

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
May 19, 2014**

PLANNING BOARD MEMBERS PRESENT:

Art Adelman, Chairman
Steve Sauro
Christopher Carthy

PLANNING BOARD MEMBERS ABSENT:

John Delano
Guy Mezzancello

ALSO PRESENT:

Adam R. Kaufman, AICP
Director of Planning

John Kellard, 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:
Zenaida Bongaarts

Meeting came to order at 7:00 p.m.

APPROVAL OF MINUTES:

The minutes from May 5, 2014 Planning Board meeting were not voted on this evening because there was not a quorum present of members who were present from the May 5th Meeting.

PUBLIC HEARING:

MITTMAN

643 Bedford Road

Section 94.04 Block 2, Lots 29 & 30

Lot Line Change

David Cooper, Zarin & Steinmetz.

Discussion

Consideration of preliminary & final subdivision resolutions of approval

Present for this application was applicant's attorney, David Cooper from Zarin & Steinmetz as well as the applicant's architect, Scott Fisher.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application.

The following noticed neighbors were present. Eugene Packin, 5 Hemlock Hollow Place and Jessica Mohan and Robert Cappio at 5 Lyons Road.

The application is for a land exchange of 17.085 acres from 655 Bedford Road to 643 Bedford Road. Both properties are located within the R-2A Zoning District and both owned by the applicant.

Mr. Cooper noted this application was originally before the ZBA because the proposed tennis court would exceed the maximum amount of the gross land coverage that is permitted. During the review with the ZBA it was determined that there was a viable alternative; the applicant could do a reapportion of the property that he also owns on the abutting lot, a simple lot line change. There are no new lots being created, no new roads or driveways proposed with this application.

Mr. Adelman asked the members of the public if they had any questions or comments at this time. Mr. Packin had no comments. Ms. Mohan inquired if there would be any access to Lyons Road or Route 22; Mr. Adelman said there would not be any additional access to either road. Ms. Mahon inquired if there were development later on would there be access to Lyons Road. Mr. Kaufman noted there may be a paper road down there and they would have to determine at the time the viability of that access if it exists, that would happen at that time, not this evening. The board had no comments at this time. The board had no questions or comments regarding the resolution at this point.

A brief discussion was had regarding the survey of the septic field and leeching fields, the Town Engineer agreed this condition could be removed since these items were now remaining on the same lot.

Mr. Adelman asked for a motion to adopt a Negative Declaration regarding the Mittman subdivision application. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

Mr. Adelman asked for a motion to close the public hearing regarding the Mittman subdivision application. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

Mr. Adelman asked for a motion to approve the Preliminary Subdivision resolution regarding the Mittman subdivision application. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

Mr. Adelman asked for a motion to approve the Final Subdivision resolution regarding the Mittman subdivision application. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

758 NORTH BROADWAY

758 North Broadway

Section 122.16, Block 3 Lots 12

Duk Gyoo Lee, TL Engineering PC

Interior alteration for new nail salon with parking plan

Discussion

Consideration of site plan resolution of approval

Present for this application was the professional Duk Gyoo and the property owner Susan (Shun Yield) Zheng from Jin's Family Realty Inc.

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

The site plan application is for the establishment of a new 2,800 square foot nail salon (personal service) on North Broadway. In addition, the site plan depicts the removal of the existing detached garage and the construction of an expanded off-street parking area, site lighting, refuse management, landscaping and drainage.

Mr. Kaufman stated that the applicant is updating the site, the owner is opening a new nail salon in the middle building, and the site is comprised of three buildings on North Broadway. The missing gaps in the sidewalk are going to be completed. The parking lot will be updated and appropriate lighting will be installed. Some additional off street parking spaces will be provided as well. Overall it will be a nice improvement to the property. The resolution before the board will grant all of the approvals for this applicant with a few conditions to be worked out.

In response to Mr. Carthy's comment regarding the sign, Mr. Kaufman stated that he has addressed that comment in the resolution stating that only one free standing sign is

permitted on site and the applicant has agreed to go to the ARB for approval of the sign. Presently there is an existing sign on the building, if the applicant wants to install the free standing sign they will need to go to the ARB and return to the Planning Board for amended site plan approval and remove the existing sign on the building.

Mr. Adelman asked for a motion to close the public hearing. Mr. Sauro made a motion to close the public hearing. It was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

Mr. Adelman asked for a motion to adopt a Negative Declaration. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

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

NEIGHBOR NOTIFICATION:

PATTI

30 Palmer Avenue

Section 122.16, Block 4, Lot 59.

Construction of three parking spaces, retaining wall with second curbcut

Anthony Patti, applicant

Discussion

Consideration of site plan resolution

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted that all paperwork was in order for this application. The following noticed neighbors were present, Mr. Ken Kauffman, 35 Grove Road; Mr. Don Ahrenberg, 31 Grove Road. Mr. John Junker, 5 Grove Road, was also present but not a noticed neighbor.

Mr. Adelman asked the three residents present if they had seen all of the prior meetings on this application. Mr. Junker inquired if the board received his submission that was delivered on Friday.

The neighbors responded that they had seen or were present regarding the other meetings for the Patti application.

Mr. Patti stated that he is proposing a second curb cut and there are three houses on Grove Road that have two curb cuts and he is not bringing anything new to the neighborhood. He has photos of those sites if the board is interested. Mr. Adelman stated that the board has been on two site walks for this application and they do not need to see the photos as they are familiar with the area. Mr. Adelman welcomed the neighbors to come and speak at this time with the caveat that the board has heard all of the prior comments and would like to listen to new information only.

Mr. Ahrenberg noted that he brought in a letter and pictures at 1:00 p.m. on Friday for distribution to the board. It was noted that he submitted the material to the Town Clerks office and that material was not received timely to go out in the packets. Mr. Ahrenberg then handed out his photos to the board and made the following comments. The applicant has four people in his family and has a two car garage and he can park two cars parallel on the road which totals four spaces. There is no need to build three parking spaces and for him to look out his window and see this monstrosity. Why can't he build two parallel parking spaces, we are willing to compromise, we have no problem with that. Presently he parks on the road and it takes up nearly half of the road and it is causing all sorts of problems up there for three months now, he should know better having been a former police officer in this area. It is ridiculous where he is parking his truck as you can see from the pictures, he is trying to cause a problem or gain attention. That is all the new information I have at this time.

It was noted that material dropped off at the Town Clerk's office for the Planning Department will eventually get to the Planning Department but with a delay. Mr. Adelman suggested delivering future material directly to the department which is located in the back building.

Mr. Patti stated that this is his fourth appearance before the board. He is aware that the chairman does not want the same information repeated but it has been stated multiple times that he has a two car garage. He stated his garage was built in 1915 and after speaking with his Architect, his architect stated that at typical two car garage is 20 x 20 and depth average is typically 22 feet with a minimum of 20' in depth. His garage is 17'9" and the other parking space in the garage is 17' 7", which limits him to the certain sized cars we can put in the garage. With a 20 x 20 foot garage that would allow 10' for each bay. There is a brick pillar in the center of the garage which makes it impossible to exit the car in the one bay which has a width of 7' 7.5". He has welcomed anyone from the board to visit his house and see the garage; Mr. Adelman has seen the garage. The most Mr. Patti can fit in there is one car and the width of the spaces does not even meet the minimum size. Mr. Ken Kauffman stated at the January 13, 2014 and made it a point to say that it is illegal to park on a property unless you have a curb cut. That is why he is before the board this evening, for his second curb cut. He has parked up top for 21 years and there has never been a problem with blocking the roadway or taking any parking spaces, there is nothing on record. At the last meeting he produced two police reports, he parks legally on the road way.

Mr. Patti stated that Mr. Ahrenberg stated at the April 23, 2014 meeting that Mr. Patti parks in the middle of the road and that is a false statement. Two police reports show that he is not parking in the middle of the road and is parked legally and he has copies if the board wants to see the police reports. Mr. Ahrenberg is parking illegally on 26 Palmer Avenue, a neighbor's property, she lives in Arizona and rents out the house and gives him permission to park there. It is illegal for him to park his two cars there and he has pictures to prove it.

Mr. Patti's minivan has two inches on either side when parked in the garage and there

has been damage to the van when getting in and out. He is concerned when the snow ordinance goes into effect in November and you are no longer permitted to park on the street at night. He has room to put in four cars, he only needs three cars and is proposing three cars, he is spending \$5,000. on landscaping for the project. Mr. Kaufman noted in his memo that the roadway is narrow. If he has to abide by the laws so should everyone else.

Mr. Adelman noted that Mr. Patti addressed the new comments made this evening.

Mr. Patti noted that some of his neighbors phoned him yesterday stating that Mr. Ahrenberg was going around to his neighbors stating that he was put in five parking spaces. Mr. Ahrenberg denied this comment.

Mr. Ahrenberg handed out copies of this letter at this time to the board and professionals.

Mr. John Junker, 5 Grove Road inquired if the board received his letter regarding safety concerns by himself and other neighbors. He also noted the fire department has concerns with that intersection and he as a commissioner with the North White Plains Fire Department has never received any letter from Mr. Kaufman on this application.

Mrs. Desimone stated that the letter was originally emailed out the NWP fire department chief, Fire Marshal Richardson and Police Department - Pete Simonsen in January. The fire department email was provided to the Planning Department last year and the email bounced back. An email was sent to Mr. Richardson and Mr. Simonsen to see if they had a more updated email address for the NWP Fire Chief and no communication was received from either one and the letter was mailed out two weeks later at the end of January. Mr. Junker noted that in his letter to the board it noted that no communications were received from the Planning Department regarding this application. Mr. Adelman noted Mr. Junker's letter was received by the board.

Mr. Patti confirmed it was not his responsibility to communicate with the Fire Department. Mr. Kaufman stated that there is nothing in the code that requires us to mail it to the fire department; we do it so that we have good communications with the first responders. Mrs. Desimone asked Mr. Junker while he was sitting down to please provide her with a good email for future correspondence.

Mr. Ken Kauffman sated that he submitted an engineer's report prepared by Mr. Cronin who came up with some discrepancies and lack of procedures that did not take place and have not taken place. The board has had this information for two weeks and he is not received any communication regarding the report and his professional has not been contacted either. He opined that variances are needed for this application and changes need to be made on these plans in order for this application to move forward. .

Mr. Kaufman stated that the report was received and reviewed and which ever conditions we felt needed to be addressed we incorporated as conditions in the resolution and for the most part they were addressed in the submission. One of the

issues had to do if the wall needed a variance, that was discussed and reflected in the resolution which was discussed with the Zoning Board attorney and the Building Inspector and a variance is not required.

Mr. Ken Kauffman stated that is your interpretation of that, he spoke with the Building Inspector too and he cited that the people who wrote the law made a mistake with punctuation, that is not supposed to be a comma that is supposed to be a period where it says and retaining walls shall not be six feet in height. He said that should have been a period. Mr. Ken Kauffman then asked that you would start your sentence with the word and? It is very clear that any wall over six feet or fence needs to have a variance and they label three exceptions to that rule and they further go on to say there could be an exception to that. Mr. Adam Kaufman stated that it is referring to fences and walls, not retaining walls. Mr. Adelman stated there is a difference between a wall and a retaining wall. Mr., Ken Kauffman stated he has spoken with three different engineers and his attorney concurs with that. The line of sight and water was not addressed either. Mr. Adam Kaufman stated that he is mentioning this to say that we did not ignore your letter, we discussed it and went through the code and had it interpreted by the town. Mr. Ken. Kauffman stated that we agree to disagree on this matter.

Mr. Ken Kauffman noted that the line of sight and water mitigation has not been addressed on the plans. Mr. Adam Kaufman stated that those matters were addressed in the draft resolution. The Town Engineer opined that there were not any sight line issues. Mr. Ken Kauffman did not agree with the Town Engineer and was concerned that when the middle car backs out, when will he see the oncoming cars. Mr. Adelman stated the same way you see cars when backing out of a supermarket parking space. Mr. Ken Kauffman stated that this matter will be taken up at a later date.

Mr. Ken Kauffman referred to Mr. Fareri's application (170 Bedford Road) and the size of his garages that were 10 x 20 and the board said the law is the law. With the return walls the end spaces has to be 10 x 20. Mr. Patti has return walls, the end spaces have to be 10 x 20 he would need a variance for that. Curb cuts are 18 feet; Mr. Patti is proposing a 31' curb cut. The other applicant in Armonk is requesting a second curb cut (Protos/Thomas) and in the engineers report the second curb cut is 18'. He did not feel things were dealt with properly here and his Engineer and his attorney feel the same way. He believes personally if this was sent to the Zoning Board and they were to interpret it and they are the controlling body when it comes to interpreting the code and zoning. The fair thing to do would be to send this to the ZBA, I have a conflicting report, and you disagree with the report, send it to an impartial board and let them hash it out. There are three pages of conflicting reports.

Mr. Adelman repeated what Mr. Kaufman stated earlier, everyone was given a copy of the engineer's report which included the three professionals of which the Town Engineer is one of them. The items that were valid were addressed in the resolution and the other points the professionals did not consider valid were not valid; particularly about the retaining wall. There is a difference between a wall that sits on the ground and is merely for screening and a retaining wall which is retaining a lot of physical force.

Mr. Adelman reminded the members of the public about the 35' retaining wall that was built at 731 North Broadway and that did not need a variance. Mr. Ken Kauffman stated that the code was revised in 2011 and that was built prior to that date. Mr. Adam Kauffman noted that revision of the code did not pertain to retaining walls.

Mr. Adelman asked the Town Engineer and Town Planner if they had any further comments at this time, no comments were made. Mr. Adelman asked the members of the board if they had any comments at this time. Mr. Sauro stated that we have exhausted this application extensively. Mr. Carthy stated that he hopes the board is fair and impartial and that is our goal to be fair and impartial. He has read all of the letters and asked Mr. Baroni if this application was in order. Mr. Baroni stated that as far as he knows this application was all in order.

Mr. Adelman closed the neighbor notification. It was noted that the neighbor notification was not the same as a public hearing and a vote was not necessary to close it.

Mr. Adelman asked for a motion to approve the resolution. Mr. Sauro made a motion to approve the resolution. It was second by Mr. Carthy and approved with three Ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

Mr. Adelman wished the applicant good luck, Mr. Patti thanked Mr. Adelman. Mr. Adelman noted that he has been on the board for about 10 years and has never seen so much hostility amongst neighbors, especially unwarranted hostility. He mentioned to Mr. Ken Kauffman that if he felt that he has been badly treated, to do whatever remedy you feel is appropriate. Mr. Ken Kauffman stated that the value of his house is very important to him and building a concrete wall like this next to his house and putting him underground is going to severely devalue his home. He did not know why Mr. Patti could not see that and why he could not see why we are trying to stop it. Personally if it were me I would dig out in front of my house. Mr. Patti stated that is because Mr. Ken. Kauffman has a place to park and he does not, he also noted that Mr. Ken Kaufman has a second curb cut on this other lot.

Mrs. Desimone gave Mr. Patti the resolution and asked him to sign and return it to the office.

Mrs. Desimone noted that Mr. Junker will provide the email contact information for the NWP Fire Department tomorrow.

CONTINUING BUSINESS:

**PROTOS/THOMAS DRIVEWAY
95 High Street
Section 100.02, Block 1, Lot 3
Proposed second curb cut
Mr. Protos & Mr. Thomas
Discussion of site walk**

Present for this application were the applicants John Protos and Tom Thomas as well as their professional Dan Holt, PE

The applicant is proposing a second curb cut located within the 100' of the pond and repaving the driveway.

Mr. Adelman noted he missed the original site walk and was out to the site this past Sunday. Mr. Sauro noted he was not able to visit the site.

Discussions were had regarding the advantages of a second curb cut or perhaps moving the driveway entrance in front of the existing residence. It was noted the semi-circle would require less gross land coverage vs. the existing driveway on site which is square in shape. Mr. Protos stated that there is a large sink hole that needs to be repaired on the driveway as well as the repaving. It is hard to exit the site where the driveway presently exists, the site lines would be better to exit at the second curb cut.

Mr. Kaufman stated that this was a productive site walk; there are two ways of approaching this application. The semi-circle driveway will aesthetically improve the front of the house and improve sight lines so entry and exiting the site will be easier. There are two ways of doing this, adding the second curb cut or moving the existing curb cut to the center of the property. Under either scenario the applicant would have to go to the ZBA.

Mr. Protos stated that if the entrance were in front of the house, the house would be exposed to the street noise, the headlights would shine into the house when entering the site and they are proposing an addition in the rear and that would require you to drive around the house to enter the garage and that is not a preferred option. The driveway needs to be repaved as there is a huge sink hole in it presently.

Mr. Kaufman stated that clearly some improvement is warranted on site. If you are going to go with the second curb cut and the Planning Board is amenable to this then we should recommend this to the ZBA. If the other streetscapes are proposed, that should be submitted to assist the board in the overall view of the site.

Mr. Carthy stated that removing the fence in front of the home and providing a second curb cut and landscaping the front yard will really improve the front scape of the property. He did not like the center entrance and this is a good solution. .

After all of these discussions were had, the applicant concluded that they would like to have a referral to the ZBA for the second curb cut within the wetland buffer.

Mr. Carthy made a motion to refer this application to the ZBA, Mr. Sauro second the motion and it was approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

AMEC CONSTRUCTION, LLC
2 Bates Lane
Section 102.04, Block 1 Lot 19
Sy Gruza, Cuddy & Fedder
Discussion

Mr. Gruza stated that at the end of the January 27, 2014 it was agreed that he would meet with Mr. Baroni and Mr. Kaufman regarding some issues. He has since met with Adam Kaufman and Roland Baroni and they agreed that his client would not park tractor trailers overnight on site.

Mr. Gruza stated that sometimes the trailer is used or sorter is used on site and both are stored off site. The uses for the trailer and sorter vary each month. The trailer may bring the sorter on site and then leave. The trailer during some months may not come at all; other months come to the site five, six, seven times. The sorter is the same way, there may be months where the sorter is not used at all and other months it may be on site four or five days and used three or four hours a day and other days during the month during peak times it may be used for 10 days for 5 -6 hours a day.

The sorter itself was an intermittent source of noise. Alan Smarten from HNB Acoustics LLC visited the site and some readings were taken while the sorter was on. Mr. Gruza stated that his report states that if the walls were raised to 10 - 12 feet that would keep anything above 65 decibels on site. Mr. Gruza noted that the Conservation Board expressed a concern about keeping the material out of the wetlands. He feels the height of the wall will keep the material out of the wetland.

In response to Mr. Carthy's comment, Mr. Gruza stated the walls are presently 4 feet in height and they are proposing 12 feet tall walls and 10 foot tall walls would also meet the sound requirements. These walls are for the storage bins and were extended a little further out on the sides to insure the noise going off the site does not exceed the 65 decibel requirements. On the other side of the wall are primarily the tennis court and a small office building.

Mr. Adelman stated that the height of the wall would help with the sound issue but he was concerned with the appearance of a 12' wall to the abutters and neighbors. He was also concerned that the applicant was proposing a 6:30 a.m. start time and felt this time was too early and should be made later. Mr. Adelman asked Mr. Baroni what the start time was and Mr. Baroni had to refer to the code.

Mr. Gruza stated that this business works Monday through Friday and we say we are not going to work Saturday and Sunday's but if we were the start time would

be 9:00 a.m. His client did not have any problem with a 7:00 a.m. or 7:30 a.m. start time during the week. Mr. Adelman suggested that whatever the code states would be applied here. Mr. Kaufman stated that portion of the code does not apply to what the applicant is doing. The board can set the hours via the site plan approval which pertains to construction vs. building a house. Mr. Gruza stated that his client would be fine if it were a half or an hour difference for the start time in the morning, Monday through Friday.

Mr. Adelman noted that he would have to “Chew” over the height of the wall vs. the reduction of sound. Mr. Kaufman stated that we have an alternative to abate the noise that wouldn’t require the higher walls that should not be your sole determination or be based on just that fact. If the board is ok with the taller walls then you can put the sound attenuation on the machine anyway for an increase in sound reduction. It is the board’s call on how they would like to proceed.

Mr. Gruza stated that if his client meets the sound requirement he did not feel his client should meet the additional mitigation; we are meeting what we have to meet.

Mr. Kaufman noted that was a relatively high number and that is to allow just the necessity of building things typically and if you are going to have an ongoing use and we have a relatively easy way to reducing the impacts to the neighborhood, he suggested the board take advantage of it.

Mr. Gruza stated that the reason why they did not choose that option is that it is not really workable for our piece of equipment, the sorter for what it is used for and how it is used. This is not really available as an alternative, it was identified and we looked at it but it is not really available as an alternative.

Mr. Kaufman suggested that we come up with an alternative that the applicant can work with. Mr. Gruza stated that the wall is what we were hoping to work with but if you come up with something else. Mr. Kaufman noted that alternatives were the applicant’s responsibility. Mr. Kaufman noted that it was odd that the applicant’s professionals would propose something you say is not workable, what was the point of that. Mr. Gruza stated that our professionals suggested something based on the general knowledge of industry, AMEC considered how it would be set up and it would not work. Mr. Kaufman noted that information was not communicated to this board. Mr. Adelman stated that this sounds like a live proposal. Mr. Gruza asked to clarify it right now, that was the first report and he then issued a report and said yes this wall would work and that was the intent of submitting it and if he was not clear, he apologizes.

Mr. Carthy clarified that the point of the noise law was meant to address occasional construction. Mr. Kaufman stated that it does not have to be occasional; the length of time to build something could be substantial. Mr. Carthy noted this operation is continuous and what Mr. Kaufman is suggesting is that the board may want to consider that a little more carefully than the typical noise ordinance because that is on occasion, more or less. Mr. Kaufman stated that is the maximum amount of noise and if you have a reasonable ability to reduce that he did not see why the board would not do that as it would be a benefit to the neighbors. Mr. Adelman stated that Mr. Carthy should keep in mind that the Banksville area has residential components and the residents, rightly so, are very active in seeing the development of their community. We certainly want to have some sensitivity to this. Mr. Carthy agreed.

Mr. Kaufman noted that noise is an occasion with construction; this is a business which is continual.

Mr. Gruza noted that as he has indicated, this is not a continual noise source as he said you can have months – except for the site walk where the Conservation Board joined and the sound consultant came on site where the sorter had not been on site for two months other than those two occasions. You have long periods, even when it is on site, like he indicated during a maximum month which might be 10 days of the month for 3 – 4 hours a day. This is not an 8 hour a day seven days a week noise source. Mr. Adelman noted that a dog does not bark all day long, but is still annoying, even if it is not all day long. He also noted that if the economy picks up and more building occurs, and they do more business, this may be a more continuous number of hours. We are looking for a solution that will be a solution for the entire site given the provision for the growth of the operation, all would benefit from that approach.

Mr. Gruza stated that unless the board is saying it does not even want to consider it, what would the basis be for the board considering whether they would accept a 10' wall. The board agreed that was good question. In response to Mr. Carthy's comment, Mr. Kaufman stated that there were two residences on site. Mr. Adelman noted those two houses know what they are getting into, it is the abutting properties. It was noted that there is a commercial tennis court next door and people would be outside playing tennis and there is commercial building abutting the site. Mr. Carthy inquired are we better off attenuating the noise at the expense of the visual impact of a 10 foot wall? Mr. Kaufman noted he could not answer that question; the board has to make that decision.

Mr. Sauro inquired what type of sound mitigation can be put on the machine itself. Mr. Gruza stated that different materials are put on the machine itself and you would need different shields to buffer the sound from each of the materials,

the shields are very heavy to move. The shields were not recommended for this machine, permanent shields are not an option.

In response to Mr. Sauro's comment, Mr. Gruza stated that the wall will go from the bays to the maintenance garage; we want to completely screen out the noise to the tennis facility. Mr. Sauro stated that the board is trying to keep this from looking like a prison from the outside as previously stated by one of the other board members. This board is weighing the issues back and forth.

Mr. Carthy inquired if there was room for landscaping outside of the wall before the wetland buffer. Mr. Sauro suggested Ivy along the wall. Mr. Adelman suggested that the proposal of the wall and landscaping of the wall be submitted for review.

The wall will be 10' at a minimum and Mr. Gruza will confirm with his sound expert that 10' will be sufficient to keep the noise below the maximum sound level permitted.

Mr. Gruza inquired about the referral to the ARB regarding the wall. After a brief discussion the board agreed the applicant did not need to go to the ARB for the proposed wall.

Mr. Kaufman inquired how the applicant was going to handle potential vehicles going in and out of the site, It was previously stated by Mr. Gruza that between 12 -16 vehicles a day will go in and out of the site, Mr. Kaufman did not know if that included retail sales or not. Mr. Gruza stated that originally on the EAF form they mentioned third party sales but over the last year, operations have changed and there have been no sales to third parties at this point, AMEC reuses its own materials. The only traffic related to the site are workers who come to the site (5 or 6 or something) and when a project is complete and the dump trucks are loaded and materials come in, that day there may be 10 or 12 trucks of material which may only happen one, two or three days a month, it is not an everyday occurrence. The same thing may occur when the material is needed for a new job and 10, 12 or 15 vehicles will take it off site to the new job and that would be one or two days a month. There may be months where this would not occur at all. His client has been there for approximately a year. We know exactly what has happened traffic wise for the past year and has had no problem vs. what a traffic study would predict. He suggested no additional data be required at this time. Mr. Kaufman inquired if materials, sales and storage use were not going to be proposed. Mr. Gruza stated that it was a permitted use and he would like to preserve the opportunity to do that but right now it is not part of the operation. Mr. Kaufman stated that we can't put blinders on to that; we have to look at those potential impacts.

Mr. Gruza stated that even if we were to have an occasional third party sale who would bring in his 10 trucks, given the baseline of what it is today with no sales, imagine the foreseeable future where there are two days a month for third party sales. Mr. Kaufman stated that we need some analysis of that information. Mr. Gruza stated that he will submit something.

Mr. Kaufman was directed to conduct all of the procedural coordination for this application. Mr. Kaufman stated that will be done once the plans are submitted with the revised wall height and landscaping plan and traffic analysis. Mr. Gruza stated that plan was submitted; Mr. Kaufman stated he will circulate that plan with the information that the wall may be 10' in height.

Mr. Gruza thanked the board for their time and consideration regarding this application.

Mr. Adelman asked for a motion to declare lead agency intent. Mr. Sauro made a motion to approve, it was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

NORTH BROADWAY TOWNHOUSE DINER
720 NORTH BROADWAY
Section 122.16, Block 3, Lot 31
Joel Greenberg, Architectural Visions
Discussion

Mr. Greenberg stated that the site is presently under construction and the curb cut is the entire length of the property. The applicant is proposing sidewalk from one end of the site to the other end of the site. The applicant would like to redo the delivery area. A handicapped ramp and parking area will be added. Mr. Kaufman asked for more details regarding the sign on site and the details of the basement, what it will be used for storage or mechanical areas, Mechanical areas do not count toward the floor area ratio.

The public hearing was set for June 9, 2014.

WORLD MISSION SOCIETY

901 North Broadway

Section 122.12 Block 4, Lot 51.

Special Use Permit

Dennis Noskin, AIA LEED AP, Dennis Noskin Architects.

Discussion

Present for this application was Dennis Noskin, the applicant's professional, as well as the following representatives from World Mission Society Tara Byrne, Richard Whalen, Gabriel Guzman

Mr. Noskin stated that he will restripe the parking area and he needs ZBA for the parking count and a Special Use Permit from the Town Board. Mr. Kaufman asked Mr. Noskin to make sure he submits the correct figures to the Zoning Board of appeals as Mr. Noskin and the Town Engineers figures did not agree.

Mr. Adelman asked for a motion to refer this application to the Zoning Board of appeals. Mr. Sauro made a motion to approve this referral, Mr. Carthy second the motion and it was approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

WILLIAM RAVEIS REALTY

395 Main Street

Section 108.03 Block 1, Lot 1

Consideration of Site Plan Waiver

Referral from the Building Inspector

Consideration of site plan waiver resolution

Discussions were had regarding this applicant contributing towards the parking district. It was noted that this was a site plan waiver and the applicant was not requesting any variances for shortages on parking, therefore it was not appropriate at this time to make that request.

Mr. Adelman asked for a motion to grant the site plan waiver. Mr. Sauro made a motion to approve. Mr. Carthy second the motion and it was approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

170 BEDFORD ROAD

162 Bedford Road

Sec 108.03, Block 1, Lot 42

Chris Crocco, Joseph R. Crocco Architects PC

Site plan development of 20, 2 bedroom units on the former .80 acre lumber yard site

Consideration of site plan resolution

Present for this application was the applicant, Mr. Fareri, Mr. Holt, Engineer; Mr. Joe Crocco, Architect.

Mr. Fareri presented his color rendering. He noted the Fair and Affordable Homes legislation was adopted by the Town Board on May 14, 2014. He and his professionals reviewed conditions in the resolution at this time.

Mr. Adelman asked for a motion to approve the amended site plan resolution. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Mezzancello were not present for the vote.

**99 BUSINESS PARK DRIVE
FIELD CHANGE**

Mr. Adelman noted that he and Mr. Kaufman, Mr. Cermele and Mr. Fareri met on site at 99 Business park drive late this afternoon to review some minor modifications to the site. Mr. Fareri reviewed different places on site to install planting strips and a sidewalk to break up the blacktop. Mr. Fareri noted these changes do not affect the parking count, just the aesthetics. The board agreed to these changes. (Plans were not submitted to reflect the changes described above, it was agreed that noting it in the minutes was sufficient.)

In response to Mr. Carthy's comment, Mr. Fareri stated that he is working on a medical use for the site at this time but could not provide any more information at this time.

Meeting Adjourned at 9:10 p.m.