



**PUBLIC HEARING & NEIGHBOR NOTIFICATION:**

**COTT  
Special Use Permit  
Section 1, Block 4, Lot 10-62  
9 North Lake Road  
David Graham – David Graham, AIA  
Consideration of approving site plan resolution**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that all paperwork was in order and that 11 out of 14 cards were returned. Chairman Michelman asked if there were any neighbors present. Ms. Groves of 11 North Lake Road was present.

Mr. David Graham was present on behalf of the applicant. He explained that the applicant is proposing to add another bay to the existing two-car garage, add a living room and relocate an upstairs bedroom. He presented the site plan and indicated the locations of North Lake Road and the front of the applicant's house.

Ms. Groves asked if the addition would be in the front and Mr. Graham said that it would be. He indicated the existing porch, and the location of the addition. He explained that on the left side of the house they would have a one-story addition. The basement level would be wrapped in a stone veneer.

Ms. Groves said she was more concerned with the right side, and the driveway. Mr. Graham explained that the main driveway would remain the same, but the macadam would be extended. They are planning to make a planting area narrower, but in turn, would make it longer. He added that as part of the applicant's review process, they have prepared and submitted a planting plan.

Ms. Groves asked about the stone fence. Ms. Cott explained that it would not be moving closer to the Grove property. She added that it is a repair, and completely unrelated to this application. Ms. Groves said she had no more questions.

Chairman Michelman asked if Mr. Kunny had any issues. Mr. Kunny said that his were only minor details and that they were addressed in the resolution. Mr. Kaufman said he had no comments.

Mr. Delano noted that on page 6 of 8 of the resolution, the word "developer" needed to be changed to "applicant." He also pointed out that the standards contained in #9 needed to be updated. Mr. Kaufman said he would make those corrections.

Mr. Graham said that he had no issues with the resolution. There were no other issues from the Board. Ms. Black thought the design was attractive and addressed the Board's concerns about the mass.

Mr. Delano moved to close the public hearing. Ms. Black seconded the motion and it was unanimously approved. Ms. Black moved to approve resolution as amended. The motion was seconded by Mr. Delano and unanimously approved.

**SFARRA**

**Site Plan**

**Section 2, Block 17, Lot 1-18**

**10 Yale Place**

**Marina Libonati, AIA – MSL Architects, PLLC**

**Pete Gregory, P.E. – Keane Coppelman Engineers, P.C.**

**Consideration of approving site plan resolution**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that all paperwork was in order and that 21 out of 22 cards were returned. Chairman Michelman asked if there were any neighbors present. There were none.

Ms. Marina Libonati was present on behalf of the applicant. Chairman Michelman stated that since no neighbors were present, no presentation was required. She asked if the rain garden was still part of the proposal, and Ms. Libonati said that they have eliminated the rain garden. Chairman Michelman said that should be removed from the resolution. Mr. Kaufman said he would agree, unless the Town Engineer thought they should have a maintenance agreement for the basin. Mr. Kunny said that one was not necessary, and Mr. Kaufman said that portion could be removed from the resolution.

Chairman Michelman pointed out that the Town Engineer had asked about the means of access to the 1,000 gallon tank. Ms. Libonati said that she did not think that detail has been included, but she believed there would be a cap close to the top of the soil. Mr. Kunny asked if it would be a manhole cover, or below grade. Ms. Libonati believed it would be something like a manhole cover that could be covered by 2" of soil. Mr. Kunny asked about irrigation and Ms. Libonati explained that the applicant was still working on that detail. Mr. Kunny stated that the applicant would need to submit those details. Chairman Michelman asked if those were conditions in the resolution. Mr. Kaufman said they were not, but they could be added. This was acceptable to Mr. Kunny.

Chairman Michelman noted that Mr. Kunny had also inquired about the repairs to the existing sewage. Ms. Libonati said that the repairs were complete, and she could provide information on that. Mr. Kunny asked if the system had been in failure. Ms. Libonati explained that the applicant's consulting septic contractor indicated that the cover and certain pipes needed to be repaired. Mr. Kunny asked the applicant to submit a report explaining the conditions that were found and how they were corrected. This will be made a condition of the resolution as well.

Chairman Michelman noted that there was a correction on the resolution; the tax map designation is Block 17 not Block 07.

Neither Mr. Kunny nor Mr. Kaufman had any other issues aside from those contained in resolution. Mr. Delano noted that the word "developer" needed to be changed to "applicant" on page six.

Chairman Michelman asked if the applicant reviewed the resolution. Ms. Libonati said that she had, but only briefly. She said that she did not see any real issues, but she did have a question about the reference to the rain garden. The Board stated that would be deleted.

Ms. Libonati said that, with respect to item #7, the applicant was no longer proposing a stone wall; instead they are proposing a split rail fence. Mr. Kaufman said that the item would be revised to require the submission of the details for the fence.

Ms. Libonati asked what was meant by "prepare an alternative to prevent erosion to the satisfaction of the Town Engineer." Mr. Kaufman explained that it was a comment taken from the Conservation Board's memo. He said that if the Town Engineer was satisfied with the plan then it would be acceptable. Ms. Libonati stated she would call Mr. Fava and ask for clarification. Dr. Matusow explained that it needed to be clarified before the Board voted on the resolution.

Ms. Libonati stated that there was an intrusion on the landscape which the Conservation Board directed to be eliminated, and the applicant was to provide information on how it would be done. Mr. Kaufman explained that the Conservation Board wanted the applicant to come up with a plan to deal with the problem. What they meant by "alternative," is that the original idea to simply remove it all was not acceptable and so the applicant had to come up with an alternative plan to deal with it. Ms. Libonati said that if they did not eradicate that plant, there is no alternative. Mr. Kaufman said that was not what the Conservation Board meant; they want to see how the applicant will deal with it as opposed to simply removing it all. All the Town Engineer has to do is review the plan to eradicate the plant and determine whether he is satisfied with it. The Town is concerned with erosion and that was the purpose of the requirement. Ms. Libonati said she understood what was required of her.

Chairman Michelman made sure the applicant understood that the slope is going to have the current growth removed to some degree and then replaced. Ms. Libonati said she understood. Chairman Michelman explained that the Board is concerned with erosion if it is left raw and that if that condition is not met, the site plan cannot be signed.

Dr. Matusow moved to close the public hearing. The motion was seconded by Ms. Black and unanimously approved.

Ms. Black moved to approve the resolution as amended. The motion was seconded by Mr. Delano and unanimously approved.

## **SAVYON**

### **Site Plan, Special Use & Tree Removal**

#### **5 Skyview Drive**

#### **Section 2, Block 5A, Lot 2.C**

#### **Barry Naderman, P.E. – Naderman Land Planning and Engineering**

#### **Discussion**

#### **Consideration**

Chairman Michelman read the public notice for the record. Ms. Desimone explained that two mailings had been done for this application, both of them timely. The first notice contained an incorrect address, and 29 out of 32 green cards were returned. The second notice was correct, and 26 out of 31 cards were returned. She noted that all paperwork was in order. Chairman Michelman asked if there were any neighbors present. Mr. & Mrs. Mauro Cetra of 6 Faraway Road, Mr. Joe McConnell of 10 Faraway Road, Mr.

Erlich of 3 Sky View Drive, and Mr. and Mrs. Meyers of 7 Sky View Drive were present.

Mr. Barry Naderman was present on behalf of the applicant, along with the applicants themselves. Mr. Naderman explained that the property is a little over an acre in size and contains an existing house, which will be removed. Approximately 4,900 sq. ft. of gross floor area will be constructed. The site is served by an individual septic system and an individual well.

Mr. Naderman explained that the applicant's plans depicted a possible location of a pool as per the request of the Planning Board; however, they were not proposing to construct that pool right away. He explained that the property will be accessed by the existing drive in the front. The portion of the property where the septic system and expansion area will be will not require much grading. Additionally, there is a section where the grades break, and there will be no activity beyond that other than the discharge of a footing drain. Mr. Naderman presented the landscaping plan and explained that it provides screening on both sides of the property with a variety of trees.

Chairman Michelman asked Mr. Naderman to describe the proposed house to the neighbors. Mr. Naderman presented an illustration and explained the layout. He pointed out that there would be a full walkout basement in the back of the property, but there will be raised grades on one side of the building to take away some of the exposure of the basement elevation. The garage wing is stepped down 3' from the first floor elevation, so that exposure is lowered as well.

Chairman Michelman asked if the neighbors had any questions. Mr. Meyers said he was mainly concerned about the drainage as he lives directly below the applicant's property. He stated that, over the years, he has had many problems with runoff. Mr. Naderman understood and pointed out that this had been one of the main concerns for the Board. He explained that currently, everything that runs off the driveway drains to the back. The applicant is proposing to take the roof into an underground infiltration system and discharge it into rain gardens, which are basically depressions that have augmented soils and plantings to accommodate some of the runoff. Hopefully this will present an improvement. Mr. Meyers said that over the years, many trees have been taken down, both naturally and by residents. If everyone decided to take down trees for pools and views, this would be a problem. He said that Skyview is still causing problems on Faraway road, and the town has still not been able to address this problem; he doesn't want to see more problems. Mr. Naderman said he understood and explained that the town has become more strict with the number of trees that can be removed. The plan will indicate exactly what trees can be removed. There is a note on plan that indicates no clearing beyond stone wall.

Mr. Meyers hoped there would be less runoff than what is there now. Mr. Naderman stated that was what the system was designed to do.

Mr. McConnell said that he has a gully on his property and is very sensitive to the runoff. He asked how much was being cleared from the stone wall to the property line and Mr. Naderman said nothing was being cleared there. Mr. McConnell asked about the clearing from the stone wall to the back of house and Mr. Naderman explained that there is an existing drive in the area where the residence, driveway and garage was, so no

more will be coming down. He noted that there are a total of 13 trees that will be removed, but that will be augmented with additional plantings on the sides. Additionally, the applicant will be leaving the trees in front in tact. He indicated the areas where the trees will be removed. Mr. Kaufman asked about the sizes of the trees coming down and Mr. Naderman indicated the sizes and locations. Mr. McConnell thought that sounded like a lot being removed, but Mr. Naderman said that many are dead or dying and some are a danger to house.

Mr. McConnell asked about the drainage pipe in rear. Mr. Naderman said that there is no pipe there currently, and discharge runs off the backyard. The applicant will take the roof runoff into the underground system and the rain gardens. A footing drain is proposed in the back. The applicant pointed out that very little will be flowing out of the footing drain. Mr. Naderman agreed and said there would be a lot less water with this mitigation.

Mr. Meyers asked how that would be possible in the winter and Mr. Naderman explained that the infiltrators would be below the frost level and they would make the situation better than what it is today.

Mrs. Meyers asked if the pool was proposed now or in the future, explaining that she would be concerned with more clearing for a future pool. Mr. Naderman said that was not true, because this plan included the possible pool location and any associated clearing.

Chairman Michelman asked if the pool was being proposed now or in the future. Mr. Naderman said it was not being proposed at this time. Chairman Michelman explained that it should be removed from the plan if it will not be built. Mr. Naderman thought the resolution could acknowledge that the proposed location was the only approved location for the pool and decking that way, if someone in the future wanted to build the pool, they would not have to come back to the Planning Board. Mr. Kaufman said that it would not make sense to do that because the permit would only be valid for one year.

The applicant said that he would know within a year whether they are building the pool. Mr. Kaufman explained that the applicant would have 18 months to build the pool from the signing of the site plan. He explained that the Board could do either; he noted that if site plan is approved with the pool, then it would have to be built. Otherwise, the applicant would have to come back to the Board to remove the pool. The applicant preferred that it be included in the resolution, stating that he would rather apply to the Board to remove the pool from the site plan. Mr. Naderman stated that, for purposes of this application, it is not a future pool. Mr. Kaufman said that the resolution already reflected the pool as part of the current proposal.

Mr. Meyers asked who he would talk to if he experiences more runoff and the Board told him he should contact the Town Engineer in that respect. Mr. Naderman ensured that the record reflected that there was an existing problem with the runoff according to Mr. Meyers.

A neighbor, Mr. Cetra, asked about the position of the house and Mr. Naderman explained. Mr. Erlich, 3 Faraway Road, had questions about the a/c units. He indicated his deck and noted that the footprint for the new house is much larger, and is moving

much closer to his house. He asked if he was going to have a/c units, generators and propane tanks right near his home. Mr. Naderman said that there were no generators or propane tanks, but there were two a/c units that will be near his property. Mr. Naderman reviewed the aerial and believed it is approximately 55' away, and pointed out that there is landscaping in the area. The Board pointed out that the applicant would be adding many trees in that area. The applicant said he would be willing to move the units to either side to make them further from the neighbor's deck. Mr. Naderman added that the applicant was not taking any of the trees down along the property line; only adding to them. Mr. Erlich said he did not have problem with taking trees out and replacing them. Mr. Erlich asked about the septic area and Mr. Naderman indicated its location.

Mr. Meyers suggested that, since the applicant owns the property behind the stone wall then they should plant some trees beyond it to prevent erosion. Mr. Kaufman said that the area beyond the wall is forested, and in its natural state. Chairman Michelman said that it was heavily wooded. Mr. Meyers said it was not heavily wooded, and that many trees have fallen. Mr. Kaufman said that may be true, but it was still a naturally forested area. Mr. Naderman stated that trying to plant in that area would cause more problems than it would solve and Mr. Kaufman agreed.

A neighbor, Mr. Cetra, asked about the septic and where it will be located. Mr. Naderman indicated the location again. The neighbor asked if this would have any effect at all landscaping, drainage or anything else and Mr. Naderman assured him it would not.

Mr. Erlich asked if anything could be done about the existing look of the property and the Board said that the only thing that could be done is for the approvals to move forward so that the applicant could begin work.

Mr. Naderman said that he read the resolution, and in light of the neighbors' comments, he would accept Mr. Kaufman's inclusion of a requirement for larger plantings than what was shown on the plan. Mr. Delano asked if the increase in height compromised the trees that the applicant is planning to save. Mr. Naderman said he was not sure, that it was a question for the landscape architect.

Mr. Delano asked if the applicant could move the footing drain back across the wall to the applicant's side of property to help act as a natural buffer. Mr. Naderman said that if it was possible and if it is acceptable to the Health Department, he would make that change.

Mr. Delano pointed out that the new well should be 200' from the septic, and it should be noted on the plan. Mr. Naderman said it was indicated.

Mr. McConnell asked the location of his well in relation to the applicant's septic. Mr. Naderman indicated the 200' line from the Meyers' property. Mr. McConnell said that his well is uphill off to the side, and Mr. Naderman explained that this septic is no closer than the existing septic.

Chairman Michelman asked if Mr. Kunny had any issues. Mr. Kunny said he would need additional details relating to the pool, and asked about the conditions for the rain

gardens and the maintenance agreement. Mr. Naderman said that he believed the details were provided on the second sheet regarding the layers and soil replacement. He asked if there is another maintenance agreement that had been developed for rain gardens and Mr. Kaufman said no such agreement had been drafted to date. Mr. Naderman pointed out that the resolution says that the plantings have to be maintained, and asked if this was sufficient. Mr. Kunny said that it would not be, because, once built any new homeowners would have to understand that the rain gardens must be maintained. Mr. Kaufman believed it would be similar to the agreement relating to the stormwater basins. Mr. Kunny said he had no other issues. Mr. Kaufman said he had no comments.

Mrs. Meyers said that, in view of the neighbors' concerns, the landscaping plan should be reviewed and the Board should consider how many trees are being removed. Mr. Kaufman and the Chairman said that this had been done already. It is all a part of the resolution and it must be maintained. Ms. Black pointed out that the landscaping plan shows the removal of 11 trees, and adding 14 larger sized trees, and this did not include the lower type plantings. Mr. Kaufman noted that the Board is requiring the new trees to be planted in areas to mitigate the appearance of the house.

One neighbor asked if there was anything to require the applicant to erect a temporary fence to prevent children from wandering into the construction site. The Board said that they always require a construction fence. Additionally, once the pool was installed, the standard 4' safety fence will also be required.

There were no other questions or comments. Mr. Delano moved to close public hearing. The motion was seconded by Ms. Black and unanimously approved. Mr. Delano moved to approve the resolution as amended. The motion was seconded by Ms. Black and unanimously approved.

## **HIRSCHMAN**

### **Site Plan**

**Section 1, Block 4, Lot 10-310**

**3 Hardscrabble Circle**

**Jeffrey Econom, P.E.**

### **Discussion**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that all paperwork was in order and that 21 out of 34 cards were returned. Chairman Michelman asked if there were any neighbors present. Jim and Jane Gaffigan, of 6 Evergreen Row, Jim Murphy, of 4 Hardscrabble Circle and Mr. Grotta of 6 Hardscrabble Circle were present.

Mr. Jeffrey Econom was present on behalf of the applicant. He indicated the location of the formerly existing two bedroom house, that was recently demolished and the location of the new house footprint. He explained that they will be removing a couple of large pines in the rear but was able to save three of four large pine trees. He indicated the existing driveway and the relocated driveway. There will be the septic expansion area in the rear and the septic is proposed in the front.

Mr. Gaffigan said he had never heard of having a septic in the front with the expansion in the rear. Mr. Econom explained how the system would work. If the rear expansion area had to be used, a pump system would pump the sewage into the front. Mr. Gaffigan said he had a major problem with that because his property is directly below the applicant's property and if the expansion area had to be used, it would drain into my property. Mr. Econom assured him that the system complied with the Westchester County Code.

Chairman Michelman said she understood the concern, but the Westchester County Health Department is the controlling entity for septic systems. Mr. Gaffigan said he understood that, but he still believed that the way the property is graded, it would cause a problem for him. Chairman Michelman said that the expansion area is in the rear, and 90% of the time is never touched. Mr. Kaufman said that even if the expansion area is used, there is no surface runoff associated; it would perc into the ground. Mr. Gaffigan said there is at least a 30' grade down to my house and that, currently he has no problems with the runoff and he said again that he thought this would create one. He noted that the original house was 1,500 sq. ft. and the new house will be over 6,500 sq. ft. Mr. Econom stated that if the neighbor did not have runoff now, they would not have any after this because a drywell system will be installed.

Mr. Econom explained that the applicant's plan depicts a location for a possible pool, but there are no plans to build it now. Mr. Kaufman asked if the applicant was seeking approval without the pool and Mr. Econom said that was correct. Mr. Kaufman noted that the special use permit for gross land coverage would be reduced by the amount of the pool.

Mr. Econom stated that he had submitted a landscaping plan and that there will be planting along the perimeter with a variety of plants. A row of hedges will be planted along the back and the large pines will remain. The applicant will be filling in the existing driveway with plantings. There are only three pines coming down on the side. The willow tree has to be removed because of the septic system, but the Japanese maple will stay.

One neighbor asked about the number of trees being removed now, versus an earlier plan. Mr. Econom said that they previously planned to remove eight trees, and now were only removing three. The neighbor asked which way the house has been shifted and Mr. Econom explained that it was shifted away from the line of pines. The neighbor doesn't understand square footage and asked if the house would have a full basement, and if so, whether the square footage included the basement. Mr. Kaufman explained that the house had a full basement, but that it was not counted as part of the square footage. He added that the garage and any part of the attic with a 7' 6" height do count. There is no 3<sup>rd</sup> floor. The neighbor asked if the house would be 6,700 sq. ft. without the basement and Mr. Kaufman said that was correct.

A neighbor asked if there was ever a study done about the size of this house in comparison to the neighboring homes. Mr. Kaufman explained that the Town has developed a standard for gross floor area, and the applicant is above the basic, so they are seeking a special use permit to build a home of this size. The house will be 6,676 sq. ft., which exceeds the basic by 1,984 sq. ft. Mr. Kaufman added that the applicant is below the maximum by more than 700 sq ft.

The neighbor thought there was an intent to have homes fit into the neighborhood and

Chairman Michelman said that was always the intent. She explained that there was a time where the Board looked at the square footage of the surrounding homes. Mr. Kaufman explained that if the Planning Board issues the special use permit, they are affirmatively saying the house fits into the neighborhood.

The neighbor thought this would stick out and felt that it would be much larger than houses on the street. Chairman Michelman explained there was an effort made to maintain the character of the street. The neighbors had to understand that the old house was going to be made larger. This fits within the basic and the maximum, so a special use permit is required. Several town boards have worked to maintain the character of the neighborhood, and to save the trees on the site. The house will be large, but the basement is buried and will not be seen. The neighbor asked if the applicant planned to live in the house, and the applicant said he was. The neighbor asked for rendering of house and Mr. Econom presented one.

Ms. Black pointed out that in the older homes, garages were usually not included in the square footage and now it is, which tends to be misleading.

Ms. Bongaarts asked about the pines being removed, because the Conservation Board thought they should be removed and replaced. Mr. Econom indicated those remaining and those being removed.

Dr. Matusow noted that, at the last meeting, the plan indicated the sight line from driveway was "approximately 200 feet" and that the Board had asked the Town Engineer to check that. Mr. Kunny said that the applicant will be able to demonstrate the 200' sight line, but some pruning will have to be done. Mr. Kaufman said that will be added as a condition. He recommended that all Mr. Kunny's comments be made conditions if they were not already. Mr. Econom said they would have better sight distance than what they have now.

Dr. Matusow thanked the applicant for saving trees, but recalled that at the last meeting, he asked why the 24" pine to the south of the patio had to be removed. He thought the Board was going to hear an answer. The applicant explained that the root system of the tree is mostly exposed, and is close to the house. Dr. Matusow appreciated what the applicant did save and said he was comfortable with the proposal.

Dr. Matusow moved to close the public hearing. The motion was seconded by Ms. Black and unanimously approved.

Chairman Michelman asked if Mr. Econom had reviewed the resolution. Mr. Econom said that he had, and had no issues. He added that many items had already been addressed.

Ms. Black moved to approve the resolution as amended. The motion was seconded by Mr. Sauro and unanimously approved.

**OTHER BUSINESS:**

**VARSALES**

**Lot Line Change**

**Section 2, Block 8, Lots 13A & 13A-5**

**2 & 4 Nash Place**

**Barry Naderman, P.E. – Naderman Land Planning and Engineering**

**Discussion**

**Consideration of approving site plan resolution**

Mr. Barry Naderman was present on behalf of the applicant. He explained that the applicant has filed an application for final subdivision approval. There are no changes to the final plat since the preliminary plat, with the exception of Mr. Kunny's request to regrade, which has been done.

Mr. Kaufman explained that this would complete the lot line change. Mr. Delano asked if the applicant has filed with the Health Department. Mr. Naderman said he had, and that he still had to show them the changes to the septic, but has seen the first round of comments, and there are no problems.

Chairman Michelman asked if Mr. Naderman was satisfied with the resolution and he said he was. He noted that there was a correction of the square footage in the zoning table.

Mr. Delano noted that the resolution does not reference when preliminary approval was issued. Mr. Kaufman stated that should be added as a "whereas" clause. Mr. Delano moved to approve resolution as amended. The motion was seconded by Ms. Black and unanimously approved.

**COHEN**

**Site Plan**

**Section 2, Block 2, Lot 5.-1.C**

**14 Sunrise Drive**

**Barry Naderman, P.E. – Naderman Land Planning and Engineering**

**Discussion**

**Consideration of approving site plan resolution**

Mr. Barry Naderman was present for the application. He explained that he was seeking final site plan approval and that he had no problems with the resolution.

Mr. Kaufman noted that there was one change: the public hearing was actually closed on June 23<sup>rd</sup>, so that "whereas" clause needed to be revised. Mr. Delano noted that on the top of the second page, the word "oversized" has potential negative connotation. This is really a special use permit for an accessory structure over 800 sq. ft. Mr. Kaufman said it could be changed and the Board said it should be.

Mr. Delano moved to approve the resolution as amended. The motion was seconded by Ms. Black and unanimously approved.

**MUCKELL**

**Preliminary Subdivision**

**Section 5, Block 19, Lot 1**

**3 Morningside Place**

**Susan Fasnacht, P.E.**

**Consideration of approving extension of time resolution**

Ms. Susan Fasnacht was present for the application. She explained that they were seeking a 6 month extension for the preliminary approval due to delays with the Health Department. She explained that they plan to submit an application for final approval within the next few months.

Mr. Kaufman recognized that Dr. Matusow had sent an email about confusion regarding the heading containing the name and dates. He suggested adding the original approval and expiration date and then tonight's approval date and the expiration of tonight's approval.

Dr. Matusow moved to approve the amended resolution. Mr. Delano seconded the motion and it was unanimously approved.

**FARERI**

**Subdivision**

**69 Round Hill Road**

**Section 1, Block 9, Lot 4-2**

**Susan Fasnacht, P.E.**

**Discussion**

Ms. Fasnacht was present on behalf of the applicant. She explained that the plans before the Board were similar to the prior applications. Some walls had been relocated, and they have submitted the stormwater management report. She understood that Mr. Kunny wanted to meet with the applicant's engineer to discuss that report, and that meeting will be set up. Additionally, the applicant was asked to add something to mitigate any work that might take place in local wetlands, so the applicant proposes to plant moist meadow mix in the area. Ms. Fasnacht noted that there will not be much work done in that area.

The last main issue concerned the road right of way. She explained that they met with the highway superintendent on the issue. Ms. Fasnacht indicated the existing right of way line and the existing wall in front of it and explained that, sometimes the wall is on the applicant's property, and sometimes it is on the Town right of way. If the applicant made the right of way 50' the wall would be on town property and the town would have to maintain it. If right of way is run along the roadway, then owner would maintain it. The applicant would like to run the right of way along the wall. Chairman Michelman said that as long as the problem is in the process of being resolved, it was fine.

Ms. Fasnacht recognized the comment about environmental constraints map and steep slopes. She explained that the yellow is steep slopes, and Mr. Kunny indicated that there was a lot of disturbance. She explained that she did not believe there is any intention to disturb that area, but wanted to include it now so that the applicant didn't have to come back.

Ms. Fasnacht stated that the applicant would like to maintain the existing drive to the accessory structure. Mr. Kaufman said that, typically there would not be vehicular access. Ms. Fasnacht recognized this, but said that the way it is developed could present difficulties in getting materials to the structure.

Chairman Michelman noted that the studio is not in "move in condition" and wanted to know what was going to happen to that structure. She also wondered if this should go to the LPC; if not, perhaps the Building Inspector should determine the safety.

Mr. DeLaurentis explained that the LPC had already voted to recommend the Town Board grant historic status. Mr. Kaufman said that if it was given historic status, then it would be landmarked and renovated. Chairman Michelman asked about the septic for that structure. Ms. Fasnacht explained that it would be tied into the septic for the other house.

Chairman Michelman asked if Mr. Kunny had any issues. Mr. Kunny explained that he had some comments on the storm drainage system, but he would meet with the applicant. Mr. Kaufman stated that the most relevant of his concerns was the steep slopes / environmental impacts. The way to approach this is what the applicant has done, based upon a full build out. However, since the Board did not have full site plans, he recommended issuing only the permits that were necessary, and then on a lot-by-lot basis. The Board agreed and the applicant consented.

Mr. Kaufman asked if there had been any further discussion with the fire department. Ms. Fasnacht said that the meeting had not taken place yet.

Mr. Delano asked what the disturbance on the plan was, and Ms. Fasnacht explained that it was approximately 6 acres. Mr. Delano asked if Mr. Kunny would be meeting with the applicant to discuss the stormwater prevention plan and Ms. Fasnacht said that was correct. Mr. Delano said he was concerned with that plan, and wanted to know that it was resolved before going to public hearing.

Dr. Matusow thought the road and the right of way issues should be resolved as well. Mr. Kaufman said that the issue regarding the studio could be a site plan issue as opposed to a subdivision issue. Mr. Delano noted that if this does get historical status, it would be a reason to leave the driveway there. As far as right of way, he asked if it was mandatory that a deal is worked out, or whether the Board could approve the plan without one. Mr. Baroni said that as part of the highway law, the Highway Department should be sending this Board a recommendation as to what they want. Ms. Fasnacht said that the Highway Department indicated that they want the wall on the applicant's property. Mr. Baroni said that the Highway Department should send a letter in that regard. Mr. Kaufman said this should be resolved by final subdivision approval. Ms. Fasnacht said that could be accomplished.

Ms. Fasnacht said the applicant would like to move to public hearing as soon as possible. Mr. Kaufman said that the most important issue is the stormwater. Chairman Michelman asked if that could be reviewed before the September 22<sup>nd</sup> meeting and Mr. Kunny believed it could be. The Board stated that if the Town Engineer was satisfied by the deadline for the September 22<sup>nd</sup> meeting, then they could be placed on that agenda.

Mr. Kaufman said he would like resolution of the fire department issue by then as well, and the applicant agreed.

**VENTORINO**  
**Site Plan & Special Use Permit**  
**11 Sterling Road South**  
**Craig A. Studer, ASLA – Studer Design Assoc. Inc.**  
**Discussion**

Mr. Dean Puschler was present on behalf of the applicant. He explained that the applicant was seeking a special use permit and an amendment to the site plan. There is an issue with the coverage, and that is why they need special use permit.

Mr. Delano noted that the plans for the project were signed by Craig Studer, but Mr. Studer failed to keep his landscape license current in New York State, so the Board could not review the plans. He explained that the landscape architect must be licensed and registered in the state so, either a different landscape architect would need to sign and seal the plans, or Mr. Studer needed to get his registration straightened out.

**BUCHBINDER**  
**Special Use Permit**  
**Section 2, Block 5, Lot 2.D-16**  
**28 Sarles Street**  
**Pete Gregory, P.E. – Keane Coppelman Engineers, P.C.**  
**Discussion**

Mr. Brad Schwartz, and Mr. Peter Gregory were present on behalf of the applicant, along with Mr. Buchbinder. Mr. Schwartz explained that the applicant is seeking approval of a pool and the site walk was recently conducted.

Chairman Michelman thought that this was a creative plan, but was not sure whether it was a good use of the property. One of her major concerns is the access to the terrace and how one affects doing what the proposal sets out. Plus, she did not believe that the forest / valley / glen that is magnificently planted should be disturbed. She asked how the applicant planned to get the equipment to the location, and what kind of damage it would cause.

Mr. Gregory recognized that there would be a significant disturbance on the southern property line to access the area. Based upon the comments at the walk, the applicant thought it would be important to develop a construction sequence plan and method of construction to ensure the proposal could be done. Mr. Gregory believed he could minimize the disturbance to the side referred to by the Chairman. Although it is in a regulated area, it is still in an area that was designated as previously disturbed. They could also study an alternative way to come into that area to see if they could avoid impact to the wetland. Mr. Gregory thought that the initial excavation of footings for the retaining wall would be the most difficult part.

Chairman Michelman pointed out that a 26' retaining wall is very substantial and the Board rarely entertains such a height on a commercial property, much less on a

residential property. She did not want to minimize the creativity that was used in trying to develop this shelf, but the issues it creates are problematic.

Mr. Delano asked if this house was constructed prior to this Board having site plan approval, and Mr. Kaufman said that it did. Mr. Delano suggested the Board look into the history of the property and see how close the actual construction came.

Mr. Gregory said that he has met with the Conservation Board, who asked the applicant to minimize the disturbance to one area, and modify the design of the house, which they have done. It has been made smaller. The applicant reconfirmed the wetlands, and another little pocket of wetlands that was discovered. The applicant did a good job of keeping the house right where it was proposed. He indicated the existing retaining wall at the bottom of a slope and said that was basically the limit of disturbance. Mr. Kaufman said he was sure that it was the Board's intent to put the clearing and grading limit line a few feet from the retaining wall.

Ms. Black asked how far the retaining wall would be from the existing wall and Mr. Gregory said it would be approximately 20', and would maintain a 20-40' distance from the wetland. The limit of disturbance line for the home is approximately 20-25' and the proposed wall is approximately 5' from that line. Mr. Kaufman noted that the applicant was going beyond the approved line and Mr. Gregory did not necessarily agree. He said he'd be willing to meet with Mr. Kunny to develop a realistically developable plan. Ms. Black asked if Mr. Gregory thought he'd be able to access the area without going beyond the existing disturbance line. Mr. Gregory thought he could, but pointed out that there would be some disturbance within it.

Chairman Michelman noted that the plan calls for 7,000 sq. ft of wetland disturbance. Mr. Gregory agreed, but noted that it was previously disturbed. Chairman Michelman recognized this, but pointed out that the required mitigation would be 14,000 sq. ft. and wondered where the applicant would put it. Mr. Gregory did not think the site had room for that much mitigation. Chairman Michelman agreed and said that was why she was raising the issue.

Dr. Matusow pointed out that the Board has looked at lots and reviewed plans and questioned whether it was appropriate to have a pool on the site at all. In principal, not every lot should have one just because there is the technical ability to build one. He said he had reservations as to whether or not this is a reasonable amenity for this lot. There would be a huge wall, and a large terrace that will be cut into to have a pool. He said this might not be a lot that can accommodate a pool. He doubted the equipment could be brought in any other way than what is currently proposed, and then the neighbors would be disturbed for a great amount of time, perhaps permanently, because this will not be able to be screened in the normal way because it is very high. Dr. Matusow said that he was not closed to the idea, but was very concerned.

Mr. Sauro was concerned about the height of the wall. He agreed that the pool could be built, but perhaps it shouldn't be. He would hate to preclude the owner from having a pool, but there are many concerns resulting from this proposal. He asked if the applicant exhausted all other options in terms of moving it, or tiering the wall, and Mr. Gregory said tiering was not an option. Mr. Sauro said he also had safety concerns. Mr. Gregory

said there would be sufficient screening to the north and the east, but there would be impacts to the south. The landscaping would need to be supplemented.

Mr. Kaufman said he shared the same concerns as the Board. He asked if they wanted to send the application to the Conservation Board now, which they would need to do ultimately. Mr. Gregory said that everything remains staked, so the applicant could meet with them. Chairman Michelman thought it would be useful for them to comment on this proposal.

Dr. Matusow agreed that the Conservation Board should be consulted, but the concerns raised by this Board would likely be different than the Conservation Board's.

Ms. Black said she was also concerned with height of wall and noted that the only thing in its favor is that it is not really visible by the other neighbors.

Mr. Delano noted that this is a difficult site and involves a tremendous financial undertaking. He said that the code provides duties of the Board in approving or denying a permit and the applicant should create a "punch list," going through each of those points. Mr. Delano was also concerned about having a pool on the site. He thought the Conservation Board should be involved from the beginning and that the Town Wetlands Consultant should confirm the wetlands.

Mr. Gregory said he would resubmit the plans with revisions in accordance with the Board's concerns.

The Board would refer the application to the Conservation Board and the Wetlands Consultant.

**CRONIN**  
**Site Plan & Special Use**  
**Section 1, Block 9, Lot 17-2**  
**481 Bedford Road**  
**Pete Gregory, P.E. – Keane Coppelman Engineers, P.C.**  
**Discussion**

Mr. Peter Gregory was present on behalf of the applicant. He explained that the applicant was seeking to construct a home on the property with an existing house. They have made some revisions since the last meeting.

Mr. Gregory said he tried to see if they had the ability to reconfigure the location of the house and driveway entrance. He said he was limited in trying to protect the existing tree outside the existing tennis courts, he only has the ability to shift house 8' in southerly direction and pull it forward approximately 10'. This brought the applicant's house more in line with the property to the north. The elevation was also lowered by 2' which minimized the fill required for the back of the house.

He studied the possibility of rotating the pool, but doing so pushed it into the 75-80' canopy of a tree. The applicant is trying to maintain a 15' area to bring in construction

equipment. However, they did shift the pool; 8' further to the north and closer to the house.

The revisions also provided for the realignment of the driveway as it comes past the existing house. There will be a core portion of the house that the applicant would like to save, and they have the ability to create parking spaces and perhaps a pull off.

Mr. Gregory explained that he minimized the amount of work that would take place along the entryway. Currently, utilities are overhead, and they would remain overhead to a new pole, and then they would go underground to the new house and cottage.

To help with screening and buffering, the applicant is proposing fencing on the northerly and southerly property lines. The fence would run approximately 150' back from where the existing tennis court fencing currently stands and effectively screen the neighbors in the rear.

Mr. Gregory explained that he met with Mr. Kaufman and Mr. Kunny, and he was looking to address the issues about current septic system serving the cottage. Currently the cottage is served by a septic via an easement on another property. If they could minimize the drainage required, there may be limited area to do something in the front. Mr. Gregory said they would need to maintain a distance between the septic and the drainage and the well but could look at this in more detail.

The Chairman asked the status of the cottage with the LPC. Mr. Cronin stated that the LPC wanted him to move forward with the historic designation. He believed the LPC sent a memo on this. Mr. Kaufman recalled that the LPC was interested in it, but said he had not seen the recent memo. He asked if the process was in motion, and if the applicant would be appearing before the Town Board next. Mr. Cronin said that was correct.

Mr. Gregory recognized that the applicant would need a public hearing, and wanted to schedule that as soon as possible. However, he wasn't sure how Town Board's review would affect that. Mr. Kaufman recommended the applicant conclude the process with the Town Board, so that everything can get done before this Board at one time.

Dr. Matusow recalled that, at the last meeting, one neighbor indicated there was a problem with the septic. Mr. Gregory said that a portion of the sewer line that runs across their property line was damaged but he did not believe there was a problem with leeching from the system. He thought the applicant had a receipt for work that was done. Dr. Matusow asked if the cottage would need an expansion area if it became an accessory apartment. Mr. Gregory did not think so because he believed it was preexisting nonconforming. Dr. Matusow noted that this would make a great accessory apartment.

Mr. Kaufman asked if moving the septic onto the applicant's property was possible. Mr. Gregory did not think it was really possible. There is a slight increase in impervious surface and the applicant needs to address the runoff mitigation and he did not know if they had the ability to do something different with the stormwater if we are to comply with the stormwater ordinance.

Mr. Kaufman advised the applicant to move forward with getting the accessory structure landmarked and then submit information regarding how the cottage would comply with the Town Code requirements (§213-32(K)). He suggested that the applicant follow up with the Town Clerk about when the application will be heard by the Town Board and then this Board could determine a date for the public hearing.

Mr. Steve Lopez asked if there would be an issue about the Town Board voting on the accessory structure, and Mr. Kaufman said there would not be, because this Board issues the permits for accessory structures. The Town Board is the Board who approves or denies the recommendation of the LPC. It has nothing to do with the development of the property. Mr. Lopez asked if it could be a condition of approval. Mr. Kaufman said the Board could not approve two dwelling units on the same lot; the applicant needed the historic designation so that the Board could approve the new home and the accessory structure.

Mr. Kaufman stated that the applicant has addressed many other comments. The Board said they appreciated those efforts. Mr. Kaufman advised the applicant would still need to file an application for the accessory apartment with this Board, and that could be done at any time. Mr. Baroni said he was not sure if there was an application for the applicant would need to file with the Town Board as well.

Mr. Kaufman said he would speak to the Town Clerk to coordinate the details.

## **PRISCO**

### **Special Use Permit**

#### **Section 2, Block 5, Lot 14-15**

#### **8 Quaker Meeting House Road**

#### **Rob Sherwood, RLA – Robert Sherwood Landscape Architect, LLC**

#### **Discussion**

Mr. Rob Sherwood was present on behalf of the applicant. He explained that the applicant was seeking approval for a pool and terrace. This project falls between the basic and maximum permitted coverage. The applicant will infringe into the clearing and grading limit line that was approved when the property was subdivided. He noted that more than half of the property is dissected by the clearing and grading limit line.

Chairman Michelman noted that there were some encroachments beyond the clearing and grading limit line prior to this application. Mr. Sherwood said that was correct; there had been some tree removal in 2005. He explained that the homeowner received a tree removal permit for the work, and he believes this was an error on the Building Department's side. The permit allowed 6 trees to be removed. He added that there is a children's play system in the corner of the clearing and grading limit line as well.

Dr. Matusow believed there were also a terrace and other walls that were constructed without a permit. Mr. Sherwood said that was correct; those were constructed without a permit, but they were not within the clearing and grading limit line. He explained that after the site walk he reworked the calculations, and explained that the terrace put him over the basic by approximately 300 sq. ft., so he is in violation with the existing terraces.

Mr. Sherwood said the application proposes a little bit of mitigation for screening between the neighbors. They will also have a mitigation planting plan for the back area. Some clearing took place that shouldn't have and they will come back with a plan that addresses that.

Chairman Michelman said that the Board wanted verification of the wetlands. Mr. Kaufman said that the Wetlands Consultant could go and determine what happened to the wetlands that were previously depicted on the subdivision plan, but were not on the plans now.

Chairman Michelman asked if Mr. Kunny or Mr. Kaufman had any issues. Mr. Kunny said that he had some questions on stormwater design and details, but his more significant issue is the lack of topographic information on the plan. Mr. Kaufman said that, in general, the applicant's concept seems reasonable. He believed it would legitimize what is there now, restore an area previously impacted and accomplish applicant's desires.

Ms. Black thought it would be a reasonable trade off if there was some restoration and a conservation easement outside the clearing and grading limit line.

Mr. Kaufman said that he would refer this application to the Town Wetland Consultant and refer the special use permit to the county. He assumed the Board would like to see the re-vegetation plan before the public hearing was scheduled. Mr. Sherwood asked if they could be done at the same time, but the Board said they would like to see the landscaping plan before public hearing is scheduled.

Mr. Delano pointed out that the applicant would need a surveyor for property, because the math around the property is not complete, and the Town Engineer had requested topographic information. He noticed the survey information was obtained from a company is a wholly owned subsidiary of Toll Bros. who is not licensed to survey in New York State. Mr. Sherwood said the applicant would get a surveyor.

**SAMIT**  
**Special Use**  
**Section 2, Block 3, Lot 7-23**  
**14 Wrights Mill Road**  
**Nick Pouder, ASLA – Pouder Design Group**  
**Discussion**

Mr. Nick Pouder was present for the application, along with Mr. Samit. Mr. Pouder explained that the site walk had been conducted. He indicated the existing driveway and garage and explained that the applicant proposed to add a ground floor addition in the rear and a portico in front. The basement is a full walk out. A breakfast room would be added at ground level and the existing wood deck would be replaced with a concrete slab deck with pavers, while the wood piers would be replaced with stone. He presented current photos and proposed renderings for the Board.

Mr. Pouder explained the proposed driveway, and how they were proposing to add a turnaround. They would also be adding a cabana in the rear which would have a sink and a small cooking area. He pointed out that it was basically a roof over a cooking area; there would not be any changing facilities. He explained that the revisions enabled him to remove the retaining walls, which meant that most of the grading could be eliminated.

Mr. Pouder said he spoke to Peter Gregory and got the revised drawings. The intent of drainage plan is to pick up the entire parking area, run into stormwater the tank with a small pipe outlet. There is no room for infiltrators, so they will "dose it out slowly". The applicant would submit calculations with the next submission

Mr. Pouder stated that he had reviewed the Town Planner and Town Engineer's comments, and noted that there was nothing insurmountable. He asked if the applicant would need ARB approval for the plan, and the Board said he would. Mr. Pouder said he would try to get on the next ARB agenda and then come back to this Board.

Chairman Michelman noted that the piers were a very creative and positive addition. She asked if the applicant included the cabana in the FAR calculations. Mr. Pouder said he did not; he only included the cabana on the gross land coverage. He said that he would add it in, but pointed out that it would not push the numbers over the maximum. Mr. Kaufman suggested that the applicant speak to the Building Inspector on the issue of whether it should be counted. He said that on its face, it sounds like it would be counted. Chairman Michelman added that the Board needed confirmation that the basement can be excluded from the calculation.

There were no other comments. Mr. Kaufman asked if the Board wanted to have a public hearing at the time of the next submission, and the Board said they did. The applicant was advised to inform the Planning Department of their ARB date, and then they would schedule the public hearing.

Dr. Matusow asked Mr. Pouder to include the dead trees that needed to be replaced on the plan. Mr. Pouder said that they would probably be replaced as part of the planting plan. Mr. Kaufman said that was correct, and it could be a condition of approval.

**GOLDSTEIN / ADLER**  
**Special Use**  
**Section 2, Block 02, Lot 7-23.N**  
**26 Annadale Street**  
**MacMillan Architects**  
**Discussion**

Mr. Doug MacMillan was present on behalf of the applicant. He explained that at the last meeting they had discussed revisions to the site plan. He indicated the existing house, and the proposed addition and garage. He stated that he has read the comments from the professionals and that he would talk to the engineer regarding the retaining wall. He believed that they had discussed the hammer head at the last meeting, and explained that it would be difficult to increase it because it would cause them to go back further into the hill and would increase the land coverage. The applicant's engineer would submit the missing calculations relating to the driveway.

The landscaping plan shows a stockade fence which is being proposed to help with screening for the neighbor. They have also increased the size of the trees for the length of the addition along that side.

Mr. MacMillan stated that the porch is included already in the applicant's FAR calculations, it just wasn't broken out into a separate line item. This would be revised and submitted to the Board.

Mr. Delano asked if the well was going to continue to be used as a water supply, and Mr. MacMillan said that it was. Mr. Delano said that one drawing indicated that it would, and another said it would not. He also noted that the drawing was done by a landscape architect whose drawings were "no good anymore." He also pointed out that the applicant's surveyor is also apparently an engineer, and when he's acting as an engineer, he shouldn't use his surveyor's stamp. Mr. MacMillan agreed and said this could be easily straightened out. He asked if they could move to a public hearing.

Mr. Kaufman said that the issue is getting vehicles in and out of the garage. Mr. MacMillan said that this was discussed at the last meeting and it would be no different than what currently exists. The backup area is approximately 28-30'. The Board said that was all that was required. Mr. MacMillan added that the applicant was very used to this.

Mr. Kaufman asked if the applicant had been to the ARB. Mr. MacMillan said that he had, and had received approval. The Board said that a public hearing could be scheduled with a resolution for the same night.

## **GIFFORD LAKE ESTATES LOT #2**

### **Site Plan**

### **Section 1, Block 09, Lot 13-11**

### **14 Gifford Lake**

### **Tim Allen, PE Bibbo Associates**

### **Discussion – Site Walk w/ Conservation Board**

Mr. Kent Thuessan and Joe DiNardo were present on behalf of the applicant. Mr. Thuessan explained that the Board had walked the site to see how the photovoltaic panels would be installed on the house.

He presented the plan that was shown to the Board at the site walk. The solar company associate recommended that the best angle is 15 degrees off true south, and this house would be 14 degrees, which pulls out further into the wetlands, moves the pool area and pool house further away and moves the front left corner of the house forward which allows the rock to be exposed, but not totally removed. He indicated the walls, one of which would come out, and one might have to be relocated. Chairman Michelman asked if the applicant was talking about the historic portion of the wall. Mr. Thuessan said that was correct. That wall could be moved back toward the clearance boundary.

Mr. Kaufman said that the consideration is whether the Board wants the clearing and grading limit line moved closer to the wetland or whether they wanted to save the historic wall and the rock. The Board felt that it was better to save the historic wall and natural

rock over saving the manmade wetland. Mr. Thuessan said that he would move the line approximately 5' over, and the wall would get approximately 6' high.

Mr. Delano asked how the applicant made out in terms of the trees and the solar panels. Mr. Thuessan stated that several trees would have to be removed including 5 oak trees, but the one largest tree could be saved. They have to make sure they have 80% coverage. Mr. Thuessan stated that another way to look at it was for every one acre of trees removed, they are saving 3.1 acres.

Mr. Kaufman asked how much of the electricity for the house would be provided by the solar panels, but the average is 30-50% of the usage would be covered. It would also power the geo which would provide almost 100% of the heat and air conditioning to the house.

Mr. Thuessan added that the panels would be somewhat embedded into the roof so that they would not be very visible.

Ms. Black asked if the Conservation Board agreed with saving the wall and the rock over the manmade wetland, and Ms. Bongaarts said that they did.

Mr. Thuessan asked about a public hearing. Ms. Desimone stated that this applicant had been slotted for the September 8, 2008 Planning Board agenda.

\*\*\*\*\*

The meeting was adjourned at 10:15p.m.

\*\*\*\*\*

\*\*\*\*\*