

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
Monday - October 23, 2017**

PLANNING BOARD MEMBERS PRESENT:

Christopher Carthy Chairman
Michael Pollack
Gideon Hirschmann
Jim Jensen

Absent:

Steve Sauro

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

John Kellard, PE
Consulting Town Engineer
Kellard Sessions Consulting, PC

Conservation Board Representative:
Peter Limburg
Zenaida Bongaarts, Co- Chairman

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

APPROVAL OF MINUTES:

September 11, 2017

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

September 25, 2017

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

October 12, 2017

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

PUBLIC HEARING:

100 BUSINESS PARK DRIVE [17-019]

100 Business Park Drive

Section 108.03-1-51

Amended site plan

Dennis Noskin, AIA LEED AP – Dennis Noskin Architects

Discussion

Consideration of resolution of approval

Site plan application to permit outdoor storage of material and the relocation of a freestanding sign. The lot is located with the PLI Zoning District.

Present for this application was Dennis Noskin and his clients, Rob Troccoli & Anthony Casola owners of A&R Real Estate Holdings and Vito Errico of GPS Wrestling.

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

Mr. Noskin reviewed the application for the board and noted that Edge of Dance and GPS Wrestling are also located in this building along with his clients Jantile Specialties LLC. He stated this application was before the board as a result of a violation that was issued for outdoor storage. He has reviewed the resolution and feels that he can resolve those issues.

Mr. Kaufman stated that there are two issues, the most recent submission now includes a storage area at the rear of the building and the site plan was forwarded to the fire department to see if that location would impede their access to the site should a fire or emergency take place. The chief stated that he might want revisions to the storage area and we put that in as a condition as we did not get a definitive answer from him. We will need to work on that. The second issue is regarding the ability to park vehicles on site overnight. The plan should be amended to show the location of the vehicles to be parked overnight as well as the outdoor storage. The applicant noted that maximum amount of overnight trucks would be 12 vehicles. Mr. Noskin will update the plans to reflect the location of the overnight vehicles in the loading dock or the side lot. .

Mr. Noskin presented a video of the site showing the additional landscaping the applicant has put on site and reminded the board where the sign is and where the applicant would like to move it to. He then pointed out where the overnight parking spaces would go on site.

Mr. Noskin stated that he agrees with the engineer's comments and how he would be able to address them. He then reviewed each condition in the resolution and explained how he would comply with each condition.

All questions and comments were answered to the boards, professionals and applicants satisfaction. The applicant agreed to come in and sign the amended resolution within the next couple of days.

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

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

OAMIC INGREDIENTS INC. [17-016]

6 Labriola Court

107.04-2-19

Amended Site Plan

Mark Miller - Veneziano & Associates

James Ryan, John Meyer Consulting

Discussion

Consideration of resolution of approval

Mr. Jensen made a motion to reconvene the Oamic public hearing. Mr. Pollack second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote. Zenaida Bongaarts, Conservation Board Co-Chairman was also present for this application.

The applicant Steven Gu was present as well as his professionals, Mark Miller, Esq.; and the project engineers Jim Ryan, and Paul Dumont from John Meyer Consulting.

Mr. Miller noted he has received a positive recommendation from the Conservation Board and noted their comments were incorporated into the draft resolution. He noted that since this application has been submitted his client has closed on the property and is now the applicant and the owner. He asked that the resolution be updated to reflect that. He is aware that he has to address the comments from the NYCDEP, NYCDEC and all of the other approving agencies.

At Mr. Hirschmann's request, Mr. Miller reviewed the status of each agency for the board. Mr. Miller stated that he has a letter of no jurisdiction from the NYCDEP, there is a condition to get some clarification on the containment system and he will address that. His client does not meet the standards of the NYCDEC for bulk storage permit and he is working with Billy Richardson regarding the fire prevention code.

Discussions were had regarding the correspondence between the NYCDEP and the applicant and how the town would like to see a letter from the DEP stating what the

applicant has proposed is satisfactory to them. Mr. Miller stated that can be provided.

Mr. Hirschmann inquired about whose jurisdiction is to consider the type of chemicals, impact of chemicals and to confirm the chemicals are ok onsite. Mr. Kaufman stated that we do not regulate those chemicals locally. There is a condition in the resolution which requires the applicant to coordinate with the OEM - Westchester County Office of Emergency Management and the Local Emergency Planning Committee (LEPC). The applicant will have to show proof that the proposed use is in accordance with all applicable laws under the purview of the OEM and LEPC. The chemicals the DEP raised concerns with will be stored separately on site.

Mr. Miller stated that an operating permit will be set up regarding this application and will be issued by the Building Department.

Mr. Pollack confirmed with the applicant that the 215,000 gallon fire water storage tank is for the general warehouse and the 10,000 gallon underground containment tank is dedicated to the fire suppression system that is for the chemical storage room which will have the nitrogen mist or foam fire suppression system. Mr. Miller agreed with that summary and noted if the general warehouse caught fire and the water from the 215,000 gallon tank were used it would flow into the bear gutter creek. If a fire were in the containment area, it would go underground and then pumped out. Mr. Pollack confirmed that the amount of product on site to address a fire issue in the chemical storage room would not exceed the size of the underground tank it would flow in to. Mr. Miller agreed.

In response to Mr. Pollack's comment, Mr. Kaufman stated that applicant will need to provide a list of chemicals and quantities that will be stored on site to the Building Department and the Fire Department. The board will also coordinate with the OEM. Mr. Pollack noted that we are pretty adept at analyzing site plan, architectural plans and engineering proposal that are before use and not as experienced or in-depth at evaluating activities on the interior or may be hazardous in nature. Mr. Kaufman agreed and noted that some of that will be dealt with in the Building Department like if the structure is adequate, is there enough ventilation. Mr. Kellard asked if the board would like to retain the services of a consultant who is qualified in this capacity. After a brief discussion, the board agreed that they would like a professional qualified in this area to be retained. The town's professionals advised the board that was within their purview. Mr. Miller had no objection to this request.

Mr. Kellard suggested Hydro Environmental Solutions and they will make sure that this company can accommodate the requests of the board. Mr. Pollack was concerned about a deleterious effect if there was a release to the bear gutter creek or impacts to the water supply. Mr. Hirschmann stated that the professional can comment on the daily routine on what will be discharged into this tank and insuring there is access capacity in the event there is a release. There has to be a process to monitor the content and quantity and to pump out the tank on a regular basis. Mr. Jensen was not sure if the board asked enough questions in the conditions of the resolution. Mr. Miller stated that the town consultant would coordinate with the fire marshal and fire department as they review what is submitted by my client and his professionals to

address all of those issues. Mr. Pollack also noted that we should make sure that the people on site have the appropriate credentials on what to do on site when the situation occurs.

Mr. Kaufman reviewed the qualifications the board was looking for with this consultant. A list and quantity of chemicals and perfumes will be submitted. The consultant will review impacts to the environment from the warehouse as well as the underground containment tank. They will also review the impact if certain chemicals were combined on site and proper storage of each chemical. The board agreed that a negative declaration could not be adopted this evening until this information has been provided.

Mrs. Bongaarts thanked the board for their comments on this application. She noted that she watched the last meeting this applicant was before the board. She was glad that the board wanted to be informed of the amount, maintenance and the monitoring of the products on site. There seems to be flux with the quantity, with the initial submission they can store up to 1,000 thousand metric tons and a metric ton is 2,200 pounds and that means they can store 2,200,000 pounds. The applicant says they will not store anywhere close to that amount but she wants to be sure they are limited to what the containment tank can handle. Most of the chemicals on the list are either combustible or flammable and there a very few that are not. The storage area is only for the 12 chemicals NYCDEP has regulated which will go to the underground containment tank. She agrees with the board regarding the annual certification but you should also know ahead of time if the list of chemicals stored on sites changes in amount or items are removed or added to the site. The amounts proposed are below the threshold but we need to make sure those amounts do not go above the threshold, this is not within out purview but we are concerned about it.

Mrs. Bongaarts thanked Mr. Kaufman and the town's fire marshal - Bill Richardson and the wetland consultant – Brian Hildebrand for meeting with her and Jane Black the other Conservation co-chair on this application. This is the longest recommendation the board has every sent out and she wanted to make sure that everything is in order for this application. She was very pleased the board was considering a special consultant on this matter. She thanked the applicant for addressing many of the Conservation Board's comments to date.

Mr. Baroni was aware that communication with the Fire Department transpired regarding access to the site but inquired if this was reviewed for the flammability issue with the chemicals. He wanted to make sure the fire department has this type of firefighting equipment for this type of use. The list of chemicals should be provided to the fire department to see if they have the capability to fight a fire at that location. After continued discussion it was agreed that the fire department, fire marshal should meet with Hydro Environmental Solutions should meet to make sure all areas are reviewed.

Mr. Miller noted that his client has hired OLA (O'Dea Lynch Abbattista Consulting Engineers, PC) who has a fire specialist and consults with Fire Departments regularly. In response to comments from the board, Mr. Kellard was familiar with this professional.

Mr. Kellard and Mr. Kaufman will communicate with Hydro Environmental Solutions.

In response to Mr. Jensen's comment about addressing some of the technical comments from the draft resolution, Mr. Miller stated that their professional from OLA will be able to respond to those comments and that will be submitted to the board. It was agreed that once that information was submitted it would be helpful for the representative from OLA to attend the meeting should the board have any comments or questions. The applicant agreed.

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

Mr. Miller requested this be adjourned to the next meeting on November 6, 2017 and if nothing more, he will provide an update for the board.

NEW AND CONTINUING BUSINESS:

1 WOODLAND ROAD [17-023]

1 Woodland Road

Site Plan, Tree Removal, Wetland Permit

95.02-1-59

Nicholas Gaboury, Project Manager, Bibbo Associates

Discussion

Schedule site walk

The RPRC determined that given the environmental constraints of the property and the amount of proposed disturbance, a detailed review by the Planning Board and Conservation Board is warranted.

Site plan application for the demolition of the existing home and the construction of a new 8,026 square foot single-family home on the 6-acre parcel. The project also includes a reconfiguration of the driveway, construction of a new inground pool and the construction of associated drainage improvements.

Present for this application was Nicholas Gaboury.

Mr. Gaboury presented the application to the board and noted that most of the six acres was a pond. This was a beach club for the neighborhood with a large parking lot and boat ramp to the pond. The proposed residence is where the old house was located and the large parking lot will be removed as well as the removal of the large deck. The existing well will be used on site.

Mr. Kaufman noted that the plan has been significantly improved. The applicant has to go to the Conservation Board and Architectural Review Board and once the applicant has those approvals, they should resubmit plans addressing both professional's comments and the board can have a public hearing. The applicant will let the Planning Board Secretary know once the site has been staked and a site walk will be scheduled. The applicant will work with the DEC regarding the dam on site and determine if it is regulated or compliant.

TURET [08-018]

East Lane, West Lane, Nichols Road

Final Subdivision, Tree Removal, Steep Slope and Wetlands Permit

108.03-3-36, 108.03-3-38, 114.01-1-4, 108.03-3-39, 114.01-1-5

Tim Allen, PE Bibbo Associates

Subdivision of an existing 8.28-acre lot into four residential building lots.

Discussion

Consideration of extension of time for final subdivision approval

Mr. Pollack made a motion to approve the extension of time request for the Turet final subdivision resolution. Mr. Jensen second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

DIPIETRO [11-085]

137 Bedford Banksville Road

Property ID: 102.01-2-67

New Construction of a 3 Bedroom 4,972 s.f. Home

Geraldine Tortorella, Esq. Hocherman Tortorella & Wekstein, LLP

Consideration of 5th extension of time site plan resolution

Mr. Hirschmann made a motion to approve the extension of time request for the DiPietro application. Mr. Pollack second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

95 & 97 Cox Avenue [13-064]

108.01-2-28

96 & 98 Cox Avenue [14-080]

108.01-2-55

Roadway and offsite Improvements Bond – Request for Release

Maintenance Bond – Request for Release

Cox Avenue Subdivision

Mr. Carthy made a motion to recommend to the Town Board to release the maintenance and performance bonds for the Cox Avenue properties as noted above. Mr. Jensen second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote.

Mr. Pollack made a motion to adjourn the meeting. Mr. Jensen second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote. Meeting adjourned at 8:22 p.m.