

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

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

Also Present: Adam R. Kaufman, AICP
Director of Planning

Brian Hildebrand, P.E.
Kellard Sessions Consulting

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

: Andy Block
Conservation Board Representative

APPROVAL OF MINUTES:

October 11, 2018

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

October 22, 2018

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

Mr. Carthy thanked Andy Block Conservation Board representative for being present this evening.

NEW AND CONTINUING PUBLIC HEARINGS:

100 BUSINESS PARK DRIVE [17-019]

100 Business Park Drive

108.03-1-51

Amended site plan

Paul Sysak, RLA ASLA John Meyer Consulting PLLC

Discussion

Consideration of resolution

Amended Site plan application to permit additional outdoor storage of material in the PLI Zoning District.

Mr. Jensen read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. No noticed neighbors were present.

Present for this application was Paul Sysak and Paul Dumont from John Meyer Consulting and the applicant Rob Troccoli, A&R Real Estate Holding.

Mr. Sysak explained the application as noted above. In response to comments from the board, Mr. Kaufman noted the most recent application has been forwarded to the Fire Department and they don't have any issues at this time. As noted at the last meeting the chemicals will be stored inside on chemical spill pads. Mr. Sysak noted the chemicals were moved inside the day after the last meeting and the 209U forms will be submitted to the fire chief.

In response to Mr. Baroni's comment, Mr. Kaufman showed the board on the plan the small area on 100 Business Park Drive that the Town would need to work with the applicant on regarding a possible well site for the town across the street. The Board of Health requires the Town to control the property within 100' of the proposed well location and a small strip of 100 Business Park Drive is within the 100 feet of the well. This does not impact this application and this strip of land is within the setback of the applicant's property.

Chairman Carthy thanked Armonk Fire Chief Phil Goulet for all of the time and effort he put into this application, Mr. Goulet submitted some good pictures in response to Mr. Kaufman's email. Mr. Kaufman noted that Mr. Goulet always responds well with the town. Mr. Troccoli stated it was really a pleasure to deal with Chief Goulet and Mr. Sysak agreed.

Mr. Sauro stated this is a perfect example of what can be done to repurpose a somewhat antiquated office building. They brought in a thriving business and did a great job aesthetically and a fantastic job with everything else on site.

Mr. Carthy asked for a motion to close the public hearing. Mr. Sauro made a motion and it was second by Mr. Carthy and approved with five ayes.

Mr. Sysak's comments were answered to his satisfaction regarding the inspection fee.

Mr. Carthy asked for a motion to approve the resolution. Mr. Hirschmann made a motion to approve, it was second by Mr. Sauro and approved with fives.

DIMATTEO [18-031]
16 Birch Grove Drive
101.04-1-20
Site Plan
Lucio DiLeo, R.A. AIA Studio RAI
Discussion
Consideration of resolution

Proposed front additions, rear addition, detached garage, pool and terrace. The subject project requires Planning Board approval as the detached garage is over 800 square feet in size and a special use permit is necessary.

Present for this application was Lucio DiLeo.

Mr. Pollack read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. No noticed neighbors were present.

Mr. DiLeo reviewed the application as noted above, he noted a site walk took place since the last meeting and the board requested additional landscaping which has been added to the plans to screen where the addition is going to take place. His client has decided to build the pool and he will update and coordinate the plans. He is working on submitting his ARB application and once that is received he will be back to this board for a resolution of approval.

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

NEW AND CONTINUING BUSINESS:

GDC EQUITIES, LLC [18-032]
873 North Broadway
122.12-4-27
Site Plan
Rich Williams, PE Insite Engineering Surveying & Landscape Architecture, P.C.
Discussion

Proposed establishment of an industrial/commercial dry cleaning facility in an existing building.

Present for this application was the applicants professional Rich Williams and one of the principal owners of GDC Equities, Steven Tobia, Principal of GDC Equities.

Mr. Williams stated that he has received comments from the Town Engineer, Director of Planning, members of the Planning Board, Westchester County Department of Planning and the Fire Department. The stormwater management report has been submitted as was stated at the last meeting. A lighting plan has been submitted along with an updated plan showing all of the parking in the rear of the site with enough parking for 20 vehicles and loading area. In front of the building storm water planters are also proposed for some more green space. He will respond to the recent set of memos and will schedule some stormwater testing on site.

Mr. Williams noted his client realizes they will not have enough time to pave the areas on site and will start removing the notes on the plans regarding the TCO's and will plan on paving in the spring.

In response to comments from the board, Mr. Williams reviewed the proposed raised 6" sidewalk which will have ramps on either side to connect it back to the existing grade. Curbing is also proposed out front of the building along with the proposed planters.

Mr. Jensen inquired if Mr. Hildebrand will review the plans to make sure the sidewalk curbing that is proposed is coordinated with the NYSDOT right of way lines and connected to the curbing. Mr. Williams stated that his property line forms the division between what we own and the NYSDOT right if way. A very small part of the sidewalk cuts in on the corner of his property and the balance in on the NYSDOT right of way. He has been reaching out to the NYSDOT since October and reached out again today. He would like to get this plan before them for some dialogue and get going on the permitting process.

Mr. Carthy inquired if the applicant could consider removing the asphalt out front of the building since there is no parking proposed and put in a garden instead of the planters. Mr. Williams will discuss that with his client.

Mr. Williams noted he has been in touch with the Building Department regarding leaking roofs and windows. He wanted to inform the board in case they saw any work being done on the building that it was regarding repairs. He also spoke to the Building Department regarding a permit for interior renovations which would be done at their own risk, the building department wanted to know what the Planning Board comments were on this request.

Mr. Hirschmann stated that he did not have any issues with that request since it will take the applicant some time to get their site plan approval and as the applicant noted, he would proceed at his own risk.

Mr. Pollack confirmed that the use is permitted within the zoning district. Mr. Kaufman stated the use was permitted, but unusual to issue a building permit without a site plan approval.

Mr. Jensen had some concerns with this request and how this did not play out well with another application that was before the Planning Board.

Mr. Baroni suggested the board could recommend to the Building Inspector that if a building permit for interior work is going to be issued that the applicant be made aware that No CO or TCO will be issued for the site until site plan has been finalized and the all the conditions have been complied with.

Mr. Carthy agreed with Mr. Kaufman that this is exceptional but if we could move this along and allow the applicant to do the interior work at his own risk and we are not promising a CO or a TCO as Mr. Baroni suggested and if the building department is ok with it then he is as well.

In response to Mr. Carthy' s comment, Mr. Kaufman stated a resolution would not be necessary, he would communicate the boards comments to the building inspector tomorrow morning.

Mr. Williams thanked the board and will take all of those comments back to his client.

After the singer extension of time was approved by the board. The board requested that before the interior work permit was issued for 873 North Broadway, to make sure the easement was in place to ensure the applicant has access to the site. Mr. Kaufman stated he would pass that information on to the Building Inspector.

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 professional Paul Berte, PE Fusion Engineering.

Mr. Berte noted that he has reviewed the memos from both professionals as well as from FP Clark.

Mr. Berte reviewed the material submitted to the board which addressed comments from the professionals last set of memos. He reviewed the views from the parking space location to each of the property corners, retaining walls and any other obstructions on site. He noted after the last meeting some potted bushes were put in to block the site distance on the neighbor's property the following day. They were planted in the town right of way and beyond the property line on the abutting lot on the south side to decrease the site distance. He was not sure if they have been removed since that time. He presented some photos showing the view point to the North of the property line and line of site and explained how the reduction of the site line was still safe due to the slower speeds driven on this road. Regardless of the obstruction off the

property you would still have sufficient stopping distance for a car to see you and still have enough time to see a vehicle and decide to proceed or not.

Discussions were had regarding a variance for the lot regarding site distance, the code requires 200 feet and the applicant has 134 feet. Mr. Kaufman stated that what the applicant is saying and what FP Clark is potentially agreeing to is given the speed and the geometry of the road way the site distance is probably ok. Mr. Carthy noted the ZBA would have to agree to it before the Planning Board would have to agree to it. Mr. Kaufman agreed. Mr. Carthy confirmed that if the variance is not granted, the applicant would not return to the Planning Board, Mr. Kaufman agreed. Mr. Kaufman noted that once this is resolved the applicant can bring that information to the ZBA as completely resolved, one way or the other.

Mr. Berte stated he has not had a chance to speak with FP Clark regarding their comments and that in terms of safety this parking space is in compliance even though a variance is still necessary.

In response to comments from the board, Mr. Kaufman stated that the FP Clark memo talks about the town possibly prohibiting parking along the street and the implications of that. Mr. Berte stated this is no different than pulling out of driveway when there are cars parked on the road.

Mr. Berte then reviewed the view from the south. He also noted that he would be able to address the comments from the Town Engineers memo. He then presented a video of a car going up the road. He noted that based on the speed you would still be safe with the amount of site distance in this direction as well.

Mr. Berte requested a referral to the ZBA based on the recent information submitted to the board. It was noted the applicant would require two variances, one for site distance and one for gross land coverage, the applicant is 138 'over the maximum coverage amount that is allowed in that zoning district. In response to comments from the board, Mr. Berte stated that Adler Consulting traffic report noted that traffic in this area travels slower than 30 MPH and because of that the existing site distance is acceptable. Site distance is not sufficient in either direction but safety wise, due to the speed on the road, it is safe.

Mr. Patti noted that the Photo provided on the Director of Planning's memo was during a time from 1993-2013 when he parked his truck and his other car there and there was never a complaint nor an accident. While before this board he learned it was illegal to park his truck on his property without a curb cut. He now parks his car legally on the road and he has been asked to move his truck at times because people can't get by, he then rents a parking space during the winter months because he can't park on the road.

In response to Mr. Hirschman's comment, Mr. Patti stated there has been resistance from the neighbors for over six years and provided Mr. Hirschmann with some background information on this application to bring him up to date regarding his experience before the Planning Board and the Zoning Board of Appeals.

Mr. Patti reminded the board that he has a one car garage and when the property is sold someone else will need parking on site. He then updated the board with discussions that took place after the last ZBA meeting.

The board requested a site walk be scheduled for this site. A site walk was scheduled for Tuesday November 13th at 8:00 a.m.

Mr. Jensen inquired what the steps were if no parking were put into place on either of the streets. Mr. Baroni explained the steps that would take place for this to happen. A recommendation from the Police Chief would be sent from to the Town Board who would hold a public hearing and get public input and from there they could request additional information, decide to make a change or do nothing at all.

Mr. Berte showed the video again driving on the street at this time. Mr. Patti continued to explain how the parking conditions on Palmer Avenue and Grove Road are presently. He reminded the board that the proposed parking space would runs with the house.

The board asked that communications be made to the Police Chief regarding this application.

A site walk was scheduled for Tuesday November 13th at 8:00 a.m.

7:55 p.m. Mr. Sauro left the meeting.

HELLER [18-034]

97 Mianus River Road

96.01-1-15

Site Plan

Peter Gregory, PE Keane Coppelman Gregory Engineers, PC

Discussion

Proposed new 804 square foot indoor pool house addition. Planning Board and Architectural Review Board approval of the proposed project is required pursuant to Section 355-19.D(1) of the Town of North Castle Town Code as the property is located on a Scenic Road.

Present for this application was Pete Gregory.

Mr. Gregory presented the application as noted above and pointed out some of the other dwellings on site, detached one story garage, green house and large pond. Some disturbance will fall within the 100' wetland buffer of the pond. He noted they are trying to use the property that has already been disturbed. The existing driveway will serve as a staging area and minimize disturbance to the rear. Stormwater mitigation has been proposed. This application was submitted the RPRC and was sent to the Planning Board because this house is located on one of the scenic roads in town.

In response to Mr. Jensen's comment, Mr. Hildebrand stated that the patio appears to be miss-shaped to keep it out of the wetland buffer, he did not see an issue with a slight invasion of the wetland buffer to even out the patio. Mr. Gregory offered to schedule a site walk with the board. He presented a rendering at this time to the board. He noted a lot this would be screened from the road.

In response to Mr. Block's comment, Mr. Kaufman noted that if you were doing work that close to the wetland buffer line there probably would be some disturbance in the wetland buffer and a wetland permit would be necessary.

The board did not feel it was necessary to walk the site.

Mr. Kaufman stated that the revised plan should be submitted to the Conservation Board if the applicant wants to even out the patio. ARB approval is necessary for this application. A public hearing could be scheduled once these items have been addressed.

Mr. Carthy noted on an indoor pool an automatic cover is very beneficial.

11 WASHINGTON PLACE EAST [17-003]

11 Washington Place east

122.12-4-26 & 40

Amended site plan of Mixed Use Commercial/Residential Building

Frank Della Galla

Discussion

The Town previously approved a site plan for the conversion of the existing building to office and apartment uses as well as the establishment of a solar construction business. The Applicant is now seeking site plan approval to place a construction trailer on the adjacent residentially zoned 13 Washington Place E to facilitate the implementation of the site plan.

After a lengthy discussion with the applicant, the board and professionals regarding all the different possibilities for getting approval for a construction trailer/ business office on a residential lot where the construction was not taking place; the applicant agreed to move his construction trailer back on his property where the construction is taking place, he asked for 30 days to complete the move. The applicant was reminded that no CO would be issued until the construction trailer was removed from the site. In response to comments, the applicant noted he would need the trailer on site for one year.

PANETTA [18-018]
7 McDougal Drive
122.16-03-29
Richard Panetta, owner
Referral from Town Board
Discussion

The Applicant is seeking the unconditional removal of an existing deed restriction over a portion of the 7 McDougal Drive parcel. The Town Board referred this to the Planning Board for a second time for their study and comments.

No one was present for this application.

Mr. Carthy stated that the Town Board referred Mr. Panetta's request as noted above to the Planning Board for our study and report. Mr. Panetta did not agree with the Planning Board recommendation made back to the Town Board at the time. Since Mr. Panetta was not satisfied with the Planning Board's recommendation he petitioned the Town Board a second time regarding the same matter and this was referred back to the Planning Board for our study and report. He noted that Mr. Panetta has called him several times regarding the Planning Board recommendation back to the Town Board.

Mr. Carthy stated that Mr. Panetta would like the deed restriction lifted from his lot so there are no restrictions on it. Mr. Carthy stated that Mr. Baroni and Mr. Kaufman have also spoken with Mr. Panetta previously regarding this matter. They have explained to him that a deed restriction is placed for a reason and is not arbitrarily removed. When the property was sold to the prior owner by the town it was at a reduced amount and that is why the deed restriction was put on the property. The deed restriction was already in place when Mr. Panetta purchased the property. Mr. Panetta requested that this be re-reviewed.

In response to Mr. Hirschman's comment, it was noted that Mr. Panetta has been a property owner approximately 20-30 years (Since May 1994). Mr. Kaufman reviewed comments from his memo regarding Mr. Panetta's abutting neighbor's request to the Town Board in 1999 to modify his deed restriction. He reviewed the boards prior recommendation on this matter. Mr. Carthy reminded the board that Mr. Panetta is requesting the deed restriction be removed all together.

Mr. Jensen stated this was discussed at length several meetings ago and the board came up with a well thought out recommendation. He did not see any new information to change the prior recommendation.

Mr. Carthy also noted that he did not see any new information during this review either. If there is a deed restriction on the property and it was sold to the prior owner at a reduced rate from the market rate of the property, to lift that deed restriction would effectively restore that value of that property to market rate value without any remediation to the town or the tax payers who would have received that if it were at

market rate at the time without a restriction. Mr. Kaufman reminded the board of the footnote in his report on how the Assessor demonstrated that point.

Mr. Carthy made a motion to reconfirm their previous motion to the Town Board. Mr. Hirschmann second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote.

SINGER [08-071]

1 Quarter Mile Road

107.04-1- 25

Paul R. Sysak, RLA, ASLA, John Meyer Consulting, PC

Consideration of extension of time resolution

No one was present for this application

After a brief discussion regarding the number of extensions on this application, the board agreed to grant the extension of time request. Mr. Carthy made a motion to approve, it was second by Mr. Carthy and approved with four ayes. Mr. Sauro was not present for the vote.

8:40 p.m. Mr. Baroni left the meeting at this time.

WORKSESSION:

TOWN COMPREHENSIVE PLAN

Discussion of implementation of priority recommendations

Application #18-036

Mr. Kaufman and the board continued discussing the list of items on the short term goals list to be implemented from the recently adopted Town Comprehensive Plan.

Mr. Carthy made a motion to adjourn. Mr. Jensen second the motion and it was approved with four ayes. Mr. Sauro was not present for the vote. Meeting adjourned at 9:22 p.m.