

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
Monday – February 26, 2018**

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**PLANNING BOARD MEMBERS PRESENT:**

Christopher Carthy, Chairman  
Steve Sauro  
Jim Jensen  
Michael Pollack  
Gideon Hirschmann

**ALSO PRESENT:**

Adam R. Kaufman, AICP  
Director of Planning

Joe Cermele, PE  
Consulting Town Engineer  
Kellard Sessions Consulting, PC

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

Richard L. O'Rourke, esq.  
Keane & Beane pc Attorneys at Law

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

Conservation Board Representative:  
John Krupa

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

**APPROVAL OF MINUTES:**

**February 12, 2018**

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

Mr. Carthy welcomed Andy Block, Conservation Board representative.

**ZINMAN [17-007]**

**73 Round Hill Road**

**102.03-1-46.1**

**Site Plan**

**Joseph Risoli, Engineers, Planners, Surveyors**

**Discussion**

**Consideration of resolution of approval**

Mr. Sauro read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application. The following noticed neighbors were present: Mike Fareri, 75 Round Hill Road; Mark and Alicia Devincenzo at 69 Round Hill Road and former tenant of 75 Round Hill Road and current resident of North Castle Linda Fernberg.

Present for this application on behalf of the Town of North Castle was Special Counsel Richard L. O'Rourke, Esq. from Keane & Beane PC attorneys at law.

Present on behalf of the applicant was James W. Glatthaar, Esq of Bleakley Platt & Schmidt, LLP; John Wasilewski, AIA David Parker Associates; Jim McTique, PE Risoli Planning & Engineering and John Conte, Conte & Conte Landscape Architects.

Mr. Glatthaar reviewed the changes from the last submission to this submission. He noted that the original public hearing was opened and adjourned on September 11, 2017 and tonight's hearing was renoticed. He noted that the shed was removed from the easement area and that all of the proposed improvements to the easement area have all been removed. He further noted that the gross floor area worksheet was updated to include the square footage in the closets and that the sight distance as shown on this plan is in accordance to the code. Additionally, he noted that the house has the same footprint and that the septic system remains in the same location as the previous plan. However, he noted that the house has been shifted and redesigned.

Mr. Mctique stated that he has reviewed the Town Engineers memo and after discussions with him on the phone earlier today is able to address the comments in his memo. He noted that the gates and all activity will be removed from the drainage easement area and that the FAR worksheets and the sight distance can be addressed. He further noted that the applicant has returned to the ARB for the changes and received approval. He asked the board if they had any comments at this time.

The board had no immediate comments and asked the members of the public if they had any comments regarding this application.

Mrs. Fernberg stated that she has reviewed the applicant's plans and stated that it is a wonderful plan and supports it. She welcomed the Zinmans to North Castle.

Mr. Fareri stated that he previously owned the property and subdivided it and sold this lot to the Zinmans. He stated that he supports the Zinmans' plan and noted he is going to request a few changes to benefit everyone who is part of this subdivision. He summarized the history of the original subdivision and noted there was a shared driveway between 69 & 73 Round Hill Road that was approved at the time. He opined that the lots were not worth as much due to the shared driveway and was pleased the board was considering a separate driveway for the applicant this evening and supports the plan the Zinmans have presented.

Mr. Fareri expressed his concerns about the note on the subdivision plat that required a 20,000 gallon water cistern on site with dry hydrant or a sprinkler system be installed in all new principal structures. Mr. Fareri opined that the subdivision plat would have to be changed if that condition was removed. Mr. Kaufman explained that the Zinmans had no issue with complying with the subdivision conditions and a change is not being requested by the Applicant. Mr. Fareri referenced the easement agreement with the Banksville Fire department and noted on the IPP there was only an easement for the pipe, not a driveway. He also noted if the easement were eliminated the part of the land on 69 Round Hill Road should be given to 73 Round Hill road as there would be no other use for it. He also referenced another note on the plat regarding the stone walls on Round Hill Road. For these reasons, Mr. Fareri reiterated that the plat needed to be amended. Mr. Kaufman stated that we can not compel the applicant to move the property lines, we have an easement and that easement is between the two property owners and does not need to be amended nor is the Applicant requesting any amendment of the plat.

Mr. McTigue stated that his client has agreed to the cistern and that is not an issue. Mr. Fareri inquired if the board agreed that the plat had to be changed. Mr. O'Rourke stated that he has not yet heard a reason why the plat has to be amended but has not reviewed the easements and noted the easements were not provided to him for review. Mr. O'Rourke continued and started to provide his comments regarding the concerns Mr. Fareri raised this evening. Mr. O'Rourke stated that property owner has agreed to the cistern and if it is moved somewhat, the as built survey will show its location. If the driveway is approved by the Planning Board he did not feel the change in driveway location triggered the necessity for any amendment to the subdivision because the subdivision lines of property were not changing. With regard to the easement property being conveyed to the other property owner, it is not necessary. Mr. Fareri agreed with that comment.

Discussions ensued regarding the easement agreements. Mr. Fareri requested that Mr. O'Rourke review the easement agreements regarding the subdivision to make sure this application is in compliance. Continued discussions took place regarding the notes about fire department easement and the stonewall.

Mr. Kaufman stated that at the time of the subdivision a note was put on the plat due to the nature of the historic walls along the property frontage. The Planning Board approved a note on the plat regarding the stonewall which permitted changes to walls after Planning Board review. Mr. Kaufman continued, stating that the Zinmans have made their submission with a gate and new stonewall and the Planning Board has to

determine if they feel it is consistent with the historic nature of Round Hill road or not.

Mr. Fareri asked that Mr. O'Rourke review all four easements. Mr. Fareri noted that based on the filed easements an amended subdivision plat would be required. He opined that the easement for the fire department was exclusive to the fire department and that easement area cannot be part of the driveway as well. Mr. O'Rourke responded to Mr. Fareri's comments and stated that the property owner does not need an easement to get on his/her own property. Mr. O'Rourke further stated that with respect to continuing the use of the existing driveway, the easement would remain and no further amendment would be required; Mr. Fareri agreed. Mr. O'Rourke also stated that the condition does not trigger the necessity to file a new plat.

Mr. O'Rourke continued, with respect to a note on the Plat regarding stone walls. He noted that the note specifically permits the Planning Board to evaluate and approve of the proposed changes to the stone wall and he did not see the necessity of filing another plat. Mr. Fareri stated that the easement regarding the IPP and the Banksville Fire Department has the most concern for him. Mr. Fareri explained that if the plat were refiled because of the fire department easement, he would like another revision to the plat done at the same time, he would like the condition on the plat regarding site plan approval for the lots be removed and allow the lots to go to the RPRC which did not exist at the time of the subdivision. He supports the plan the Zinmans have been diligently working on, as it will be an improvement to the community and is happy to see something get done. He suggested the public hearing be closed this evening and that the Planning Board approve a conditional resolution that would allow the applicant to get started with construction by allowing him to get his building permit and look at the easements and see if that can be made a condition of prior to the issuance of a C.O. so this would not hold anyone up.

Mr. Carthy asked if any other members of the public had any comments.

Mr. Devincenzo would like to see the Zinmans get started with construction and receive their curb cut and raise their family. He inquired about the easement and resale of his lot with the easement. Mr. Kaufman stated the easement is not changing with this application. This will be same as it was when Mr. Devincenzo purchased the lot.

Mr. Carthy asked Mr. O'Rourke if there was any reason the board could not consider approving the resolution this evening. Mr. O'Rourke suggested putting a condition in the resolution regarding review of the easement agreements and confirming that the plat would not have to be refiled or easement agreements modified prior to signing the site plan. The board agreed with this suggestion.

Mr. O'Rourke reviewed some minor revisions to the resolution with the board at this time and revisions were all incorporated into the final draft for consideration of approval.

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

Mr. Sauro made a motion to approve the resolution as amended. Mr. Hirschmann

second the motion and it was approved with five ayes.

Mr. Carthy thanked Mr. O'Rourke.

**OAMIC INGREDIENTS INC. [17-016]**  
**6 Labriola Court**  
**107.04-2-19**  
**Amended Site Plan for Change of Use**  
**Mark Miller - Veneziano & Associates**  
**James Ryan, John Meyer Consulting**  
**Discussion**  
**Consideration of resolution of approval**

Present for this application was Mark Miller, Steven Gu and Jim Ryan.

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

Present for this application was Mark Miller, Jim Ryan and applicant Steven Gu.

Mr. Miller discussed the draft resolution and draft negative declaration with the board and the professionals. The board also discussed the comments from Zenaida Bongaarts, Conservation Co-Chairman's email. Revisions were made to the draft documents. The board stated that they would like to see the final draft reflecting the changes discussed this evening at the next meeting. Mr. Kaufman will circulate the revised documents to the board once completed.

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

The board agreed to vote on the resolution and negative declaration at the March 12, 2018 meeting.

**IBM PARKING LOT EXPANSION [17-017]**  
**1 North Castle Drive**  
**Section 108.03-1-62**  
**Amended site plan for construction of additional off-street parking**  
**Pietro Catizone, PE Catizone Engineering, PC**  
**Discussion**  
**Consideration of resolution of approval**

Present for this application was Pietro Catizone, PE Catizone Engineering , PC; Matthew DeCecco, EIT; Catizone Engineering, P.C.; Lynn Weining from Windels Marx Lane & Mittendorf, LLP; Charles Corey, PE, LEED, AP; IBM and Steve Milkovich from IBM as well as Ronald Rieman, Maser Consulting PA who prepared the traffic report.

Mr. Sauro made a motion to reconvene the public hearing. Mr. Hirschmann second the motion and it was approved with five ayes. No noticed neighbors were present.

Mr. Catizone stated he has been before the Conservation Board and the CB strongly suggested an alternate discharge location which is out of the wetland and wetland buffer. The applicant has located the discharge station outside the wetland and wetland buffer and withdrew his application from the Conservation Board.

Mr. Catizone reviewed some of the changes to the resolution with the board and professionals. They were in agreement to the changes presented.

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

Mr. Pollack made a motion to approve the negative declaration as amended. Mr. Hirschman second the motion and it was approved with five ayes.

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

#### **NEW AND CONTINUING BUSINESS:**

**480 MAIN STREET [18-005]  
480 Main Street  
Section 108.01-6-18  
Amended site plan  
David DeSilva, Pools of Perfection  
Discussion  
Referral to ZBA**

The applicant requested this application be adjourned this evening.

**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. Sauro made a motion to approve the extension of time request for this application. Mr. Pollack second the motion and it was approved with five ayes.

**GREEN DROP LLC [16-022]**

**660 North Broadway**

**122.20-1-33**

**Site Plan**

**Discussion**

**Consideration of bond release recommendation to Town Board**

Mr. Pollack made a motion for a positive recommendation to the Town Board to release the Green Drop bond. Mr. Hirschmann second the motion and it was approved with five ayes.

**DIPIETRO [08-036]**

**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 Extension of time for Wetland Permit Resolution & Restoration Plan approval**

Mr. Carthy made a motion to approve the extension of time resolution. Mr. Sauro second the motion and it was approved with five ayes.

Meeting adjourned at 8:42 p.m.