

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
July 9, 2018**

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

PLANNING BOARD MEMBERS ABSENT: Steve Sauro

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: Craig Benedict

The meeting was called to order at 7:04 p.m.

No Minutes were voted on this evening.

NEW AND CONTINUING BUSINESS:

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 amendment

Present for this application was Mark Miller.

Mr. Miller stated that his client appreciates the previous changes made to the resolution. Mr. Miller briefly reviewed the conditions to be moved in the resolution and why.

The board was in agreement with this request and Mr. Carthy made a motion to approve the amended resolution as discussed, it was second by Mr. Pollack and approved with four ayes. Mr. Sauro was not present for the vote.

DANIEL [18-020]

7 Hadley Road

107.04-2-19

RPRC Appeal

Joe Daniel

Discussion

Present for this application was Joe Daniel.

An application was submitted to the RPRC, Mr. Daniel stated that in his haste to submit to the RPRC his professional used the site plan from the prior owner whose plan reflected the majority of the trees on site to be removed. Based on the amount of tree removal the RPRC referred this application to the Planning Board. Mr. Daniel stated that his intention was to never show as many trees cut down as shown on the plan. Since that meeting he has prepared a revised site plan to show considerably less tree removal and made his submission to the Planning Board earlier today. After Conversations with the Planning Department Mr. Daniel was informed that approval would not be granted until September and decided to appeal the decision of the RPRC and show the Planning Board the amount of trees he originally intended to remove with anticipation to be sent back to the RPRC to get a more expedited approval. The Plans that were submitted to the Planning Department were handed out to the board members to review at this time. Mr. Daniel stated that if he had submitted the site plan with the correct amount of tree removal that is before the board right now, he would not have been sent to the Planning Board for site plan review as this is on a flat two-acre lot and the house is in conformance with the neighborhood.

Mr. Kaufman noted that Mr. Jensen was the Planning Board representative at that RPRC meeting. Mr. Kaufman stated that he was glad the applicant returned with a reduction in the amount of tree removal. His only concern was the discrepancies between the proposed site plan and landscape plan. Mr. Daniel stated that he is in contract with his client and the final landscape plan has not been worked out. Mr. Kaufman inquired if this landscape plan should be ignored for the time being. Mr. Daniel agreed and noted this was a comment from the RPRC determination letter and he rushed through to show some concepts. Mr. Kaufman suggested the applicant submit a revised landscape plan that agrees with the site plan.

In response to comments from the board. Mr. Kaufman stated that the applicant went before the RPRC and was referred to the Planning Board. The applicant appealed the decision of the RPRC and the Planning Board will now decide if the applicant should remain with the Planning Board for approval or overturn the decision of the RPRC and send the applicant back to the RPRC. Mr. Daniel opined that if he had submitted the correct tree removal plan this would have never been sent to the Planning Board.

Mr. Carthy welcomed Mr. Jensen's comments at this time. Mr. Jensen stated that the committee felt that the impact to the site and the amount of tree removal proposed was beyond their responsibility to review and referred this to the Planning Board. This is an unusual case for an applicant to say what they submitted to the RPRC was incorrect. Mr. Baroni stated that since new information was submitted the Planning Board could send this applicant back to the RPRC if it chooses to.

Mr. Hirschmann suggested that since the site plan was incorrect and now the landscaping is incorrect, the applicant should submit a clean copy to the RPRC and if they want to send it back to Planning they can or they can approve it. Mr. Jensen noted that when this was before the RPRC they had more time to review it and he was only just handed the plans a few minutes ago. Mr. Carthy did not want to send this plan back to the RPRC with any implication that this plan submitted has the blessing of the Planning Board. He is concerned if it is sent back that the RPRC will think that it has this board's approval and to take care of it. Mr. Daniel stated that if he did not have the tree mix up he would not even be before this board. Mr. Carthy stated but you are before this board now and we need to address it.

Mr. Baroni stated that if the board were to send this back to the RPRC they could include a statement saying that this referral back is not in any way to be interpreted as an approval of the revised plans since the board is just seeing the plan.

Continued discussions took place amongst the board members regarding both submissions, one to the RPRC and one to the Planning Board and the fact there were errors and inconsistencies with both submissions. Mr. Daniel noted the house, pool, septic, well and driveway locations were not changing, they may get shifted left or right but not changed in size. Mr. Kaufman reminded the board that the RPRC sent this to the Planning Board due to the amount of tree removal and lack of landscaping plan.

The board continued deliberating and debated both sides of this application by protecting the community vs. expediting the application before the RPRC. Should the

board overturn the RPRC determination due to the new information. Discussions were had regarding the submission deadline for the RPRC, Planning Board and when the revised landscape plan would be submitted.

The board members opined that these two plans don't agree and the submission was submitted in haste and with inconsistencies. The board can understand one submission error but it was harder to have faith with errors in the second submission as well. The board requested two clean copies and informed the applicant he had one week to resubmit the material and would schedule a public hearing for this matter at the next meeting to keep this applicant moving forward.

Mr. Carthy made a motion to reject the RPRC appeal for the 7 Hadley Road application. Mr. Pollack second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

PUBLIC HEARING:

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

Re-open and immediately adjourn to 7/30/18 agenda

Mr. Carthy made a motion to reopen the public hearing. It was second by Mr. Pollack and approved with four ayes. Mr. Sauro was not present for the vote.

Mr. Carthy made a motion to adjourn the public hearing until July 30, 2018. This will enable the applicant to obtain final ARB approval. Mr. Pollack second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

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

Present for this application was Bill Null, esq and Justin Seeney, from AKRF civil engineers on the project as well as the principle Jeff Brown.

Mr. Carthy stated before opening this hearing he and the board members expressed their condolences to Mr. Null regarding the passing of his mother. Mr. Null thanked the

board.

Mr. Null stated that this is a parking facility for 850 vehicles located next to Westchester County Airport. It has been the subject of study and review by the Town Board and Planning Board and the subject of multiple public hearings and multiple environmental impact statements. There have been considerable opportunities to comment and respond to comments. He continued to review the history of the application and how we got to the site plan public hearing today. He reminded the board how there was no stormwater treatment on site of the existing 9,700 square foot office building and how very proud his client is of the sustainable design of this automated parking structure. He also noted that new legislation was created regarding the mitigation bank as result of this application.

Mr. Null then reviewed some more details of the application from its start 8 – 9 years ago and reminded the board that the building was originally proposed at 51,000 square feet with a capacity of 1,450 cars and has been scaled down to a 31,000 square foot structure with 850 cars.

Mr. Seeny described the minor changes to the site plan. He reviewed the new circulation pattern of the driveway. He reviewed the ancillary components of the site which support the building and also presented a rendering.

For the board's information - Mr. Null reviewed sections of the code and supporting details and the findings of this application that was submitted to the Town Board.

In response to Mr. Jensen's comment, Mr. Kaufman stated that the public hearing has been opened and the board needs to get final comments from the Conservation Board and the board can solicit the public to see if there are any comments on the site plan. The board needs to make a recommendation back to the Town Board regarding the special use permit application and that draft was prepared and put in the packets.

Mr. Null stated that the work session was scheduled with the Conservation Board Friday July 13, 2018 at 4:00 p.m. and the Conservation Board meets on July 17, 2018.

Mr. Null continued reviewing the supporting special permit conditions for the board so the Planning Board could make a positive recommendation to the Town Board.

Kate Parker stated that she lives at 26 Half Mile road and her family has lived there for 70 years and never had a problem with the airport. Yesterday, 316 planes flew over, around or near her house and she saw or heard every single one of them. The attitude towards the airport has changed radically in our area over the last 12-18 months. People are up in arms and really suffering from the planes now. This facility - I know it has been put together in a very clever way – if you build it, they will come. There is a real grand swell of opinion, not just in North Castle but in all the towns around North Castle and from those who live under a flight pattern from the airport. This is a very important decision for North Castle to make. It won't just affect North castle, it will affect many, many people. So I am against it. I think there will be like-minded people who are also against it.

Mr. Carthy asked if anyone else wanted to make comments at this time. No one else spoke at this time

In response to comments from the board. Mr. Baroni stated that if the Conservation Board were to grant approval on July 17, 2018 and the Town Board grants the special use permit on July 25, 2018, the applicant could return to the planning Board on July 30, 2018 and the board at that time could close the public hearing and can consider a resolution at that time.

Discussions were had regarding the SWPPP and receiving final comments from NYCDEP and Kellard Sessions and where these comments would appear in the resolution. Mr. Cermele discussed the wetland mitigation and stormwater management and noted that these conditions are usually addressed prior to the issuance of signing the site plan.

Discussions were had regarding the internal layout of the site and traffic coming and going on site. It was noted that FP Clark has reviewed the new traffic pattern. Discussions were had regarding how to minimize any confusion for people entering and exiting the site. All questions and comments were answered to the boards satisfaction.

Mr. Baroni encourage the applicant to address as many of the comments as possible by July 30, 2018 as the board prefers not to adopt resolutions with too many outstanding comments.

Continued discussions were had regarding flexible bollards or raised medians to clearly separate the two lanes. The applicant will follow up with Mike Galante regarding this matter.

Mr. Jensen inquired about the sign on the building and the applicant noted they had presented the building and the sign to the ARB. Mr. Kaufman noted he did not have final ARB approval. Mrs. Desimone stated the next ARB meeting was Wednesday, July 18, 2018. Mr. Baroni noted that the ARB approval has to be finalized in order for the Planning Board to be able to consider site plan approval on July 30, 2018.

Mr. Hirschmann stated that he did not feel the parking structure will or will not impact the airplane traffic in the airport. That is a bigger force that controls the planes and this will organize the area a little bit more. This will impact the traffic but not the planes. Mrs. Parker stated that would be a good place to start. Mr. Hirschmann stated that shooting the messenger in this case is not going to do any good and you should start at the county government, not at this board. Mrs. Parker stated that she was in touch with the county government and all the surrounding towns. You have to start somewhere and she thinks that this would send a message from North Castle that they want control over the growth of the airport. Mr. Null stated that there was an extensive component in the environmental review that this town and Planning Board conducted about whether this was a growth inducing aspect of the airport and the conclusion by this this board and the town board was that it was not.

Ms. Parker stated that she is a resident of this town and her family has lived here for seven decades. She knows what she is experiencing and no studies can convince her that I don't believe what I believe. Mr. Null stated he was not engaging on that issue, he was merely reciting that this was studied and he was not talking about the amount of air traffic currently. Ms. Parker stated that she is merely expressing her opinion as she is entitled to do.

The board discussed the draft recommendation memo to the Town Board that was in their packet.

Mr. Carthy made a motion to approve the draft recommendation to the Town Board as amended. Mr. Jensen second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote.

Mr. Carthy made a motion to adjourn the public hearing. Mr. Pollack second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

Mr. Pollack made a motion to adjourn the meeting. Mr. Hirschmann second the motion and it was approved with 4 ayes. Mr. Sauro was not present for the vote.
Meeting adjourned at 8:32 p.m.