

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
September 5, 2018**

PLANNING BOARD MEMBERS PRESENT: Christopher Carthy, Chairman
Michael Pollack
Gideon Hirschmann

Absent: Steve Sauro
Jim Jensen

ALSO PRESENT: Adam R. Kaufman, AICP
Director of Planning

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

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

Conservation Board Representative: John Krupa

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

APPROVAL OF MINUTES:

July 30, 2018

Mr. Pollack made a motion to approve the July 30 minutes. Mr. Hirschmann second the motion and they were approved with three ayes. Mr. Jensen and Mr. Sauro were not present for the vote.

Mr. Carthy welcomed and thanked John Krupa, Conservation Board representative for attending the meeting this evening.

PUBLIC HEARING:

11 NEW KING STREET PARKING GARAGE [09-032]

11 New King Street

119.03-1-1

Site Plan & Special Use Permit referral from Town Board

Bill Null, Esq. Cudy & Feder

Discussion

Consideration of site plan approval

Present for this application were the principals Jeff Brown and Kim Franks as well as their professionals Bill Null, Esq. and Justin Seeney, PE from AKRF.

Mr. Pollack made a motion to re-convene the public hearing. Mr. Hirschmann second the motion and it was approved with three ayes. Mr. Jensen and Mr. Sauro were not present for the vote. No noticed neighbors were present for this application.

Mr. Null updated the board since the last meeting and noted that the Town Board granted the Special Permit and a meeting took place with the NYSDOT. While at the DOT meeting they discussed the implementation of appropriate mitigation to exit 2 off of I-684. Mr. Kaufman had also attended this meeting and he was briefed on the applicant's proposal and the DOT would like that implemented. The Town's traffic consultant is aware that he will be asked to review the DOT's mitigation plan and make sure it is consistent with the adopted findings statement.

Discussion were had regarding access to the site with pick up and drop off on New King Street. In response to Mr. Carthy's comment, Mr. Brown, Principal reviewed the flows in and out of the site and noted the software and hardware can now be finalized since the building size and car count have been finalized. Continued discussions were had and as a result of those discussions and it was agreed that the site plan shall be revised, or a management plan shall be provided, to address how vehicles queuing for an available parking bay will not block the designated bus lane to the satisfaction of the Planning Department.

The board asked if there was anyone present who wanted to speak prior to closing the public hearing. No comments made.

Mr. Pollack made a motion to close the public hearing. Mr. Hirschmann second the motion and it was approved with three ayes. Mr. Jensen and Mr. Sauro were not present for the vote.

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

Mr. Null, Mr. Brown and Ms. Franks thanked the members of the board for all their hard work regarding this application.

NOBLES / WAMPUS MILLS LLC [18-022]

43 Old Mount Kisco Road & 585 Main Street

101.03-2-11 & 108.01-1-27

Lot Line Change

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

Discussion

Consideration of resolution of approval

The application is for 4,000 square foot land transfer from the Old Mt. Kisco lot (Madonna) to the Main St. lot (Nobles). Present for this application was one of the applicants Mr. Nobles and Kory Salomone, attorney for both parties.

Mr. Pollack read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. Present for this application was noticed neighbor Nancy Granados at 116 Old Mount Kisco Road.

Mr. Salomone stated that Mr. Nobles lot is .43 acres and zoned R-10 and Wampus Mills LLC is known as the senior housing project and is 3.6 acres and zoned RMFSCH. He pointed out the strip of land attached to the senior housing lot and stated that Mr. Madonna would like to transfer 4,000. Feet to Mr. Nobles. After the transfer of property, the Noble lot will be more compliant, both curb cuts for Mr. Nobles lot presently belong to Mr. Madonna.

Mr. Carthy asked Ms. Grandados if she had any questions or comments at this time. No questions were asked.

The board was familiar with the application and Mr. Pollack made a motion to close the public hearing, it was second by Mr. Hirschmann and approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

Mr. Pollack made a motion to close the public hearing, it was second by Mr. Hirschmann and approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

Mr. Pollack made a motion to approve the negative declaration, it was second by Mr. Hirschmann and approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

Mr. Pollack made a motion to approve the preliminary subdivision resolution, it was second by Mr. Hirschmann and approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

Mr. Pollack made a motion to approve the final subdivision resolution, it was second by Mr. Hirschmann and approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

NEW & CONTINUING BUSINESS:

**470 MAIN STREET [16-021]
470 Main Street
108.01-6-19
Site Plan
Mix Use Commercial/Residential
Nathaniel Holt, PE Holt Engineering & Consulting
Consideration of Site Plan Resolution extension of time**

No one was present for this application.

Mr. Carthy made a motion to approve the extension of time request. Mr. Hirschmann second the motion and it was approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

**GECAJ [18-025]
3 Vincent Lane
101.01-1-6
Residential Site Plan
James A. Ryan, RLA JMC Planning Engineering Landscape Architecture & Land
Surveying, PLLC
Discussion**

This application was referred to the Planning Board due to a note on the North Castle Associates Subdivision plat map. The applicant is proposing the following - driveway realignment and expansion with associated stone walls, gate, and retaining walls. Maintenance of existing rock slopes in front of property and excavation or rock slope associated with new patio. New cantilevered deck on side of existing house. Wetland permit is required for work performed in 100' Town-regulated wetland buffer.

Present for this application were the applicant's professionals Lucille Munz, landscape architect and Paul Dumont, EIT from John Meyer Consulting as well as their client Avny Gecaj.

Ms. Munz presented photos of the present conditions and reviewed the application as noted above for the board and stated that 2:1 mitigation and native plant materials were proposed for this site. She noted that the impervious surface was not increased substantially.

The applicant will stake the site as noted at the meeting and a joint site walk will be scheduled with the Conservation Board.

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 field change

The applicant received Site Development Plan, Steep Slope Permit and Tree Removal Permit Approval Resolution, dated February 26, 2018 for the proposed construction of 437 additional parking spaces, which will increase the number of site parking spaces on the site from 1,223 to 1,660, as well as the realignment of the loading dock roadway to the north side of the building and modification to Parking Lot F access roadway, to accommodate truck turning movements and a 2,240 s.f. outdoor patio area. The applicant is now proposing a field change to the original approval in order to begin construction of Phase 3 of the approval, which originally included the construction of 28 parking spaces along the lobby access roadway.

The applicant is proposing modifications which include the addition of four (4) short sidewalk connections from the proposed parking to the existing walks, additional site lighting, removal of three (3) trees and repairs to two (2) existing ADA curb ramps.

Present for this application was Peter Catizone, engineer for the applicant. He summarized the application as noted above and stated that the bids came in higher than expected and his client would like to proceed with phase 3 at this time. He reviewed the modification as noted above.

All questions were answered to the boards satisfaction.

Mr. Pollack made a motion to approve the field change as described. Mr. Hirschmann second the motion and it was approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

PARKING FEE IN-LIEU

Referral from Town Board

Discussion

A local law regarding parking fee in-lieu was referred from the Town Board to the Planning Board regarding a proposed Amendment to Chapter 355 of the Zoning Code as follows:

In the CB, RO or CB-A Zoning District, the Planning Board shall have the authority to accept a cash payment to the Town of North Castle Public Parking Fund in lieu of providing some, or any, of such parking, and the Planning Board, in its discretion, may elect to accept such payment on behalf of the Town. The amount of the cash payment required for each parking space shall be as set forth in the Master Fee Schedule. The expenditure of parking fund revenues shall be limited exclusively to those actions designed to provide parking spaces to serve properties within the vicinity of the subject property.

Mr. Kaufman summarized the application as noted above and stated that this was a new option for providing off-street parking and this would allow property owners to pay a \$12,000 /parking space fee, to be placed in a public parking fund, for every parking space that is not provided on-site. The money collected in this fund would be utilized to construct new parking facilities downtown (e.g., Kent Place, west side of Main Street, Verizon, etc.).

The board discussed this with the professionals and Mr. Baroni explained the want for parking district and how a Capital Project can't go over 2%. Mr. Carthy opined that the library should be included in the debt services as well as the business. Mr. Hirschmann was not in favor of this because he did not like how you could buy your way in or out and does not agree with this proposed local law.

In response to comments from the Board, Mr. Kaufman reviewed different locations in town which were owned by the town for the proposed parking lot. In response to comments from the board, Mr. Cermele stated it would cost between 1 & 1 ½ million dollars.

The board agreed to table this discussion until a full board was present to discuss it.

**DIPIETRO [08-036]
20 Banksville Avenue
102.04-2-43 & 95.02-2-21
Reapproval & Restoration Plan – Mianus River Gorge
Beth Evans, PWS Evans Associates
Discussion - Wetland Bond Mitigation**

Mr. Pollack made a motion to approve the Wetland mitigation and Maintenance Bond regarding the 20 Banksville Avenue application. Mr. Hirschmann second the motion and it was approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

**384 MAIN STREET [18-027]
386 Main Street
108.03-1-6
Change of use application
Discussion**

The application is for a change of use from existing retail to personal service. A letter from the Building Inspector stated the parking is the same for both uses and an amended site plan is not needed.

The board had no further comments at this time. Mr. Carthy made a motion to approve the site plan waiver, Mr. Pollack second the motion and it was approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote.

WORKSESSION:

TOWN COMPREHENSIVE PLAN

Discussion of implementation of priority recommendations

Mr. Carthy stated that he would like to discuss the Comprehensive Plan with a full board and tabled the discussion for another meeting.

Mr. Carthy made a motion to adjourn the meeting. Mr. Pollack second the motion and it was approved with three ayes. Mr. Sauro and Mr. Jensen were not present for the vote. Meeting adjourned at 8:15 p.m.