

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
Monday – January 22, 2018**

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
Zenaida Bongaarts

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

Mr. Carthy along with the other board members congratulated Mr. Sauro on his reappointment for another five year term to the Planning Board. Mr. Carthy stated that Mr. Sauro was a real credit to the board and asked him how long he had been on the board. Mr. Sauro said that he has been on the board since 2008.

APPROVAL OF MINUTES:

December 11, 2017 – Mr. Pollack made a motion to approve the minutes, they were second by Mr. Hirschmann and approved with four ayes. Mr. Sauro abstained.

January 8, 2018 - Mr. Sauro made a motion to approve the minutes as amended, Mr. Jensen second the motion and they were approved with three ayes. Mr. Pollack and Mr. Hirschmann abstained.

PUBLIC HEARING:

STEIN [17-020]
84 Old Byram Lake Road
101.03-4-17.1
Single Family Home Site Plan
D. Peters Designs, LLC
Ralph Alfonzetti, PE Alfonzetti Engineering
Discussion
Consideration of site plan resolution of approval

Site Plan application for the construction of a new four-bedroom, 5,873 square foot, single family home and the removal of 36 Town-regulated trees. The Planning Board has site plan jurisdiction over all site development as a result of a note on the Red Brook Glen subdivision plat, which this lot is a part. The original subdivision was approved in 2003.

Mr. Jensen 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. Alfonzetti reviewed the proposed application as noted above and stated this was lot #4 of the red brook glen subdivision and there is no wetland disturbance with this application. He also noted that this single family home and accessories are basically in the same location as was shown on the IPP at the time of the subdivision.

The board and professional had no further comments at this time.

Mr. Carthy 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.

HELLER [18-001]
114 Mianus River Road
96.01-1-6
Lot Line Change/Subdivision
Barry Naderman, PE Naderman Land Planning & Engineering, PC
Discussion
Consideration of preliminary and final subdivision resolution of approval

The subject application involves a proposed lot line change/subdivision of a 16.68-acre parcel of land into a 4.86 acre lot with residence and 11.82 acre vacant lot to be donated to the Mianus River Gorge.

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

Present for this application was Barry Naderman, professional for the applicant and Rod Christie, Director of the Mianus River Gorge Preserve.

Mr. Naderman stated the subdivision would create a 4.86-acre lot containing the existing residence with the 11.82-acre balance of land to be merged with the adjacent Mianus River George Preserve land. No new building lots are proposed. The proposed subdivision will not result in the removal of Town-regulated trees, no disturbance to Town-regulated steep slopes; will not result in the disturbance to any Town-regulated wetland or Town-regulated wetland buffer.

Mr. Kaufman noted this was the first time the board was seeing this application, this is a pretty straight forward application and scheduled the hearing for this evening. If the board deems it is appropriate, a draft resolutions have been prepared for your consideration. The applicant has demonstrated that this is a conforming lot.

The board had discussions regarding the process of the subdivision and donating to the Gorge. It was noted that there is one building lot being created and not three building lots are being created. The subdivision submitted clearly shows the remaining land to be donated to the gorge. It was noted that until the filing happens and the closing takes place, everything will remain the same. It was clarified at the meeting that the lines behind the two vacant side lots will disappear when the lots are merged with the Mianus Gorge Lot.

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

Mr. Pollack made a motion to approve the negative declaration. It was second by Mr. Sauro and approved with five ayes.

Mr. Pollack made a motion to approve the preliminary subdivision. It was second by Mr. Sauro and approved with five ayes.

Mr. Pollack made a motion to approve the final subdivision. It was second by Mr. Sauro and approved with five ayes.

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

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.

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

Present for this application is the applicant Steven Gu and his attorney Mark Miller.

Mr. Miller summarized the progress made on the application from the last meeting regarding onsite personnel training requirements and the structural requirements for the building to keep containments on site if there was a spill or fire protection was necessary on site. He also noted an additional expert report was submitted. Mr. Miller stated a site walk took place last week and they discussed how fire fighting would take place while at the facility, he noted the meeting lasted about 1 ½ hours. The following were present at the site, Adam Kaufman, Joe Cermele, Christopher Carthy, Assistant Fire Chief Carlos Cano; Bill Canavan & Steve Verdabello from HES (Hydro Environmental Solutions); The applicant Steven Gu, Mark Miller; Michael Connors & John Malescio from C+F Consulting Engineering PC were also present. Mr. Miller noted that Mr. Cano made many good suggestions and his client has agreed to all of them.

Mr. Miller stated that his client is not storing any ingredients on site that are regulated by the DEC. He noted his client has been struggling to comply with all of the different agencies and their different requirements for this application. His client has been working very hard to address all of the concerns. He also stated that the conclusion from all three expert reports concluded that storage of the proposed chemicals represent a minimal hazard to warehouse workers provided that routine training and safety protocols are implemented and reviewed often. His client has agreed to that and is working with the outside consultant and staff regarding those protocols.

Discussions took place regarding water vs. foam on site and nitrogen mist. It was stated that there are three ingredients that cannot be fought with a water base and they will be fought with foam (use a lot of water) or inner gas system (pumps in a gas and does not use as much water) and stored in a separate room. A dry hydrant was also requested and agreed to by the applicant. The dry hydrant will be hooked up to the applicant's water supply on site for the fire department to access. The applicant also agreed to having a sensor on the tanks to make sure it is known how much water is in the tank at all times. It was noted that the ramp on the loading dock slopes towards the building and there is a catch basin at the bottom of the loading dock ramp which drains to the bear gutter creek. The drain will be closed and the loading dock will be leveled out and sloped slightly away from the building. Mr. Miller stated that HES wants all wells inspected within 500 feet of the site and he noted that the wells appear to be up gradient from the site. His client is working on how much of the three products will be stored on site and based on the cost of the foam to address a mater and the size of the

special room and the cost of the product,

In response to Mr. Sauro's comments. Mr. Gu stated that new electric heat system will be installed and there is no heat in the warehouse presently. The loading docks and door threshold are all ADA compliant. This will be code compliant.

Mr. Jensen inquired if the Town had received any comments back from the DEP. Mr. Kaufman pulled up an email dated January 11, 2018 from the DEP and reviewed their comments with the board. Mr. Kaufman stated they inquired about floor drains and Mr. Kaufman responded that any floor drains would be sealed. In response to Mr. Jensen's comment, Mr. Kaufman will re read the email from the DEP to see if any more correspondence regarding this matter will be submitted.

Mr. Hirschmann stated that he had three concerns:

In response to Mr. Hirschman's comment, Mr. Miller stated the 18 inch curb will go around the site and is broken up into two sections. In the heat of a fire the door will automatically shut to prevent the spread of the fire.

Mr. Hirschmann was concerned with the procedures because that depends on the training of the staff on site and the training of the fire department. He inquired who is responsible for monitoring that the training etc. has taken place and everyone knows what to do on site as well as the fire department. Mr. Miller stated that would be a collaborative effort, the operational permit requires his client to self-certify and everything is accordance with the resolution and approved operational plans and are subject to unannounced visits at any time. One of the suggestions by HES is that his client provide in conjunction training with both his client and the fire department so that everyone knows what we have there, the procedures, the layout of the building and hose connections are and they can report to this board.

In response to Mr. Hirschman's concerns about confirming that training is always in place. Mr. Miller agreed to an outside consultant annually following up on all the training requirements being in place. "Trust but Verify".

Mr. Hirschmann was aware of all the different authorities and their different requirements and inquired if the applicant was compliant with all the the state requirements at this point. Mr. Miller said his client was compliant and his client will comply with all the rules and regulations.

Mr. Kaufman stated that his last correspondence from the DEP was January 11, 2018 and they provided comments based on last submission from the experts, he reviewed the comments from the DEP regarding the 12 page report from Midwest Chemical Safety. The DEP does not want any stored chemicals released into the environment and wants assurances from the Building Department in this matter. As noted earlier the drains on site will be closed.

Mrs. Bongaarts thanked the applicant for all of their hard work and providing all of the expert reports. She liked that an industrial chemist would monitor the site and is really informed and educated on this matter. She feels if all of these comments are followed

from the reports that we would be good shape.

In response to Mr. Carthy's comment about the dry hydrant. Mr. Miller stated that the dry hydrant was connection to the 150,000 gallons on if additional water was needed the fire department would put hoses in the pond and filter it through the pumper truck for use. He also noted that the fire department should be able to make unscheduled visits as well as the Town of North Castle. Mr. Miller agreed to this request and noted that his client will submit updated plans regarding the containment room and its fire suppression and the neighboring well information

Mr. Pollack inquired how would you monitor or test the materials coming in and out of the site. Mr. Miller stated that a flavor analysis can be done on site and the drums are also labeled with the product. Mr. Gu stated the drums have to be labeled properly in order for inventory to be accurate. There is a system in china and system here that tracks every single drum in and out of the warehouse. A flavor chemist will be on site to test the quality of these chemicals. It would not be good business to send the wrong product to their clients. We rely on the experts and will provide training. Mr. Pollack inquired if there was a manifest for the drums. Mr. Miller thought there would be a manifest on the ship. Mr. Pollack stated that "Good Fences Make Good Neighbors" when people are properly incentivized, people tend to do the right thing, he inquired what remedies do we have if prohibited material makes its way on site, a violation or \$50.00 fine is not adequate to properly incent appropriate behavior. Mr. Baroni stated that typically that is what you would have, a summons would be issued in local court and followed by corrective measures would be put in place and the applicant would be fined like you said, inconsequential. Mr. Kaufman noted that we have a whole another authority with the operational permit. According to the code the building department would write that. Mr. Baroni stated the he and the board would like to review the operational permit prior to site plan approval. Mr. Kaufman read the section of the code as it relates to the operational permit, Chapter 127 Section 10, Section F. – if it does not comply – it can be revoked or suspended). I was also noted that the permit needs annual renewal.

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

NEW AND CONTINUING BUSINESS:

**34 CREAMER ROAD [18-002]
34 Creamer Road
108.04-2-14
Single Family Home Site Plan
Ralph Alfonzetti, PE Alfonzetti Engineering
Joseph Palumbo, AIA JM Palumbo Architect LLC
Discussion**

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.

Present for this application was Joe Palumbo and Ralph Alfonzetti.

Mr. Alfonzetti stated that this was a referral from the RPRC and proposed is a single family 5 bedroom residence and is 4,600 square feet and a garage with a 2,200 square foot footprint. There are wetlands all around the site and there is a small vernal pool and small wetland behind the house. He noted that 36,000 square feet of disturbance is proposed on site. The abutting property owner has wetlands on their property and would not allow him to go on site at the time to determine where the wetland buffer would be on his clients property.

Mr. Kaufman reminded the board that there are no proposed amenities on site like a deck. Mr. Alfonzetti stated that the disturbance calculations includes disturbance for a deck or patio already. He noted that there is a large out crop of rock on site along with the wetlands and this was a referral from the RPRC to the Planning Board. There is room to mitigate on site but all of it may not fit and some of it may have to be done off site or on the lot next door as this applicant also owns that lot. He noted if the house were reduced to a four bedroom home it would only reduce the disturbance by 1,200 – 1,500 square feet which is not much of an impact on disturbance of 36,000.

The applicant will stake the house and the centerline of the driveway along with the wetland and wetland buffer and inform the Planning Secretary once completed and site walk will be scheduled by the board.

Discussions were had regarding the correct square footage of the house. That information will be reviewed and verified. It was noted the FAR worksheet was submitted as part of the application.

**SWISS RE SOLAR PANELS [16-013]
175 King Street
113.04-1-2
Amended Site Plan
Gerhard Schwalbe, PE Divney Tung Schwalbe
Lucia Chiochio, Esq. Cuddy & Feder LLP
Consideration of Bond memo from Town Engineer**

The following condition was listed in the resolution of approval under prior to the issuance of a certificate of occupancy.

- _____2. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the removal and restoration of the site should the solar collector cease to perform its originally intended function for more than 12 consecutive months. The amount of said bond or other security shall be determined by the Town Board.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this approval.

The Town Engineer submitted a bond to the board for their consideration and recommendation to the Town Board.

After a discussion amongst the board members regarding the proposed bond, Mr. Jensen inquired how would the cost update be factored in. How over time would the amount to remove the solar panels, should it be necessary, would increase and if they were removed in the future then there may not be enough money from the original bond to remove the panels. The board and professionals agreed to keep the original estimate less the salvage value to address the matter.

Mr. Pollack made a motion to approve the estimate for the Swiss Re removal and demolition of the solar panel and associated items less the salvage value. Mr. Jensen second the motion and it was approved with five ayes.

PLEASANT GROOMING [17-014]

1 Labriola Court

107.04-2-23

Site Plan Waiver

Discussion

Consideration of Site Plan Waiver

The applicant was before the Planning Board when they were before the Town Board for their special use permit. The applicant is ready to move into that facility on Labriola Court and that is a change of use. When the zoning was approved the off street parking requirements for personal service use did not change so there is no increase in parking demand at the site which allows the Planning Board to waive site plan approval for a change of use. The board has also received a letter from the Building Inspector in this regard.

Mr. Hirschmann made a motion to grant site plan waiver for the pleasant grooming application. Mr. Sauro second the motion and it was approved with five ayes.

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

Meeting adjourned at 8:17 p.m.