

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
May 13, 2019**

PLANNING BOARD MEMBERS:

Christopher Carthy, Chairman
Steve Sauro
Michael Pollack
Jim Jensen
Gideon Hirschmann – ABSENT

Also Present:

Adam R. Kaufman, AICP
Director of Planning

Brian Hildebrand, PE CFM
Kellard Sessions Consulting

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

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

Conservation Board Representative:
Zenaida Bongaarts

Mr. Carthy stated that our fifth board member was not present this evening and noted that this would be his last meeting with the Planning Board. Mr. Hirschmann has been waiting for the Town Board to find a replacement and a replacement has been found. Mr. Hirschmann has served the Planning Board very graciously and diligently while he was waiting for the Town Board to find a replacement. He made every meeting, work session and continued to contribute in a very meaningful way. Mr. Carthy and the members of the board thanked Mr. Hirschmann for his service to the board and Town of North Castle.

Mr. Carthy also thanked the Mianus River Gorge for their informative news bulletin that they send out to the board members and also noted that if you have a chance to explore their trails it was definitely worth it.

SANTOMERO BUILDING [12-005]

868 North Broadway

122.12-5-63

Amended Site Plan Approval

Joseph Riina, PE Site Design Consultants

P Daniel Hollis, Esq: Shamberg Marwell Hollis Andreyck Laidlaw PC

Lou Levy, Lou Levy Construction

Discussion

Present for this application was Mr. Hollis – esq., Tom Kerrigan – project engineer, and Lou Levy, contractor.

Mr. Carthy read the affidavit of publication for the record.

Site plan approval for the completion of the existing building under construction that would result in a new 4,300 square foot retail building and the construction of various retaining walls.

Mr. Hollis stated that Variances from the ZBA and ARB have been granted. He has received the Planners and Engineers memos. Mr. Levy stated that ARB was already granted. He would like the board to consider a public hearing at the June 10, 2019 meeting. If any of the changes are needed to the ARB approval, his client will go back to the ARB on June 19, 2019 and return to the board at their June 24, 2019 meeting. While before the ZBA it was noted that there will be a single tenant use on site to assist with the flow of traffic.

In response to Mr. Carthy's comment, Mr. Kaufman suggested plantings around the transformers, presently there are bollards proposed. Mr. Levy suggested moving it to the rear of the site so that it was not visible. The board and professionals were happy with the new location.

In response to comments from Mr. Jensen. Mr. Kaufman stated that the ZBA approved the off street parking spaces and front yard setback, the single tenant use was not part of the ZBA approval. Mr. Hollis stated that 13 off street parking spaces were approved regarding a single use on site, if there were more than one use, the parking count would increase. Mr. Hollis stated that the final resolution from the ZBA had not been filed yet and all the conditions in the resolution are acceptable to his client. He realizes that lighting must be maintained on his client's lot but would like it extended to the sidewalk in front of the site for safety reasons. The board was concerned if flood lights were used that may impede or distract drivers on the road. Mr. Levy discussed how he could adjust the lighting on site to only reflect on the sidewalk and not the road. The board was pleased that with the suggestion.

In response to comments from Mr. Jensen. Mr. Hollis noted the sidewalk would be extended past the applicant's lot to reach the bus stop. The bus stop itself would be finalized by Bee-Line Bus System.

Mr. Pollack's questions were answered to his satisfaction.

GETREU [19-018]

26 Sterling Road S

108.04-2-33

Special Use Permit for Accessory Structure over 800 square feet

Roger van Loveren, AIA, Architect

Discussion

2-acre lot in the R-2A Zoning District with an existing single family residence and swimming pool. The Applicant is proposing a new 1,196 square foot detached barn/4-car garage with small upper level storage area.

Mr. van Loveren presented the application as noted above. He noted the house was significantly renovated in 2003 and the pool was rebuilt about 12 years ago. He noted the barn was traditional in architecture. Grass pavers are proposed to access the barn. There are a couple of trees to be removed to access the barn site. He has reviewed the Town Engineer's memo and can address his comments. He has reviewed Mr. Kaufman's memo and had a few questions. In response to his comments, Mr. Kaufman stated that the driveway was proposed along the property line and he was not sure if the trees along the property line on the neighbor's property would be impacted by the proposed driveway location.

Mr. Carthy suggested a sitewalk should be scheduled. Mr. Sauro expressed the same concerns as Mr. Kaufman. Mr. van Loveren stated he could move the 9' wide driveway further off of the property line. Mr. Pollack noted the Gross Land Coverage exceeded the maximum amount and this application needed a variance anyway.

In response to Mr. Pollack's comments, Mr. van Loveren stated the GLC and FAR regulations were not in effect when the house and pool were updated in the early to mid 2,000's.

In response to Mr. Jensen's comments, Mr. van Loveren stated his client is over 4,000 square feet over the maximum GLC. The applicant presented photos of the lot to orient the board.

The board will conduct a site walk, the applicant will inform the board once the barn and centerline of the driveway is staked and the applicant will conduct a site walk at that time.

MISTIS PROPERTIES Inc. [19-004]

176 Virginia Road

122.16-1-3

Site Plan

Stephen Berte, Fusion Engineering PC

Discussion

Proposed construction of 2 metal prefab buildings (totaling approximately 5,000 square feet) which will be primarily used as parking bays for trucks, including one wash bay.

Present for this application was Stephen Berte, Fusion Engineering and Azim Aliriza from Pettrucelli Engineering. Mr. Berte has received and reviewed both memos from the professionals and he will submit a memo responding to each of the comments from both professionals and status of those conditions.

Mr. Berte updated the board with changes to the application and noted a retaining wall will be put up around the perimeter of the site which will be determined on what he sees at ground breaking and if site conditions allow it. The proposed amount of days for chipping on site will be approximately 25 days vs. 60 days which were originally proposed. The proposed field storage was removed from the site. The site distance is good in both directions. The building with two bays will have a mezzanine for storage on site with an external access. The site requires 6 parking spaces and 9 are proposed, one will be a handicapped spot.

In response to comments from Mr. Kaufman. Mr. Berte stated the four bay structure was as tall as the two bay building for consistency or they can put in a lift for repairs.

Mr. Carthy asked Mr. Hildebrand for his comments at this time. Mr. Carthy noted in the Town Engineer's memo that there were a lot of comments which stated as previously requested. Mr. Hildebrand stated after the review of the recent submission, they noted that a lot of their comments were not addressed from the prior memo and to bring that to the attention of the applicant and the board, we added "as previously requested" to all those comments in the memo where applicable. He suggested it would be more productive to sit down with Mr. Berte and go over everything together. The applicants agreed. Mr. Hildebrand also stated that that this is a substantial excavation and he was not in favor of making a decision during the ground breaking to build a retaining wall or a rock wall. His concern was with the final product that there will be walls in some places and not all around the site and that will also impact your screening. The rock may not be as stable as you think and you may have to lay it back and your slope will change. There are a lot of variables. Mr. Berte noted that they have prepared retaining wall plans with hope that the rock will work.

Mr. Aliriza stated that when they dug the test, there was three feet of fill and asphalt where the parking used to be. Mr. Hildebrand stated that raises more questions that the land has been tampered with and is not undisturbed land. Mr. Aliriza stated that the southern corner will most likely be a retaining wall and the northern corner will be a rock wall. Continued discussion took place between the professionals and these items will be addressed.

Mr. Kaufman stated that in regards to site planning, we are close to redevelopment of Washington's Headquarters down the street. Recognizing what it is, this is an industrial use and whatever we can do to make the frontage look nice with some landscaping and screening will go a long way to improving that corridor.

Mr. Pollack inquired about the turning radius and if it was sufficient on site. Mr. Aliriza stated that they may be able to squeeze in some landscaping on the south side, the north side would be tight. Mr. Kaufman stated that typically we do not want landscaping in the right of way but in this case we may, he noted a conversation can be

had with the Highway Department.

In response to comments from Mr. Carthy, Mr. Kaufman stated the board will have to determine if removal of the six trees was appropriate. Mr. Jensen recalled from the last meeting with this applicant that he suggested accessing this road from Lafayette Avenue and asked if any progress was made with this request. Mr. Kaufman stated there was no new news on that.

Mr. Pollack's questions regarding site distance were answered to his satisfaction.

The board and professionals had no further comments at this time. The applicant will set up a meeting with Kellard sessions and review the memos.

850 NORTH BROADWAY ICES [16-037]

850 North Broadway

122.12-5-62

Amended Site Plan

Scott Rosenberg, applicant

Discussion of field change

Mr. Hildebrand stated that the applicant would like to change the entrance gate on the garbage enclosure. Presently on site the garbage area is enclosed with white PVC and has broken a couple of times and needed to be replaced, this is a maintenance issue for the applicant. The applicant is proposing to install a chain link fence with white privacy slats which is much more durable. Mr. Kaufman was in favor of this field change and noted the applicant has replaced this three times already. Mr. Carthy made a motion to approve the field change. Mr. Sauro second the motion and it was approved with four ayes. Mr. Hirschmann was not present for the vote.

DISCUSSION

Extension of Time Fee's

Mr. Kaufman asked for some clarification from the board. The law was adopted by the Town Board. Mr. Kaufman read the law for the board's reference. A two-hundred-dollar application fee payable to the Town of North Castle is required for the first extension from the date of expiration with an additional \$100.00 increase per each additional turn with a maximum of \$1,000. annually.

Mr. Kaufman and Mr. Baroni read the language with different interpretations. The difference of opinion is the definition of expiration. Is it the current expiration or the original expiration date? Mr. Carthy stated he would see collecting the fee as the first extension of time. The rest of the board agreed that they would only impose it going forward, not retroactively.

TEDESCO [15-121]

1462 Old Orchard Street

123.01-1-1 & 15

2 Lot Subdivision

Nathaniel J. Holt, Holt Engineering & Consulting

Discussion

Consideration of 3rd extension of time resolution of approval

No one was present for this application.

Mr. Hildebrand stated that the applicant has submitted the record set and is progressing with completing the items on the checklist. The board was happy to hear this.

Mr. Carthy asked for a motion to approve the Tedesco extension of time resolution. Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with four Ayes. Mr. Hirschmann was not present for the vote.

TURET [08-018]

East Lane, West Lane, Nichols Road

Final Subdivision, Tree Removal, Steep Slope and Wetlands Permit

108.03-3-36, 108.03-3-38, 114.01-1-4, 108.03-3-39, 114.01-1-5

Tim Allen, PE Bibbo Associates

Subdivision of an existing 8.28-acre lot into four residential building lots.

Consideration of 7th extension of time for final subdivision approval

Present for this application was Dr. Lee Turet.

Mr. Hildebrand stated that progress is being made with this application getting to final signature, the applicant is working on the bonds presently. This application has not been stagnant. Mrs. Desimone stated that plans were submitted for final signature within the last month and they were reviewed and comments were emailed back to the applicant's professional.

Mr. Pollack inquired what was the anticipated end date of this application. He noted this was not filled out on the extension of time request form from the applicant. Mr. Turet came up to the podium and explained to the board the status of his application and noted that his lawyer was having some medical issues presently. Mr. Pollack asked Mr. Turet how many more extensions would be necessary to complete the project and get a building permit, one maybe two more extensions. Mr. Turet said that he would not be able to answer that question but would follow up with his professionals regarding that answer and get back to the board. Mr. Turet went into more details regarding the trials and tribulations he was experiencing with his application and professionals and that he has been working on this matter. He is in the home stretch with this application.

Mr. Turet and Mr. Baroni spoke about the offer of cession. Mr. Baroni and Mr. Turet spoke about the bonds and steps to complete bonds and legal conditions from the resolution. Mr. Turet continued explaining all the steps he has taken in an effort to

complete the conditions in the resolution.

Mr. Carthy made a motion to complete the extension of time request for the Turet application. Mr. Sauro second the motion and it was approved with four ayes. Mr. Hirschmann was not present for the vote. Mr. Turet stated that he is diligently working on this application and thanked the board for its time.

Mr. Turet spoke with Mr. Baroni while the board was waiting for Mr. Noskin to arrive.

ONE LABRIOLA COURT [19-012]

1 Labriola Court

107.04-2-23

Amended Site Plan

Dennis Noskin, Dennis Noskin Architects

Discussion

Proposed outdoor storage of trailers, containers and material in the rear parking lot of 1 Labriola Court.

Mr. Noskin thanked the board for waiting for him to arrive at the meeting, he noted he was teaching a class and appreciated the board's understanding in this matter.

Mr. Noskin stated that the site plan has been updated on the back rear yard site. The two trailers will not impact the abutting neighbors. He noted there was a surplus of parking and the spaces taken up by the trailers and pieces of equipment did not impact the parking requirement and a variance would not be necessary.

Mr. Noskin stated this was an industrial building and people tend to use outdoor storage due to the nature of their business. This is also done in a different zoning district on Business Park Drive and in other communities as well. This is not unsightly in any way and is neat and organized. The containers are presently on site; his client is trying to rectify an existing violation that was issued by the Town of North Castle.

Mr. Kaufman stated that the use has been settled by the new Building Inspector's letter of interpretation from the building department. Since the use has been addressed this application will now proceed towards traditional site planning issues: right size, right location and is it screened adequately. The board has to decide on these factors regarding this application.

Mr. Carthy stated that he understands this is an industrial space but at the same time the board has a chance to improve this location and has to take that into

consideration as well. The board discussed the present uses on site: Terminex, Pleasant Grooming, Performing Arts studio and noted Oamic Ingredients is across the street at 6 Labriola Court. Mr. Kaufman informed the board that they could allow the site to remain as is or have all the containers and vehicles put in one area on site.

In response to comments, the applicant was issued a violation for two trailers on site but after an inspection by the Building Inspector, Rob Melillo, he noted there were other items on site that needed approval from the town. Mr. Melillo sent an email to the applicant and Mr. Noskin will update the plans and resubmit them to the board according to that email so that the site is entirely code compliant.

Mr. Noskin will submit six sets of plans by the close of business on Wednesday May 15, 2019. The board will do individual site walks and consider amending the plan or using the plan Mr. Noskin presented tonight.

A public hearing was scheduled for Thursday, May 30, 2019.

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