

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
Monday – February 12, 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 Baroni, Esq. Town Counsel  
Stephens, Baroni, Reilly & Lewis, LLP

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

Conservation Board Representative:  
George Drapeau

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

**APPROVAL OF MINUTES:**

**January 22, 2018**

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

**PUBLIC HEARING:**

**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  
Draft Resolution (for discussion only)**

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

Present for this application was the applicant Steven Gu and his professionals Jim Ryan and Mark Miller.

Mr. Miller noted all who were present for the meeting with the fire department and opined that there was a significant amount of progress and comfort generated from that meeting.

Mr. Kaufman stated that he prepared a draft resolution for discussion purposes this evening and noted he would like comments from the board on which comments should be addressed prior to approval and what can be addressed after the resolution is approved.

The board, professionals and applicants professionals discussed at great length all the conditions in the draft resolution and provided many comments to be incorporated into the next draft for the board's consideration.

It was noted that materials were submitted for this application on Thursday February 8, 2018 and will be reviewed and considered for the February 26, 2018 Planning Board Meeting. Based on comments this evening, if the applicant would like to submit any additional information for the February 26, 2018 meeting they have until 4:30 p.m. on Wednesday to resubmit.

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

**NEW AND CONTINUING BUSINESS:**

**SANTOMERO BUILDING [12-005]**

**868 North Broadway**

**122.12-5-63**

**Amended Site Plan Approval**

**Joseph Riina, PE Site Design Consultants**

**P Daniel Hollis, Esq. Shamberg, Marwell, Hollis, Andreyckak & Laidlaw PC**

**Discussion**

Site plan approval for the completion of the existing building under construction that would result in a new 4,300 square foot retail building and the construction of various retaining walls.

Present for this application was Dan Hollis, esq; Tom Kerrigan engineer from Site Design Consultants and the contractor, Lou Levy from Lou Levy Construction.

Mr. Hollis noted this application has been before the boards since 2010. He noted that the prior ZBA approval was for parking spaces, turning maneuvering lanes and the front yard setback. This approval has expired and he would have to go back for another ZBA approval. This updated plan would now only require a variance for the front yard setback; the other issues have been addressed with the new plan. He noted his client originally thought this location would be his headquarters and has since found another location for that use but still intends to develop this site. He also noted that he would like the board to declare lead agency intent.

Mr. Kaufman noted that this was a good plan overall and circulation and parking around the site will work. He inquired about the overhang of the building and if people would be able to see the business with the overhang and parking under the overhang. Mr. Levy opined that it would not be an issue. The design of the building was originally for office and is now designed for retail.

Mr. Hirschmann inquired about the stop work order on site and why were there enough parking spaces now vs. the original application. Mr. Levy stated that they pushed the retaining wall back 25' and that will leave 15' to the property line which is all ledge, some of it will be exposed and some will not, the wall at some points may be 20' higher but may be reduced once they started building depending on what was found. Mr. Levy explained the circumstances of the stop work order to the board. He noted the building is 9' to the property line and there is a 10' setback and the overhang goes right out to the property line. They are working on reducing the turning maneuvering on site.

Mr. Jensen noted that this site was originally approved as office space and was concerned if retail use was a good use in the area. Mr. Kaufman noted that this is a permitted use in this zoning district and the parking requirements were higher for retail use and you could always convert to office at a later date.

Mr. Hollis noted his client has retailers in other areas with this size space and is successful with rental in those areas.

Mr. Hirschmann inquired if there would be any impact on Ralph's Ices which abuts this lot. In response to another comment, Mr. Kaufman stated that a NYSDOT curb cut will be necessary. He did not think a traffic report was warranted for this application and the NYSDOT has recently reviewed Ralph's Ices and is familiar with the area.

In response to comments from the board, Mr. Cermele noted that while driving north on Route 22 you would pass the site to enter it and if parking were not located the first time around, the visitor can get back on Route 22 north and turn right onto site again. In response to another comment, Mr. Hollis responded that his client is aware of the circumstances of the site and generally does not build and sell his properties, he retains them.

In response to comments, Mr. Cermele stated that there is a public sewer main that runs parallel to the southern property line. When construction had started, the site had been disturbed and left somewhat abandoned for a number of years. Over time it eroded and it has gotten increasingly close to the sewer line. He has met with Mr. Levy on site and he took immediate corrective measures to stabilize the slope. Mr. Cermele stated that the walls get up to 10 -12' in the corners and would like to review the logistics of building the walls to make sure while cutting the slope the wall is protected and maintains its integrity, he would like to see some detail for that. This will be a fairly significant wall in the back and the board may want some input on that and not leave it all up to the building inspector. The board agreed with Mr. Cermele's comment.

Mr. Carthy inquired if there was a way to certify a natural wall. Mr. Cermele stated that some of that investigation can be done now. Mr. Levy reviewed the ways to go about testing and stabilizing this site. He noted there will be hammering involved and it will be done carefully with only 1 - 2 dump trucks of material a day removed from the site. Mr. Hollis stated that there is a pre-existing wall that encroaches on the town property and an indemnification will be done with the town regarding this preexisting wall.

Mr. Sauro made a motion to declare lead agency intent, Mr. Hirschmann second the motion and it was approved with five ayes.

**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**

In response to Mr. Carthy's comment, Mr. Kaufman and Mr. Cermele agreed that the submission letter from the applicant was pretty accurate regarding the status of this application. Mr. Cermele stated that there have been several meetings with the NYSDOT and he as well as the Highway Department have attended some of them and the applicant is working hard to resolve and satisfy the DOT comments.

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

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

Meeting adjourned at 8:27 p.m.