

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 p.m.
October 24, 2011**

PLANNING BOARD MEMBERS PRESENT:

John Delano, Chairman
Jane Black
Steve Sauro
Guy Mezzancello

ABSENT:

Beata Buhl Tatka

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Ryan X. Coyne, PE
Consulting Town Engineer
Kellard Sessions PC

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

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
Dr. John Stamatov

The meeting was called to order at 7:00 p.m.

I. PUBLIC HEARING:

**Sutton Court – Assisted Living Facility, 90 Business Park Dr,
2/16/11.B08, Veneziano & Associates**

Present this evening was the attorney for the applicant Mark P. Miller, Veneziano & Associates as well as the principle of the Engel Berman Group – Steve Krieger; Steve Grogg, McClaren

Engineering; Mark Mckee, Architect for the project,

Mr. Delano read the affidavit of publication for the record. No noticed neighbors were present. Mrs. Desimone stated that 14/15 green cards were returned and all paper work was in order for this application.

Mr. Miller stated that this application was for a site plan and subdivision application. The site is 6.445 acres and the property will be subdivided into two lots which will be 1.5 acres and 4.945 acres. The site will be approximately 118,000 square feet with approximately 140 units. He has appeared before the Town Board and Conservation Board. He is filing before the ARB and expects to be on there November 9, 2011 agenda.

Mr. Steve Grogg reviewed the location of the site and the cross roads to orient the board with the site. He noted the locations on site of the bocce courts, gazebo, recreation center and outside terrace as well as a putting green and swimming pool. There is an emergency access around the site which will also be used as a pedestrian path as well. He also noted where a lot of the interior amenities were located. The present site coverage is .56 and .60 is allowed. The site coverage will remain at 22%. There will also be an emergency generator on site, the exact size of the generator has not been determined.

Mr. Delano inquired about the Fire Department approvals. Mr. Miller noted the materials have been submitted and they are waiting on a response from the Fire Chief.

Ms. Black inquired about the traffic improvements on Business Park Drive. Mr. Miller stated that it is inappropriate to have this applicant be responsible to redo the entire intersection at Business Park and Route 22. He spoke with his traffic engineer this morning who reviewed numerous steps which would include a new survey and communications with the DOT. We do recognize it does need some work. We are a very low traffic generator as shown in the traffic report and would be willing to contribute their fair share monetarily.

Mr. Kaufman stated that while this is a low traffic generator, this is a significant intensification of the use to the Business Park. This is a critical issue and he was happy that the applicant is willing to work with the board and make some monetary contribution but this is an issue that the Town Board and Planning Board need to study, it is a needed, required improvement and needs to be studied carefully. We need this improvement to this intersection, sooner, rather than later. Mr. Krieger stated that he will contribute his fair share. Mr. Kaufman stated that the issue can not be made to come to fruition with only partial funding. This is a significant issue.

Mr. Sauro asked in the past, has this been a shared responsibility so that we know in the future? Mr. Kaufman stated that the town has done that in the past but in those cases, there was a plan of action and an ultimate time frame. Where we are now, is with only one piece and no specific end date as to when that improvement should be made. This is an improvement that has been determined to be necessary and part of other improvements to other intersections in town and this is a critical one.

Mr. Mezzancello inquired about the cost of the intersection. Mr. Kaufman stated that is

information to be determined, we need to find out what the ultimate cost will be and approvals necessary from the DOT. Mr. Miller stated that John Collins will work with Mr. Galante on this matter and determine an appropriate number to contribute our share.

Mr. Delano stated that we have recent traffic intersection information and perhaps the applicant can sit down with the applicant and see what it really means.

Mr. Krieger stated that he will contribute his fair share and as the traffic report shows, this application is a very low traffic generator. He will contribute his fair share. Mr. Delano asked that Mr. Collins review the information so that we can determine what our fair share is.

Mr. Delano inquired about the ARB. Mr. Miller stated that the applicant will appear before the board on November 9, 2011.

Ms. Black confirmed that the next time the applicant was back before the board that the minor outstanding items in Mr. Kaufman's memo like lighting and dumpsters etc will be resolved. Mr. Miller stated they absolutely would address those comments in Mr. Kaufman's memo.

Mr. Grogg stated that according to section 143.4 which requires a recreation area for a multi family use or a recreation fee will be paid per unit. The recreation area must be 12% of the site area or one acre, whichever is greater. Mr. Grogg reviewed all of the recreational uses on site which total 1.12 acres.

In response to Mr. Kaufman's comments in his memo, the applicant will submit an updated short EAF to include the subdivision.

Mr. Sauro confirmed with the applicant that an appropriate sound barrier will be put around the generator. Mr. Krieger stated that they would absolutely do that and they will comply with the sound ordinance.

Mr. Delano asked for a motion to close the Public Hearing. Ms. Black made a motion to close, it was second by Mr. Mezzancello and approved with four Ayes. Ms. Tatka was not present for the vote.

DISCUSSION:

Miller, 5 Valhalla Ave, 5/25/13, Ken Murphy - Petruccelli Engineering.

Present for this application was Rudy Petruccelli and the applicant's attorney Albert D'Agastino from the firm of Manerva & D'Agastino PC, 107 South Central Ave, Valley Stream, NY.

The following neighbors were present. Cecilia Nassetta, 4 Valhalla Avenue and her Lawyer Gregg Pappalardo, Pappalardo, Tombini and Wolff, 500 Mamaroneck Avenue, Harrison, NY. Nancy Hadley - Niece of Cecilia Nassetta; Tony Nassetta – 4 Valhalla Avenue; Claire Nassetta -

54 Overlook Road North; Jill Gretto – 17 Rock Cliff Place; Michael Russano – 48 Overlook Road North; Stephanie Cornell – 50 Overlook Road North.

Mr. D'Agostino stated that since the last meeting there was a meeting with a lot of the neighbors and approximately 16 items were discussed with the neighbors. He thought that they had come to a conclusion on many of the items but the neighbors who are present this evening will let you know about that. The applicant was back before the ARB in September and the application was approved. A memorandum of law was presented to Mr. Baroni and he reviewed again for the board what his legal position was on this matter. His client's position is that we do have a right of access over a 50' right of way and that appears on a filed map from 1892, filed in 1900 at the Westchester County Clerk's office. Everyone who owns property on this paper road has the easement to access their lots. He referred to a variance that was granted to the Nassetta's from the ZBA back in the 1983. He stated that when before the ZBA, the Nassetta's, were granted the right to improve the right of way and conditioned upon an extension of a gravel driveway and the pervious nature of the driveway. Some time after that they improved it to blacktop. There is no title to the center line of the driveway, no one owns it but the neighbors have access over it. The neighbors said that 18 feet is two wide and they have been working on that and most of the issues have been resolved with the neighbors except for the strong objection to the architectural design which was approved by the ARB.

Mr. Petruccelli stated that he has met with the North White Plains Fire Chief and Town staff to discuss the width of the roadway and especially with respect to emergency vehicles. We discussed the 18' roadway vs. the 15' roadway and after much discussion, the chief agreed that we could reduce the width to 15' in only a couple of spots. These two spots were permitted to preserve some trees and a telephone pole. If the neighbors below are still concerned about the drainage and the town will permit it, he will build an asphalt berm that will collect rain water for that one house and run it down into the basin. The applicant will grant an easement over his driveway for emergency vehicles and the roadway as designed has been accepted by the fire chief. The applicant is also proposing a detention pond which will be maintained by the Miller's.

Mr. Delano reminded the members of the public that this was not a public hearing and he would entertain some of the public comment.

Mr. Pappalardo presented his comments to Mr. Baroni regarding the ownership to the center line issue and has previously given Mr. D'Agostino those same comments. Revised plans were received on Friday and the neighbors have hired an engineer on their own, David Weiss – from Charles Sells to review the plans and could not be present this evening. He would like Mr. Weiss to receive copies of the plans. Mr. Delano noted that all submissions are part of the public record and Mr. Weiss was welcome to go to the office at any time and the secretary will make copies.

Mr. Pappalardo stated that the residents are concerned about stormwater drainage, runoff from the uphill, if the uphill slope was taken away, it will create a situation perhaps where the rock and stone on the up hill side can come across the road and pose a hazard. There is runoff now and if any more of the uphill slope is taken away without some sort of retaining wall – that appears to us to be some distinct possibility. As is the runoff down hill, which is why the neighbors wanted to get some advice from an engineer moving forward. Lastly the current road has had its current width for a number of years which services there homes and we are only

adding one more home. Fire and Ambulance have accessed the site for many years with no problems. If the paved width can be minimized and stormwater runoff can be redirected the neighbors would be happy.

Mr. Delano stated that the fire chief was ok with a few spots being at 15' but would like the balance at 18'. There are four homes on a private road and the private road is 18'. He did not get the impression from the board that they are looking to pound an 18' roadway through here. In Mr. Petrucci's plans he is making accommodations to intercept the water in the uphill areas before it hits the pavement and directing it to a sub surface drainage. The infiltration practice on the downhill part of it is calling for curbing along that and there will be control of drainage and the board will review this. He personally feels based on his engineering background and firematic background that the road should be extended and a more formal turnaround should be provided. Mr. Kaufman stated that we discussed the turnaround at the meeting and that was the fire departments preference.

Mr. Delano stated that the applicant should review water that is on his property and the applicant will be asked to capture handle and deal with the water on their property. The applicant will not be asked to accommodate water in the capacity of Hurricane Irene or Hurricane Lee. We typically ask for a 25 year storm which is 5 inches of rain. Mr. Delano stated that we ask the applicant to determine how much run off on is on the current lot. The applicant then imposes the house on the site and determines how much runoff there will be and they subtract the two numbers and that is the amount the applicant will be asked to address and this applicant will address that. Mr. Delano stated that the board is aware that the two major concerns of the public are drainage and the width of the road. He asked if there were any comments from the public at this time.

Ms. Jill Gretto stated that this was the first time that drainage was discussed and opined that the curbing would not protect the drainage on the Kornell or Rossano properties. She was concerned with the additional paving on overlook and the runoff of the additional paving onto Valhalla Avenue and Overlook Road. Mr. Delano noted that the house location was several hundred feet from the area Ms. Gretto was speaking about regarding drainage. Mr. Delano inquired if there was a drainage issue there presently and Ms. Gretto did not answer Mr. Delano's question and suggested he speak directly to the neighbors about this. Mr. Delano suggested Ms. Gretto speak with the Highway Department about this matter.

Ms. Gretto inquired about the ARB and confirmed that they are advisory to the Planning Board. Mr. Delano stated that was correct. Ms. Gretto reviewed the section of the code that the ARB uses as criteria to make their decision. She also stated that the ARB mostly discussed the eco friendly house and did not really discuss the design of the house. She then presented other residential houses that are similar in the neighborhood. Mr. Delano stated that the Planning Board has as copy of the ARB approval along with the plans that were approved. Mr. Baroni reminded the neighbors that there is an appeals process and that would be done with the ZBA and there is a time limit attached to that. Ms. Gretto agreed with Mr. Baroni. Mr. Baroni wanted to be clear and said once again that generally what the ARB recommends to this board, will be approved, if the neighbors want to appeal that decision, that would be heard before the ZBA. Mr. Kaufman noted in the ARB approval that the ARB did weigh these issues and did note the concerns of the neighbors for and against the application. Ms. Gretto noted it was open house at

school that evening and some neighbors were not able to attend the ARB meeting. Mr. Delano stated that Ms. Gretto would be well advised to follow Mr. Baroni's hint to pursue the ZBA on an evening when all of the neighbors can attend.

Ms. Gretto reiterated her comments from previous meetings regarding her Steep Slopes concerns. She read sections from the Town Code regarding Steep Slopes. She does not feel this was adequately taken care of and there is significant removal of vegetation and rock outcrop. Mr. Kaufman stated that was not true. The removal of 22 town regulated tree is not a lot of trees to be removed for the development of this lot. Though it is on a rock the applicant is minimizing the disturbance in terms of grading and the applicant is basically building their house on the rock. This is responsible development on how to develop this lot. There could be a much more significant way to develop this lot. Ms. Gretto noted that in the past when projects have been built similar to this, the drainage was not adequately reviewed and there were problems afterwards and wants to make sure the water was adequately reviewed upfront in the planning stages. Mr. Kaufman stated that we are looking closely at the drainage and how the applicant is developing the site is fairly reasonable and the amount of trees that are being removed and the amount of clearing to be done is not excessive for where they need to put the driveway, home and roadway.

Ms. Gretto also commented on the width of the road. Mr. Delano stated that when it comes down to the width of the road, the Planning Board will make that decision regardless of who agrees to what width. Mr. Kaufman stated that the requirement is 18 feet and it is the Planning Board's discretion if it is appropriate or not to reduce the width of the road down to 15 feet in certain spots or not.

Ms. Gretto was also concerned about this applicant hooking up to water on Valhalla Avenue, which the Nassetta's brought in years ago. Everyone who lives on that road uses a water pump to maintain water pressure. What is going to be done by the applicant to maintain the existing water pressure in the area? She was told by the applicant's engineers that nothing was going to be done regarding this matter. Mr. Miller commented on this matter from the audience but it was inaudible.

Mr. Rossano stated that he was concerned about the runoff from Overlook road and any new drainage onto his property from this development. He would like to know how much more runoff was calculated for this project that may run onto his property. He is concerned if the berm was adequate as there is a low point on Valhalla Avenue between his lot and Ms. Kornell's lot. He noted for the record that he has never had a drop of runoff come down into his garage or basement and wants that to keep his dry basement and dry garage.

Claire Nassetta – 54 Overlook Road, - concerned with size, maintenance and drainage of the road. She is concerned about the two trees removed and additional traffic generated from this home. She is concerned about the maintenance and plowing the road.

Mr. Mezzancello inquired who plows the road now? Ms. Nassetta stated that the three neighbors split the bill. Mr. Mezzancello stated that Mr. Miller would probably split the bill four ways. Ms. Claire Nassetta was concerned about what plantings would be removed on the hill, she was not clear about that.

Mr. D'Agostino stated that there was a lengthy meeting with the neighbors. Dialogue was had with Ms. Claire Nassetta, Mr. Miller and Mr. D'Agostino which was inaudible.

Mr. Delano stated that the neighbors hired a professional who will be reviewing the plans.

Ms. Kornel noted for the record that there is presently no water in her basement and no water in her garage. She has a drain in front of her house that accommodates the run off presently. She would like to know what her rights are if water starts coming into her house and her things are damaged. Who is responsible? Mr. Delano stated that we are reviewing and approving a plan that will not have an adverse impact on the neighbors. The Town Planning and Town Engineers are licensed professionals who will review this project and make sure that this project is approved according to the code. Mr. Delano noted that he is a licensed engineer and reviews the plans as well as the applicant's engineer, who has been practicing for many years as well. The next step is to build what everyone agrees will work; will actually be built that way. Ms. Kornel asked if she could have her attorney and engineer review the plans, Mr. Delano replied, yes they can.

Ms. Kornel was concerned about the stone wall, trees and shrubs on her property and is concerned how the maintenance of the road and the snow removal will affect her wall, trees and shrubs. If salt is put down on the road and the snow is removed, how will the salt affect the stone wall, trees and shrubs? Mr. Delano asked if these were details that could be put into the road maintenance agreement regarding these concerns. Mr. D'Agostino and Mr. Miller spoke to Ms. Kornell at this time and it was inaudible. Mr. Delano stated that our professionals will review what the applicant's professionals submit and Ms. Kornell's professionals will review the plans and they will have to make sure what is approved of on the plans is built the right way.

Nancy Hadley inquired if all the green cards and paperwork was in order for this application. Ms. Desimone stated that the material was given to her this evening and she will review it and if there are any discrepancies she will bring it to the attention of the Chairman. Ms. Hadley stated that she only received copies of this submission on Friday and has not had a chance to review the material and will have her professionals review it. After her professionals have reviewed the submission, she would like to have a meeting with all parties on this matter, the neighbors and their professionals along with the applicant and his professionals. She would also like to sit down and go over what will go into the easement maintenance agreement. She has a draft agreement but her attorney told her none of the items have been addressed. We need to finalize what the road will look like, how wide the road will be, the drainage, steep slopes and then after that has been resolved we can finalize the maintenance agreement. She would also like to discuss construction issues as well, there was a meeting on this and we have not talked since that time. We would like to resolve these issues but we need to have better communication with the applicant.

Mr. D'Agostino stated that in response to Ms. Hadley's comment, yes we did meet and we did meet over the summer with the neighbors and met at the ARB meeting. We understand there are some issues to be addressed. He reminded the board that back in 1983 the Town approved the Nassetta's application before the ZBA with a condition to extend the driveway as it existed, which was gravel, to absorb the runoff. '

Mr. Miller inquired about the County referral; Mr. Kaufman stated that was addressed back in April, 2011.

Byram Ridge Rd Subdivision, 2/5C/10, 62 Byram Ridge Rd, John Meyer Consulting, P.C.

Present this evening was Rob Aiello, Steve Canalle applicant and Megan Collins, attorney for the applicant.

Mr. Aiello stated that preliminary approval was granted one year ago and they are currently working with the Health Department. This application has received DEC permit and is very close to getting Board of Health approval. In response to Mr. Mezzancello's comment, Mr. Aiello reviewed the details of the six acre lot located at Byram Ridge Road, Hunter Drive, which had received a five lot preliminary subdivision. There is a local stream on site and a DEC wetlands across the street and small dam construction on site. There will be a wetland mitigation on site. An update Swppp was submitted to the Town Engineer. He has reviewed the resolution and feels he can comply with the conditions.

Ms. Collins inquired about conditions 8 & 9; she would like termination conditions added to those conditions. The board had no issues with this request. Mr. Kaufman will add that language to the resolution and have Mr. Baroni sign off on it, before it is distributed for signature.

Ms. Collins also inquired about condition # 10. It was concluded that Mr. Baroni and Ms. Collins will go over that document and finalize the wording.

A few typos were noted at this time and will be corrected in the final draft.

Mr. Delano asked for a motion to approve the resolution as amended. Ms. Black made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Ms. Tatka was not present for the vote.

Motiva Enterprises, 375 Main St., 2/11/6-6, Walter T. Gorman, PE, PC.

Present this evening for the applicant was Ariel Vasquez from Walter Gorman, PE, PC.

Mr. Vasquez stated that this application was for an amended site plan approval for the 280 gallon above ground fuel oil tank and site improvements. The Shell Gas station is located at the corner of Route 128 and Kent Place. The oil tank has been moved next to the existing waste oil tank which is also above ground. Improvements to the site will be the landscaping and he has received approval from the DOT regarding landscaping along Route 128. He will provide a copy of that approval with the next submission. The correct amount of parking spaces will be

provided on site according to the number of employees and bays. Handicapped parking will be provided and the dumpster will be enclosed and relocated on site. The fence along the western and southern portion of the site will be moved to be relocated on the property line; presently the fence is located on the neighboring lot. The curb cut will be entry only along Route 128 and closest to the corner of Kent Place, where the exit for the site will be along Route 128 further from the corner of Kent Place. There will be an entrance only along Kent Place. A catch basin will be connected to an oil separator and more details will be provided. A more detailed landscaping plan with type and size will be provided. The driveway and back portion will be asphalt and the other portion will be concrete. Drainage calculations will be provided. He reviewed the signage for site hours of operation.

Mr. Kaufman noted this was a good recap of the project. Mr. Delano was pleased the applicant received DOT approval. Mr. Baroni suggested that Kent Place be a means of egress. Residents could go to Citi Bank or back to Whippoorwill or park behind the Main Street stores to do their shopping without going back onto Main Street. Mr. Kaufman agreed with Mr. Baroni.

Mr. Sauro inquired if the DOT was aware that at that intersection there may be a regular traffic signal and it may be challenging to make a left turn into the site because it was so close to the intersection. Mr. Vasquez stated that the DOT has been to the site and they had to submit revised plans two or three times in order to get this approval. Mr. Coyne asked if the applicant proposed the egress or did the DOT require the egress location. Mr. Vasquez replied that the DOT wanted an egress and ingress and we recommend the location of the means of egress on site. Mr. Sauro stated it might get tight by the traffic signal. Mr. Coyne stated that what you are proposing is a great improvement to the site but from a practical side, the street side pumps are self serve and the pumps along the side of the building are full serve. If he were driving north bound on Main Street and my gas tank is on my driver's side door and I want self serve, I can't do it without an entrance on the southern side. Mr. Vasquez could see his point. Mr. Coyne stated that he understands the need for an entrance only on the Northern entrance but he has witnessed people exiting off of Kent place and blowing through the stop sign. He understands the entrance only but the southern exit may create problems. Mr. Vasquez will communicate this information to the DOT and see what they say. He did not see why two curb cuts were necessary on Kent Place and if we were to keep two of them, one should be an entrance and one should be an exit. He was also concerned about the gas delivery on site and the exiting of that vehicle; he felt one curb cut along Kent Place would be better. Mr. Vasquez noted the Planning Board had jurisdiction along the Kent Place side of the site regarding curb cut and egress/ingress. Ms. Black agreed with Mr. Coyne's comment in his memo regarding the elimination of the island along Kent Place and placing the curb cut in that island location and the elimination of both curb cuts. She also noted that we have come along way with this project now that we have sidewalks and landscaped islands. Mr. Kaufman stated that it is a constrained lot and what we have come up with is a significant improvement. Mr. Kaufman stated that he did have a conversation with the property owner about redoing the entire site; the property owner was not inclined to do that. Ms. Black noted the Shell Station in Bedford looks wonderful with all of their landscaping.

Mr. Vasquez state that he will return to the board addressing comments from both professionals and will also address verbal comments from this meeting as well.

Mr. Vasquez had not seen the memos posted on line and will access and review those memos.

DiPietro, 137 Bedford Banksville Rd, 1/4/16-14, Hocherman Tortorella & Wekstein, LLP

Gerladine Tortorella, attorney for the applicant was present as well as the applicant, Mr. DiPietro. Jim DeLalla, DeLalla Associates and Joe Riina, PE, Site Design Consultants were also present.

Ms. Tortorella stated that a 4,300 square foot, 4 bedroom septic ranch was approved in 1985 for this site by another property owner. A building permit was obtained and construction started and stopped and the site has been in a disturbed state ever since. The application has since expired and this applicant reapplied in 2004 and has been working on this application since that time. The Town has several approvals that are necessary as well as the NYSDEC and the US Army Corps Engineers. The applicant has been renewing these approvals as necessary and dealing with the economic downspin during this time as well.

Mr. DeLalla stated that the property is two acres in size and is located about 500 feet North from Round Hill Road. The East Branch of the Mianus River flows through this site in a northerly direction. There are two wetland buffers on site, one due to the Mianus River and the other due to runoff from other properties. The total wetland on site is about 35,000 square feet or about 8/10 of an acre. The remaining part of the site will be within the wetland buffer area. The real area of new disturbance on site will be for the septic system for a three bedroom, 2800 square foot home. There will be retaining walls on both sides of the driveway along with a retaining wall at the rear of the house. The driveway will be 12 feet wide. The limit of grading and disturbance is approximately 30,000 square feet or about $\frac{3}{4}$ acre. Five or six large trees came down during the recent storms and they will update their tree count. In the previously disturbed areas there are now invasive plants; phragmites and barberry are on the foundation which must be removed. The total wetland is 4,300 sq ft which is about 12% on site. The main wetland disturbance is where the house is itself. In 2004 it was not flagged as a wetland, but now it is flagged as a pocket wetland from runoff on other properties. They are proposing 2/10 of an acre in wetland plantings.

Joe Riina stated that he reviewed the stormwater, drainage and septic area. He has board of health approval for a three bedroom home. There have been several rounds of changes with the Health Department. A pump chamber will pump up to the septic and the well will run along the driveway. There are several water courses that run through the property. There is a culvert which is a discharge for town drainage and a stone wall will be put up to relocate the water in to the wetlands. There will be a vegetative swale vs. a stone line swale. There will be a stormwater quality basin at the base of the driveway for a two year storm which is collecting all of the impervious area from the site. To cross the stream, the box culvert will be 24' wide to cross the stream. An analysis was done for the 100 year storm because the neighbor down the street had his driveway washed away and that neighbor has installed two 42" pipes and one 24" pipe which create a back up of water in severe storm events. His firm was asked to prepare reports for the 10, 25 and 100 year storm and the back water event it would have on their stream crossing for this site. The 100 year storm will have water that will rise just above the culvert or the

driveway.

Mr. Delano reviewed some items in the new EAF form that should be updated with additional information. Regarding item #19 and letters G & I. He also asked both professionals to sign and seal all future sets of plans, as well as placing all required New York State notes on the plans.

Mr. Delano expressed some of his concerns regarding the drainage report which he had discussed earlier with Mr. Coyne and noted he would be happy to sit down with Mr. Riina and Mr. Coyne and go over some of his concerns regarding drainage. He would like the applicant's professionals to finalize how much disturbance to the site there will be as some of the figures between the professionals do not agree. Mr. Baroni inquired about the disturbance on site; he would like to know the point and time when something is considered newly disturbed all over again. The prior disturbance was 27 years ago. Is there something in the engineering handbook that says after a point and time a site has re grown its natural vegetation and it would all be considered newly disturbed. Mr. Delano stated we delineate as a limit of disturbance and that is what we take as the disturbance. Mr. Coyne stated that any soil disturbance now is new disturbance and it should be taken wholly, the area previously disturbed may be used by the applicant as far as wetland mitigation, this is not a pristine site and we understand that, as far as disturbance and land area.

Ms. Tortorella stated that she understands the boards point regarding counting the amount of land to be disturbed but every disturbance is not created equal and there are qualitative and quantitative analysis of disturbance.

In response to Mr. Delano's comment, Mr. Kaufman will double check whether steep slopes permit is necessary for this application. The board agreed that the referrals will be sent out again to the Conservation Board, Westchester County and Open Space Committee etc. The ARB approval has not been received yet.

Mr. Delano would like to discuss the wetlands and what will be done in the wetlands. The Board of Health has granted approval on this site and part of the septic plan is in the wetland. He also noted the approved septic plan on SP-4 & SP-9 and there is some discrepancy on the wetland and septic plan. One of the plans doesn't show the expansion field and the expansion fields are in the wetlands as well. The house size may need to be reduced in order to reduce the impact of the septic in the wetlands. Typically the board has not approved stormwater mitigation in the form of stormwater treatment basins in the wetland regulated area and we need some input from the Conservation Board on this matter. In 2009 the 2:1 wetland mitigation was in place, the plan at this point does not show a 2:1 ratio. Mr. Kaufman noted that the Conservation Board does have some flexibility on this matter; we do realize the lot is constrained. There is only so much you can do. Mr. Delano noted that 99% of the time we take the advice from the Conservation Board. Ms. Black agreed that input from the Conservation Board was necessary.

Mr. Kaufman stated that the board is aware the lot is constrained and they need to figure out what amount of disturbance is reasonable.

Ms. Tortorella stated that there is a portion of the site that deserves careful consideration and there is another portion of the site that does not deserve as much protection and we believe the

area that deserves the most protection is that corridor along the Mianus River. Multiple house locations were reviewed on this site. We are trying to make the best and most reasonable use on site. We would like to schedule a site walk for the newer board members or for anyone who would like to visit the site again.

A site walk will be scheduled with the Planning Board and the Conservation Board.

In response to Mr. Delano's comment, Mr. DeLalla stated that they do have the Army Corps of Engineers approval, and they keep updating the permit every year as it is only good for one year.

One Labriola Court LLC, 1 Labriola Court, 2/11/13-1, Dennis Noskin Architects

Present for this application was the property owner Renee Brown and her professional Dennis Noskin.

Mr. Noskin stated that Mrs. Brown is considering Terminex as a tenant. There will be overnight parking of trucks on site which requires site plan approval. Due to the fact that this is an environmentally sensitive area the chemical components have been referred to the Fire Marshal Bill Richardson for review and storage. He continued and stated that he provided the MSDS (Material Data Safety Sheet) summaries with his submission to the board. The chemicals will be kept indoors and there will be less on site than what a hardware store would store on site or a Home Depot would store on site, although neither one of those are located next to wetland or the NYC reservoir. Terminix has chemicals to eliminate household pests like wasps, bees, mice and rats.

Mr. Kaufman would like to know where exactly on site the chemicals will be stored and how much chemicals will be stored on site. Mr. Delano noted this area was 4,300 square feet and this detail was very important as the fire personnel needs to know for safety reasons what is stored on site. A sketch layout of the room needs to be provided. Mr. Kaufman would like to know if the chemicals will be mixed and diluted on site. Mr. Noskin will find out all of this information and provide it to the board.

Mr. Delano asked for the signature block to be located in the bottom right hand corner of all plans.

Mr. Noskin requested a public hearing on 11/7/11.

Ms. Brown noted that this is a national company and they only want to bring in a good quality tenant and we have a signed lease in place. We are a green building and we do not want to bring in a client who would hurt us environmentally.

Singer, 1 Quarter Mile Rd, 2/11A/21 & 24, Extension of time resolution

Mr. Delano asked for a motion to grant an extension of time resolution for the Singer application. Ms. Black made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Ms. Tatka was not present for the vote.

Meeting adjourned at 9:27 p.m.