

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

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**PLANNING BOARD MEMBERS:**

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

**Also Present:**

Adam R. Kaufman, AICP  
Director of Planning

John Kellard, 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:  
Andy Block

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**Mr. Carthy thanked Andy Block, Conservation Board Representative for being present this evening.**

**GECAJ [18-025]**

**3 Vincent Lane**

**101.01-1-6**

**Residential Site Plan**

**James A. Ryan, RLA JMC Plan, Eng, Landscape Arch & Land Surveying,  
Discussion of site walk**

The Applicant is proposing the following field changes:

Install stone curb along driveway  
Create a 5' wide landscape area in new parking area  
Modify the configuration of the platform connecting front steps to drive  
Modify the patio  
Construct new 3' wall adjacent to patio  
Add stone veneer to walls  
Construct outdoor fireplace on patio  
Recalibration of landscaping – slight reduction

Present for this application is Jim Ryan and his client Mr. Gecaj. Also present were neighbors Brett Summers – 6 & 8 Vincent Lane who lives across the street and abutting property owners Alicia Ifshin – 1 Vincent Lane and Jamie Pudalov at 44 Sarles Street.

Mr. Ryan reviewed the changes in the plan from the last meeting. He noted the generator pad was in the wrong location and will be relocated according to the approved plan. The mitigation plan is at a 2:1 ratio and is compliant with the approved plan. An additional 8 Norway spruce trees will be planted in front of the walls which are most visible from the street. A Knox box will be added regarding the gate entrance. The fire place has been reduced from 82 to 64 Square feet. He reviewed the changes to the back patio and 3-foot decorative wall at the rear of the site.

Mr. Summers stated that he appreciates the additional screening proposed but was not able to view it on line. He also thanked his neighbor for allowing him to walk the site after the board conducted their recent site walk. Mr. Summers stated he does not want a retaining wall at the driveway entrance, he only wants plantings at the entrance.

Mrs. Ifshin stated she appreciates the board following up on the generator matter and correcting the location. Mr. Kaufman stated an as built will be necessary before the applicant will be able to get a CO on the property.

Mrs. Pudalov stated that her back yard abuts the applicant's backyard and she was concerned about the applicant's outdoor fire place smoking her out while in her swimming pool.

Mr. Ryan agreed with Mr. Kaufman and stated the generator will be surveyed and installed in the correct location on site. Mr. Ryan stated he was hoping to get an approval this evening so his client would be able to do the plantings this fall instead of waiting to plant in the spring.

The board discussed the revisions to the plans as presented by Mr. Ryan and based on comments from the neighbors Mr. Pollack suggested more undergrowth around the walls. The board concluded a more detailed landscaping plan should be submitted and asked the applicant to review all of the landscaping in front of the property from the undergrowth upward, Mr. Ryan complied with this request and noted that his client had no intention of fully hiding the wall. Mr. Summers reiterated his earlier comments and stated the wall is not aesthetically pleasing.

The board discussed the outdoor fireplace and what the code says about it and what could the board do about the smoke concerns raised earlier this evening by Ms. Pudalov.

Mr. Carthy summarized where the board was at regarding this application: One - the board could approve the field changes as requested and the applicant can proceed. Two - the board could delay approval since the updated plans were not submitted timely and the neighbor did not feel he had sufficient time to review the plans.

Mr. Carthy stated that he thinks the applicant has made the field changes pretty clear and field changes do occur. The applicant is making reasonable efforts to address the neighbors' concerns about the field changes. We have to be a little careful about guarding a property owner's rights to develop a property as he sees fit and if the applicant likes a veneer wall, wants to pay for it and build it - he was then resistant to say that because a neighbor does not like it that way, the applicant should not have it that way. There have been stop work orders issued, he hopes the applicant is listening to the Building Department. The applicant is back before the board and the board has done a site walk and the board is paying careful attention to this application and does not mean we stop the application because there is some friction. He thinks we should move the application forward and asked for the rest of the boards input at this time.

Mr. Jensen stated that he understands and agrees with the Chairman's principle points regarding the applicant's rights and the veneer wall but would like the applicant to submit the details of the veneer wall considering all the work it took to take that wall back and opines that the landscape architect has done a good job until now and will continue to do the same. Mr. Pollack agreed with Mr. Carthy's comments and stated that he was reluctant to substitute his input on that point. Aesthetics are subjective and people have different views. It is the property owner's opinion of aesthetics and people have the right to see it differently. There are some compounding factors that he would like the application heard at the next meeting, he would like input from the other board members, the application was submitted late and the neighbors did not have a chance to review it and there was a stop work order on site. Mr. Ryan asked for the rest of the field changes be approved while they are finalizing the landscaping. He reviewed what those were for the board.

Mr. Carthy did not feel a three-person board should be a burden on the applicant. Mr. Pollack noted this application already has some irregularities and in part is here today by acts created by the applicant. The board instructed the applicant to submit an updated plan timely and come back to the board at the next meeting. Mr. Kaufman was directed to prepare a draft resolution for their consideration.

#### **WAMPUS MILLS [14-103]**

**2, 3, 4, 5, 6 Shoemaker Lane & Cul-de-sac**

**Section 101.03, Block 02, Lots 7.2; 7.3; 7.4; 7.5; 7.6; 7.7(street)**

**Amended lot lines**

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

**Ralph Alfonzetti, PE. Alfonzetti Engineering PC**

**Discussion**

Due to the Applicant not constructing homes in the approved locations, in order for each of the Lots to remain zoning compliant, certain lot lines must be relocated. The proposal calls for the following modifications to the plat:

- The cul-de-sac property line is proposed to be moved approximately 5.5 ft. to the east;
- An approximately 5.5 ft. wide easement will be created along the front of lot 7.2;

- A portion of the lot line between lots 7.3 and 7.4 will be moved approximately 12 ft. to the north;
- The lot line between lots 7.4 and 7.5 will be moved approximately 9ft to the north;
- The lot line between lots 7.5 and 7.6 will be moved approximately 25.5 ft. to the north; and
- The sewer easement on lot 7.6 will be extinguished.

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 Kory Salomone, Ralph Alfonzetti and Frank Madonna.

Mr. Salomone summarized the application as noted above. He would like to schedule a public hearing regarding this lot line.

In response to comments, Mr. Kaufman summarized how this application came before the Planning Board. Mr. Madonna stated that the houses grew in size per his clients request and that is why we are before the board. Mr. Pollack confirmed that if the applicant had come back before the board regarding these requests from the beginning the board would have approved these changes. Mr. Carthy agreed. Mr. Kaufman stated except for the easement issue which is not that significant.

A public hearing was scheduled for October 28, 2019.

**KESTEN [19-034]**

**1 Shoemaker Lane**

**Section 101.03, Block 02, Lot 7.1**

**Site Plan**

**Ralph Alfonzetti, PE. Alfonzetti Engineering PC**

**Discussion**

Construction of a new 7,641 square foot single-family home on a 2-acre parcel. The project also includes the construction of a driveway, new in-ground pool and the construction of associated drainage improvements.

The Applicant agreed to obtain site plan approval from the Planning Board as a result of several instances of the Applicant not complying with approved plans.

Mr. Alfonzetti described the changes as noted above. It is the first lot on the right when entering the subdivision. The house is a little bigger than what was on the IPP plan and a pool is proposed on site.

In response to comment from Mr. Carthy, Mr. Hildebrand stated there were no show stoppers but needed to make sure that what was proposed on this site worked with the rest of the site.

The applicant was informed they needed to go to the ARB and schedule a public hearing. The ARB meets October 23, 2019. The applicant was instructed to submit an updated landscaping plans per comments in the Town Planners memo and was also instructed to submit updated plans per the Town Engineers memo. The applicant agreed.

**HASON [19-035]**

**2 Deer Ridge Lane**

**100.04-2-21**

**Residential Site Plan**

**Ralph Alfonzetti, PE. Alfonzetti Engineering PC**

**Discussion**

Frank Giuliano and Ralph Alfonzetti were present for this application.

Construction of a new 7,979 square foot single-family home on a 2-acre parcel. The project also includes the construction of a driveway and the construction of associated drainage improvements.

The RPRC referred this application to the Planning Board as a result of comments made to the Planning Board regarding screening of this lot at the time of subdivision approval.

Mr. Kaufman stated that the neighbor abutting the site was very concerned about the screening of the site as it relates to his lot at the time of subdivision. The board should go out to the site and make a determination, the rest of the site is very straight forward.

Mr. Alfonzetti stated that the landscape architect is present if the board has any questions. He noted the storm water basin has been installed with additional screening. Mr. Giuliano reviewed the existing conditions and proposed very dense landscaping. The board agreed to go out to the site. The board noted that there was no perspective submitted from the neighbors point of view to this site.

Mr. Kaufman suggested a site walk before the next meeting and then have a public hearing and adopt a resolution at that meeting. The public hearing was scheduled for October 28, 2019. He reminded the applicant to go to the ARB before returning to the Planning Board.

**SUNSHINE BUDDAH [19-020]**

**736 North Broadway**

**122.16-3-15**

**Site Plan**

**Gabrielle Salman, AIA**

**Discussion**

Site plan approval for the reconfiguration of the North Broadway frontage to include a new deck, portico and sidewalk. Additionally, the Applicant is seeking to legalize the existing second floor apartment.

Present for this application was Gabrielle Salman and her client.

Ms. Salman stated they have been working on addressing the comments from the professional's memos. They have eliminated the ramp so they will not need to go before the NYSDOT. They will do a walkway with a couple of steps. There will be an ADA entrance at the lower level to the restaurant. Mr. Kaufman suggested double checking with the Building Inspector on this matter to make sure there are no issues with this ADA access. Mr. Kaufman also noted that while speaking with the Building Inspector he noted that the apartments on the second and third floor must be ADA compliant. Discussions took place regarding the comments from the last meeting and comments from these memos regarding the accessory apartments. Mr. Kaufman noted that if a second apartment is proposed that would require a Special Use Permit from the Town Board because you are only allowed one per building or two with a Town Board Special Use Permit. He suggested the applicant start the process with the Town Board regarding the second apartment. Ms. Salman stated that the building is fully compliant on the first floor and sprinklered and has been there for years. Mr. Kaufman stated that the question is were the apartments there legally? The property owner stated that the prior property owner was there for 30 years and this building was this way for all that time and he is trying to do the right thing and clean up the site and make it safe for the seniors to enter the site and his business is closed right now and is doing the best he can to make the site right.

Mr. Carthy inquired what the next steps were for this applicant. Mr. Kaufman stated that the parking layout shown on the plan is not according to the minimum requirements according to the code. Ms. Salman stated she would like to come in and speak with the professionals regarding the plan, the professionals stated they would be happy to meet with her.

The plan has 47 spaces and the Town Engineers reviewed showed 40 spaces. It was noted the space width is now wider than on the original plan. Mr. Kaufman stated that if the applicant wanted a second apartment they would need Town Board approval. Ms. Salmon would like to keep the parking plan from the original plan and not go to the ZBA regarding parking spaces. Mr. Hildebrand suggested the applicant double check that everything is code and ADA compliant to make sure the correct variance is granted.

Mr. Kaufman stated that monument sign is more in keeping with what exists today on North Broadway vs. the proposed free standing sign. The applicant proposed parking in

front of the restaurant or a circular ramp around the building for parking access. Discussion took place regarding these options and Ms. Salman stated that she will review the 1992 approved plan and see if she can add what she would like to add or see if she can go to the ZBA for a variance for a few parking spaces and will go to the Town Board for the second accessory apartment. Mr. Kaufman and Mr. Carthy both offered office meetings to go over an interim plan before the applicant submits to go back before the board. The board also needs a clear plan for the referral to the Zoning Board.

**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 Wetland Mitigation Bond**

**Consideration of Construction Performance Bond -Town Road & Drainage**

**Consideration of Construction Performance Bond - Common Drive & Drainage**

Mr. Hildebrand stated that there are three separate bond memos the board is considering this evening. The engineer has provided cost estimates and have been reviewed by our office and are acceptable. The bonds are in regards to Wetland Mitigation, Town Road & Drainage and Common Drive & Drainage.

Mr. Kaufman stated that the applicant is very close to getting the plat signed and filed, the applicant's attorney is ill and can't finalize those papers before the resolution expires and will be submitting paperwork for another extension of time. The board asked if they could be informed once the Town Board approved the bonds and the bonds are in place. It was noted the Plat map is ready to be signed but can't be released until all the legal paperwork is in order and approved by the Town Attorney.

Mr. Carthy made a motion to approve the bonds in the amounts as recommended by the Town Engineer. Mr. Pollack second the motion and it was approved with three ayes. Mr. Sauro and Mr. Ruisi were not present for the vote.

Mr. Carthy made a motion to adjourn the meeting, it was second by Mr. Pollack and approved with three ayes. Meeting adjourned at 8:17 p.m.