

AS AMENDED
NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
Thursday - October 12, 2017

PLANNING BOARD MEMBERS PRESENT:

Christopher Carthy Chairman
Steve Sauro
Michael Pollack
Gideon Hirschmann
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 Consulting, PC

Conservation Board Representative:
Peter Limburg

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

PUBLIC HEARING:

CARDONA [16-036]
15 Bedford Banksville Road
102.04-1-17
Site Plan
John Scarlata, AIA
Ralph Alfonzetti, PE Alfonzetti Engineering
Discussion

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.

Mrs. Desimone noted that all paperwork was not in order; the applicant had not submitted it. Once the paperwork was submitted and reviewed she determined that the publication was done in the newspaper timely for the 10 day notice requirement. It was confirmed with the Town Attorney and he agreed that it was not done timely and the hearing could not be opened.

The applicant was instructed to get ARB approval and to return to the November 6, 2017 meeting which would enable the applicant to do the mailing and publication timely.

OAMIC INGREDIENTS INC. [17-016]

6 Labriola Court

107.04-2-19

Amended Site Plan

Mark Miller, esq. Veneziano & Associates

James Ryan, 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 the applicant, Steven Gu and his professionals Paul Dumont, John Meyer Consulting and Mark Miller, attorney.

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

Mr. Miller stated that there were almost no changes to the exterior of the building and the applicant will store various ingredients, mostly food, some perfume. Drums will come in and be shipped back out and cardboard boxes with smaller plastic bags filled with product will shipped in. The cardboard boxes will be opened; the smaller plastic bags will remain closed and shipped back out to clients in small quantities. Some of their clients are Pepsi, Coca Cola, Nestle, Hershey and Starbucks. Not all ingredients on the list will be stored on site; whatever is stored will be stored according to the building and fire codes.

Mr. Miller continued, his client will install a sprinkler system for fire suppression and that is why there is a water tank outside the building. A second fire suppression will go

underground. There are up to potentially 55 ingredients and some have a lower flash point and four of the ingredients are DEA (Drug Enforcement Agency). These will be kept in a theft proof container. These four ingredients are almond liquid, cherry odor, honey odor and grape odor. There will be water quality on site as there was none previously. Revised plans have been submitted for the 10/23/17 meeting per the professional's comments.

Mr. Dumont stated that the NYCDEP has seen the plan and noted that 12 of the ingredients they are concerned with and they will be kept together in an isolated room which will drain into a floor tank only for the isolated room, not the entire building.

At the request of the board, Mr. Dumont will submit all of the correspondence from the DEP for their review.

Mr. Kaufman noted he has had conversations with Zenaida Bongaarts, Conservation Board co-chair and she wanted to know where the materials are going that are being tested on site for quality control. Mr. Gu stated that only a few grams are tested, a sample for quality control. Mr. Kaufman noted that Mrs. Bongaarts had more questions but those were more building department matters than planning matters.

Mr. Pollack inquired about the hydrogen mist, foam system and water suppression system.

Mr. Hirschmann confirmed that there were no issues with where and what the water tank looks like. The applicant noted there were no issues.

Mr. Carthy noted that ingredients can change from shipment to shipment, whether that is week to week or month to month or year to year. How do we keep on top of what is stored on site. Mr. Baroni stated that a current list of materials needs to be submitted to the fire inspector annually or sooner if the ingredients stored on site change.

Discussions were had regarding conditions in the resolution about not self mixing chemicals on site or expanding the scope of the approval. The board agreed to no chemical processing, mixing or blending permitted on the property and asked that condition be added to the resolution when prepared.

Mr. Limburg, Conservation Board representative asked for some more details about the testing room and the apparatus that was used. Mr. Gu stated that they would test a few grams on a scale and use a Bunsen burner and microscope; it would be similar to high school chemistry classroom.

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

HIRSCHMANN [17-015]

5 Spruce Hill

101.04-2-61

Gideon Hirschmann

Discussion

Consideration of resolution of approval

The application is for the construction of a new five-bedroom, 7,222 square foot, single family home. The Planning Board previously authorized tree removal on the property, but retained site plan jurisdiction over this lot, the site plan does not depict additional tree removal beyond that previously approved by the Planning Board and it does not depict Town-regulated steep slope disturbance or does not depict Town-regulated wetland or wetland buffer disturbance, the Applicant received Architectural Review Board approval on September 20, 2017.

Mr. Hirschmann recused himself from this application.

Mr. Pollack read the neighbor notification for the record. Mrs. Desimone noted all paperwork was in order for this application. Noticed neighbors present were Jean Higham – 10 Spruce Hill as well as Cathy and Sam Kirschner – 8 Spruce Hill.

Mr. Hirschmann presented the application and reminded everyone of what was on the site and removed and what he was proposing with this application. He noted he had received ARB approval and they were pleased with his landscaping plan. He reviewed the water line and the three water taps that will now be separated as part of this approval. He also noted that the new driveway will not be on the neighbor's lot and the easement will not be needed. He also reviewed the landscaping plan for the lot.

Mr. Kirschner stated that he has been at 8 Spruce Hill for eight years. He stated he was a real estate developer and likes the structure and the landscaping is to be seen. He was happy the house sold to a family with three children. He was disappointed, surprised, and shocked that 79 trees were taken down on this lot. He noted that lots of trees fell during Hurricane Sandy and there was a lush *forest* and substantial amount of spruces on Spruce Hill, which are now removed. He asked that the septic be moved closer to the house and more trees be planted towards the road. He stated that 79 trees came down and only six were being replaced and more than six trees should be planted to bring back what was there. He wants more trees in front of the house.

Mr. Hirschmann noted that he has spoken with Mr. Kirschner frequently regarding this application and noted that three of the trees to be removed in the front yard were at the town's request. He stated that it is not realistic to screen or hide the front of the house and he will landscape it and make it beautiful. The Town Engineer's office reviewed the trees to be removed and verified the trees removed were according to the plan.

Mr. Kirschner stated that the look and feel of the neighborhood and setting on the street has changed and was concerned about the environmental impacts of removing a small forest. Mr. Carthy noted that board was out to the site and the owner has rights to develop his lot.

Mr. Kirschner asked the board to provide him with other applications where 30 healthy trees were removed. Mr. Kaufman stated that it was typical with a new house, septic and swimming pool that that many trees would be removed.

Mr. Hirschmann stated that when he spoke with Mr. Kirschner previously that he would go above and beyond with the landscaping to make sure it would have good curb appeal. Mr. Sauro stated that he agreed, it was a drastic change now, but once completed in a few years it will fit right in. Mr. Pollack stated that a lot of the trees were overgrown and not viable in their current condition. The board had the option to retain site plan approval on this application and with that site plan approval that also gave the neighbors an opportunity to express their concerns, which they have this evening. Mr. Jensen noted that Kellard Sessions met the board out at the site and worked with the applicant to see what was salvageable.

Ms. Higham inquired if any arborist did a review of the trees on site. Mr. Hirschmann noted he hired two arborist who prepared reports regarding the trees on site.

Mr. Cermele stated that he visited the site with Brian Hildebrand from his office and not all of the trees dead, they were also diseased or not in the best condition. There was only vegetation at the top of the trees.

Mr. Hirschmann stated that Frank Giuliano was the landscape architect for this application and prepared the landscaping plan for this application. Mr. Hirschmann reviewed the landscaping plan for the board and public at this time. Mr. Carthy agreed that a house must have curb appeal. Mr. Sauro stated that he was alright with the landscaping plan. Mr. Jensen stated that it is the right of the applicant to develop the lot. Mr. Pollack stated that he is ok with the comments made so far. Mr. Hirschmann stated he made a full presentation to the ARB and they approved the architectural plans as well as the landscaping plans.

In response to Mr. Kirschner's comment, Mr. Kaufman stated the ARB probably did not do a site visit.

Mr. Baroni stated that he reviewed the draft easement agreement and noted the resolution and the easement agreement names did not agree. The resolution will be updated to reflect the company name.

Mr. Sauro made a motion to approve the resolution as amended, it was second by Mr. Pollack and approved with four ayes. Mr. Hirschmann recused himself from this application.

NEW AND CONTINUING BUSINESS:

470 MAIN STREET [16-021]

470 Main Street

108.01-6-19

Site Plan

Mix Use Commercial/Residential

Nathaniel Holt, PE Holt Engineering & Consulting

Consideration of Site Plan Resolution

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 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.

A draft resolution was prepared for consideration at the last meeting, due to the number of conditions to still be complied with, the board and applicant agreed that plans would be resubmitted to address as many of the outstanding comments as possible. The applicant has resubmitted the plans and the board is considering the draft resolution again this evening.

After some discussions regarding the proposed mitigation for this application and future applications, it was noted the Conservation Board will provide a list of locations that mitigation would be appropriate. The board and the applicant agreed that a financial contribution for the mitigation bank would be acceptable. Discussions took place regarding the fair cost amount of the mitigation. Mr. Fareri opined that the amount was a bit high but after further discussion, agreed to the amount proposed in the draft resolution.

At the applicant's request, the board agreed the recreation fees to be collected would be reduced from 16 units to 14 units because there were two units already on site.

Mr. Fareri expressed his concerns about the financial impact of not being able to rent or sell the two MIU's on site. Mr. Baroni noted that between Somers and North Salem that there were over 350 units built and there have been no problems with rentals or sales.

Mr. Fareri reviewed all of the benefits the approval of the application will have for the Town of North Castle. Landscaping, sidewalk, financial benefits (taxes, building permit fees, mitigation fees, recreation fees), onsite stormwater management whereas none exists presently on site. He noted that he still had to get the approvals from the DEC, the DOT and Westchester County Health Department but those were out of his control and did not know when those would be granted.

The Negative Declaration was voted on for approval and later rescinded as it was noted that it was approved at the last meeting.

Mr. Sauro made a motion to approve the resolution as amended. Mr. Hirschmann second the motion and it was approved with five ayes.

WAMPUS MILLS [14-103]

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 3rd Extension of Time Resolution

Application for six lot subdivision, tree removal and steep slopes permit approvals on the 10.067 acre parcel located within the R-1A Zoning District.

Mr. Pollack made a motion to approve the extension of time resolution for Wampus Mills, Mr. Sauro second the motion and it was approved with five Ayes.

1 BYRAM BROOK PLACE [15-139]

1 Byram Brook Place

108.03- 3- 76

Amended site plan approval – Parking Expansion

Paul Sysak, RLA, ASLA Project Manager John Meyer Consulting

Consideration of Bond Reduction

Mr. Cermele stated that the mitigation was all installed and they are prepared to release the bond but the funds for the 5 year maintenance plan should stay in place.

Mr. Pollack made a motion to approve, it was second by Mr. Hirschmann and approved with five Ayes. A recommendation letter will forward to the Town Board.

445 MAIN STREET [17-022]

445 Main Street

108.01-6- 57

Site Plan Waiver

Discussion

Site plan waiver for the conversion of second floor office space to personal service (tailor).

It was noted that additional parking was not necessary for this change of use application.

Mr. Carthy made a motion to approve this application. It was second by Mr. Hirschmann and approved with five ayes. The Building Inspector will be informed of this approval.

Mr. Sauro made a motion to adjourn the meeting. Mr. Hirschmann second the motion and it was approved with five ayes. Meeting adjourned at 9:37 p.m.