

**NORTH CASTLE PLANNING BOARD MEETING
VIA ZOOM
7:00 P.M.
JANUARY 11, 2021**

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

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

Conservation Board Representative:
George Drapeau

PUBLIC COMMENT PROCEDURE:

Public comments can be submitted to planning@northcastleny.com during the meeting. Received comments will be read aloud. Include a telephone number in your comment if you would like to provide verbal comments to the Board during the meeting.

Due to technical difficulties, the meeting began at 7:07 p.m.

DISCUSSION:

**ZONING REFERRAL TO THE PLANNING BOARD [2020-052]
RMF-SS ZONING DISTRICT
AFFH reduction from 20% requirement to 10% requirement**

No one was present for this application.

The Town Board referred the RMF-SS Zoning District material to the Planning Board. The Planning Board reviewed, discussed and commented upon the draft local law that would permit a reduction in AFFH units required from 20% to 10% if a project is substantially completed by June 30, 2022. Mr. Pollack and Mr. Jensen expressed their dissatisfaction with the fact that the proposed local law did not reduce the maximum permitted FAR in the R-MF-SS Zoning District along with the proposed AFFH unit reduction. In addition, the Planning Board recommended that the draft language be revised to change the word "structure" to "project" as follows:

In an effort to promote the type of housing envisioned in this zone, an applicant shall be permitted to reduce the AFFH requirement to one AFFH unit for every 10 market-rate units or fraction thereof (10%) provided that the single structure building has been granted a permanent Certificate of Occupancy no later than June 30, 2022 subject to a reasonable extension for good cause shown provided the ~~structure~~ project is at least 75% complete as determined by the Building Inspector.

Mr. Carthy made a motion to refer this matter back to the Town Board with the changes discussed. Mr. Sauro seconded the motion and it was approved with three ayes. Mr. Pollack and Mr. Jensen voted no.

8 COLE DRIVE/24 DAVIS DRIVE LOT LINE [2020-028]

8 Cole Drive & 24 Davis Drive

94.01-1-8 94.02-1-9

Lot Line Change

Discussion

Present for this application was the property owner Nazar Massouh; Kory Salomone, attorney; Pete Gregory, engineer; Vanessa Ayala, landscape architect; Marvin Cook, geofoam designer.

The Applicant is proposing a lot line realignment that would alter the existing common lot line between the two lots by transferring 126,880 s.f. from 24 Davis Drive to 8 Cole Drive, resulting in 8 Cole Drive increasing in size to approximately 8.8 acres and 24 Davis Drive decreasing in size to approximately 7.8 acres. In addition, the Applicant is proposing a new driveway for 24 Davis Drive that would directly impact the Town-regulated wetland and Town-regulated wetland buffer. Furthermore, the proposed new driveway would require the issuance of a steep slope permit and tree removal permit.

Mr. Salomone summarized the application and details that would be discussed this evening.

As previously requested by the board, Mr. Gregory presented the updated plan for the site. Ms. Ayala presented a virtual video of the new driveway location.

Mr. Gregory stated that 2,100 cubic yards of material was necessary for this application and 10 cubic yards would be carried in per truck load which would require 210 truck deliveries. 120 cubic yards of Geo Foam can be delivered per truck load which would require 17 truckloads. An additional 10 trucks of topsoil and planting material would be necessary for a total of 27 trucks. vs. 210 truckloads. He noted the geo foam could be delivered within a couple of weeks vs. over a month with the fill. He stated that 500 yards of material would be used on site which would reduce the Geo Foam from 17 – 13 trucks.

Mr. Cook, from Oracle Group, stated that he has worked all over the world with Geo Foam and said it is a safe product, has long term stability, installed rapidly and would

last 500 years. He stated that you could remove the material from the ground like lego blocks in 10 years and reuse it in another location.

In response to comments from the board, Mr. Cook stated that this material has been used often in residential areas as well as commercial applications.

Ms. Ayla noted there were lots of invasive species on site and would be replaced with natural vegetation.

Mr. Carthy inquired about the amount of chipping that would take place on site.

The board was reminded that a referral would need to be made to the Conservation Board.

Continued discussion took place regarding the amount of traffic in and out of the site, installation of the geo foam and who ensures it is installed correctly. Mr. Cook stated that he would educate the town inspectors regarding issues to look for and make sure it is right. Mr. Cermele inquired if the applicant could hire someone to be on site who is trained during installation. Mr. Pollack was concerned about the certification process. The applicant agreed to bring in a professional if the town needs it.

As the evening continued the board inquired whether the disturbance proposed was compatible with the Town Comprehensive Plan.

Mr. Gregory reviewed the proposed lot line change, pool location and addition to the house.

The board was concerned about lawsuits environmental or structural issues with this product. Mr. Cook stated that they installed Geo Foam in 1972 and took it out in 2002 and the blocks were the same as the day they were installed. He stated he has worked on over 1,000 jobs with Geo Foam and there have been no pollution or environmental issues.

Discussions took place regarding landscaping and pool location.

Mr. Carthy credited the applicant to the efforts to answer the board's questions and the Planning Board really appreciates all of the effort.

Mr. Drapeau stated he has been reviewing storms from the past 10 years in town and how they have impacted trees in berms.

Ms. Ayla stated she will look into the future impacts of trees planted onto Geo Foam. Mr. Massouh stated that this lot is well protected from the wind. Mr. Cook stated that would be factored into the design.

The Board indicated that additional information is needed with respect to natural fill vs. geo foam and overall site disturbance.

Mr. Sauro suggested half Geo Foam & half soil. The property owner will look into that.

Mr. Ruisi stated that a lot of engineering needs to be done for the Geo Foam and wondered if we are creating a level of difficulty we don't need to in order to avoid trucks of fill.

The Planning Board concluded to return to the site.

OAMIC INGREDIENTS INC. [17-016]

6 Labriola Court

107.04-2-19

Amended Resolution

Anthony Veneziano - Veneziano & Associates

Consideration of Resolution

No one was present for this application.

The Applicant has finished construction of the Oamic project and is seeking a Certificate of Occupancy from the Building Department. As part of the Building Department review process, an as-built survey is required to be submitted upon completion of the project. The as-built survey depicts the Planning Board approved water tower violating the minimum required side yard setback of 50 feet. It is noted the water tower was constructed in the location approved by the Planning Board.

Pursuant to Section 355-23 – Note O, the Planning Board has the ability to reduce the side yard setback where the size and/or shape of existing lots may warrant or require it. The Planning Board took advantage of this provision by approving the water tank in the approved location, but did not make reference to this section of Town Code in the resolution of approval.

The draft resolution of approval has been amended to specifically include reference to this section of the Town Code and memorializes the Planning Board's application of this section of Town Code.

Adoption of the resolution would then permit the Building Inspector to issue the Certificate of Occupancy for 6 Labriola Court.

Mr. Carthy made a motion to adjourn the meeting. Mr. Carthy seconded the motion and it was approved with 5 ayes. Meeting adjourned at 9:40 p.m.