

**TOWN OF NORTH CASTLE**

**PLANNING BOARD MEETING**

**17 Bedford Road**

**Armonk, New York 10504**

**November 26, 2007**

**7:00 p.m.**

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PLANNING BOARD MEMBERS PRESENT:

Peg Michelman, Chairman  
Art Adelman  
Jane Black  
Gene Matusow  
John Delano

ALSO PRESENT:

Adam Kaufman, AICP  
Director of Planning

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

Douglas E. Schroeder, P.E.  
Kellard Sessions Consulting  
Consulting Town Engineers

Conservation Board Representative  
John Fava

Valerie Desimone  
Planning Board Secretary

Andrea Foley  
Recording Secretary

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The meeting was called to order at 7:00pm.

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APPROVAL OF MINUTES:

November 5, 2007

Chairman Michelman asked for a motion to approve the minutes of November 5, 2007 as amended. Mr. Delano made a motion to approve as amended, it was second by Mr. Matusow and approved with four Ayes. Mr. Adelman abstained.

## **PUBLIC HEARING & NEIGHBOR NOTIFICATION**

### **BERGER**

#### **Site Plan**

#### **29 Carolyn Place**

#### **Section 2, Block 2, Lot 3.D-11**

#### **Mark Miller, Esq. Veneziano & Associates**

#### **Discussion**

Chairman Michelman brought to order a public hearing and neighbor notification, and read the public notice of the Berger Site Plan.

Ms. Desimone states that all paperwork is in order for this application.

Chairman Michelman asked if there were any neighbors present for this application and there were not.

Present for this discussion was Mark Miller Esq. Veneziano & Associates, representing Martin and Susan Berger. Also present was the architect Mr. Peter Kurth and Mr. Berger.

Mr. Miller explained that there were no neighbors present, but he did have 2 letters of support from two of the neighbors which he will give to Val. One from the neighbor immediately adjacent to the south and a neighbor just beyond there. Chairman Michelman directs Mr. Miller to provide them and they will be made part of the record.

Mr. Miller presents the following: he was before The Planning Board in September and the Board had a positive recommendation to the ZBA. One of the special permits that is required is associated with gross land coverage. As discussed the current permitted maximum gross land coverage in this property is about 14,000 sq feet. And the existing conditions which is a pre-existing dimensional non conformity is already at 21,000 square feet. The maximum permitted is 14,157 sq feet and the existing is at 20,867 sq

feet. The Planning Board made a positive recommendation to The Zoning Board and the applicant appeared before The Zoning Board at their meeting on October 11<sup>th</sup>. Mr. Miller stated that the discussion at the ZBA was generally positive. But what The Zoning Board asked them to do was to reduce the impervious coverage even further and increase the screening between the subject property and the property to the south, which is one of the neighbors that he has a letter from. They went back to the ZBA for the meeting on Nov. 8<sup>th</sup> and presented a plan where they increased the size of the screening buffer from the minimum required 10ft to 14 ft. This allowed them to put significantly more screening in that area and also reduced the impervious surface by an additional 500-600 square feet. Based on this the ZBA granted the application for a variance. This brings them back to The Planning Board to seek the special permit for the gross land coverage and for the gross floor area. Under the existing regulations they have a maximum permitted gross floor area of approx. 10,600 sq. ft. the existing is now a little over 7,000 sq. ft. As a result of the proposed changes it will be just over 9,200 sq. ft. They do exceed the basic permitted 1400 sq. feet. So they will need a special permit for that as well.

The movement of the garage and the creation of the 14 ft. buffer was accomplished in several ways. One was shifting it to the west and the other was making it about 2 ft less deep which allowed them to create the 14 foot buffer and reduce the impervious coverage. He states he knows, based on conversations with Adam and appearances before the board that it does create less than the optimum 30 ft. backup area. But the architect has prepared a sketch using standard templates illustrating how the first bay does in fact work.

Mr. Miller states again that they are there to seek special permit approval, a public Hearing on Special permits for gross land coverage in the gross floor area as well as the Site Plan approval since they are over the basic permitted land coverage in those areas. Mr. Peter Kurth the architect is also present for this discussion. He

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addresses the issue of the distance from the garage to the curb. He explains that he has referred to a standard turning radii which came from traffic standards which are 10 years old. They used a car that is 18 ft. long, and an average car is 14 feet long, however they use the same radii. The garage bay furthest from the approach to the garage, a car can back out 30 ft on both sides so there is no issue. The middle bay, because there is a sloping angle the car if projected straight out on the triangle would be 30 feet on the top end and 25 feet on the lower end. He explains that he has worked with these standards for years, even commercial parking 20 ft. bay 25 ft. space between the cars, so they are talking about a car can back up safely without hitting the car behind it and still get out. The critical bay is the lower bay, where a car backing out on that slope is 25 feet at the top end and 20 feet at the bottom end. Technically the car can back straight out and hit the curb and the car would hit some shrubbery. But what the car could do, assuming there is even a car in that bay, is back out within the standard radii requirements of the industry, go forward and then leave. The car could enter the garage in the same exact fashion. He states that he believes the planning board is concerned about the last bay, the issue of the 20ft. He states that in his professional opinion if the homeowner backs his smallest car out of that bay within the required radius as defined in his presentation there would be no problem.

Chairman Michelman thanks Mr. Kurth for the presentation.

Mr. Doug Schroeder states that he does not believe that 14ft is adequate for a backup area, because the applicant will have to pull forward to back up into the garage bay and pull back out and back all the way down the driveway to get out. He states that it doesn't seem to be the smoothest most easily traveled way. He states that only one of the bays meets the minimum recommended 30ft. The other two don't meet that. If there is a car parked in the back part of the driveway, you are losing your turnaround area. He does not believe that 14 ft. is adequate in his personal opinion.

Mr. Kurth corrects Mr. Schroeder and says that it is not 14ft. It is 20ft. If they take the center line of the garage bay and take a standard car width of 6 ½ feet, when that car backs straight out on the center line it's 20ft. It may

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be measured 14ft from the corner of the building but that is not the path that the car travels.

Chairman Michelman asks Mr. Kurth if they have tested the drivers that they are using to do this? Because in this kind of little space you are going to need first rate drivers.

Mr. Kurth states that the second question is that the way this is configured is clearly in and out. They have created an outdoor parking space for a car that is going to be parked to get into the mudroom or in the courtyard. It is clearly the intention not to have any cars parked back in the garage area that would block a car getting in and out.

Chairman Michelman states that she thinks the difference is Mr. Kurth's criteria which makes sense, in one way, and what the criteria of The Town's engineer's are and what they have held as standards.

Mr. Kurth asks if the board acknowledge that 25ft is a minimum standard? Chairman Michelman, replies no.

Mr. Kaufman states that 30 ft. will give you, without doing a K-turn access into and out of a garage, that is the standard we strive for. The Board could possibly approve something less than that and acknowledge to get out of the garage they would have to make multiple turns. He states that it is not optimum, but it is possible. And if we're talking getting down to the 20 ft range, we would really have to look at the applicants diagram to take a look at if a car could physically do this at all. If the answer is that the applicant put out the templates and they could do it in a couple of turns, then the Board could potentially approve if the templates demonstrate that. But as a policy, it would have to be determined if it was appropriate. Mr. Kurth responds that in his diagram, that someone in the last bay, would simply back out in one move and they are out.

Dr. Matusow asks Mr. Kurth to explain to him a car coming into the

driveway into the last bay, and then leaving again. Mr. Kurth explains, the car comes up the driveway, straight and then backs in. To get out the car would be nose front, and back up out the driveway.

Dr. Matuow states that in order to get out, the car would have to be backed out around the garage and into the turnaround in order to get out.

Ms. Black questions if the homeowner would position the cars face out in that bay of the garage?

Mr. Berger, the homeowner, explains that he has a small car that he is trying to accommodate in the garage. He doesn't usually park all 3 cars in the garage. If he does use the 3<sup>rd</sup> bay for a car, usually during the winter he will make the appropriate maneuvers to put the car away. Mr. Berger states that he is a residential developer, and industrial builder. He builds buildings that include parking lots for 1000-2000 cars per year. He states that he is comfortable with this situation and the amount of room, he has and the movability of the situation.

Mr. Michael Fareri identifies himself for the public hearing. He states that he is a resident of Armonk. He has been a real estate developer in this county no less than 30 years. He states that he has comments about this application and other applications before the planning board.

Chairman Michelman explains to Mr. Fareri that this is a public hearing for the Berger application only.

Mr. Fareri explains that he wishes to make comments about other issues as well. He states that he is a taxpayer of this town and would like to put out his opinion on this application and other things The Planning Board is doing and not doing. He states that if he is interrupted that he will continue to speak until he is listened to. He states that he follows the planning board meetings on TV and states that

he believes that some of The Board members specifically the Chairman and Dr. Matusow, are overstepping their ground. He believes that they are going over the laws that the town permit. He states that this is causing a large expense for the taxpayers of this community. He explains that for this application, he feels that if the homeowner is going to pay for the expense of this garage, it should not matter how many times the car would have to back up. He believes this should be the responsibility of the person who is building it and paying for it. He believes that the homeowner should be able to build this now, and if the house is sold in the future, it should be addressed at that time with the buyer. He explains that the board should consider what the homeowner wants to do on their own property. He is in favor of this application to get approved.

Mr. Fareri states that there is a Town Board Meeting on December 5<sup>th</sup> and there will be a Public Hearing at that meeting where there will be a discussion about an increase in the town budget. He explains that once this project is completed, it will increase the tax base of the community. The homeowner will be paying more taxes. He states that it would be a benefit to the taxpayers.

Mr. Fareri states that he would like the Town Planning Board members, the town Planner, the engineer and the town attorney to attend the next Town Board Meeting on December 5<sup>th</sup>, where he will making additional comments on the lack of responsibility and requesting the removal of the Chairman and Dr. Matasow from the planning board.

Mr. Fareri states that he is aware that there is a class action law suit, from people who have made applications to The Planning Board and have been getting a run around.

Mr. Fareri states that he is in favor of this application getting approved. He is inviting The Planning Board to come to Town Board Meeting on December 5, 2007. Chairman Michelman would like to share some comments to Mr. areri.

She states that they too are taxpayers. Mr. Fareri states that he will listen to her at the next Town Board Meeting.

Chairman Michelman apologizes for the interruption.

Mr. Kaufman would like to respond as to why they are looking at the back up area. Chairman Michelman, states that it needs no explanation. She states this is the boards job. The board does their job effectively and efficiently to the best of their ability. Mr. Kaufman, continues to explain that they are trying to protect the general welfare of the town and public safety.

Mr. Berger explains that if he provides a 10' setback, and worked this out with his neighbor and the ZBA increased it by 4' which is a 40% increase of the originally proposed screening. He is willing to live with the garage for storage and a 2 seater car.

Chairman Michelman, explains that she understands what he wants to do. But as The Planning Board has a certain amount of responsibility for safety or an acknowledgement. She states that perhaps a way to work this out would be that the smaller bay is totally limited to excess equipment or a small car.

Mr. Berger states that he would agree to those two conditions.

Mr. Kaufman explains that the board is required to ensure that there are at least 2 off street parking spaces. Whether they are inside a garage or not. This is an issue in excess of the two. It will have to be designed so that a car can safely enter and exit the garage. The current homeowner has a small car. In the future another homeowner may have a different mix of cars. If it is a garage, they have to make sure cars can get in and out.

Dr. Matusow states that he believes that the 30ft turn around requirement has been a standard from the engineer. He states that if the board decides to bend on this standard, because the applicant has a small car, that they are setting a precedent that they will have to deal with on future applications.

He states that this applicant will someday not live in this home, and perhaps the future homeowner will not have a small car. He states that he does not think they should apply one standard to this application and another standard to another application. He states that the Board is right now in controversy with an applicant, where the turnaround of less than 30 ft. has been a major point in the holdup on that application. He does not think that the size of the applicants car can be the determining factor. He states that he is in favor of Mr. Berger as long as they are willing to resolve it in favor of everyone on the same basis.

Mr. Kaufman states that the unique characteristics of each application has to be looked at. This is a garage bay that is in excess of the minimum required.

Mr. Kurth states that this is more of a convenience issue rather than a safety issue. The homeowner is comfortable with this.

Chairman Michelman asks if there is any other way to accommodate some more space without negating the 14ft that have been part of the ZBA's approval.

Mr. Kurth explains that they have reduced the garage from 24ft. to 22ft. There have been slight reductions in the mudroom area. He states that they could make the garage 20ft, but does not feel it would be ideal. He states that as a stipulation for approval, the homeowner would agree to make this bay purely storage. It would still have a garage door for aesthetics.

Mr. Adelman states that the requirement under the law is parking for 2 cars and the applicant has this. He does not agree to force this into a stipulation.

Mr. Schroeder agrees that this is a convenience issue and not a safety issue.

Chairman Michelman recommends the applicant go to the ARB before they go any further.

Mr. Miller requests that the hearing to be closed.

Ms. Black states that she agrees that the 2 bays are sufficient for the cars and the 3<sup>rd</sup> bay be used for storage. She asks if there is any way to get more room. There is not.

Chairman Michelman asks for a motion to close the public hearing. Mr. Adelman makes a motion to close the public hearing, Mr. Delano second the motion and it was approved with five Ayes.

Public hearing ends at 7:40pm

Mr. Kaufman then states that he would like a confirmation letter from the Town Wetlands Consultant

**PUBLIC HEARING:**

**YUN**

**Special Use Permit**

**Section 2, Block 8, Lot 7.C01**

**182 Byram Lake Road**

**William F. O'Neill, AIA O'Neill Architects**

**Discussion**

**Consideration of special permit resolution**

Chairman Michelman brought to order the Yun Public Hearing for a Special Use Permit and read the public notice.

Chairman Michelman asks if there are any neighbors present for this application, and there are not.

Present for this discussion is William O'Neill of William F. O'Neill, AIA O'Neill Architects.

Chairman Michelman asks Mr. O'Neill if he has received the resolution.

He states that he has and has no issues with the resolution. Mr. O'Neill states that that he has sent the engineer some information about the impervious surfaces.

Mr. Kaufman asks if they have receive ARB approval, and Mr. O'Neill said that they have sometime in the springtime. Mr. Kaufman suggest that if this is adopted, that the date of the ARB approval be stated.

Chairman Michelman asked for a motion to close the public hearing, Mr. Adelman made a motion to close the Public Hearing, it was second by Mr. Delano and approved with five Ayes.

Mr. Adleman states that before they agree on the resolution that on the second page forth whereas states the 2.65 acre property is located in the R2A residential 4 acre district that should be a correction of 2 acre district. He agrees that everything else looks fine and he'll move the resolution.

The public hearing ends at 7:45pm

**Chairman Michelman states that the Gerster Electric appearance has been withdrawn due to some technical errors. There is no one present for this application.**

### **CONTINUING BUSINESS:**

#### **VESUVIO**

##### **Site Plan**

**Section 2, Block 13 Lot 17-31**

**34 Wampus Avenue**

**Dennis Lowes, Ralph MacDonald Co.**

**Discussion - Consideration of site plan resolution**

Mr. Vesuvio states that he has read the resolution and agrees with everything.

Mr. Kaufman states that On page 3 of the resolution the third whereas where the applicant has not received final ARB approval, should say that he has.

Chairman Michelman asked for a motion to approve the resolution as amended. Ms. Black made a motion to approve, it was second by Mr. Delano and approved with five Ayes.

Discussion ends at 7:47pm

## **ROSENBLUM**

### **Site Plan**

#### **Section 1, Block 4, Lot 10-420**

#### **4 Thorne Lane**

#### **Nick Pouder, Pouder Design Group, Landscape Architect**

#### **Consideration of site plan resolution**

Nick Pouder was present for the discussion. He states that there were some issues with the resolution. The 6<sup>th</sup> bullet on the first page should be planting plan, not site plan.

He states there was a supplemental submission, after the public hearing was closed.

Also, on page 3 the 1<sup>st</sup> whereas should be 7414 square feet total, which is broken up between existing and proposed. The right hand column on the worksheet is correct. Mr. Kaufman states that the sheet needs to be explained, because he uses it to come up with the totals.

Mr. Kaufman suggests that it could be revised to just have the total, it would be up to The Board. He suggests to use the 7414 square feet so the resolution could be adopted.

Mr. Pouder clarifies that the last whereas on the page that they did not design a new septic alternative system, it is a theoretical, and wishes it to be revised. He also clarifies that the second whereas on page 4, at the end of

the second line should say locates a portion of the septic expansion area. Page 5 reads now therefore be it resolved, he doesn't see where it says where this package should be approved. Mr. Kaufman states that it should read at the end of the last plans described herein being hereby conditionally approved subject to the following conditions and modifications.

Mr. Poudier states that page 6 in the first paragraph be it for the resolved;

The Rosenblum's may not start this project right now since it is almost December. He asks if there is a way to get an extension. Mr. Delano states that starting within one year should not be the problem, it is finishing within the 18 months. Mr. Kaufman suggests to come back for an extension before the 18 months.

Mr. Poudier states that on page 7 the second item under the issuance of building permits, the and needs to go.

Mr. Delano makes a motion for an approval of the resolution as amended, Ms. Black seconds the motion and it is unanimously approved.

Discussion ends at 7:55pm

## **MASSARO**

### **Subdivision**

**Section 6, Block 5, Lot 2-3**

**54 Custis Avenue**

**Jim Vanoli, P.E.**

**Discussion of site walk**

**Discussion of submission**

Present for this discussion is Jim Vanoli, P.E.

Chairman Michelman states to Jim Vanoli, that the plans need to be looked at by Jim Vanoli, because they are now subject to the new subdivision regulations. She states that until The Board gets some more concrete figures from Mr. Vanoli, the Board will not know how everything will work.

Mr. Kaufman states that there is a new plan that has a hammerhead instead of a cul-de-sac. He states that this is something The Planning Board should look at and perhaps the fire department should look at.

Chairman Michelman states that the criteria for the road does not meet standards. Mr. Schroeder states that he has looked at it and says that it will be able to work.

Chairman Michelman would like to move forward and have the fire department review it and give it's comments and or approval.

Mr. Kaufman states that another issue may be the position of the house. He states that he is concerned with the slopes and if trees can grow on the slopes. Mr. Vanoli, says that trees can grow on the slopes. Mr. Kaufman then recommends, that the Landscape architect test the soil conditions to explain how there will be planting done on that slope.

Mr. Vanoli asks how the board feels about the house being there. Chairman Michelman responds that she doesn't have an answer based on the steep slopes and the new regulations. There is a concern with the townhouses to the right, which will be the most impacted.

Mr. Kaufman states that Lot 3 is significantly oversized.

Dr. Matusow states that the main issue on Lot #3 will be the screening, and to give Adam a plan. He would like to see what the subdivision would look like.

Discussion ends at 8:05pm

**STONE MANORS @ AROMONK LLC.**

**Section 1, Block 11, Lot 5A-5 (Lot1)**

**Michael Finan, PE CMX (formerly Schoor DePalma)**

**Gregg Smolev, Stone Manors**

**Discussion**

**STONE MANORS @ ARMONK LLC.**

**Section 1, Block 11, Lot 5A-6 (lot2)**

**Michael Finan, PE CMX (formerly Schoor DePalma)**

**Gregg Smolev, Stone Manors**

**Discussion**

Present for this discussion was Linda Whitehead and Michael Finan.

Ms. Whitehead states that as discussed at the last meeting they have made some changes to reduce the impervious surface by changing some of the driveway and patio surfaces to gravel.

Ms. Whitehead would like to clarify in a memo, is where it states; there are no town regulated trees coming down or in case of Lot 2 it says 1, that is supposed to say significant trees. The numbers are correct on how many town regulated trees. On lot 1 there are no significant trees coming down and on lot 2 just 1. The numbers will be corrected. She states that there are also engineering comments and the drywell can be relocated.

Mr. Kaufman questions the southern corner on lot 1, if where the 2 lots meet if there is a wetland buffer? He states that the stone wall should meet with the stone wall on the other lot. Mr. Finan says that the stonewall can be extended.

The Board members state they have no further issues.

Mr. Kaufman then recommends that they go to the ARB. Once there is ARB approval, then the public hearing will be scheduled.

Chairman Michelman suggested having both public hearings and both resolutions on the same night.

Mr. Kaufman states that they need a month for the public notification, but may be able to do it in 3-4 weeks.

Discussion ends at 8:10pm

**VERIZON WIRELESS**  
**Wetlands Permit & Amended Special Use Permit**  
**3 Business Park Drive**  
**Section 2, Block16, Lot 10.A**  
**Leslie Snyder, Snyder & Snyder**  
**Discussion of the Conservation Board Memo**

Present for this discussion is Keith Betensky an attorney from Snyder and Snyder LLP. Verizon wireless is seeking to ensure that their wireless communications facility and it's property that is owned by the town, continues to provide uninterrupted service to the residents including natural disasters. They are seeking to install a natural gas powered small emergency generator within the existing communications compound. The compound is located within a NYS wetlands. Mr. Betensky states that they have filed a permit application with the Town Board. The Town Board recommended it to this board, prior to signing. This board conducted the site walk. The application was referred to the conservation board, where they did a site walk and issued a recommendation in favor of the application. There were several comments, that were responded to . The copy was submitted to the board tonight. They request approval for signing of an application of the wetlands permit application for the DEC. Mr. Kaufman clarifies that they are only recommending to the Town Board.

that they sign the application to the DEC.

Chairman Michelman asks for a motion to recommend to the Town Board that they sign the application for Verizon for the NYS permit. Ms. Black moves the motion and Mr. Adelman seconds the motion. It is unanimously approved.

Mr. Kaufman comments that they have to make sure that the gas line that is installed is adequately sized to serve the sewer and water department. He did contact the department and they are doing some upgrades to the facility now. Their engineers are going to get some gas numbers on how much they will be using, so the correct size pipe will be implemented. Mr. Betensky stated that they proposed a 2 in. diameter pipe.

Discussion ends at 8:15

### **NEW BUSINESS:**

#### **GODNER/DUTOIT**

#### **Special Use Permit**

#### **Section 1, Clock 4, Lot 87**

#### **70 Windmill Road**

#### **Arborscape Inc.**

#### **Discussion**

Present for this application is Stefan Carlson, he is from Arborscape representing Danna Gardner and a correction on the application, Jacque Dutoit.

Mr. Carlson discussed that there has been a newly built house within the last 3 years that replaced an existing residence. There is vegetation and buffers. There had been new landscaping installed and a stone wall installed. The back of the property is a densely wooded slope leading to a stream.

The applicant is proposing to install a 20 by 40 in ground gunite pool in

the back section of the property and a spa joining the pool, a patio around the pool and a patio connecting to existing patios.

The current property is about 1.7 acres. The current structure is about 4155 sq. ft. They are at 11,311 sq. ft. in coverage. The proposal with the pool will bring them to approx. 11,420 sq. ft. The property has a gravel driveway for the majority, and then becomes asphalt on the diagram that he shows. They propose to remove a section of the asphalt driveway and a section of the existing paving to help reduce some of the impervious coverage and put grass. The asphalt that is removed will become gravel.

Mr. Carlson states that there is a septic system in place and the front area would not be good for a pool. The site that is requested is about the only area that would be appropriate for the pool.

Mr. Carlson states that some of the comments that were made by the engineer, will be taken into consideration and the plan will be revised. Some of the revisions will include:

- calculations of the drainage to meet the town requirements for the pool.
- The existing and proposed utilities will be on the new revision. The roadway will be established .
- The plan will generate approx. 80 yards of cut and fill in this area. The soil that is dug will be placed off site.
- the property is served by community well. There is a water line that runs through the front of the property.

Mr. Carlson states that some other comments proposed by Kellard engineering were to address the drainage issues by the pool.

Mr. Carlson states that Adam had commented that the property is located in the Mianus Critical Environmental Area. He then explains that neighboring properties in the area have similar features such as pools and patios. He states that he believes that their activities will not impact the stream in the

back. There will also not be negative views for the neighbors.

Mr. Carlson explains that the grading will be depicted on future plans.

Mr. Carlson explains that there are 7 trees that they are proposing to remove where the pool will be situated. They replace the space with 20-30 additional trees on the site.

Chairman Michelman stated that she was concerned about the trees, when she went on the site walk. They were on the original plan of the house, to be retained. She questions, is there anyway to situate the pool so that all seven of the trees do not have to be removed. She states that they are quite a beautiful site to the home. She questions if the pool could be placed in another area.

Mr. Carlson responds, that there is rock in this area, and there is neighboring property. He feels that the proposed area is the only area to put the pool.

Ms. Black questions if they put the pool a little closer to the house if it would save any of the trees.

Mr. Carlson responds no.

Mr. Delano discussed that years ago they fought to protect these trees. Chairman Michelman states that they spent a lot of time trying to retain these trees. They are to be retained as far as the original site plan is concerned.

Mr. Carlson agrees that it would be hard to replace trees of this caliber. But with the introduction of additional landscaping perhaps there could be a balance.

Mr. Kaufman asks if they could provide some specimens of what that area could be replaced with. He further asks about how many feet is from the edge of the proposed disturbance to the sloping area.

Mr. Carlson states, it's approx. 15ft.

Dr. Matusow states that he doesn't feel that this property can accommodate a pool. It has a very large house that takes up much of the land. This property has preservation issues.

Mr. Delano suggests that the past record is checked to see what the discussion states on the property a few years ago.

He also states that there will be some disturbance that will have to be revegetated beyond the high wall. He also addresses that there will be some drainage that will also have to be addressed in the steep slope, where there will also have to be a permit issued.

Mr. Carlson states that the only area of disturbance will be a wall. That they will have to build a stone wall. The particular area will be vegetative to buffer the area of the wall. They will not be applying for a steep slope permit for the drainage.

Mr. Delano states that they may need one for the wall. Mr. Carlson, states that they are beyond that area.

Mr. Delano suggests to Mr. Kaufman to find the verbiage on the discussion on this property a few years back in reference to the trees. Mr. Kaufman states that it will be included in his next memo.

Mr. Carlson states that the trees are Red Oaks and Beech in the cluster of trees.

Mr. Carlson also states that the neighboring property to the north recently did a pool. Mr. Carlson asks the Planning Board to consider a planting plan to replace the trees. Mr. Adelman states that there are modifications to the plan for Mr. Carlson to submit.

Mr. Kaufman states that all modifications will be noted in his next memo. He also suggests to look for some alternatives to place the pool in another location.

The discussion ends at 8:40

**SPRINT SPECTRUM**  
**Special Use Permit**  
**Section 6, Block 8, Lot 69.A**  
**56 Lafayette Avenue**  
**Douglas Warden, Esq. Snyder & Snyder**  
**Discussion**

Chairman Michelman discusses that the notification be sent to the Town Board to recommend they reissue the Special Permit. She states there are conditions in the building that need to be addressed. They don't seem to be relevant to Sprint. She recommends to The Town Board that they renew the Sprint permit and then speak to The Building Department about addressing the issues in the building.

Dr. Matusow agrees with this suggestion, but suggests that the discussion with the Building Department be put in writing for the file.

Ms. Black clarifies that the violations of the site plan have nothing to do with Sprint. Chairman Michelman says no. Ms. Black states that she agrees with this recommendation too.

Mr. Kaufman states that he will prepare a letter that will include the issues, to the Town Board also.

Dr. Matusow makes a motion to resend the recommendation. Ms. Black seconds the motion. It is unanimously approved.

Discussion ends at 8:45pm

## **OUT DOOR SALE SERVICE AND DISPLAY Referral from the Town Board**

Mr. Kaufman discusses a memo sent to the Town Board from him, discussing the issue of the service and display and what districts it is permitted in and what districts it is not.

He states that the Town Board has been issuing Special Use Permits in the RB districts even though there was not authority to do so. Mr. Kaufman recommends that they amend the RB district as well as the SC district, where outdoor sales and service is not permitted, as well as a special use permit.

Mr. Kaufman states that in the CB district where the Food Emporium is, it is a Special Use permit, however where in the SC district where Stop and Shop is in North White Plains outdoor sales and services are not permitted. He has received a petition from Stop and Shop dealing with this issue.

Mr. Kaufman states that by adopting these changes would permit this in all of the districts. Ms. Black agrees with this.

Chairman Michelman asks for a motion to recommend this adoption. Mr. Adelman moves it and Mr. Delano seconds it. It is unanimously approved.

## **SHARED SERVICES SUPPORT LETTER**

Chairman Michelman explains that they will need to acknowledge that they wrote this particular support letter. Mr. Kaufman agrees that the Town Board has asked the Board to consider this letter.

Ms. Black agrees and makes a motion to support this. Mr. Adelman seconds the motion. It is unanimously agreed.

Mr. Kaufman states that this will be a motion for Chairman Michelman to sign this letter.

**RECOMMENDATION TO TOWN BOARD:  
Adoption of a new Storm water Management, Erosion and Sediment  
Control Law and Illicit Discharges, Activities and Connections to  
Separate Storm Sewer System Law**

Mr. Kaufman explains that the Town Board is required to adopt this law that comes from the DEC. It has to be adopted by the end of the year to be in compliance with the phase 2 storm water regulations.

Dr. Matusow has some questions about whether this is going to cut the cost and speed of applications.

Mr. Kaufman clarifies that this law does not require anything more than they do right now. He explains that right now the applicant must prepare management plans to the satisfaction of the Town Engineer. The new law is putting specific design criteria plan elements into The Town Code, which is what the State wants them to do.

Dr. Matusow questions on page 10, No application for approval of a land development activity shall be reviewed until the appropriate board has received a storm water pollution prevention plan.

Mr. Kaufman explains that this is the same as an erosion control plan, which is something that they would require to be on a plan before they review it.

Mr. Kaufman also states that this is something they already do. Every swimming pool has to meet an erosion control plan. The building inspector will be the person who will delegate these responsibilities to the town engineer.

Dr. Matusow questions whether this plan needs to be in place for a sub

division plan. Mr. Kaufman clarifies that it does state this.

Mr. Adelman questions page 9, that states the definition Surface waters of the state of New York. He states it mentions storm sewers and waste treatment plants etc. are not waters of the state and the exclusion applies only to man made bodies of water etc. He questions how this would apply to rain gardens?

Mr. Schroeder responds that a rain garden is not designed to hold water, it penetrates into the ground.

Chairman Michelman asks for a recommendation to the Town Board. Mr. Delano made a positive recommendation to the Town Board, Mr. Adelman seconds the motion. It is unanimously approved.

**BEEHIVE**  
**Concept Plan Discussion**  
**30 Old Route 22**  
**Section 2, Block 15 Lot 1A**

Barry Naderman, PE Naderman Land Planning & Engineering

Present for this presentation of this concept plan discussion is Barry Naderman on behalf of the Beehive restaurant, and several members of the Madrukus family. The existing restaurant is located on the Southeast side of Old Route 22. The proposal is to add about 1000 square feet to increase the size of the kitchen and storage. Also, to expand the parking lot to better organize the parking situation. They are looking to acquire a piece of land from the DOT . They are also looking to increase the seating by 18 seats. Mr. Naderman discusses that there is overflow parking that ends up on the street. They are trying to improve the parking and the aesthetics of that part of the road. The total square footage that is being sought is 2800 square feet for a total of 38 spaces.

There is an apartment on the second floor, that would have a 2 space

requirement. In total they would require 40 spaces.

The seating at 90 seats, the requirement is 1 per 3 seats, they are looking at a requirement of 30 spaces. He states that the code that they need to provide parking for whatever is greater, but the occupancy of the building is based on the seating. They are looking to the board for suggestions and feedback.

Chairman Michelman states that unless the land is acquired from the DOT, the parking will be a major issue.

Dean Madrukos states they are waiting to acquire the stretch of land from the DOT. They are in the process of having a contract drawn, with the DOT.

Mr. Adelman suggests that plans for appearance and landscaping would be an asset to this plan. He states that the Board would try to work with them.

Dr. Matusow suggests to clarify the issues of the 2 additional parking spaces.

Mr. Naderman states that what they would be looking to do is working on the appearance of that part of the hamlet. He also states that he will be seeking a variance from the ZBA about the parking space issues. Mr. Naderman states that they have taken into consideration if the property across the street becomes developed. There would be no interference.

Dr. Matusow states that if a significant development ever occurred on the neighboring property, there will be a traffic flow problem. This is something that needs to be considered.

Mr. Delano states that comments would have to be sought from the fire department, the police department and the town traffic engineer. He suggests that this done soon.

Mr. Kaufman states a possibility of a road behind the building. Mr. Naderman explains that that would take up 3 parking spaces.

Ms. Black questions being able to see pedestrians in a certain area of spaces. Mr. Naderman, replies that there would be a lot of room to walk to the spaces. The main entrance will also be relocated.

Mr. Naderman states that on the existing gravel area, there are 5 parking spaces where the cars have to back out onto the road to get out. The new plan would include 10 standard spaces without the need to back out onto Old Route 22.

Chairman Michelman agrees that for operational purposes it makes sense for the expansion. The parking issue has to be legalized. She agrees that Mr. Delano's recommendation to seek comments from the fire department, the police department and the town traffic engineer, should be done soon.

Mr. Adelman states that if this plan comes to be, that some people will still have to back out onto a road. It is clarified that this is prohibited and will require a variance.

Mr. Delano states that this would be a very nice improvement. He suggests to seek if there are any other environmental issues going on.

Dr. Matusow suggests going to the ZBA to ask for a walkway on the front end of the cars. Ms. Black also suggests some lighting to go into the parking lot.

Mr. Kaufman states that he will send a copy of the materials to the traffic consultant.

Mr. Madrukos questions about filing a formal application. He states that he currently has a lease with the DOT. Mr. Baroni states that the DOT could be a co-applicant.

Mr. William Freeman, an attorney for the Beehive states that the lease has been renewable annually. He stated that the contract will be back within the

next few days.

Discussion ends at 9:20pm

Chairman Michelman states to The Board that she received a certified letter from a neighbor of the Cronin's. Chairman Michelman discusses how to respond.

Mr. Delano questions if the applicant was carbon copied?

Ms. Black states that there is a similar letter from another neighbor.

Mr. Delano suggests that the applicant gets copies of the letter.

Mr. Kaufman states that there will a letter sent to both neighbors, and the Board will take a look at their concerns.

Chairman Michelman suggests to copy the Cronin's.

Meeting adjourned at 9:25pm