

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
September 24, 2018**

PLANNING BOARD MEMBERS PRESENT: Christopher Carthy, Chairman
Steve Sauro
Michael Pollack
Jim Jensen

Planning Board Member Absent: Gideon Hirschmann

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

Joseph M Cermele, P.E. CFM
Consulting Town Engineer
Kellard Sessions Consulting

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative: Jane Black

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

APPROVAL OF MINUTES:

August 6, 2018

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

September 5, 2018 - minutes were not voted on this evening. There was not a quorum present to vote from those who attended that meeting.

NEW AND CONTINUING BUSINESS:

PATTI [13-072]
30 Palmer Avenue
122.161-4-59
Site Plan
Paul Berte, PE Fusion Engineering
Discussion

The Applicant is proposing to construct a second curb cut and 32' x 14' single space off-street parking area.

Present for this application was Tony Patti and his professionals, Edward Dumphy, esq. Blanchard and Wilson and Paul Berte, PE from Fusion Engineering.

Mr. Dumphy presented the application as noted above and stated that two area variances will be necessary:

- Site Distance
- GFA (Gross Floor Area)

Mr. Dumphy stated he has reviewed the traffic report from FP Clark and his client can address those comments but does not have that information with him this evening.

Mr. Berte reviewed the traffic report prepared by Adler Consulting and who also confirmed his original assessment - although the site distance is insufficient with regard to the town code, the physical limitations are what governs, which is the steepness of the road, the approach and the curvature of the road. A traffic count was also done and showed an average speed of 13mph. This was not a safety issue in his opinion.

Mr. Berte also noted that in the professional's memos site distance was commented on and if there were restrictions on adjacent properties would an access easement be necessary. Mr. Berte stated he has done the site line study and site lines have been shown on his plans in accordance to AASHTO (American Association of State Highway and Transportation Officials); he will respond to the FP Clark comments.

He also noted he would need the surveys from the property owners in order to verify his client's property lines and if access easements are necessary or not. Based on the plans that he has the site line goes through the corner of the lot and an access easement is not necessary. He would need the surveys of the adjacent lots to confirm that.

In response to Mr. Pollack's comment, Mr. Berte stated that the impervious surface was reduced by using natural stepping stones at the rear of the site instead a 3' wide pathway and the applicant is proposing one parking space instead of two parking spaces.

In response Mr. Sauro's comment, Mr. Kaufman stated that we want to make sure the

site line is not obstructed by the neighboring property. Mr. Berte further explained the height and distance of the car from the road, he also noted that the stone wall on his clients site is lower than the passenger sits in the car and whether this person can see coming out on the road by giving this person enough time to stop or proceed. Mr. Kaufman noted that when crossing the other property, you can't assume you have site distance in perpetuity, a neighbor can put up a tree or a six-foot fence. Mr. Berte stated perhaps safety would be an issue and maybe the Highway Superintendent or Police Chief could comment.

In response to Mr. Carthy's comment, Mr. Baroni stated that this is not really a unique situation, you have properties on other roads in town like Wampus Avenue and School Street where the driveways are right next to one another and there are also mailboxes and fences but does that mean someone would put up a spite tree for access, he doubts it, the board would have to judge it for themselves. Mr. Berte stated that if the neighbor puts up a fence or a tree it would impact the neighbor's visibility as well as the applicant.

Mr. Baroni stated that the Highway Superintendent typically would not allow things in the right of way.

In response to comments from the Audience, Mr. Carthy stated they would not be taking public comment this evening, during the public hearing the board would welcome it.

In response to Mr. Sauro's comment, Mr. Kaufman stated that FP Clark reviewed what was submitted and in concept agreed with what was submitted and also noted in the memo their concerns about site visibility, location of the property lines and site lines. He would like to address these open issues addressed prior to going to the ZBA. Mr. Berte stated that the site line issues would not inhibit the decision of the ZBA. Mr. Carthy noted he would like to refer a nice clean application to the ZBA with the site visibility, site line and property lines addressed. Mr. Berte agreed and will submit the additional requested information.

CARDARELLI [18-026]

7 Patriots Farm

102.03-2-15

James Ryan, RLA Principal – John Meyer Consulting

Special Use permit

Discussion

Proposed new in-ground pool, patio and pool house. The subject project was referred to the Planning Board by the RPRC.

Present for this application was the property owner Mr. Cardarelli and his professionals Michael Thompson and Lucille Munz from John Meyer Consulting.

Mr. Thompson presented the application as noted above. He noted the wetlands border the site on the southern side and north western portion of the site. With the proximity of

the wetlands around the site, there is a lot of wetland buffer on site. He noted a mitigation plan was proposed and as part of this application they would like to remove some invasive species from the site and incorporate a no mow area. He presented color photos that were taken earlier that day to orient the board. He noted that he has received and reviewed comments from both professionals and will address those comments and is happy to discuss them at this time.

In response to Mr. Sauro's comment, Mr. Thompson stated that all of the necessary mitigation would fit on site.

Mr. Pollock inquired about stormwater mitigation on site. Mr. Thompson noted that three dry wells were proposed and answered his questions to his satisfaction.

Mr. Carthy asked Conservation Co-Chairman Black what her and the Conservation Board thoughts were on the no mow zone. Mrs. Black stated that it depends, she would rather see some plantings but if a no mow zone was used, a clear demarcation of the no mow area is necessary, separating it with boulders, a wall or fencing, the no mow zone needs to be clearly demarcated.

Mr. Carthy mentioned his thoughts regarding the tight space between the cabanna and the pool. The applicant will take it under advisement.

Mr. Thompson stated the site has been staked and is ready for a site walk.

A joint site walk will be scheduled with the Conservation Board and the Planning Board.

ROCCO/LIVANOS [18-028]

50 & 54 Wrights Mill Road

101.03-1-50 100.04-3-16

Lot Line Realignment

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

Discussion

Proposed lot line change resulting from a portion of the pool equipment serving 50 Wrights Mill Road that encroaches onto 54 Wrights Mill Road. The subdivision would shift the existing common lot line between the properties so that the pool equipment remains entirely on 50 Wrights Mill Rd, while also keeping both properties at their current size.

Present for this application was Kory Salomone.

Mr. Salomone explained the application to the board as noted above and stated that Mr. Rocco's pool equipment encroaches onto Mr. Livano's property. This was how it was when the house was purchased back in the early 2000's and his client would like to address this matter before getting to the point of selling the house. His client will need just under a 12-foot variance to legalize this matter.

In response to Mr. Sauro's comment, Mr. Cermele stated that he did not have any issues with this application. Mr. Salomone stated he has reviewed the director of Planning's memo and will address those comments.

Mr. Carthy made a motion to refer this application to the Zoning Board of Appeals, Mr. Pollack second the motion and it was approved with four ayes. Mr. Hirschmann was not present for the vote.

850 NORTH BROADWAY ICES [16-037]
850 North Broadway
122.12-5-62
Amended Site Plan
Joseph Risoli, PE
Scott Rosenberg, applicant
Discussion

Present for this application was Ben Graviano and the property owner Scott Rosenberg.

Mr. Graviano passed out a rendering for the board to review. He noted he was before the board to install a larger wall at the rear of the property. Currently there is a three foot wall on the back edge of the parking lot. During construction there was a rock face which is an unstable condition and he would like to shore that up with a new retaining wall. Aesthetically, he will keep it the same way the present wall looks right now. He noted in the engineer's memo there was mention of the chain link fence that crisscrossed the property line, his client has no intention of crossing the property line during construction of the wall. The property line at the rear of the site is well marked with stakes in the ground.

Mr. Cermele suggested the applicant use the survey the owner recently used during his application before the board to make sure all work is done on the applicant's property and does not accidentally end up on town property by the end of the project.

Mr. Graviano explained how the wall would be installed with no fines concrete which is a mix of soil and compaction efforts along with drainage associated with the wall. The board's questions regarding the details of the wall were answered to their satisfaction.

Mr. Jensen inquired who would monitor that the Town's fence, post and pillars are not undermined in anyway? Mr. Cermele stated that during construction they would inspect it and if that were to happen or any damage found, the applicant would have to replace it or repair it.

In response to Mr. Jensen's comment, Mr. Cermele stated that similar to what was done during the original excavation, half of that walkway was blocked off temporarily. Before construction begins, they will sit down and go over the logistic of things and if we need to close that path temporarily we will. He did think there would be that much excavation or disturbance to the slope. This will be discussed during the pre-construction meeting.

Mr. Sauro made a motion to approve the proposed wall as a field change. Mr. Pollack second the motion and it was approved with four ayes. Mr. Hirschmann was not present for the vote.

Mr. Cermele asked Mr. Graviano to call him and set up some time for the preconstruction meeting.

SCOTT/MIANUS RIVER GORGE [18-029]
78 Mianus River Road
96.01-1-8.1
Subdivision
Rod Christie, Executive Director Mianus River Gorge, Inc.
Discussion

The property owner is seeking to subdivide the lot into two lots (2A and 2B), one of which will be a 5.74 acre building lot and another non-building lot of 10.7773 acres. The non-building lot will be sold to the Mianus River Gorge, Inc. and made part of Mianus River Gorge Preserve for permanent protection.

Present for this application was Rod Christie, Executive Director of the Mianus River Gorge, Inc.

Mr. Christie presented the application as noted above. Mr. Kaufman noted this is what the board ultimately envisioned with this lot and this is what the original subdivider said he was going to do. We tried to get this done at the time of the subdivision and were unsuccessful. In response to a comment from Mr. Kaufman, Mr. Baroni stated that it will be sufficient to place a note on the plat that the 10.7773-acre lot will not be a building lot. A conservation easement is not necessary.

Mr. Christie explained how the Nature Conservancy and the Mianus River Gorge are related and how they work together.

A public hearing was scheduled for October 11, 2018.

HIDDEN OAK SUBDIVISION [14-106]
13 Hidden Oak Road
107.01-1-32
Alan Pilch, Evans Associates
3-lot subdivision
Consideration of 6th extension of time resolution

Mr. Pollack asked for a motion to approve the 180-day extension of time request. Mr. Sauro made a motion to approve, it was second by Jensen and approved with four ayes. Mr. Hirschmann was not present for the vote.

11 WASHINGTON PLACE EAST [17-003]
11 Washington Place east
122.12-4-26 & 40
Mix Use Commercial/Residential
D'Amore Design Studio
Consideration of extension of time resolution

Mr. Kaufman noted that this extension was proposed for 90 days because the applicant is very close to finishing up the last few steps of this application so the Town can sign off on the plans. Mr. Kaufman also noted that the applicant had spoken about returning to the board as they were considering running their company out of the trailer during construction and they also have to get approval of the location of the trailer as well. This can't be addressed until the plans are signed.

Mr. Sauro made a motion to approve the 90-day extension of time request. Mr. Jensen second the motion and it was approved with four ayes. Mr. Hirschmann was not present for the vote.

AIRPORT CAMPUS [17-012]
113 King Street (Formerly MBIA)
118.02-1-1
Amended Site Plan
Mark P. Miller, Veneziano & Associates
Anthony Guccione, RLA John Meyer Consulting
Consideration of Extension of time resolution

Mr. Sauro made a motion to grant the one-year extension of time for the Airport Campus application. Mr. Jensen second the motion and it was approved with four ayes. Mr. Hirschmann was not present for the vote.

In response to Mr. Pollack's comment, Mr. Kaufman stated that the applicant has submitted a draft scope for the bigger project and we are reviewing that and there will be a scoping session on Wednesday and public comments are due at the beginning of October, 2018. The applicant is keeping the existing approval active in the meantime incase they choose not to pursue their petition they can fall back on this approval.

WORKSESSION:

TOWN COMPREHENSIVE PLAN
Discussion of implementation of priority recommendations

Continued discussion was had on this matter by the board and professionals.

Mr. Carthy made a motion to adjourn. Mr. Sauro second the motion and it was approved with four ayes. Mr. Hirschmann was not present for the vote. Meeting adjourned at 8:20 p.m.