

TOWN OF NORTH CASTLE

PLANNING BOARD MEETING

15 Bedford Road

Armonk, New York 10504

January 7, 2008

7:00 p.m.

PLANNING BOARD MEMBERS PRESENT: Peg Michelman, Chairman
John Delano
Art Adelman
Jane Black

PLANNING BOARD MEMBERS ABSENT: Gene Matusow

ALSO PRESENT: Adam Kaufman
Town Planner

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

Douglas E. Schroeder, P.E.
Kellard Engineering & Consulting, P.C.
Consulting Town Engineers

Anthony Kunny
Kellard Engineering & Consulting, P.C.
Consulting Town Engineers

Valerie Desimone
Planning Board Secretary

Bill Semple
Conservation Board Representative

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

APPROVAL OF MINUTES

November 26, 2007

Ms. Black made a motion to approve the minutes from the November 26th meeting, as amended. The motion was seconded by Mr. Delano and unanimously approved.

December 10, 2007

Mr. Delano moved to approve the minutes from the December 10th meeting as amended. The motion was seconded by Mr. Adelman and unanimously approved.

CONTINUING BUSINESS:

VARSALES

Lot Line Change

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

2 & 4 Nash Place

Barry Naderman, P.E. – Naderman Land Planning & Engineering, PC

Consideration of extension of time for preliminary subdivision resolution

There was no one present for the application. Chairman Michelman explained that the Board had received a letter from the applicant explaining the reason for the delay; the applicant had not yet received final approval from the Health Department. She noted that the resolution needed to be corrected to reflect that the approval is for preliminary subdivision, not for a site plan.

Mr. Adelman moved to approve the resolution to extend the period of time for 6 months, as amended. The motion was seconded by Ms. Black and unanimously approved.

ILANY

Amended Site Plan

Section 2, Bloc 4, Lot 1-18

59 Sarles Street

Frank Giuliano, RLA

Discussion

Consideration of site plan resolution

Mr. Giuliano was present for this application. He explained that pursuant to the last memo from the Planner, the applicant has included FAR and coverage information. Additionally, the applicant has agreed to change the fencing. The plan now reflects an aluminum wrought iron fence, and would use whichever model the Board preferred. Mr. Giuliano assured the Board that the applicant would not be using a chain link fence.

Chairman Michelman asked if there were any other issues. Mr. Schroeder explained that he had not yet received the engineering plans, so his issues have not been addressed. Mr. Giuliano agreed with Mr. Schroeder, and stated that at the last meeting, it was understood that Mr. Schroeder would not sign off on the resolution until the engineering issues were met. Mr. Giuliano said that the applicant had no problem with that.

Mr. Kaufman said that he had no issues. There were no other comments from the board. Chairman Michelman asked if Mr. Giuliano had read the resolution. He said that he had, and that he had no issues with it.

Chairman Michelman explained that in light of the fact that the amendments were not substantial, there was no need to conduct another public hearing. Ms. Black moved to approve the resolution. The motion was seconded by Mr. Delano and unanimously approved.

BAIRD

Final Subdivision

Section 1, Block 11, Lots 11-6 & 11-15

Jason Lepro – Jay Fain & Associates

Discussion

Consideration of approving resolution

Mr. Fain was present on behalf of the applicant. He explained that he had reviewed the memo and the resolution and had no comments on either. Mr. Fain asked that the Board waive the requirement for a final public hearing. Mr. Kaufman stated that he had prepared a resolution and the Board is permitted to waive the final public hearing.

Mr. Delano asked if the applicant had received Health Department approval. Mr. Fain explained that they have submitted their application over nine months ago. Since then, the applicant retained a different engineer. The applicant's engineer met with the Health Department officials before the holidays and was told that they did not foresee any problems. Mr. Fain added that he expects to receive the approval shortly because he believes someone will be purchasing one of the lots shortly. Mr. Kaufman asked which lot the neighbor would be purchasing. Mr. Fain indicated the lot with the existing house on it.

There were no other issues from the professionals or the Board members. Mr. Adelman moved to approve the resolution. The motion was seconded by Ms. Black and unanimously approved.

CRONIN

Site Plan & Special Use

Section 1, Block 9, Lot 17-2

481 Bedford Road

Pete Gregory, P.E. – Keane Coppelman Engineers, PC

Discussion

Mr. Gregory was present for this application. He explained that he was back before the Board in response to the initial comments the application received regarding the relocation and construction of a new home and working with the existing home on the property. Mr. Gregory thought that there were a few items that needed to be addressed, however, the main thing was to discuss the comments from the preservation committee about preserving the existing house. Mr. Cronin received a letter from them explaining that the house "as is" would not be designated "historic" because of the numerous

additions over the years. However, the LPC said that if the applicant came back with a plan to revert the house back to the original design, they would then reconsider the designation. The LPC would await a letter from Mr. Cronin before they would proceed in that regard. Chairman Michelman pointed out that was not going to have any impact in the future in terms of the accessory apartment.

Mr. Gregory added that the applicant was having the utility easements located by the surveyor. The applicant has received additional information regarding the adjacent wells and septic. He explained that he would look into how that would work with respect to the locations on the plan and the easements.

Mr. Kaufman agreed that the easements and utilities are issues, but the more pressing issue was whether this was the appropriate location for the house in relation to the adjacent houses. Mr. Kaufman added that the Board is concerned about how the applicant is going to screen the adjacent homes. He reminded the applicant that the Board had requested that the applicant provide cross sections that will show existing and proposed conditions. Mr. Gregory said that he could do that, and he added that he would still have to provide test results regarding the drainage. Mr. Gregory said that he could come back with plans addressing the engineering concerns, the cross sections and the landscaping.

Chairman Michelman said that these were the most important concerns. She said that the neighbors are concerned about the location and how it is going to potentially impact their property. Mr. Kaufman's request for the cross sections would be helpful to illustrate that for the neighbors.

The Board directed the applicant to incorporate the landscaping into the cross section.

Mr. Kaufman asked if the applicant was planning to pursue the LPC right of way. Mr. Cronin explained that his next step would be to send a letter to the LPC with the plans as submitted, however he has not yet spoken to his architect.

Mr. Kaufman said that the Board should consider that first. The applicant should show the plan how he wants that accessory apartment to look, and if it is acceptable to this Board, that would be communicated to the LPC.

Mr. Cronin asked if the Board was suggesting this all be done at once, because originally, he had talked about phases. Mr. Kaufman explained that they had to be done in conjunction.

Chairman Michelman pointed out that the Board was not privy to the LPC's comments. Mr. Kaufman said he'd request a copy of the letter.

CHEN

Site Plan

19 Denim Place

Section 6, Block 5, Lot 15A

Julian Chen, PE

Discussion

Consideration of site plan resolution

Mr. Chen was present for this application. Mr. Chen thanked the Board for everything they had helped him with, and stated that he liked the new plan. He explained that he had reviewed the resolution.

Mr. Chen said that after the suggestions from the last meeting, he had the modular home company come to the site. The company sent a mini-excavator and tested the land in many places. Fortunately, it was determined that they could dig up to 7'. Additionally, they found that a piece of rock that was labeled ledge rock is actually loose rock, which eliminates the need for blasting and chipping.

With respect to the plan of construction, Mr. Chen pointed out that he owns the road, and therefore there is room for the workers to park on the street, and the neighbors can access the site in another area. He explained that there would only be one day when the modular home has to block the road, and the neighbors have consented to this inconvenience.

Mr. Chen added that the soils can be temporarily stored on the site, and he has provided the drywell details. Mr. Schroeder confirmed that he had this information and stated that he had no issues.

Chairman Michelman stated that the Board should go through the resolution because "some of the conditions can be done as we move along; they just won't be executed until they are complete." Mr. Chen said that he had no problem with the resolution and that up until page 5, everything has been done.

Chairman Michelman said the plans would be signed when the conditions are met. Mr. Kaufman explained to Mr. Chen that when he applies for a building permit, he cannot submit anything different from these final plans. Mr. Chen agreed. He added that with respect to the building height, he believed he addressed this. Mr. Kaufman agreed, and explained this was just the checklist for the Building Department.

Mr. Chen added that he submitted the deed restriction documentation to the County Clerk's office.

Chairman Michelman said that the first "whereas clause" on page 2 the word "depicts" should be added so that it reads the "plan depicts the construction." Mr. Schroeder asked about number five, the easement regarding emergency vehicles. He noted that the Fire Department did not ask for one in its letter. Mr. Kaufman agreed that the Fire Department did not say they needed it, so the Board could remove that condition. The Board agreed to remove it.

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

Mr. Adelman, on behalf of the Board, thanked Mr. Chen for being cooperative and inventive.

GODNER / DUTOIT
Special Use Permit
Section 1, Block 4, Lot 87
70 Windmill Road
Arborscape Inc.
Discussion

Mr. Stephen Carlson was present for the application. He explained that this was last before the Board in November and he had received the comments from the Planner and the Engineer and resubmitted the revised drawings and a narrative.

The revisions describe, in detail, the responses to the Engineer's and Planner's comments. He added that a detailed engineering plan would be submitted for the pool. The applicant is proposing a 20 x 40 in-ground pool with an adjoining patio and spa and steps leading down to an existing patio. The applicant will have landscaping around the pool area on both sides for additional screening.

Mr. Carlson explained that Mr. Kaufman requested the applicant propose alternatives for the pool site because of the existing features on the site; namely the septic, and the setbacks. Mr. Carlson stated that having a pool in the front was out of the question, so the proposed area was the only possible location for the pool. Additionally, the residence is in the critical environmental area, which is a county imposed restriction. The current yard is managed and maintained as lawn up until the fringe area. The family currently uses it, and the pool would not add to the use. In fact, the pool could actually reduce the use. The landscaping proposed along the fringe would also help to reduce activity in the critical area.

Mr. Carlson explained that the applicant is proposing to encroach in the previously approved clearing and grading limit line. There is little fill that is proposed to be removed; approximately 100 yards for the entire project. He pointed out that the pool is nestled into the down-slope grade and with the retaining wall, there will be a minimal amount of grading work that will be done in that area. With respect to the clearing and grading limit line, the area is currently cleared and is being used as lawn, so the applicant is not intruding into a wooded / forested area.

Mr. Carlson recognized that the removal of 6 trees to facilitate the pool was an issue with the Board. Mr. Carlson explained that the tree survey has been submitted with catalogues of the trees. There are probably about 66 trees, plus 40 smaller trees on the property. Out of those, the applicant is only proposing to remove six in the back area. The applicant is losing a 24" caliper tree, 2 out of 4 of the trees are not the best quality. For those six trees, they are introducing thirty new trees in the area. Mr. Carlson pointed out that this is well above a 5:1 ratio.

Chairman Michelman said that she was concerned with the gross land coverage that this pool adds. Mr. Carlson said that they were still within the maximum allowed. Chairman Michelman agreed, but said that they were just under the maximum. She said that although this is relatively new home, and the first large home in the area, it is just under 350 sq. ft. under the maximum. In looking at the plans, there is an incredible amount of impervious surface due to a lot of patio space. There should be a way to reduce the impervious surfaces by removing some of the patios.

Mr. Carlson explained that the area against the house is a patio and the applicant is proposing to remove that. The applicant also has a walkway, which leads back around to the mudroom and back patio area also proposed to be removed. Additionally, a portion of the driveway is asphalt and part is gravel, but Mr. Carlson said that he believes the applicant is open to removing the section of asphalt and reverting to all gravel. The applicant is proposing approximately 800-900 sq. ft. of patio around the pool. Mr. Carlson said that he would raise this issue with the applicant.

Mr. Carlson added that the property to the northwest is similar in size, and they also have a 20x40 pool with similarly amenities. There are other houses nearby that are similar as well. Chairman Michelman said that the Board was aware that the house has been approved, but the Board is faced with adding amenities to the house with a lot of impervious surfaces. They were only under by 350 sq. ft., which is too close.

Ms. Black agreed, and said that the applicant should try to reduce the existing impervious surface.

Mr. Schroeder said that he had no issues, other than the drainage issues he has mentioned in his report.

Mr. Delano asked what type of living space was next to a specific area of patio that is slated to be removed. Mr. Carlson said that it was a sitting room. Mr. Delano asked if there was a sliding door out to the patio from that room, and Mr. Carlson said that there was; however, there was no reason why lawn could not occupy that. Mr. Delano said that if there is patio access, the Board could look at moving the pool into that area. Mr. Carlson said that the area is the zoning setback, right on edge. There is a large outcropping there, which intrudes below the surface, so that is not a feasible location. Mr. Delano asked if the applicant would submit a plan to show that this is not an option. Mr. Carlson said that he would. Mr. Delano said that this would give the Board something to compare, and have something substantive in the record to approve the alteration of the clearing and grading limit line.

Mr. Delano pointed out that the tree inventory is not numbered to the plan; the only ones numbered are numbers 1-6. He noticed that those were not the same trees Mr. Carlson described above. This needs to be cleared up for the record. The Board should see a sketch.

There were no other issues from the Board or the professionals.

NEW BUSINESS:

530 MAIN STREET

Amended Site Plan

Section 2, Block 13, Lot 3.B

Dan Hollis, Esq. – Shamberg, Marwell, Davis & Hollis

Discussion

Mr. Dan Hollis and Mr. James Ryan were present for the application. Mr. Hollis explained that this was a building that was built in the 1940s. Through the 1960s, the building was occupied by a family-owned carpet business with wholesale and retail components. Mr. Hollis said that it was the applicant's position that the wholesale operation dated back to the origin of the building in the 1940s. In the 1970s, there was a manufacturing operation on the site. In 1985, this applicant bought the building. This applicant received a CO, which was apparently not based on a site plan. There is still no site plan on file today, and this triggered some of the violations the applicant received.

In 1987, a laundry business operated on the site, but the wholesale aspect continued from the 40s through the present. In 1992, Central occupied the space now occupied by Jet Limo. Central was commercial and home alarm company that also dispatched sales and repair vehicles from the site. In August 2004, Jet Limo leased the space that Central had been in. Shortly after, the applicant began to receive violation notices. Mr. Hollis said that he checked on the number of limos and there are 6. The same practice is followed by Jet that was followed by Central. The only limos that are there are those that are not commissioned.

In April 2005 the applicant received a violation for operating without a site plan. Then, in 2006, the applicant received another one for operating a limo business without a site plan. Mr. Hollis said that this was the same violation, only worded differently. In February 2006, the Town adopted a taxi / limo legislation, but for some reason, it did not include the zoning district the applicant is in. So, although there are limo / taxi regulations in place, they were not there when Jet Limo went into business. He pointed out that Jet Limo is not different than Central; Jet Limo is a preexisting nonconforming entity.

In September 2006, the applicant received another violation for operating a limo without a site plan. Because those are quasi-criminal charges, Mr. Hollis moved to dismiss those charges in the Justice Court. Judge McGoey found there are issues of fact, and denied the motion to dismiss. The applicant negotiated with the prosecuting attorney for the Town, and the applicant was granted a conditional discharge; the condition being that they make application for the site plan baseline approval.

Mr. Hollis explained that the applicant is willing to get a baseline established for the Town, so that any change of use in that area, will trigger the change in use mechanism in the ordinance, and the Town will have a baseline with which to compare. The applicant would like to start the ball rolling and start SEQRA, notification to the county, and a neighbor notification.

Chairman Michelman said that she wanted to refer the legal issue to Mr. Baroni. She added that the issue is grandfathering something to a current piece of legislation that

does not allow for what the applicant is seeking. She asked if, when the violations were issued in 2005-2006, when the regulations were not in effect, was a better time to resolve the problem and grandfather the site. She felt that the applicant was putting the Board in an awkward position, asking them to grandfather something that no longer meets the current criteria.

Mr. Hollis explained that this was one of the points that preexisting nonconforming uses is all about. Chairman Michelman felt that it was not a real preexisting nonconforming use, because it had nothing but violations. Mr. Hollis, explained that the violations were issued not because of the use, but because of the site plan. Prior to July 2006, they could not get a violation for a taxi / limo business, because there was no statute prohibiting it in this district. The violations were not to the use per se, but for the lack of site plan.

Mr. Baroni asked if Mr. Hollis was saying that the last legal approved personal service use on the property was Central prior to Jet Limo. Mr. Hollis said that was correct, but that nothing had ever been approved. He added that there has been no change of use over time. Mr. Baroni asked how Mr. Hollis piggybacked a legal use, if Central had not been a legal use in the first place. Mr. Hollis explained that Central was legal at the time in the district. Mr. Baroni pointed out that there was never any site plan. Mr. Hollis agreed, however, there are estoppel issues against a municipality. Mr. Hollis recognized that although estoppel is usually not enforceable against a municipality, there are a string of cases, which apply, which say that estoppel can be used against a municipality. Mr. Baroni asked Mr. Hollis to prepare an affirmation / affidavit and a memorandum explaining his position. Mr. Hollis agreed.

Mr. Hollis asked if the SEQRA process could begin. Mr. Kaufman pointed out that SEQRA may not be necessary. Mr. Hollis said that if he was 100% right, then the applicant would have to submit a site plan and the town would mark it received and use it as a baseline. Mr. Baroni said that he did not think the Board should initiate SEQRA until he has received the information requested. The Board agreed.

DIPAULO

Site plan

Section 2, Block 5F, Lot 15

Tim Allen, P.E. – Bibbo Associates

16 Greenway Road

Discussion

Mr. Tim Allen was present on behalf of the applicants. He explained that at the site walk, they discussed the proposal of a single-family house. This application involves a teardown of the existing house, which has already been removed. The applicant is proposing approximately a 4,200 sq. ft. residence on property. They discussed the appropriateness of the house on the lot *vis a vis* the size of the lot. In the applicant's opinion, it is a modest size house for the lot. They are proposing a new five-bedroom septic system. There is an application being reviewed by the Health Department. Mr. Allen said that he does not see a problem with that approval.

Mr. Allen explained that the applicant was also proposing a pool in the rear of the property. There had been a discussion regarding the side-yard versus the rear-yard. Mr. Allen asked if Mr. Kaufman talked to Mr. Fon. Mr. Kaufman said that he did, but that Mr. Fon did not agree with him. Mr. Delano said he agreed with Mr. Kaufman at the site walk. However, if the lot is a corner lot, he believed the Town permitted the applicant to pick his front yard. There was some discussion on whether or not this could occur. Mr. Kaufman said that on this lot line, you want that extra 10-15'. Mr. Allen said that he would work with the Town and could work this out to be a little further from the lot line.

Mr. Kaufman said that he did not think there were too many issues with this application. The Board agreed, and said that the main issue is the landscaping. Mr. Allen said that they would go back and increase the landscaping to protect the house toward the top of the plan. The other houses nearby are fairly screened, but he said that he would look at them again. Ms. Black pointed out that there is a gap near the driveway as well, and suggested Mr. Allen try and increase landscaping there. Chairman Michelman said that the applicant should try and work with the Town to determine the best location for the pool.

Mr. Kaufman added that fencing might be appropriate in the rear yard for screening. There were no other comments from the Board or the professionals.

Mr. Allen asked for a public hearing and a public notification, since there are not too many major issues. Chairman Michelman asked if the Board wanted to see the landscaping plan before the public hearing was scheduled.

Mr. Kaufman asked if the height issue had been reviewed. Mr. Allen said this would be revised because the applicant was not seeking any variance in this regard. Mr. Allen said that he could have the revisions in about a week. Mr. Kaufman said that if that was the case, the Board could base the comments on the revision and the neighbor notification / public hearing could be scheduled.

BYRAM RIDGE ROAD SUBDIVISION
Preliminary Subdivision
Byram Ridge Road & Hunter Drive
Section 2, Block 5 C, Lot 10
Jim Ryan, RLA – John Meyer Consulting
Discussion

Mr. Jim Ryan was present for the application. He explained that he had the benefit of the comments from the professionals and the site walk. The property is 6.1 acres in size. There was an existing residence on the property with a 3,600 sq. ft. footprint, which has been demolished. The process that led to the demolition started before this applicant took possession of the property. There was a lot of work done prior to him taking possession. The applicant received a letter from the Building Department in October, deeming the property to be non-habitable. This letter had been sent to the prior owner, and posted on the property. Due to the condition of the property, the applicant decided to demolish the building.

Mr. Ryan explained that there are small wetlands on the property toward the northeast. The wetlands were mapped and a jurisdictional determination was made that they were not DEC wetlands. Additionally, they conducted the steep slope analysis, and he would characterize this property as moderately sloped. There is one steep slope section on the eastern side of the property, which is almost cliff-like. These slopes have been considered in these plans.

The applicant is proposing five residential lots in the subdivision. The applicant intends to comply with all Town regulations. The Town had theoretical locations of pools and houses on these proposed lots to determine the buildability of the lots. There are no municipal water / sewer connections, so the applicant will have to provide them. Mr. Ryan said that there are no new roadways proposed. There is more than 1,000 feet of frontage on two town roads. There was a comment from Mr. Kaufman about the right-of-ways, but they all have 50' right-of-ways, between 21-23 feet wide.

The proposal calls for three lots off of Byram Ridge Road. Lot 1 would be a corner lot. Two lots would be accessed off of Hunter Drive. The first part of the analysis of the property dealt with the accommodation of septic and wells. The applicant reviewed other homes in the area and found that there are good soils on this property. There are no rock issues, with the exception of lot #5, where there is a rather large outcropping. The basic design is based upon good soils. The septic areas for the lots will be approximately 7,000-10,000 sq. ft.

Mr. Ryan noted that he had received the comments from Kellard-Sessions. One of those comments related to considering a conservation subdivision. Mr. Ryan explained that this was considered after the first meeting. However, Mr. Ryan did not think it would ultimately give this Board or the applicant what they are wishing to accomplish, namely preserving the character and trees on the property. In trying to develop a conservation subdivision, the applicant would have to try and bring a single access off of Hunter Drive, which would increase the impervious surfaces. Due to the septic and well requirements, the applicant cannot bring the lots down to 1/2-acre because of the septic and well requirements. If a new road was introduced, it would not lessen the requirement for the on site septic and wells, it would only introduce 6,000-8,000 sq. ft. of impervious area. It does not reduce it. It has another negative impact because the stormwater drainage would have to be placed in one area for all of the lots. The applicant will do a further analysis to demonstrate why the applicant's plan is more beneficial.

Mr. Kaufman pointed out that it was not necessary to introduce that new road. The applicant has a lot of frontage, so that they could have a conservation subdivision with the frontage as the existing Town road, and add a common driveway. Mr. Ryan said that was how the applicant first considered the site, however, he thought that they would be able to do a better job with common driveways because of the 1,000 linear feet of frontage. The applicant will focus in on the individual lots, and how to deal with the trees on the lots on a lot-by-lot basis, to show this is the best buildable area for each lot.

Mr. Ryan explained that he has accommodated the septic areas with the expansion areas in the plans. In talking with the Health Department, they realized that they would not have to grade the area because no fill is needed there. He explained that this was a positive for the applicant, because they had been concerned with maintaining the

character of the road. There are 150 trees being lost, but the applicant will be able to retain an additional 50 trees, particularly along Byram Lake Road. Mr. Ryan explained that they were able to cut the area of disturbance in half.

Chairman Michelman agreed that the most important thing is to retain the character of the neighborhood. She said that the Board is asking that the applicant be creative and maintain that character as much as possible. She wanted to see a comparison.

Mr. Adelman thought they were moving in the right direction. He cautioned the applicant that the Board has been faced with house sizes that were not realistic, and therefore the clearing and grading limit lines were not realistic. The applicant needs to make sure they are being realistic. Mr. Ryan explained that these are approximately 4,000 sq. ft. footprints, which permit approximately 8,000 sq. ft. houses. The Board explained that they encourage all applicants to include possible locations of pools, regardless of whether they are planned.

Ms. Black wanted to see alternatives to the three driveways with the three different curb cuts, perhaps through the use of common driveways.

Mr. Delano asked that the applicant step back and look at the property as a whole, not just lot by lot. He pointed out that two of the lots will require wetland permits, and the applicant should look into reducing or eliminating this. He advised the applicant not to be so quick to dismiss the conservation subdivision. Additionally, there is nothing to preclude the applicant from piping water to the homes from fewer wells. This would be a private water supply for the houses, which would free up some space on the land.

Mr. Ryan said that there is a channel with an artificial dam and thinks there is area for improvement; he would like feedback from the Conservation Board. He would include this as part of the mitigation plan.

Mr. Kaufman asked if the Board wanted to start the environmental review, or wait until they see some revisions. The Board wanted to see some revisions first.

16 NORTH LAKE ROAD
Amended Site Plan
Section 1, Block 4, Lot 10-66A
16 North Lake
Tim Allen, PE – Bibbo Associates
Discussion

Mr. Tim Allen explained that the applicant was proposing a pool at the rear of house. He indicated the house and the location of the road. Mr. Allen said that the septic is in the front, and North Lake is in the rear. He indicated the location of the house currently under construction. Mr. Allen added that the stormwater treatment system has been installed, and the driveway has been rough graded in. He explained that mitigation has been discussed for the buffer. Mr. Allen recognized that at the site walk, the applicant and the Board discussed additional plantings below the wall as a mitigating factor. John

Slaker has incorporated ground cover in a certain area, but more landscaping could be planted on top of and below the wall.

Mr. Allen explained that they also talked about mitigation and curbing North Lake Road approximately 800' up the hill to an existing culvert. This would result in a new catch basin, being installed, and treating runoff, which currently is untreated. Mr. Fareri would implement this if it were approved.

With respect to the pool, it would add an additional 900 sq. ft. of impervious surface to the previously approved 2006 plan. About half of the pool area was largely considered deck and walls. Future submissions of the plan will explain these numbers.

Mr. Allen stated that the Board must weigh mitigation versus the proposed use. He noted that Mr. Kaufman had raised the question as to why this was not brought before the Board in the first place. Mr. Allen explained that, at the time of the application, the applicant did not feel that the pool needed to be focused upon, until the lot went up for sale. Most buyers were saying that they loved the lot, but they wanted a pool site. To that end, the broker Ms. Moldovan spoke to the saleability of the lot without a pool. It is her experience that a high-end property will not sell without a pool site. She said that the Town is losing buyers because of these stiff regulations. Buyers are going to Greenwich, Bedford, etc. if they can't get pools.

Chairman Michelman pointed out that this goes back to Mr. Kaufman's comment that amenities should have been raised from the beginning. The house would have probably been designed differently. Chairman Michelman added that this has become an increasing problem in the Town

Steve Delaurentis, with Fareri Properties said that he understood what the Board was saying, but there is a house that needs to be sold, and taxes that could be generated for the Town. He asked the Board not to forget about the mitigation being proposed by the applicant.

Chairman Michelman said that this Board would refer the application to the Conservation Board and await their comments. Mr. Kaufman pointed out that the Conservation Board should also see a copy of the mitigation plan. The Board agreed. Mr. Kaufman explained that the applicant has not yet submitted any mitigation plan. Mr. Allen said he'd reevaluate the site and do a sketch plan. The Board said they wanted to see the whole picture.

Mr. Schroeder said that while this was going on, the applicant should meet with him to discuss mitigation along the road.

Mr. Allen said that the Board also mentioned mitigation *[inaudible]*. Mr. Allen said that he would look into it. Mr. Baroni recalled that there may be a pipe in that area which causes water to flow down the road. Multiple discussions were had at this point. Mr. Allen said he'd review this.

Chairman Michelman said that there was more discussion regarding other mitigations, particularly moving the septic to the front. Mr. Allen agreed. He added that the Slaker

plan shows 12-14' high spruces through the area; these are fairly substantial trees to be planted. The applicant is also considering including a berm in that area, which might help.

The Board directed the applicant to provide the plans with the mitigation, or at least an overly with mitigation.

Mr. Allen asked when the Conservation Board would walk the site. Mr. Fava explained that as soon as the Conservation Board received the information, they would schedule the site walk.

The Board said that a public hearing could not be scheduled yet. At the very least, they needed to wait until the comments from the Conservation Board were received.

The meeting was adjourned at 8:38 p.m.
