

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
January 13, 2014**

PLANNING BOARD MEMBERS PRESENT:

Art Adelman, Chairman
John Delano,
Guy Mezzancello
Christopher Carthy

PLANNING BOARD MEMBER ABSENT:

Steve Sauro

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

Joseph Cermele, 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:
John Fava

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

PUBLIC HEARING:

GORDON

257 East Middle Patent Road

Section 88.04, Block 1 Lot 13

Mark B. Borteck, Attorney at Law

Dennis Lowes, Ralph MacDonald Company

Proposed in-ground swimming pool

Discussion

Consideration of site plan resolution

Mr. Adelman read the neighbor notification notice for the record. Mrs. Desimone stated that all paperwork was in order for this application. Stan McWiggin, 244 East Middle Patent Road was present.

Mr. Ginnel stated that Site Plan application was for the construction of a new 50' x 20' in-ground swimming pool and appurtenances.

Mr. McWiggins asked multiple questions regarding this application: who would use the pool, how would the access be to the pool by the professionals, landscaping around the pool, would there be any blasting or jack hammering on site, he inquired if the full build out for the site was shown. Mr. Ginnel answered all of Mr. McWiggins questions to his satisfaction. Mr. Ginnel also noted this pool would be built like any other pool within the town and would have an electronic cover and due to the electronic cover there will be minimal maintenance. Mr. Ginnel he also noted that during the original testing, there was no rock found during the first five feet but could not comment on what it would be further down than that. Mr. Kaufman also noted that a full build out would not be necessary regarding this application because the applicant was not subdividing the lot, the application was in for a special use permit for a swimming pool.

In response to Mr. Carthy's comment, Mr. Cermele stated that no infiltrator was proposed, mitigation was proposed for the spreader.

Mr. Adelman asked for a motion to close the public hearing, Mr. Delano made a motion to close the public hearing., Mr. Carthy second the motion and it was approved with four Ayes. Mr. Sauro was not present for the vote.

Mr. Adelman asked for a motion to approve the resolution, Mr. Delano made a motion to approve, it was second by Mr. Carthy and approved with four Ayes. Mr. Sauro was not present for the vote.

MONACO

8 Hollow Ridge Road

Section 2, Block 3, Lot 2-8

Special Permit for an accessory structure over 800 square feet.

Dan Holt, PE Holt Engineering,

Discussion

Present for this application was Dan Holt, Al Pirro, and the property owner, Mr. Angelo Monaco.

Before the affidavit of publication was read into the record, Mr. Adelman reminded the applicant that the board could not vote on the resolution tonight because the applicant does not have ARB approval at this time. Mr. Pirro stated that he had received ZBA approval. Mr. Baroni noted that we can open the public hearing but cannot proceed without comments from the ARB.

Mr. Adelman read the affidavit of publication into the record. Mrs. Desimone stated that all paperwork was in order for this application. No noticed neighbors were present.

Mr. Adelman made a motion to close the public hearing, it was second by Mr. Carthy and approved with four Ayes. Mr. Sauro was not present for the vote.

CONTINUED PUBLIC HEARING:

NIKIC

12 Terrace Circle

Section 100.02, Block 1, Lot 51

Michael Stein, PE Hudson Engineering,

Construction of a new 8,203 square-foot single-family home.

Discussion

Mr. Delano recused himself from this application.

The following noticed neighbors were present for this continued public hearing. Present was Lisa Neporant and Mr. & Mrs. Adam Rosmarin.

Also present was John Nikic, property owner along with his professionals. John Kirkpatrick, Esq.; Jerry Barrett, Landscape Architect, Jerry DeCarlo – Builder for the applicant.

Mr. Adelman confirmed that the neighbors met with Pete Monteleone. That meeting took place.

Mr. Barrett stated that the goal was to decrease the proximity of the proposed home to the existing home. The new house location was moved 60 feet further away and is

now 269 feet away from the neighbor's house. The project disturbance is about the same, the wetland buffer disturbance was at 3,580 feet and now up to 12,000 feet. He will still be able to provide the 2:1 mitigation ratio. The house is three feet lower and less visible and can maintain more of a buffer along the property line. They are proposing a single boulder retaining wall vs. the previous double retaining wall.

The Rosmarins have expressed an interest in more evergreen trees planted for their privacy in the winter. Mr. Adelman confirmed a planting plan still needed to be submitted.

Mrs. Neporant was happier that the house is set back and better oriented. She noted the driveway appeared wider at the entrance. Mr. Barret responded that the same house and driveway are on this plan as the original plan.

The Rosmarins suggested that Norway Spruces be planted. Mr. Barret stated that he can plant some evergreens.

Mr. Adelman noted the letter received within the last few days that requested staking a balloon test. He felt the board has listened to the neighbors and had a meeting with Pete Monteleone, the neighbors representative, the house has been moved the landscaping has been addressed and that part is done. Mr. Adelman noted this was a sketch plan and the applicant will submit a landscaping plan, engineering plans etc.

Mr. Kirkpatrick confirmed with the board that they are happy with the plan as proposed and the board said they were happy with the plan.

Mr. Carthy inquired about the height of the wall and type of wall and if a railing would be put on top of the wall and would a double wall work there. Mr. Barret stated it would be a masonry wall and simple rail could be put on and once landscaped would not be visible. He noted a double wall would not work as it is getting too close to the vegetative buffer. Mr. Carthy complimented Mr. Adelman on the good job he did with addressing the needs of the neighbors and the applicant with this application.

Mr. Adelman complimented both the applicant, professionals and the neighbors for working together and compromising and making this lot the best it could be.

Mr. Adelman asked for a motion to close the public hearing. Mr. Mezzancello made a motion to close, it was second by Mr. Carthy and approved with three Ayes. Mr. Delano abstained from this application and Mr. Sauro was not present at the meeting.

CONTINUING BUSINESS:

WHIPPOORWILL CLUB TURF MANAGEMENT MAINTENANCE FACILITY

Whippoorwill Road

Section 100.04, Block 1, Lot 41

Karl Ackerman, Sullivan Architecture, PC.

14,400 sq. ft. two story Turf Management & Maintenance Facility

Discussion

Mr. Baroni noted for the record that he was a member of the Whippoorwill Club.

Present for this application was Mike Kolba, John Meyer Consulting, Jeff Mardochy, General Manager of the Whippoorwill Club, Paul Gonzalez, runs turf management facility and operations for the Whippoorwill Club; Karl Ackerman, Sullivan Architecture.

Mr. Ackerman stated that the plan has not really changed since the original submission to the Town Board. The board was on a site walk. The building is the same size and they are working on bringing it up to compliance regarding the chemical storage on site. A sand silo was added to the plan since the last submission which will be 26 feet tall and the proposed building will be 27 feet tall. They will provide photo simulations for the board from the road and will submit a landscaping plan and site lighting plan. There will be building mounted lighting, they are trying to make the lighting with a very low profile. During the winter there will be bare minimal security lighting on site.

Mr. Kaufman noted that in general this is coming together and a few items not mentioned were the chemical storage building, the recapture system and the wash water recycle and those things were asked for and not shown on the plan. Mr. Ackerman noted there was one other comment about vehicle repair which will be done on site and that same system can deal with the oil, there will be a drain inside the building.

Mr. Kolba presented the overall site plan at this time. He noted the curb cut will remain in the same location but will be repaved and parallel parking spaces installed along the roadway and a gravel parking area for employees. Concrete pads were shown for the trash compactor and trash bins. In front of the storage area in the rear will be another concrete pad for a wash down area. A cart path from this facility will be built to connect to the existing cart path. The existing water system will be used to the new building. The septic system will be in New Castle on the North side of the paddle courts. He will be finishing up the SWPPP and submitting that information. He will submit the pretreatment measures and review what was proposed at this time.

Mr. Ackerman noted that people presently parallel park on the roadway and park where the proposed gravel parking lot is. Part of this application is to clean up this area and consolidate everything and get everything inside, the trash and dumpsters are already there and we are just moving them and consolidating all of the equipment that is already there. The trailer that is currently y there will be removed.

Mr. Kaufman noted that because the septic was in New Castle a coordinated review will have to be done. In response to Mr. Kaufman's comment, Mr. Kolba stated he has not submitted anything to New Castle yet.

Mr. Baroni inquired if any progress was made regarding the demolition of the old water tank. Mr. Kolba had no update at this time. Mr. Baroni stated that when two castles went defunct back in the 1990's, the town had to create water district #5 to service the homes in Whippoorwill, the town inherited the water tank which exists on Whippoorwill Club property through an easement. He confirmed with Sal Misiti in the water department that the Town has no use for the water tank or the easement. It would seem prudent that when the building is demolished to take down the water tank at the same time and then we could give back the easement and the club could have back that section of property. It seems like a win, win for everyone. Mr. Ackerman stated he would make that reflection on the next plan.

In response to Mr. Mezzancello's comment regarding the special treatment for the chemical storage for safety measures. Mr. Kolba noted that everything will be done within the facility.

Mr. Carthy noted he was happy with the progress of this application, everything looks great.

Mr. Adelman asked the engineer to address the remaining comments in both memos and return to the board when ready.

PATTI

30 Palmer Avenue

Section 122.16, Block 4, Lot 59.

Construction of three parking spaces and retaining wall with second curb cut

Anthony Patti, applicant

Discussion

Mr. Delano recused himself from this application as his daughter is engaged to one of the neighbors. Mr. Sauro was not present for the meeting.

The site plan application is for the construction of three off-street parking spaces, a retaining wall as well as a second curb cut on the existing 7,765 square foot lot within the R-5 Zoning District. The property is located on Palmer Avenue and the rear of the property borders onto Grove Road.

Mr. Patti presented the topographical survey to the board members. His lot goes from Palmer Avenue to Grove Road. There are only three lots on this road that go all the way back to Grove Road.

Mr. Adelman and Mr. Carthy noted they had been to the site; Mr. Mezzancello had not visited the site. Mr. Adelman suggested Mr. Mezzancello visit the site.

Mr. Patti presented his plan and proposed parking spaces to the board at this time. He noted that the wall would be 1 foot wide with poured concrete and rebar. He noted he had structural engineer plans as well. He then presented the height of the wall that would be facing the neighbors and what would be facing his backyard. The proper drainage will be installed for this project. He noted that he considered many different materials for this application and recently had to replace the wooden 4 x 4 retaining wall that was in front of his house and that is why he decided to go with poured concrete which is an extra cost, but it will not have to be replaced. He has reviewed both memos from the professionals and noted their comments about landscaping. He will add deer resistant landscaping 5 – 6 'tall with lower shrubs in-between on both sides of the walls. This landscaping will be submitted with the next submission.

Mr. Patti stated that a variance is needed for the Gross Land Coverage. Mr. Kaufman stated that the Planning Board can approve the second curb cut.

Mr. Adelman inquired if a referral can be made to the ZBA at this time. Mr. Kaufman stated if the coverage is going to remain the same we can make the referral, if it is going to change then we should not make the referral until we know the exact figure. Mr. Adelman noted that while out at the site he parked in the travel lane of the road, clearly there is a need for parking in this area and will benefit the community in general. He noted two hands raised by residents in the audience, he stated this was not a public meeting and there would be a public meeting on this application later on in the process but agreed to listen the residents now or at the public meeting but would prefer not to listen to the comments twice and asked what their preference was. Mr. Arhenberg noted he was present now and would like to be heard now. Mr. Ken Kauffman stated that he will wait as he just found out about this meeting a few hours ago and would like to get more information before making comments.

Mr. Patti inquired if he needed to respond this evening. Mr. Kaufman stated that the neighbors would address their comments to the board members and if they could not address the comment, we could ask the applicant to respond. Mr. Adelman stated that this has been a courtesy we have been extending generally; we do keep a rein on it.

Mr. Don Ahrenberg, 31 Grove Road, he noted his house was located at the top side of Mr. Patti's property.

Mr. Adelman inquired if he was the author of the letter that was received by the board. Mr. Ahrenberg said he was the author.

Mr. Ahrenberg stated that he had some pictures for the board. He also noted that he was under the impression that lot was not buildable for a permanent structure. He noted that when he purchased his home his lawyer looked into if any permanent structure could be built there and he was told by his lawyer that no permanent structure could be built there and he has been there for 25 years. He inquired at the time because if another house were to go in there it would be too close to the other two existing houses.

Mr. Kaufman inquired if the applicant thought the property was deed restricted. Mr. Ahrenberg was not sure. Mr. Kaufman stated that this is one lot and another house could not be built. He asked Mr. Ahrenberg what he meant by permanent structure, a shed? Mr. Ahrenberg stated that he meant the parking structure proposed. Mr., Kaufman stated that the applicant has to meet the requirements of the code for the parking spaces.

Mr. Ahrenberg noted that this parking area will be right next to his living room window, this huge wall, Mr. Patti is going to be parking three cars there and the exhaust fumes will go right into his window. He feels this will be an eyesore and will bring his property value down as well as the other neighbor on the other side, this is a big cement structure and will be ugly, he did not see how that could be changed. He understands there is a parking problem in that area, he has the same problem. He has gone to his neighbors to park sometimes when he did not have a place to park.

Mr. Adelman stated as he noted in an earlier application, we do not have the power to make things invisible, but through landscaping, we ameliorate what the situation is. As far as the fumes, he is not planning on sitting there wasting gas. Mr. Ahrenberg stated that he warms his car up for 10 minutes on cold days. Mr. Ahrenberg inquired if each property is only allowed so much curb cut. Mr. Adelman stated that generally that is correct but what that refers to is a big property that has two curb cuts with one of those circular driveways. Here, we think this is a benefit to the entire community. Mr. Ahrenberg inquired in what way was it beneficial to the entire community. Mr. Adelman noted that he had a personal experience today while out at the site he had to park his car in the travel lane.

Mr. Ahrenberg inquired if you were there today Mr. Adelman, you don't think that will be an eyesore outside of my yellow house. Mr. Adelman said he did not think that would be an eye sore, he felt it was keeping in mind what other people have done relative to their properties to have off street parking. Mr. Ahrenberg stated that other people have off street parking which is not in the face of a neighbor. Mr. Adelman stated that it is a lot that permits this use. Mr. Ahrenberg stated that he wanted to bring his objections to the board. Mr. Adelman stated that the board understands and reminded Mr. Ahrenberg he stated it well in his letter. Mr. Ahrenberg thanked the board for his time; Mr. Adelman thanked him for his comments.

Mr. Ken Kauffman, 35 Grove Road stated that he was sure Mr. Patti will do a great job and his other neighbor did a great job at the time without any permits, he then presented a picture to the board of what the parking area looks like today and how the new property owner does not maintain what it originally looked like. He is concerned when Mr. Patti moves how will we know or guarantee how the new property owner will maintain the parking area. He then presented pictures of another lot that took parallel parking spaces onto their property and they also had a garage. He noted that his curb cut is 10' 6" wide; he paid \$19,000 to make his driveway 40' deep. He showed a photo of where Mr. Patti currently parks and noted he could not park there. He then presented his neighbor's 60 foot curb cut and no one can park on the street in front of that curb cut either. He also noted another 50' curb cut across the street with a garage. If you go

down the street there is another guy with a 50' curb cut. There is no street parking and his house has no street parking and to take more of it away from us is not doing anyone any justice. You are satisfying one person and he does not blame Mr. Patti, he says he needed more parking. He and his wife and two sons needed more parking, he moved as a result of the parking and rents this house out now because it was too small. Someday he will move back into this house as the taxes are really low and when he returns there will be a parking lot to the left of him and to the right of him. Mr. Ken Kauffman presented another photo to the board and asked them if they thought that it looked great, if that was a real good thing.

Mr. Adelman clarified that Mr. Ken Kauffman's objection to this project was the road frontage of his property. Mr. Ken Kauffman stated that he has a curb cut, he qualifies, he has his two car parking, just like he has two car parking and Mr. Ahrenberg has two car parking.

Mr. Adelman confirmed that Mr. Patti's two car parking was on Palmer Avenue, Mr. Ken Kauffman agreed yes, where the front of his house is. Mr. Adelman inquired if you think that anyone could park their cars on that street? Mr. Ken Kauffman stated that people do park on that street and that street has a side walk and he did not have a side walk, Mr. Patti has a garage and he does not have a garage. Mr. Ken Kauffman presented the photo again of the parking area that he looks at and expressed again his concern of what Mr. Patti's parking area will look like once he moves. Mr. Adelman stated that Mr. Ken Kauffman did not have to repeat himself; the board understands what he is saying about Mr. Patti, which is hypothetical.

Mr. Ken Kauffman stated that this is perfect for Mr. Patti but it is not perfect for me. To take away more street parking makes it impossible for anyone to park. When he was living there he could not have his children's birthday parties at his home because relatives and friends had no place to park. What are we to do, there are fire hydrants, curb cuts, there is plenty of room to park down on Palmer Avenue and then they have to walk up the hill. You have to think about what you are going to approve here, there is no street parking for people to have family come over.

Mr. Adelman stated that he understands what Mr. Ken Kauffman is saying but you cannot solve the problem by trying to eliminate a legal right Mr. Patti has – Mr. Ken Kauffman stated that he did not know if it was a legal right, you have a right to a 16 foot curb cut. It is time to move, that is what he did and he is not telling him he has to move but look at this picture, this is what something turns into when someone builds and then leaves, this is turning into Washington Avenue. He will be prepared next time because he only found out about this at 4:30 p.m. today. Mr. Adelman asked that he not show the same pictures or information a second time. Mr. Ken Kauffman agreed he will have new facts next time he comes before the board. He does not begrudge Mr. Patti; it is what happens after he leaves his legacy.

Mrs. Desimone asked Mr. Ken Kauffman if would like to make those pictures part of the file.

In response to a comment made by Mr. Adelman, Mr. Kaufman stated that we always do coordination with other departments, Highway, Police etc.

Mr. Patti stated that he has lived in his residence for 20 years. From day one he has parked his vehicles where this proposed parking area is going. He does have a two car garage that was built in the 1915 and the garage is very small. He is limited in what type of car to purchase due to the size of the garage, there is only a few inches on either side of the car, his wife has left scratch marks on both sides of her car while using the garage. If you pull into the other bay there is no room to exit the car, you can only exit the car through the passenger side. There is no driveway in front of the garage, the sidewalk is there and he can't park on that and there is the snow ordinance which prohibits you from parking on the streets during that time period and that is why he is proposing this parking area. He has always parked on Grove Road and did not see how it was hampering the parking on Grove Street. He is getting his cars off the road to create a safer pathway for vehicles to go by. He has had damage to his cars on three separate occasions and there are police reports filed to that extent. Relatives while visiting have had damage to their cars and police reports were filed as well. He reminded everyone the chairman had concerns while parking down their earlier today and parking concerns during the winter months. He is fortunate to have a piece of property where he can put some parking spaces that are within the town requirements. He felt he needed to address these comments this evening made by the neighbors. Mr. Adelman stated as he mentioned earlier we are going to hear it once, we heard it now and do not want to hear the same things again. Mr. Adelman looked at the neighbors and stated if there is something new to discuss he welcomed the information but if they were going to repeat the same information, please don't. One of the neighbors said fair enough.

Mr. Mezzancello stated that his mother lives in West Harrison on lots 75 x 50', he lived there with both parents with three boys and a little garage, everyone gets a 50' curb cut and the whole front of the house is a driveway. Now when he visits his mother, her car and tenants cars are in the driveway and there is no place to park and that is how it is for the entire block. He understands where he is coming from. It is a parking issue; people like you and me had to make more use of our property to accommodate the parking issue. He understands the neighbors that need a place to park and not everyone can afford to put up a concrete structure.

Mr. Patti stated that this is pretty much a hardship for him that he has to make spaces available. The property to the south of him had five vehicles at one point and now only four vehicles; he is not sure where the extra car is being parked. The property to the north of him had two cars and was not sure where the tenants parked and that property owner made enhancements to his property to get the cars off of the road which was Mr. Ken Kauffman's property. Mr. Patti is making adjustments to his property to accommodate his vehicles, just like Mr. Ken Kauffman did.

Mr. Patti stated that when he is looking out his back sliding door, the houses to the south and north have a foundation and a structure. There are two houses on Palmer when they look up they see a foundation and a structure. He is required to put

evergreens on his foundation yet there are no evergreens on the foundation to north or to the south of him. He is making a better aesthetically and what is there now to his left and to his right is imposing and a detriment.

Mr. Adelman stated that based on what the neighbors have stated that a lot of the existing parking has not gone through the formal approval process, this will be made legally and the best it can be.

Mr. Ken Kauffman inquired if it were legal to cross the curb cut and park your car there for 20 years. Mr. Baroni stated he would have to review that with the Police Department. Mr. Ken Kauffman stated that his curb cut was only 10' 6" wide and he parked tandem in his driveway. He could have taken 50' of frontage but felt it was the wrong thing to do and did not want to turn this street into Washington Avenue.

Mr. Ken Kauffman gave Mrs. Desimone the pictures which he put the addresses on to be made part of the record.

In response to Mr. Adelman's comment, Mr. Kaufman will forward the proper information to Westchester County Department of Planning.

Mr. Adelman stated that he would like to send this application to the ZBA with a positive recommendation. Mr. Carthy stated that he has a little bit of hesitation and thinks there is validity by putting three parking spaces on street frontage, he can appreciate that reservation from the neighbor's point of view. A brief discussion was had about the driveway width and Mr. Cermele noted that this was a second curb cut and the requirements were different.

Discussion was had by the board members at this time. Mr. Kaufman noted that this is a balancing act. We know that North White Plains is difficult with off street parking. He has offered some suggestions on minimizing the visual impacts. If the board feels this is too much, maybe there is something in the middle, he does not know but ultimately this will come down to what the Zoning Board of Appeals has to say also. Perhaps a solution is somewhere in between three parking spaces and no parking spaces, perhaps two parking spaces. Mr. Adelman noted that when walking down the block and seeing four and sometimes five cars parked, sometimes cars facing forward and one car parked perpendicular behind them. This will be an improvement, and will set a pattern for people to come vs. the ad hoc things that have been done.

Mr. Carthy agreed with Mr. Patti's construction method. He appreciates the landscaping concept. Mr. Carthy inquired if the lot could be subdivided. Mr. Kaufman would have to review the lot to make that determination but given the steep slopes of the rear of the lot it probably could not be subdivided. . Mr. Patti stated that a subdivision was not his intention and if you look to the left and right of him there is a structure on Palmer and a structure on Grove Road.

Mr. Carthy stated that he is not convinced that sending this to the ZBA right now is the right thing; Mr. Mezzancello stated that he has not visited the site. Mr. Patti noted the

neighbors to the left and right of him are dealing with the same slope that he is going to deal with his parking area. He is not changing the makeup of the neighborhood, it is there already.

Mr. Carthy asked for some clarification regarding the main concern from the neighbors. Mr. Ken Kauffman stated that his main concern is that there would be less street parking. He also stated he did not want a large 8' 11" wall next to his patio, where his tenants will sit outside and look at the undercarriage of Mr. Patti's cars. Mr. Patti noted that Mr. Ken Kauffman has the same type of parking structure on his property and his neighbor see a car and his neighbors are looking at the same thing. Mr. Ahrenberg noted he does not have a garage. Mr. Carthy noted that what Mr. Patti has is hardly a garage. Mr. Ken Kauffman showed the board members the picture of what he looks at presently and then submitted it to Mrs. Desimone to be made part of the record from the meeting. Mr. Patti noted he would have submitted pictures of what he looks at but thought that would be part of the Neighbor Notification and not this evening. Mr. Adelman noted this was the one time that we would see these things. Mr. Patti will wait to show his pictures during the Neighbor Notification. Mr. Adelman noted that the Town Engineer had a comment.

Mr. Cermele stated that the applicant currently has parallel parking along the front and we lay them out to be 22' long spaces, in theory we are providing three off street spaces for less than what we require for two parallel parking spaces. Forty four feet for two parallel spaces vs. thirty feet for three perpendicular parking spaces and these spaces are dedicated to the owner. We could take a closer look at that 30' window to see if it were shifted one way or another if it would provide or maintain more on street parking (where anyone can park). Mr. Patti noted that he parks in front of his property and his neighbor's to the north and to the south both park in front of their property. He does not see how he is taking away or restricting parking as he has been parking there for twenty years. Mr. Ahrenberg stated that Mr. Patti has been parking there when he should not have been parking there.

Mr. Carthy inquired if parallel parking was legal there; he was informed that parking in the street was legal. Mr. Kaufman noted it was not safe, Mr. Adelman noted it was insane parking. Mr. Adelman noted that there was no snow on the roads today and when he parked, he blocked the travel lane, when there is snow and you can't even get so close to the sidewalk and garage, you could block ingress and egress when parking on the street when there is snow. Mr. Patti noted that the house to the south of him has two parking spaces and parks the third vehicle parallel to the roadway like he has been; it is parked in the curb cut, in the gutter like he has been parking.

Mr. Carthy asked Mr. Adelman if all the cars park Parallel. Mr. Ken Kauffman stated that usually you have one or two parking spaces which they adhere to. Mr. Adelman stated that it depends on how many cars they have. They have spaces they have done ad hock and there is four and one behind. An unidentified voice said that was the only house on the block. Mr. Adelman noted that what if the house is sold and people move in who have more cars then there are there presently. Mr. Ahrenberg stated that was what we are talking about, the person did move and this is what was created. Mr. Ken

Kauffman stated that the legacy that is left behind for us to deal with when you approve things or when people don't get things approved even – he was sure Mr. Patti will do a bang up job, I know him, it is going to be perfect.

Mr. Adelman stated that where he is coming from is that in most of these areas everything has happened unofficially and catch is as catch can. Here is an applicant that is going through the appropriate process, trying to do what he has the right to do except for a variance for gross land coverage. It is going to improve the appearance of a neighborhood that needs a lot of improvements. Mr. Ken Kauffman and Mr. Ahrenberg stated they do not think so. Mr. Ken Kauffman stated that right now there is no parking and you are allowed street parking up there and that is that. Mr. Adelman asked that he be allowed to finish. It is going to improve a lot of things and trying to find fault with it so that we can maintain an unhappy situation. Mr. Ken Kauffman inquired what is it going to improve? He has two cars, he does not have parking problem now, if he has kids that will be driving fine, you can still park a couple of cars up there. Mr. Adelman noted that is not a concern of the neighbor whether he needs it or not, perhaps he will rent one of the spaces to Mr. Ken Kauffman's tenant. Mr. Ken Kauffman stated that he highly doubts that. Mr. Adelman said that it does not matter; it is not a consideration how he is going to use it. Mr. Ken Kauffman stated that according to the Town Code an R-5 zoned lot is allowed 16' of curb cut. Mr. Baroni stated that apparently it is correct. Mr. Ahrenberg stated he has lived there for 45 years and this will not improve anything.

Mr. Mezzancello asked Mr. Ken Kauffman and Mr. Ahrenberg where they park their cars presently. Mr. Mezzancello stated that he used to park his car down at the Home Savings Bank while living on Brookdale Avenue. Mr. Ahrenberg stated that he parks three cars in his driveway and his neighbor lets him park the fourth car in their lot on the side, if not he would have to park at his mother in laws a couple miles away. Mr. Adelman stated that he saw that spot on the next door neighbors lot next to the tree on the grass. Mr. Ahrenberg stated that is the same place Mr. Patti parks his truck. Mr. Adelman noted the Mr. Patti is here to improve things. Mr. Mezzancello stated that he is trying to get all of his vehicles on to his property and we understand that.

Mr. Patti noted that the driveway to the south holds two cars and the third parks perpendicular in front of the other two cars and that is why he is trying to change this as he does not want to do it anymore and needs parking spaces. He asked if there is a certain setback for that perpendicular parked car to the road. He wants to correct that and put his three vehicles safely off the road, every time it snows and his truck gets plowed in, the Highway says it is not a problem, they are able to get the snow off of the roadway. By him doing what he is doing, he is actually making it safer; the cars will be pushed back more as far as the snow condition. He can't fit the vehicles for his family any more on this lot, which is why he is going through this process, at a rather large expense to keep the cars off of the roadway. He is fortunate enough to have the property to do this, these gentlemen do not have the property to do it and he has met every requirement that the town has put before him and he will address the landscaping (per comments in the memos this evening.) He is over the GLC maximum, this is a hardship and it is appropriate for him and the neighborhood will benefit. He can't fit three cars there.

Mr. Mezzancello stated that he wants to revisit the site.

Mr. Ken Kauffman inquired what do you do with people who have more than two cars. I had two cars on my lot and a \$200,000. RV. He took the RV off site and parked it. (RV's are not permitted to be parked on site unless they are screened). He ended up moving, he is not suggesting that Mr. Patti move, we end up with these legacy gifts that you give people. Mr. Adelman asked Mr. Ken Kauffman to not go crazy here. Mr. Patti stated that he was building this within the requirements of the code, how is this a gift? Mr. Adelman stated that he was stopping Mr. Ken Kauffman at this point because he is repeating himself. Mr. Ken Kauffman stated he will say one last thing, he believes that Mr. Patti will do a great job and beautifully kept but when he moves one day. Mr. Adelman noted that was the fourth time Mr. Ken Kauffman made that same comment. Mr. Ken Kauffman stated he was glad, he wants the board to remember that, because when he come back with more pictures in the future, he has already shown you what has happened in our neighborhood. Mr. Adelman reminded the neighbors that he does not want to see the same things again. Mr. Ken Kauffman stated that he will not bring them, don't worry about it.

Mr. Adelman stated he suggested we refer this application to the ZBA. Mr. Mezzancello suggested another site walk. Mr. Carthy stated that he would like to give this some serious thought. Mr. Patti asked that he be allowed to show the board around when they come back to the site. Mr. Adelman stated that Mr. Sauro was absent due to surgery, he asked that the site walk be rescheduled for when Mr. Sauro can attend. Mrs. Desimone will schedule that walk (January 17, 2014).

Mr. Mezzancello stated we need to find a solution for everyone somehow. Mr. Carthy stated that maybe it is landscaping, maybe veneer, he does not know what it is but needs to think more on this matter. Mr. Patti stated that he has the railing to be installed and that can be changed, he is on a limited budget and all of these requirements he had to meet are not for free, every time there is an adjustment it is difficult. He has tried to do everything aesthetically pleasing, every time there is a revision to the plans it is thousands of dollars.

Mr. Adelman stated that we will conduct a second site walk and refer this application to Westchester County and hold off on the referral to the ZBA.

Mr. Ahrenberg asked to be notified when the site walk would take place as he would like to be present. Mr. Ahrenberg stated he was not home all of the time but would make it a point to be there. Mr. Patti inquired what was his point. Mr. Ahrenberg stated that Mr. Patti wanted to be present for the site walk; he wanted to be present for the site walk as well. Mr. Patti noted that was his property the board was visiting. Mr. Baroni noted that the property owner does not have to permit that. It was noted that discussions of the site walk will be discussed at the following meeting. Mr. Patti stated that he did not think all of this would be discussed this evening, he thought this would have happened at the Neighbor Notification and this just escalated into this. Mr. Adelman noted this was done as a courtesy, for these gentlemen, it will take the place of the hearing unless

they have something brand new to say, we are not going to hear it again. Mr. Patti inquired if the board had any other comments at this time. Mr. Carthy stated that there is no doubt about it that what you are doing is trying to do something that other people have done ad hock and that he agrees with Mr. Adelman.

Mr. Kaufman stated that the reality is that this neighborhood was built in the early 1900's and was not made for all of this traffic and this is why we are having such a difficult time dealing with it. There is a reality, people have vehicles and parking is limited and the width of the road is not there. This is all a balance trying to accommodate modern life. Mr. Patti stated that is why he is lucky that he has some property to address this matter and is self-contained., Mr. Carthy and Mr. Mezzancello stated that they appreciate that and appreciate the ability to claim some usage of that. Mr. Patti stated he has a neighbor to the north of him and his house is on Grove Road and his garage is on Palmer, this property owner has a second curb cut, this is not new to the neighborhood and is not changing the make up to the neighborhood. Mr. Adelman noted if he were changing it, he would be changing it for the better.

AMORE PIZZERIA AND PASTA

1 Kent Place

Section 108.03, Block 1, Lot 76

Roof expansion, architectural changes and outdoor dining revisions.

Discussion of Field Change by Town Engineer

Mr. Cermele stated that the applicant is proposing a minor change to the materials they are proposing to use for the patio. The footprint will remain the same size; they would like to use the same pavers in front of the restaurant as in the patio at the rear of the site. Mr. Cermele requested that they use permeable pavers in front of the restaurant and he asked for a wider joint with a more aggregate joint fill, both were agreed to by the applicant. This is strictly a material change on site. The board was agreeable to the field changes.

61 & 67 OLD ROUTE 22

61 & 67 Old Route 22

Section 107.04, Block 2, Lots 8 & 9

Establishment of Construction Performance Bond

A construction cost estimate was submitted and reviewed by Kellard Sessions, some revisions were made and the revised figures are before the board this evening.

Mr. Adelman asked for a motion to make a recommendation to the Town Board regarding the proposed bond amount. Mr. Delano made a motion to approve, it was second by Mr. Mezzancello and approved with four Ayes.

Meeting Adjourned at 8:55 p.m.