

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

Joseph M Cermele, PE CFM
Consulting Town Engineer
Kellard Sessions Consulting, PC

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
No one was present

The meeting was called to order at 7:01 p.m.

Mr. Pollack along with the rest of the board congratulated Chairman Carthy on the Town Board approval of Local Law #2 regarding the wetland land bank account which was recently adopted. Mr. Carthy noted it was a group effort and it will be a great benefit to the town.

APPROVAL OF MINUTES:

April 9, 2018

Mr. Sauro made a motion to approve the April 9, 2018 minutes. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Pollack abstained.

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 of resolution amendment

Present for this application was Charles Kory from IBM and Peter Catizone, engineer for the applicant.

Mr. Catizone reviewed the minor changes requested to the approved resolution from February 23, 2018 with the board. Mr. Pollack made a motion to approve the amended resolution. Mr. Sauro second the motion and it was approved with five ayes. (The original resolution was never signed and filed, only the amended resolution was signed and filed)

OAMIC INGREDIENTS INC. [17-016]

6 Labriola Court

107.04-2-19

Mark Miller - Veneziano & Associates

James Ryan, John Meyer Consulting

Discussion

Present for this application was Mark Miller, attorney for the applicant.

Mr. Miller stated there was a very productive meeting regarding the parameter for the operating permit.

The board has reviewed the operating permit and noted it was very thorough.

Discussions were had regarding the first bullet point on page 2 of the document. The document was amended per comments of the board. The board also discussed how would changing the different types of chemicals stored on site take place. A lot of discussion took place on this subject. The board was aware that the changes would be submitted to the building and fire department but wanted to ensure everything was in place for this application as this was a tedious process to get to this point. Mr. Miller noted that class 3 or less flammable were permitted on site. The board confirmed that any additional chemicals to be stored beyond the list identified in the approved site plan shall be subject to approval by the Planning Board. The board also agreed this was necessary due to the close proximity of the stream and NYC reservoir to this site.

Mr. Carthy asked for a motion to approve the Scope of Operating Plan for Oamic Ingredients at 6 Labriola Court as amended. Mr. Pollack made a motion to approve as amended, it was second by Mr. Sauro and approved with five ayes.

NOWLIN [18-013]

723 BEDFORD ROAD

95.01-1-8

Referral from RPRC

James O'Reilly, Bedford Pool Service, Inc.

Discussion

This project was referred to the Planning Board by the RPRC. Application for site plan approval to construct a new pool and patio at the rear of the house. In addition, the Applicant is seeking Planning Board approval to amend the previously approved Clearing and Grading Limit Line depicted on the Tyler subdivision.

Present for this application was James O'Reilly.

Mr. O'Reilly presented the application as noted above and stated he picked up an updated survey earlier today and would submit that with his next submission and will update the location of the clearing and grading limit lines. He also noted that there were no trees to remove with this application. The septic tank and septic fields as well as the pool and patio can be included within the amended clearing and grading limit line.

The public hearing was scheduled for May 14, 2018. Submission for that meeting was due by the close of business on April 25, 2018.

TEDESCO [15-121]

1462 Old Orchard Street

123.01-1-1 & 15

2 Lot Subdivision

Nathaniel J. Holt, Holt Engineering & Consulting

Discussion

Application for preliminary subdivision approval of a two lot residential subdivision in the R-1A Zoning District. The site is currently a 1.7-acre single family lot and a 1.05 acre abandoned right-of-way parcel. The Planning Board referred the applicant to the Zoning Board of appeals with a negative recommendation for the following variances.

At the request of the Chairman, Mr. Kaufman reviewed for the board what happened at the ZBA meeting regarding the variances noted below. The applicant resubmitted an updated subdivision map for review. The application appears to be in order and he does not have any major issues at this point. He reviewed the comments from his memo with the board at this time.

1. A VARIANCE FROM SECTION 355-21 OF THE TOWN CODE FOR FRONTAGE REQUIREMENTS. THE MINIMUM REQUIRED IS 125 FT. WHERE 50 FT. IS PROPOSED, A DEFICIT OF 75 FT.

2. A VARIANCE FROM SECTION 355- 26(F) FOR MINIMUM CONTIGUOUS BUILDABLE AREA. 17, 000 SQ. FT. IS REQUIRED FOR THIS ZONING DISTRICT WITH CENTRAL SEWER SERVICE AND ON-LOT WELL), AND THE PROPOSED AREA IS 10, 622 SQ. FT., A DEFICIT OF 6448 SQ. FT.

The variances were approved by the ZBA and the applicant is back before the board to continue with the subdivision process.

Present this evening is the applicant Frankie Tedesco and his engineer Dan Holt.

Mr. Holt presented the subdivision plan to the board and noted some minor changes to the plat to conform to the code and the amount of trees removed and where the common driveway was proposed.

Mr. Holt noted that there were 5 or 6 family members also present at the ZBA meeting and the immediate neighbor, Mr. Fontenella was one of the first people to stand up at the meeting and he had no issues with the variance. He then addressed some of the comments from both memos. He noted the drainage analysis will not be done until the house location is finalized. He also did not see a reason to return to the CB when no permit is now needed and he reminded the board that the CB had previously granted approval for this application. Mr. Holt stated that he noted he met with Mr. Misiti from the water and sewer department and will sit down with Mr. Cermele regarding that discussion. Mr. Holt also did not agree that this application should be referred back to the fire department for an existing single family driveway that will become a common driveway. Mr. Cermele stated that while out at the site walk the NWP Fire Chief asked to see where the final driveway location on the plan once determined. Mr. Holt agreed.

Mr. Cermele discussed his logic regarding the applicant returning to the CB and getting an updated approval to include a deck or patio at the rear of the site which could be close to the wetland buffer and suggested addressing that now rather than later. Mr. Holt stated that his client would use the side yard as it was the larger portion of the lot, around 3,000 square feet. Mr. Holt noted in the original plan the house was adjacent to the wetland buffer and is now 28 feet away from the buffer.

Mr. Sauro was concerned about buffer and screening of the new lot to the closest neighbor and how that would be addressed. Discussion were had regarding the interpretation of a backyard. Mr. Holt and Mr. Kaufman did not agree on the definition. Mr. Kaufman noted he spoke with the Building Inspector and that was his definition of backyard as noted in his memo. Mr. Holt stated that his client Mr. Tedesco will buffer and landscape the property towards the neighbor.

In response to Mr. Carthy's comment. Mr. Kaufman read the definition of the code for backyard and Mr. Holt presented his definition of rear yard according to the code. Mr. Kaufman stated he brought this to the Building Inspector and that was his interpretation. The board discussed further why or why not this applicant should get a wetland permit now or during development of the house. The applicant did not feel it was necessary to address a wetland permit at this time.

A public hearing was scheduled for May 14, 2018. Mr. Holt will update the plan according to the memos and resubmit.

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

Proposed new 5-bedroom 8,100 square foot home on vacant lot. 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 Ralph Alfonzetti & Joe Palumbo.

Mr. Alfonzetti stated that a joint site walk took place between the Conservation Board and the Planning Board. Meetings have also taken place with town staff regarding the location of the driveway which now has better site distance. Stormwater mitigation features have been provided and the original wetland buffer disturbance was 23,000 and has been reduced to 15,000. square feet. He noted the whole house was within the wetland buffer and there was no wetland invasion. A stonewall was proposed to assist with delineation of the wetland. The applicant will submit an application to the Conservation Board tomorrow. Mr. Cermele noted wetland mitigation was the primary remaining concern of his. In response to comments from the board, Mr. Alfonzetti stated that a basement is proposed. Mr. Hirschmann expressed his concern about water in the basement as that is the lowest point on the lot, it that something the board would address? It was noted that the applicant would address that matter, not all basements are dry. Mr. Carthy inquired if there was water in the basement where would it go? Mr. Alfonzetti stated that this is not an ongoing wetlands and he has been there during the month of August and it is not even wet, there were crinkly leaves and that should not be an issue.

Mr. Cermele stated we have been working with the applicant for a while and this is a much better plan.

The next Conservation Board meeting is May 15, 2018 and provided an approval is granted the Planning Board can hold a public hearing on May 31, 2018.

EAGLE RIDGE [18-004]

3 North Castle Drive

Section 108.03-1-62.1

Referral from Town Board

Kory Salomone, esq. The Law Office of Kory Salomone, P.C.

Ralph Alfonzetti, PE Alfonzetti Engineering

Discussion of Zoning Petition

The Town Board has been presented with a zoning petition that would permit a 32.5-acre lot currently in the OB-H Zoning District to be developed with a new mixed use townhouse and hotel development. Specifically, the Applicant proposes to subdivide the existing parcel into two lots; one of which would be developed as a 97 room hotel with an additional 69 apartments on a six-acre lot. The remaining 26-acre parcel is proposed to be developed with 94 townhouses accomplished by rezoning the parcel to the R-MF-A Zoning District. The Town Board referred this zoning petition to the Planning Board for our review and study and to report back to the Town Board with a recommendation. The Town Board has declared lead agency intent.

Present for this application was the applicant Frank Madonna and his associate Josh Weissmann as well as his attorney Kory Salomone and engineer Ralph Alfonzetti.

Mr. Salomone presented the application as noted above and stated that IBM has submitted a letter of support for this application which is to the south and the west of this proposal. The Town Park is located to the east of the site and to the North of the site is Route 22 and Town Hall. The community park abuts this lot and the hotel is proposed closer to the park and will be visible from the ballfield and impact the hotel. There were discussions of the impacts of lighting and noise from the ballfield on the hotel and how they will impact one another. Mr. Salomone will present visual renderings for the board. There will be no age restrictions and all the AFFH units will be located on top of the hotel. These units will be fee simple.

The board was concerned about the visual impact of a five story building from the Route 22 intersection. Mr. Carthy suggested a balloon test for the hotel. Mr. Hirschmann inquired about the sewer and water with this proposal and inquired about access across route 22 into town. Mr. Salomone noted he will work with NYS regarding the crosswalk. Mr. Kaufman stated that he cannot stress the importance of that – because the whole zoning for multifamily is predicated on being in the hamlet and if you are not in the hamlet, he does not see how the comprehensive plans supports this, there has to be a connection. Mr. Carthy agreed with Mr. Kaufman's comment, connection to the hamlet is critical. Enrollment in the schools was mentioned and it was noted by Mr. Salomone that enrollment in the schools has been going down.

Mr. Baroni stated that the Planning Board has to report back to the Town Board in 45-60 days. Mr. Salomone agreed to waive that requirement.

RAQUETTE LAKE CAMP [18-008]

11 Maple Avenue

108.01-6-38

Change of use site plan

Kory Salomone, Esq. the Law Office of Kory Salomone, P.C.

Ralph Alfonzetti, PE Alfonzetti Engineering

Discussion

The Applicant is proposing to change the use of the property from an existing residence to a business office.

Present for this application was Kory Salomone and Ralph Alfonzetti.

Mr. Salomone stated that he received a referral to the ZBA at the last meeting and since that time they have submitted revised plans per comments in those memos and based on the revised plans they would need a variance for one parking space and would like an updated referral to the ZBA. He worked with the Town professionals and concluded to keep the parking space but would not count it.

Mr. Salomone stated that in regards to 15 Maple Avenue, it took eight days to get the tenant out and two hours before he was out, a summons was issued. He will go to court tomorrow and resolve the issue.

Mr. Alfonzetti reviewed the comments from the Town Engineer memo with the board at this time. Both memos will be addressed in the next submission.

Mr. Carthy asked for a motion for an amended referral to the ZBA. Mr. Sauro made a motion, it was second by Mr. Hirschmann and approved with five ayes.

MADONNA [10-031]

Route 128- Mount Kisco Road

108.01-1-30.3

Site Plan

Kory Salomone, Esq. The Law Office of Kory Salomone, PC

Frank Madonna, Applicant

Consideration of Site Plan approval extension of time

Mr. Salomone stated that all the conditions have been complied with and the bond amount has been set, they are waiting for the bond to come.

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

Mr. Sauro made a motion to adjourn the meeting. Mr. Carthy second the motion and it was approved with five ayes. Meeting adjourned at 8:17 p.m.