

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
July 29, 2019**

PLANNING BOARD MEMBERS:

Christopher Carthy, Chairman
Steve Sauro
Michael Pollack
Jim Jensen
Lawrence Ruisi

Also Present:

Adam R. Kaufman, AICP
Director of Planning

Joe Cermele, PE
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:
Jane Black

APPROVAL OF MINUTES:

July 9, 2019

Mr. Sauro made a motion to approve the July 9, 2019 Planning Board minutes, Mr. Pollack second the motion and it was approved with five ayes.

**5 & 7 THORNEWOOD ROAD [19-024]
5 & 7 ThorneWood Road
101.02-4-24 & 101.02-4-22
Lot Line Change
Charlie Martabano, Esq.
Discussion
Consideration of resolution of approval**

Proposed lot line change of 3,883 square feet resulting from portions of an existing pathway and driveway serving 5 ThorneWood Road that encroaches onto 7 ThorneWood Road. The subdivision would shift the existing common lot line between the properties so that the existing path and driveway remains entirely on 5 ThorneWood

Road.

Present for this application was Scott Gray from TC Merritts office.

Mr. Gray noted in response to comments that the original figures were for one lot and both lots will be combined and the information requested will be submitted. He also noted that the docks were over 20 years old and would not need a building permit.

Mr. Sauro made a motion to approve the resolution. Mr. Jensen second the motion and it was approved with five ayes.

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. Present for this application was Steve Tobia and Fred Mastroianni.

Mr. Mastroianni stated that he was requesting that the fire alarm system that was originally offered by Mr. Tobia be removed from the resolution due to the expense and that it was not required according to the code.

Mr. Kaufman summarized how we got to this point. He stated he was reluctant to take out a safety issue that was offered by the applicant.

Mr. Mastroianni stated that there are two levels of smoke detectors, four levels of egress and will have between 6-9 employees on site and the fire alarm system is not required according to the code.

Mr. Sauro inquired if the business will grow larger over time and have more than 8-9 people on site. Mr. Mastroianni stated no it would not grow any larger.

Mr. Carthy stated that this was offered by the applicant and accepted by the town and now incumbent of the applicant. He asked Mr. Baroni if the town would be liable if this condition were removed, Mr. Baroni stated no, the applicant presented a mistake in information and the code does not require it per the NYS code and the town is not responsible. Mr. Ruisi stated that the town could still be sued. Mr. Pollack inquired if the town gave anything up in exchange for this fire system. Mr. Mastroianni stated that nothing was given in exchange.

After continued discussion took place between the board members they concluded that this is a free standing building, there are 4 points of egress, it is not required by the code that they will agree to remove - at the applicant's request - the originally offered

fire alarm system on site.

Mr. Pollack made a motion to amend the resolution with regarding the removal the fire alarm system originally offered by the applicant and then at the applicants request to remove the fire alarm system that was not a requirement of the NYS code. Mr. Jensen second the motion and it was approved with five ayes.

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

The Applicant has received site plan and wetlands permit associated with changes to the existing warehouse distribution center that would label, repack, store, and provide quality control for food and fragrance chemicals. The applicant has requested to amend the resolution to change HAZWOPER training from 40 hours to 24 hours.

Present for this application was Mark Miller, attorney for the applicant.

Mr. Miller explained at the meeting that there are two levels of HAZWOPER training and his client would like the required training reduced from the 40-hour training class to the 24-hour training class. He explained that the level of detail in the 40-hour training class was not necessary for this site and its use. The Town's professional consultant, Bill Canavan reviewed the material and submitted a letter agreeing that the 24-hour training class would be acceptable.

The board discussed ways to ensure that proper amount of training was in place for this site. It was noted the training had already taken place and the 24-hour class was the present guidelines required based on the use for the site. It was noted that if the training requirements were to change over time the building inspector would ensure that the correct operating standards and proper training papers are submitted annually. Language in the resolution was updated to that effect which included as maybe amended from time to time.

Mr. Sauro made a motion to approve the resolution as amended. Mr. Carthy second the motion and it was approved with five ayes.

MARIANI RESIDENTIAL [18-021]

45 Bedford Road

108.03-1-65

Special Use Permit - Referral from Town Board

Site Plan application

Anthony Veneziano Jr. Esq. Veneziano & Associates

Discussion

The application has been referred to the Planning Board from the Town Board regarding a Special Use Permit. The Planning Board has also received a Site Plan, Wetlands Permit and Tree removal permit application. The applicant is proposing 43 residential units containing 76 bedrooms in four buildings. All units will be rental units and five of the units will be AFFH units.

Present for this application was Mark Miller – Veneziano & Associates, Rob Aiello – John Meyer Consulting and John Halper – Halper Architects.

Mr. Miller stated that both the Town Board Special Use Permit and Planning Board Site Plan applications are on a dual parallel track. He reviewed the orientation of the units and the different stages of the project.

Mr. Halper stated that he was presenting the 4th orientation of this application to the board this evening and reviewed the architectural features of the building, colors and roofing details.

The board discussed and wanted clarification regarding their goal for this evening regarding the dual review. The Board was concerned about the large amount of cumulative bullet points noted in the memos from the Director of Planning to the Town Board regarding the special use as well as the memo from the Director of Planning to the Planning Board regarding the site plan and the memo from the Town Engineer to the Planning Board regarding the site plan submission. The board was also concerned regarding some of the significant issues which still had not been resolved ie: sewer and water capacity, traffic impacts.

Mr. Baroni reminded the board that there is a Community Benefits Agreement being worked on and no building permit would be issued until the sewer and water issues were resolved. Mr. Ruisi stated that we don't know what or the cost of the solutions are or if all of the necessary parking or widening of roads is necessary. Mr. Baroni reviewed the dollar amounts proposed in the Community Benefits Agreement regarding water, sewer and parking. He also reviewed what Brynwood would contribute towards parking and what Eagle Ridge will contribute towards water, sewer and parking. Mr. Baroni also reminded the board that he is working with IBM regarding the water issue. All of this is being worked on simultaneously to get to the finish line at the same time. It is the Town Board's position that there will be enough money and will be able to free up enough water from IBM with some in reserve. The Town is also working on purchasing a well in business park to address the water demands.

The board was concerned about the time line on all these major items to be resolved as

well as all the outstanding bullet points in the memos, the board found it difficult to consider a recommendation at this time without additional information, Mr. Cermele and Mr. Kaufman agreed. A work session was suggested by the board.

Discussion of storm water basin on site took place and how no plantings were shown on the plan and the grading was a 6:1 slope and was not a typical basin. The board wanted this shown as a nice feature on site with additional landscaping. Mr. Cermele suggested a sub-surface detention basin, Mr. Aiello will look into it.

Discussions took place regarding a sidewalk from Bedford road into Armonk Square, similar to what was done at CVS on Maple Avenue. Westchester County suggested a sidewalk from Bedford Road around to Maple Avenue to Route 22. Mr. Aiello stated that people would use the sidewalk to go to the bus stop but not to Route 22 to walk across Route 22 into Business Park Drive. Discussions returned to widening Maple Avenue and would that be necessary and the height of the buildings on site.

After further discussion the board concluded that there is too much information to process from this dual submission and was not comfortable making a referral to the Town Board this evening. The Planning Board stated that they do intend to make a referral back to the Town Board but all of this information was too much to digest this evening. The board agreed to schedule a work session to further discuss the submitted material.

The board also noted that they can't review each application in isolation. They agreed that their goal is to give recommendations, not solve the problems.

Mr. Carthy made a motion to schedule a work session regarding the Mariani application and to encourage the Town Board not to schedule a public hearing date at this time. Mr. Ruisi second the motion and it was approved with five ayes. The Planning Board work session was scheduled for 5:00 p.m. on September 9, 2019.

WAMPUS MILLS [14-103]

805 & 809 Route 128

101.03-2-6&7

Six Lot Subdivision

Frank Madonna

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

Ralph Alfonzetti, PE. Alfonzetti Engineering PC

Discussion of revised plat

Application was approved for a six lot subdivision of the existing 10.07-acre parcel located within the R-2A Zoning District. The applicant is returning to the board regarding site development /issues, lot lines on several of the lots need to be adjusted in order to comply with setback requirements.

Present for this application was Frank Madonna. He explained to the board that construction began 15 months ago. He was not asking for additional density. He noted

that three lots sold quickly and he moved the houses to accommodate the views. He also noted that the houses were originally proposed at 3,500 – 4,000 sq. ft. and are now at 5,000 square feet. He stated that the three lot line changes make a better setting on site and if submitted this way originally, were all conforming.

The board was concerned that if this approval were granted what type of precedent would this set going forward. Mr. Baroni reminded the board that this was partially the towns fault. The prior building inspector should have received as built surveys before the framing was started and could have fixed it before the framing began.

Mr. Baroni stated that the new building inspector would certainly not let this happen going forward and the Building Inspector, Rob Melillo wanted the board's input if they were agreeable to the solution of doing a lot line change instead of sending the applicant to the ZBA. Mr. Melillo also wanted input from the Planning Board whether a stop work order should be issued while this matter is resolved or should the applicant be allowed to continue working while addressing the lot line changes.

Mr. Carthy stated that he does not disagree with the decision to change the view, he disagrees with how the applicant did not follow the procedures correctly to make the changes.

Mr. "Ruisi stated that he sympathizes, he did not feel the applicant should stop working for 2 1/2 months to resolve this matter. Procedure is important but an undue burden on the applicant when the town is partially responsible is not right either.

Mr. Pollack stated that this process is backwards and luckily is correctable to make it fully compliant. It would be a hardship on a lot of people and if presented as it is today a few years ago, it would have been approved

The board seemed amendable to the construction continuing while working on filing the amended plat. Mr. Sauro made a motion to allow the applicant to continue working while resolving the lot line change with the Planning Board. Mr. Pollack second the motion and it was approved with five ayes.

34 CREEMER ROAD [18-002]

34 Creemer Road

108.04-2-14

Single Family Home Site Plan

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

Consideration of extension of time resolution

Site plan approval of a single family home on a vacant lot. No one was present for this application.

Mr. Carthy made a motion to approve, Mr. Pollack second the motion to approve the 1st extension of time resolution and it was approved with five ayes.

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 extension of time and amended resolution of approval

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

Mr. Turet requested the board move conditions 10 & 18 under prior to signing the site plan be moved to prior to the issuance of a Building Permit. The board and Mr. Baroni explained that these conditions need to remain where they are located because the legal paperwork has to be in place prior to final signature and that a permit would not be issued until the money had been submitted regarding same. The board and applicant agreed to leave the conditions as previously approved. Mr. Baroni noted that he has been waiting for the applicant's attorney to submit a schedule A for quite some time and the original checks submitted for filing were no longer valid due to the original date submitted (over six months).

The board discussed the 8th extension of time request.

Mr. Turet stated that he has been diligently pursuing this application with the towns professionals for the past two years.

The board discussed the fact that this was the 8th extension of time and wanted a better understanding of the status of this application. In response to comments, Mr. Kaufman stated that there was nothing unusual in this resolution from other subdivision resolutions the board has reviewed previously. Mr. Cermele stated that once the legal agreements have been done, the town would be in a position to sign the plans.

Mr. Jensen inquired what if the extension was not granted. Mr. Kaufman stated that the applicant would have to start all over again, fill out new application forms, submit the new fees, new public hearing. Mr. Baroni stated that it comes to a point where it is nonsensical. Mr. Sauro inquired who are the extensions of time harming, is anyone being punished with these approvals. They don't stay static forever.

Mr. Pollack stated that the approvals are not indefinite and are subject to the new regulations.

Mr. Carthy asked for a motion to approve the extension of time resolution. Mr. Sauro made a motion to approve. It was second by Mr. Ruisi and approved with three ayes. Mr. Jensen and Mr. Pollack voted Nay.

Mr. Carthy made a motion to adjourn, Mr. Ruisi second the motion and it was approved with five ayes. Meeting adjourned at 9:37 p.m.