a lot of erosion and is detrimental to the wetlands at the rear of the site. He noted he was not required to do this but felt it was necessary to address this matter. Mr. Fareri stated that he will comply with both A & B in the Conservation Board memo instead of choosing one to comply with as noted in the Conservation Board memo. Mr. Tiernan, Conservation Board representative, noted the

Conservation Board Granted approval with two options. One would require the applicant to return to the board and the other would not. He also noted that the board felt that this was a rather intensive development for the site and as a result of that the vote for approval was 6-2. Mr. Fareri will prepare a plan per the Conservation Board memo comment B and resubmit.

Mr. Kaufman noted that a technical meeting was had earlier in the day and a lot of the remaining items can be worked out and or addressed in the resolution.

Discussions were had regarding the Town Engineer memo comment regarding long term monitoring of the mitigation and if it was appropriate. Mr. Fareri stated he would follow whatever approval the Conservation Board granted. Questions and comments were answered to the board's satisfaction.

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

The board will consider a resolution at the September 11, 2017 Planning Board meeting providing all information is in order for this application.

**ST. CHRISTOPHER'S, INC. [17-004]**

**1700 OLD ORCHARD ROAD**

**118.01-1-2**

**Animal Assisted Therapy**

**Ann Marie Sasso, Willow Hill Equities LLC**

**Consideration of Site Plan Approval**

Amended Site plan approval to create a noncommercial, private Animal-Assisted Therapy Program for on-site residents. The Applicant is looking to utilize 6 goats and 18 heads of poultry for the program which will be housed in the new 12'x20' barn, 12'x20' chicken coop and 60'x72' fenced paddock area; and will be part of the County 4H program sponsored by Cornell Cooperative Extension.

Present for this application was Ann Marie Sasso.

The applicant was before the board at the last meeting and was not able to obtain her resolution without ARB approval. ARB approval has since been granted, the board may consider a resolution of approval this evening.

All of Ms. Sasso's comments were answered to her satisfaction.

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

Mr. Pollack made for a motion to approve the resolution of approval. Mr. Sauro second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

**TEDESCO [15-121]  
1462 Old Orchard Street  
Section 123.01-1-1 & 15  
2 Lot Subdivision  
Nathaniel J. Holt, Holt Engineering & Consulting  
Discussion**

Application for preliminary subdivision approval of a two lot residential subdivision in the R-1A Zoning District. The site is currently a 1.7-acre single family lot and a 1.05 acre abandoned right-of-way parcel.

Present for this application was the applicant Mr. Tedesco and his professional Mr. Holt.

Mr. Holt handed out a new plan to the board and professionals to review. Based on comments from the last meeting he scraped the original plan and handed out a new sketch. This plan will need a frontage variance for the flagpole of the property. This proposal will have a common driveway and will move the house forward out of the wetland buffer which will increase the net buildable area. Overall, this plan addresses a lot of issues that have come up and he would like a positive recommendation to the Zoning Board. His handout shows a graph with the original application and the new proposal and he reviewed that with the board. There is less disturbance with this proposal. There is more material to submit but he did not want to go crazy until he had some feedback from the board.

Mr. Pollack and the board members appreciated the efforts of the applicant. Mr. Kaufman stated this is still a difficult lot to subdivide and meet the zoning requirements. If this does have less of an impact as Mr. Holt is stating, then the board has to decide if this subdivision and the way it is configured makes sense to the board. He has expressed concerns previously with the relationship of the three closest houses and the existing house and this proposed house is in the backyard of the house next door, it is not the best fit. In any scenario it would take quite a few variances to make this work.

In response to Mr. Pollack's comment, Mr. Tedesco is living in the existing house with his mother and the proposed house would be built for him to live in. Mr. Holt reviewed the location of the common driveway and reminded the board that a common driveway was not uncommon. Three variances would be necessary, buildable area, lot width and lot frontage – three variances would be needed. Mr. Hirschmann stated that a lot of work is going into this application to make it a buildable lot. Mr. Holt reminded the board that when the stream was moved onto this lot that this greatly affected his client's application.

Mr. Holt asked the board for a positive referral to the ZBA. In response to Mr. Sauro's comment, Mr. Holt stated that the distance between the existing house and the proposed house is about 90' it might be a little bit more. The board asked for the site to be staked with the new configuration and new house location. Mr. Holt will inform the board once the new lot and new house location is staked out and a site walk will be scheduled.

## **IBM PARKING LOT EXPANSION [17-017]**

**1 North Castle Drive**

**Section 108.03-1-62**

**Amended site plan**

**Pietro Catizone, PE Catizone Engineering, PC**

**Discussion**

Construction of 442 additional parking spaces, increasing the number of site parking spaces from 1,223 to 1,665. 412 parking spaces will be located at the south side of the building and 30 spaces will be provided at the building entry roadway. Realignment of loading dock roadway on the north side of building and modification to Parking Lot F access roadway to accommodate truck turning movements. Construction of a 2,250 SF outdoor patio area on the east side of the building.

Present for this application was Pietro Catizone, PE & Matthew Dececco, EIT from Catizone Engineering, PC; Edward Nolan Esq. and Lynn Weining from Windels Marx Lane & Mittendorf, LLP; Steven Milkovich, Robert Deangelis and Charles Corey from IBM.

Mr. Nolan stated that when the IBM Somers location was closed and sold, many of those employees were relocated to IBM Armonk. There are presently 1,223 parking spaces and due to the increased population, IBM is proposing an additional 442 parking spaces which would increase the parking count to 1,665 parking spaces.

Mr. Catizone presented the four different parts of this application, as noted above, to the board and members of the public. The project will have about 5 ½ acres of disturbance and is located within two watersheds. The majority of the project is not within the NYCDEP watershed. Only .2 which is the 30 parking spaces out in front of the building and a portion of the loading dock is in the NYCDEP water shed. He reviewed the details of the parking area and circulation of traffic on site for the board at this time. He noted that they will be pretreating and diverting the storm water runoff to a subservice detention system. There will not be a net increase associated with the loading dock reconfiguration. He reviewed the area where the trees were to be removed and noted he has a tree inventory report. He also presented a landscape plan.

In response to a comment from Mr. Hirschmann, Mr. Cermele stated that the applicant should be able to comply with his comments from his memo. Mr. Catizone answered Mr. Cermele's comments to his satisfaction. Mr. Catizone noted that he has submitted a stormwater report showing a net reduction in runoff. He will mitigate with the subsurface detention. There is no change to the building footprint.

In response to Mr. Carthy's comment. Mr. Kaufman noted he had two comments in his memo regarding what the impacts of the relocated employees will have on the parking and the road network. Mr. Catizone noted that this building has been underutilized and many employees have been relocated to this site as a result of that. IBM has been taking parking data and badge reading data for just over one year. Fridays are light and on average 1400 people are on site. There are about 30-50 non badged consultants that come on site per day like himself or delivery people. He noted in 2016 a drainage

repair project was addressed.

Budget reading data reports have been maintained for almost a year and some park at the learning center and take a shuttle to this building. Mr. Pollack inquired about the impact on the sewer and water with the increase of employees on site. Mr. Catizone noted that the additional staff has been on site for almost one year and the original parking approval was calculated at .9 per person and presently it is 1.0 per person.

Mr. Baroni stated that the sewer was not an issue because IBM pays for 100,000. Gallons daily which does not include Lot A4 which has 35,000 gpd and is currently on the market. IBM uses 60,000 gallons per day and they have another 40,000 gallons in their sewer capacity which was done when the plant was built, this is not new information. He also noted that the water department does readings weekly.

Mr. Catizone asked if lead agency intent could be declared this evening.

In response to comments, it was noted when visitors entered the main gate, they have a hard time locating the front entrance of the building and they are trying to make the atrium entrance and parking more accessible to visitors. When you park in lots A-F you don't get a full on view of the beautiful atrium architectural feature and providing parking in front of the atrium would make it clearer to visitors.

Mr. Pollack asked to see the reports from the Water Department regarding water sewer capacity gpd for the site.

Mr. Nollan stated that they will resubmit written responses to the comments by the September 11, 2017 submission deadline for the September 25, 2017 meeting.

Mr. Sauro made a motion to declare lead agency intent. Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

## **11 NEW KING STREET PARKING GARAGE [09-032]**

### **11 New King Street**

#### **119.03-1-1**

#### **Site Plan**

**Nanette Bourne, AKRF**

**Bill Null, Esq. Cuddy & Feder**

#### **Discussion**

Construction of a multi-level automated parking structure at 11 New King Street to alleviate an existing parking shortage at Westchester County Airport. The proposed project would involve construction of a building with an approximately 31,493 square foot footprint and would house an enclosed automated parking structure capable of accommodating 850 vehicles.

Present for this application was Bill Null, attorney from Cuddy & Feder; Nanette Bourne, senior vice president AKRF and Justin Seeney, AKRF.

Mr. Null stated that the applicant has submitted a special use permit to the Town Board and the applicant is before this board for site plan approval. They have received the professional's comments and will address those comments.

Ms. Bourne stated that this is the same site plan the board has reviewed the last few months and would like a referral to the Conservation Board regarding mitigation for already disturbed wetland buffer. There will be some on site mitigation and some off site mitigation which is proposed at Wampus Brook Park. She would like a referral to the traffic consultant. She has recently been in contact with the NYSDOT and would like to review these comments with the Town's Traffic Consultant. She would also like a referral to the ARB as well as the Police, Fire Department and Fire Marshal. They are also working on addressing comments regarding stormwater from the NYCDEP which includes a green roof. Ms. Bourne will provide comments from the Town's professional's memos. Mr. Null asked that these referrals be sent out so that responses are received prior to the next meeting in September 11, 2017. (All referrals were sent out by August 4, 2017)

In response to Mr. Hirschmann's comment. Mr. Baroni stated that Capelli Enterprises filed an Article 78 regarding this application against the Town Board, Planning Board and adjacent property owner. He noted there was nothing prohibiting the board from reviewing the application and considering site plan approval. The applicant is proceeding at their own risk. In response to Mr. Pollack's comment, Mr. Baroni reviewed some of the details of the Article 78 with the board.

In response to Mr. Hirschmann's comment, Ms. Bourne stated that her client would like to break ground during the first quarter of 2018 and briefly discussed the progress of this application over the years.

Mr. Null asked the Planning Board to provide some guidance to the Conservation Board regarding off site mitigation at Wampus Brook Park South. It was noted by the board members that they have not given specific direction regarding a specific location for mitigation previously but had no issue with Wampus Brook Park South. Mr. Null noted that a lot of invasive species are being removed. Ms. Bourne stated this was not a pristine buffer.

Mr. Kaufman will provide follow up to Conservation Board, Architectural Review Board as well as with the Police, Fire Department and Fire Marshal.

**OAMIC INGREDIENTS INC. [17-016]**  
**6 Labriola Court**  
**107.04-2-19**  
**Amended Site Plan**  
**Mark Miller, esq. Veneziano & Associates**  
**Jim Ryan, Principal John Meyer Consulting**  
**Discussion**

Site plan approval and wetlands permit associated with changes to the existing warehouse building. The Applicant wishes to operate a warehouse and distribution center that would label, repack, store, and provide quality control for food and fragrance chemicals. Interior improvements include establishment of a new rack system to store the chemicals, relocation of the two existing bathrooms, establishment of a lunchroom and gym, creation of space for the quality control activities, improvements to the existing office space and the installation of a fire sprinkler system. The exterior work requiring site plan approval includes providing a water quality treatment system (none exists now), landscaping, installation of an aboveground water tank to provide fire flows to the fire suppression system and resurfacing a portion of the existing parking lot.

Present for this application was Mark Miller, esq. and Jim Ryan, PE and Paul Dumont from John Meyer Consulting and their client Steven Gu, applicant and owner.

Mr. Miller noted his client closed on this property on July 18, 2017. The applicant will continue with its existing use as a warehouse and storage facility. The company is based in China and would like to have a presence in the United States. Some of the businesses they currently work with are Coca Cola, PepsiCo, Hershey, Nestle and Starbucks. This warehouse would be used for storage, labeling and shipping. The product would be received in 55 gallon drums, paper and plastic cartons and they may be repackaged for distribution, there will be no mixing on site, and quality testing would be done on site. He noted that there are mostly internal changes with this application. He has reviewed the memos from the professionals and would like a referral to the Conservation Board. Mr. Ryan will go over those comments.

Mr. Ryan stated that this site is very close to Bear Gutter Creek and two sides of the site border the NYCDEP watershed property. He noted the existing pavement was not in good shape right now and they would like to repave the existing area. He has already met with the NYCDEP and was very positive with the repairs proposed. There is an existing septic system. He noted that there will be a maximum of 10 employees on site and the prior user had 14-16 employees on site. This site also has well water. The reserve water tank on site will be used for emergencies. Some ingredients have a low flash point and they have never had any prior issues. The emergency generator system will be proposed inside the building. He summarized the external changes.

Mr. Ryan reviewed the comments from the professional's memos. Mr. Ryan stated the loading docks will have 1-2 40' trucks per week. Only one loading space is necessary for this use. He reviewed the office space and storage space on site. Mr. Ryan can show the required amount of parking spaces and the board can consider land banking some of those spots. He is working on the landscaping plan. The existing lighted



needed is on the building presently and no high poll lights are proposed. He has had correspondence with the Board of Health and that information will be submitted. He has to reach out to the NYCDEC. The cladding on the building is essentially new and will not be replaced.

In response to Mr. Hirschmann's comment; Mr. Ryan stated that there is not an existing sprinkler system and refrigeration is not necessary for these products.

Discussions were had regarding the fire suppression tanks and all questions were answered to the board's satisfaction.

Mr. Sauro made a motion to declare lead agency intent. . Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

### **11 WASHINGTON PLACE EAST [ 17-003]**

**11 Washington Place east**

**122.12-4-26 & 40**

**Mix Use Commercial/Residential**

**D'Amore Design Studio**

**Discussion**

Site plan approval for the renovation of the existing former Handi-Rent-All building and for the construction of additional off-street parking to support Green Hybrid Energy Solutions and Ladel Electrical Contractors along with 7 new second floor apartments.

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

Residents present for this application were Jackie Macken, Nancy Battestelli.

Mr. D'Amore stated that he has received Town Board Special use Permit approval for this application and has hired a site engineer and landscape architects from Eberlin & Eberlin, P.C.

Mr. D'Amore reviewed the comments from the professional's memos. He discussed the loading dock comment and noted this site never had a loading dock and this is a preexisting non conformity and he should not have to put one in at this time. He added the 1880 square foot outdoor area for the residents and an easement will be put into place to this effect. In regards to the comment regarding fire department access on the west side of the building- Mr. D'Amore stated this was a residential lot, it is within his client purview to sell it at any time he wants as long as the easement is in place, the 9 foot side yard is within compliance and there is no fire department access unless the place is vacant and they get permission from that property owner to go on that property. Right now his client is happy to let the fire department go on site but can't say for the future. We are in compliance with the state code regarding fire ratings with the wall. This is a preexisting building.

He presented a site lighting plan and noted the lights will turn off at 9:00 p.m. each night and if there is motion after that time a sensor light will turn on for 10 minutes. Mr. Kaufman noted that would be distracting and the board typically does not approve that type of lighting, the lighting would stay on all night. Mr. Sauro agreed. It was suggested that a low level of lighting be used. Mr. D'Amore agreed with this suggestion and noted the lights will be in compliance with the town recommendations.

Mr. Dellagalla met with the Town Engineer on site and he reviewed the existing conditions of the water on site and his proposal to capture the water from Route 22. He reviewed the separation between the commercial and residential lots and the impact the swale had on both lots.

Mr. D'Amore will coordinate both plans and resubmit. In response to Mr. Kaufman's comment, Mr. D'Amore will be able to address the comments from both professionals' memos and resubmit for the 9/11/17 meeting.

Mrs. Battestelli inquired if the way this lot is being fixed, she noted the stormdrain starts at Fishers garage and would any work be done there. The applicant replied no, he was only doing work on his lot.

The board reviewed comments from the Westchester County Department of Planning regarding this application. Their comments were addressed to their satisfaction.

A public hearing was scheduled for September 11, 2017 providing the applicant resubmits and addresses the comments from both professionals' memos with a timely submission.

**WAMPUS MILLS [ 15-121]**

**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**

**Consideration of 2<sup>nd</sup> Extension of Time Resolution**

Six lot subdivision, tree removal and steep slopes permit of the existing 10.067-acre parcel located within the R-1A Zoning District.

Mr. Sauro made a motion to approve the extension of time request. It was second by Mr. Pollack and approved with four Ayes. Mr. Jenson was not present for the vote.

**850 NORTH BROADWAY (LITTLE SPOT) [16-037]**

**850 North Broadway**

**122.12-5-62**

**Site Plan**

**Hudson Engineering & Consulting, Michael Stein, PE**

**Discussion of field change**

As requested, Kellard Sessions Consulting, P.C. has reviewed the site plan and related materials submitted in conjunction with the above-referenced application. The applicant received Site Plan Approval on March 27, 2017. During construction of the proposed wall at the south end of the parking lot, the contractor over-excavated the existing slope resulting in near-vertical rock cut with heights ranging from  $\pm 4$  feet – 15 feet. The location of the rock cut is also closer to the rear of the property than originally proposed. A Stop Work Order was issued by the Building Department on July 12, 2017 and a geotechnical evaluation of the rock cut was ordered to ascertain the stability of the slope and ability to maintain safe pedestrian access on the existing walkway immediately adjacent to the property. The  $\pm 0.62$  acre property is located in the CB Zoning District.

Present for this application was Michael Stein, PE, President Hudson Engineering and the applicant/owner Scott Rosenberg.

Mr. Stein presented an update to the board regarding the excavation of the proposed wall on site and noted that since the stop work order he has met with the Town's professionals and a Geotechnical Engineer has been out to the site. The Geotechnical professional provided measures to be taken with the site. A planting bed was proposed and at the top of the slope a planting area was also proposed. Mr. Cermele stated that this was more than what he would be able to approve as a field change and wanted to bring the board up to date regarding the status of the site.

Mr. Hirschmann stated he was out to the site earlier today noted that he had some concern about 3 or 4 trees that have no real root system. Mr. Cermele asked the applicant to keep the trees until the report was completed that the board was brought up to speed. Mr. Hirschmann expressed his concern regarding the safety of the pedestrians and unorganized flow of traffic on site. Mr. Stein stated that a sidewalk is proposed and he has been working with the DOT to get his permit to install the sidewalk. Discussions were had regarding cones on site and that cones were placed on site and they were removed without the owner's knowledge about six or seven days later. Mr. Rosenberg will put down construction barrels so that they are not so easily removed. He will put up the signs stating that no crossing of Route 22 or no left turn when exiting the site.

Mr. Kaufman stated that there were three reports from the Police Department regarding this site in the board's packets this evening. Mr. Kaufman stated that based on comments from the report. The police chief suggested that until the curbing is installed to have the police on site to direct traffic during the busy times to assist with the traffic situation.

It was mentioned that the bond expires at the end of September, 2017 for this site and if

the DOT permit has not been issued, the applicant will need to go back before the Town Board at their 9/13 or 9/27 meeting for an extension.

Michele Fallot inquired about the signs stating not to cross Route 22. People cross Route 22 now to access the bus stop and for other reasons, she does not think people will follow the directions of the sign.

In response to comment from Mr. Sauro, Mr. Stein stated that a mesh screen will be put up near the areas the pedestrians will have access to, to help ensure safety on site.

Mr. John Junker confirmed with the board that planter distance from the base of the wall would not be decreased; the professionals noted it would not be decreased. He suggested evergreen plantings to help reduce the noise from this site to the residential area behind it. He expressed his concerns about people parking on the sidewalk in the northbound lane on Route 22; he has brought this to the attention of the DOT as well. He noted he can't walk his dog on the sidewalk any longer and was concerned about the safety of the people with children opening their car doors onto route 22 to access this site.

In response to Jackie Macken's comment, Mr. Rosenberg stated that the trash receptacles will be enclosed with a corral and landscaping. He has increased trash pickup from once a week to three times a week. He is having trouble with AAA carting removing their dumpsters due to relations with the prior owner. He called Westchester County for assistance to remove these additional dumpsters on site.

Mr. Sauro made a motion to approve the field changes as discussed this evening. Mr. Hirschmann second the motion and it was approved with four Ayes. Mr. Jensen was not present for the vote.

The board discussed the comments from the police chief and debated whether to have an off duty policeman direct traffic on site until the sidewalk was installed. Mr. Rosenberg noted that he and his brother in law who is an off duty officer would be helping to direct traffic on site during busy times. The board also discussed their options if the applicant did not do as he said by staying on site during the busy times and direct traffic and have a reflective vest on and put up the barrels. Mr. Kaufman stated that if we hear from the Police Department that things have not improved. They will inform the Building Inspector that the applicant is not complying with the traffic management improvements and the Building Department can issue a summons which will send the applicant to court because they are in violation of their site plan approval.

Mr. Baroni informed the board that when an off duty officer is assigned a detail like that, the applicant would pay the officers rate of pay, plus all the benefits and a cost factor for the car. Mr. Hirschmann, Mr. Sauro and Mr. Carthy stated that if the applicant did not comply it would hurt his business not directing traffic on site and realized the cost of an off duty police officer to a small business owner and were not in favor of it. .

In response to a comment from Mr. Kaufman, the board asked the applicant to wear a reflective vest so that people would see who was directing traffic on site at night.

**HIRSCHMANN [17-015]**

**5 Spruce Hill**

**101.04-2-61**

**Gideon Hirschmann**

**RPRC Appeal or Site Plan**

Owner requested an appeal of the RPRC decision requiring Planning Board to review the proposed removal of 60 – 100 Town-regulated trees. The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, this application went beyond the minor type of project that the RPRC typically reviews and the RPRC recommended the applicant have a detailed review before the Planning Board.

Mr. Hirschmann recused himself from this application.

At the request of the board, Mr. Kaufman summarized this application as noted above. He noted that there has been at least one other appeals that came before the Planning Board.

Mr. Hirschmann presented his application to the board. He stated that the lot has been vacant/abandoned for 5-6 years. Spruce Hill was greatly affected during the storm a few years ago when the street was shut down due to all the trees that came down across the road. At the time all of the other properties around this lot were cleared and this lot for some reason was not because it was unoccupied or not part of this effort.

Mr. Hirschmann stated that he purchases a property he typically does soil tests for septic and various things are done to determine what can be done and in what capacity it can be done with the property. Presently, the lot is a jungle and a mess and nothing can really be done until the trees are cleared so that he can get an idea of what is going on at the site. Two different arborist were hired to come out to the site and wrote reports. The trees are at the end of their lives, some are falling down, and there is no green on the trees from 40' - 50' up on the trees. They are dangerous and have a shallow root system. Once the site is cleared, he will put together a landscaping plan. If you look at the adjacent properties all of their trees have been cleared out. These trees are not providing any screening to the neighboring lots. The neighbors to right and left of the lot have voiced full support of clearing the lot.

Mr. Hirschmann stated that he submitted an application for a building permit for removal of the trees, the Building Department felt a little uncomfortable and sent it to the RPRC and they felt a little uncomfortable with this many trees and sent it the Planning Board. Everyone appears to be a little uncomfortable with giving approval for this many trees and no one wants to step up and take responsibility. He reminded the board that he had obtained two arborist reports and will have to return to the RPRC for the house construction and landscape plan.

The board discussed whether they would have another opportunity to review and consider the landscaping on site. It was noted that the landscaping on site would be reviewed when this application went back before the RPRC. It was also noted that the

vote would have to be a majority of the board, 3 votes to approve, with two absent this evening their votes were automatic no's.

Mr. Cermele stated that Dave Sessions from his office went out to the site. Mr. Sessions told Mr. Cermele that he did not agree with the arborist report 100% that the blanket of trees within all three cluster area's should all be removed, he felt there were some trees worth saving within the clusters. Mr. Hirschmann noted that he did not have the arborist reports at the RPRC meeting and he disagrees with Mr. Sessions and opines that all of the trees as noted on the plans should be removed. He noted that he hired and paid for two professionals regarding the trees and has evidence that the trees should be removed. He would like to see the evidence from the town showing which trees and why they should be saved. He noted he has worked in town for a long time and has not just cut down every tree on the lot. He wanted to know what we were arguing about and what the fear here was.

In response to Mr. Carthy's comment, Mr. Kaufman stated that the RPRC did not deny this application; they felt it was out of their jurisdiction and referred it to Planning. Mr. Baroni inquired if part of the RPRC concerns were the impacts to the neighbors and he reminded the board that Mr. Hirschmann noted earlier this evening that he had spoken to the neighbors and they were in favor of the tree removal.

In response to Mr. Sauro's comment, Mr. Hirschmann noted that the arborist is going to put together a plan; screening is not really an issue for this lot. The neighbor to the right already has screening along the property line, there are no neighbors to the rear of the site and there is rock to the left side of the property and some landscaping might go in there and beyond that trees will be planted to attract the house.

Continued discussion was had with the board members, applicant and professionals regarding this application. Mr. Pollack noted that when IBM was before the board this evening that they submitted a detailed report of each tree, type, diameter and health condition of each. Mr. Hirschmann stated he has already hired two arborist and now the board wants him to spend thousands of dollars for a detailed report on each tree; there is a big difference between the two sites. Mr. Kaufman noted that a site walk would be beneficial in this case. The board and applicant agreed that would be helpful. A site walk can be scheduled and the applicant can return to the September 11, 2017 Planning Board meeting.

The board continued discussing various options regarding this appeal and the best way to proceed expeditiously. The board considered granting approval of the requested trees if the applicant agreed to return to the Planning Board with a landscaping plan. Mr. Hirschmann stated that he would prepare a mitigation plan for the site but would not come back before this board for a landscaping plan; he did not want that approval tied into his building permit. He needs to see the lot once the trees come down in order to determine where the house would go and what type of house would work on the lot. The board continued discussions. Mr. Carthy did not think it made sense for the applicant to come back before this board with just a planting plan and the applicant go before the RPRC for the house, he thought if the applicant is granted approval this

evening to take down the requested trees that he would return to the Planning Board for site plan review. Mr. Hirschmann was not in favor of this proposal.

Mr. Sauro stated that he has seen Mr. Hirschmann's work on another lot and is comfortable with overturning the RPRC decision especially after having heard that the neighbors did not have any issues with the tree removal as noted earlier in the discussion. He was alright with the applicant returning to the RPRC for the house and landscaping plan at a later date. Mr. Carthy concurred with Mr. Sauro except for the caveat that Mr. Hirschmann return to the planning board for site plan approval. Mr. Hirschmann stated that the house will be code compliant and asked for the review to stay with the RPRC. Mr. Pollack stated that he has a problem approving things site unseen. He has no reason to doubt Mr. Hirschmann and what he has said his neighbors have said to him about the trees but he would need to see the proof.

The board agreed to schedule a site walk regarding this site and requested that Dave Sessions be present for the walk. The site walk was scheduled for Tuesday, August 15, 2017. This application will be placed on the September 11, 2017 Planning Board agenda.

Mr. Sauro made a motion to adjourn the meeting. Mr. Pollack second the motion and it was approved with four ayes. Mr. Jensen was not present for the vote.

Meeting was adjourned at 10:39 p.m.