

JUNE 23, 2008

Dr. Matusow made a motion to approve the minutes from the June 23rd meeting, as amended. The motion was seconded by Mr. Sauro and unanimously approved.

PUBLIC HEARING:

MUHART

Special Use Permit

Section 1, Block 5, Lot 15-21

7 Hobby Farm Drive

John Kalin, P.E.

Discussion

Consideration of approving special use permit resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 10 out of 15 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the application. Mr. William Vitacco of 14 Hobby Farm Drive was present.

Mr. John Kalin was present on behalf of applicant. He explained that the applicant was proposing to build a sport court in the side lawn. Originally the court was located lower down on the property, but after comments from the various boards, the applicant was able to move it out of the buffer as much as possible. Now, there is only a minor disturbance in the buffer, which is mitigated by a no mow zone and screening. The drainage will be treated by a system which will be directed into the existing treatment system. The project will not have any impact at night because there is no lighting on the court. This will be solely for daytime use by the applicants' two daughters. The proposed screening in the front will block the view from road. Mr. Kalin added that he had received Mr. Kaufman's memo and the plans would be modified accordingly.

Chairman Michelman asked Mr. Kalin to point out 2 Hobby Farm Drive (the Baptiste property) and 14 Hobby Farm Drive in relation to this house. Mr. Kalin presented aerial image, pointed out the Baptiste and applicant's properties. He explained that 14 Hobby Farm Drive is further down the road, off the aerial map. Mr. Vitacco said that he was concerned about this being an eyesore and asked what kind of screening would be proposed. Chairman Michelman said the Board agreed with that concern, and it had been one of their paramount concerns to get screening to ensure that this wouldn't be visible from the street. She said that this was not quite in the form the Board would like yet, but she presumed it would get there. Mr. Kalin agreed and explained they were in the process of modifying the plans in accordance with Mr. Kaufman's memo.

Chairman Michelman asked if the revisions would include screening on the adjacent driveway. Mr. Kalin said there is an existing row of maples in that area and they would work with that. He added that as the site is currently screened, there is only a small corridor where the neighbor could possibly see, so they would modify that area.

Mr. Kalin presented a profile from the top of the road to the back. There is a very limited height area that they need to block, and he agreed that Mr. Kaufman's suggestion to plant pines instead of forsythia would do a much better job. Chairman Michelman agreed and pointed out that forsythia doesn't bloom all year round.

Chairman Michelman said that the neighbor at 2 Hobby Farm Drive, Kim Baptiste, was concerned about the 10' high fence. Ms. Baptiste was unable to attend the meeting, but had submitted a letter. Chairman Michelman made the letter a part of the record. It is set forth in its entirety below in italics:

From: Baptiste, Kim [mailto:Kim.Baptiste@srz.com]
Sent: Monday, July 14, 2008 9:31 AM
To: Valerie Desimone
Subject: Muhart application

I live at 2 Hobby Farm Drive, Bedford, NY and just received a copy of the Public Notice regarding the Muhart application for a Gross Land Coverage Special Use Permit and Wetlands Permit which will be considered at tonight's meeting. Unfortunately, I never received an official notice of this hearing, but rather a copy that was sent by a neighbor last week. I will not be able to attend this evening's meeting.

In any event, I strongly oppose the granting of either permit. From what I understand, the Muharts are looking to construct a very substantial sport court, that will be surrounded by a 10' high chain link fence. The proposed court would be clearly visible from the road and my house. I do not believe such a structure would be in keeping with the bucolic character of the neighborhood and would represent a serious blight on the landscape. Also, the noise resulting from the use of the court would harm the peaceful enjoyment of my property. I also believe that a 10' fence exceeds the maximum height of fences in North Castle. For all of these reasons, I would request that the permit applications be denied.

If you have any further questions, please contact me at the address below. Thank you for your consideration. Kim Baptiste

*Kim E. Baptiste
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Chairman Michelman explained that this issue has been addressed by the applicant. They are now only proposing a 6' fence. Mr. Kalin agreed and added that the fence will only be on two sides.

Chairman Michelman asked if Mr. Kaufman or Mr. Kunny had any issues. They did not. Chairman Michelman opened the floor for the public. Mr. Vitacco asked if this required a variance. The Board said it did not and that the applicant was before the Board for site plan approval. Mr. Vitacco asked if there was a way to follow up on the site a few years down the line. Mr. Kaufman explained that the applicant will be required to be in compliance with the resolution of approval. There is a condition in the resolution that requires the plants to be in healthy condition, and if they are not, the applicants are in violation. He advised Mr. Vitacco that if he notices such a violation, he can notify the Building Department. Mr. Vitacco said he was also concerned about the 10' fence, but that has been addressed.

Mr. Rob Silpe, of 5 Hobby Farm Drive arrived late to the meeting. He said his property is located directly to the south and west of the applicants, and that the applicant's property is essentially in his front yard. He is concerned with this proposal after seeing an older plan about a month or two ago. Mr. Kalin explained the new location, and how it was almost entirely out of the buffer area.

Mr. Silpe said his major concern was the visual impact and the noise. He asked Mr. Kalin to explain what a sport court is. Mr. Kalin explained that it is a multi use area that can be used to play several types of sports. It is made of HPV plastic that sits on top of concrete. The runoff from the court will be collected. Mr. Silpe asked if the size was still being proposed at 45x80 and Mr. Kalin said that it was. Mr. Silpe pointed out that this totaled 3,600 sq. ft., which is bigger than most pools he believed it was bigger than the footprint of the house. He said he was very concerned about a concrete court in the front of his home.

Mr. Silpe asked if the Board had specifics regarding height and number of trees being proposed for screening. Mr. Kalin explained they had originally proposed forsythia, but Mr. Kaufman requested this be changed to pines, which they have agreed to. Mr. Kalin added that the applicant will also be planting between the row of maple trees. Mr. Silpe asked if this was going to be completely filled in. Mr. Kalin pointed out the area on the plan. Mr. Silpe stated that he would have expected to see plantings around the entire perimeter of the fence. Mr. Kalin said that there were two rows of existing pines now, and the only time Mr. Silpe would see the court is when he was driving up the driveway and looked over to the applicant's property. Mr. Silpe disagreed and said he would see it when he sat on his front porch. He wanted the Board to require an extensive planting plan sufficient to screen the entire structure.

Chairman Michelman pointed out that there is room on the property for the owners to build this court without any variances, and that is their privilege. Mr. Silpe did not deny that, but pointed out that the project required special use permits and wetlands permit. Chairman Michelman agreed and explained the Board does have control over the landscaping, but the Board has not yet seen that plan in great detail. She added that the Board was always concerned with screening from the Silpe property and the street. The

Board's goal is to appropriately landscape the site with both high and low plantings. Mr. Silpe requested the Board not take any action on the plan until a landscaping plan is reviewed. Mr. Kaufman said that was within the Board's discretion. Chairman Michelman said that she would like to wait.

Mr. Silpe was also concerned about the adequacy of the stormwater mitigation. He said that one area that borders his property routinely floods now, and he wants to make sure there is adequate stormwater mitigation so that it doesn't get worse. Mr. Kalin pointed out that the post development runoff is less than the current runoff. Mr. Silpe asked if the Town Engineer was familiar with the flooding problem in the area. Mr. Kunny said he was not. Mr. Silpe explained that there are only two times per year when it is dry: July and August. He asked that the Town review this area. Mr. Kalin said the Board conducted their site walk on February 27th. Mr. Fava said the ground was moist during that time, but pointed out this was a wetland. Chairman Michelman said they would look at this issue.

Mr. Silpe asked the status of the Conservation Board's comments. Mr. Kaufman explained that the Board received the approval from the Conservation Board on April 23rd. That board conducted their site walk, and prompted the current relocation of the court. Mr. Silpe asked what the Conservation Board recommended. Chairman Michelman showed Mr. Silpe the Conservation Board's memo and explained they included comments like ensuring sufficient distance from the septic with a no mow zone behind it, remove the existing court, buffer type plantings, etc. Mr. Kalin added that the fence was relocated 25' and another 25'+ of screening.

Mr. Silpe noted that Mr. Kaufman's February 27th memo recommended not approving the plan unless the applicant reduced the amount of gross land coverage and provide significant mitigation. Mr. Kaufman said that was essentially what happened; the applicant relocated the court out of the buffer as best they could, and mitigated it. Although the amount of land coverage was not reduced, it was better that it was out of buffer.

Mr. Silpe asked about trees being removed. Mr. Kalin said only two were being removed, and he indicated their locations. Mr. Silpe asked if the wetlands were included in the gross land coverage calculations and Mr. Kaufman said that they were included on this application. Chairman Michelman pointed out that there is a basic and maximum allowable land coverage amount. This application exceeds the basic by 3,470 sq. ft. but is still below the maximum by 1,714 sq. ft. so no variance is required.

Mr. Silpe said he had a list of requests for the Board: no action until a landscaping plan is reviewed; review the stormwater mitigation plan to ensure no increased flooding in the area; address his noise concern. He asked if the Board could include a restriction in the approval that limited the use to certain hours. Chairman Michelman said that it was already restricted because there would be no lights. Mr. Silpe said that it stays light until 9:00 p.m. in the summer. Dr. Matusow advised Mr. Silpe that he would likely have to live with this. Mr. Silpe found that to be disappointing because this was going to be like a public park in my front yard. Chairman Michelman explained that the Board has certain limitations to work with, but they cannot control this like Mr. Silpe was requesting. She said that if it got too noisy, he should call the police. The Board cannot limit this to

certain hours; it is private property. Dr. Matusow said he was sympathetic to much of Mr. Silpe's concerns, but not too sympathetic to the noise concern. Chairman Michelman reiterated that there was not much the Board could do about it.

Mr. Silpe asked if it was specifically stated that no lights are allowed. Mr. Kaufman informed the Board that they could expressly state this in resolution. Mr. Kalin pointed out that it was also referenced in the report. Mr. Silpe said he believed that there are some existing lights in the volleyball court, and asked the Board direct they be removed. Chairman Michelman asked the applicant if they were going to be removed. Mr. Kalin said that there are two lights near the current court which will be removed along with the existing court. Mr. Silpe asked about the lights that were in the trees. Chairman Michelman said that the Board was not going to redesign the plan. If there are lights in the trees that are not a part of the court, the Board can't control that. Chairman Michelman pointed out Mr. Kalin just stated the two lights would be removed, but Mr. Silpe did not believe that was a real answer. He believes there are more lights in that area. The Board said they would take this under advisement. Mr. Silpe said the Board could fix the problem simply by saying there can be no existing or future lighting. Dr. Matusow said the Board cannot go too far into this property. Chairman Michelman reiterated the Board would take this under advisement.

Mr. Dino Liso, of 9 Hobby Farm Drive was present. He pointed out that he lives on private property, and that there are tennis courts in this area that have lights. He said that this applicant should have the same rights as everyone else in the area. He said he wanted the Board to move expeditiously, and that as long as the Board ensures that the plan is proper, and properly screened, there should be no objection

Mr. Silpe asked how he would know of the process going forward and said he only just heard of this by certified mail this week. Chairman Michelman pointed out that here is a sign in front of the applicant's property. Mr. Vitacco explained the sign was no longer there. He added that he never received the certified mail. This was perhaps because he was outside of the radius required to receive notices.

Chairman Michelman asked if the Board should close the public hearing. Mr. Kaufman recommended leaving it open until the Board reviewed the revised landscaping plan.

Mr. Delano asked the color of the sport court. Mr. Kalin believed it was green but said he would need to check. Mr. Kaufman asked if the Board wanted to specify that green is required. Mr. Delano said he only wanted to confirm what the surface would be. Mr. Silpe agreed that the color is important and asked if there was any reason why the fence can't be green too. The Board explained that green fences are less attractive and he was better off with black.

Dr. Matusow moved to adjourn the public hearing. It was seconded by Mr. Sauro and unanimously approved. The applicant was advised to provide a more detailed landscaping plan and that Mr. Kaufman would be available to consult. Dr. Matusow noted the area along the road is of greatest concern. The Board wants evergreen, but did not want things that will grow too high, so it is visible thought the trunks. Near Mr. Silpe's house, there is a considerable amount of foliage and the applicant should fill in the holes along that line, and make sure the plantings are close to the ground. He added

that this will aid in helping with the noise problems.

CONTINUING BUSINESS:

TURET

Site Plan

Section 2, Block 16, Lot 18D

14 West Lane

Philippe Manuel – Manuel Design & Assoc. Inc.

Consideration of approving extension of time site resolution

Mr. Delano asked if the construction had begun. Mr. Kaufman said it had, and that the house is fairly well built.

Mr. Delano moved to approve the requested one year extension, which is the applicant's second extension. The motion was seconded by Mr. Sauro and approved by all with the exception of Dr. Matusow, who abstained.

FRISOLI

Site Plan

6 Kensico Knoll Place

Section 3, Block 7, Lot 6-29

Kory Salamone, Esq. – Veneziano & Associates

Discussion

Mr. Kory Salamone was present for both of the Frisoli applications. He explained that they were last before the Board in March. Currently, both lots have two-family homes, which are permitted in this zone, but they only have C.O.s for a single family house. Lot 6 will need a variance for off-street parking and he would like the Board to refer the applicant to the ZBA.

Mr. Delano said that there was a significant issue with both of these applications in that the professional that signed and sealed the plan has not kept his registration active in New York. He did not think the Board could move forward on the applications. He added that he had many other issues, but for now, this was the most pressing. He said that the plans presented are illegal and he was tempted to recommend that this Board send letter to NYS division of licensing.

Mr. Salamone said he would notify his client.

FRISOLI

Site Plan

7 Kensico Knoll Place

Section 3, Block 7, Lot 6-26

Kory Salamone, Esq. – Veneziano & Associates

Discussion

SELKIN

Site Plan

Section 1, Block 11, Lot 11-12

1 Ashfields Lane

Jay Fain – Jay Fain & Associates

Discussion

Mr. Jason Lepro was present on behalf of the applicant. He explained that the site is 11.3 acres, within Conyers Farm Subdivision. There is an existing single-family house on the lot, and the applicant is proposing to build additions to the house, consisting of a garage, patio and hot tub. He agrees with many of the items in the memos from the Town Planner and Town Engineer and believes many of those items will be addressed.

Chairman Michelman said that it appears a bedroom is being added in one of the additions and asked if the existing septic qualified. Mr. Lepro said this was one of the items the applicant's engineer will be investigating. He recognized that if the existing septic could accommodate the additional bedroom they would have to seek approval from the county. Chairman Michelman stated that the Board needed to know this answer. She believed there is plenty of room to do this without interfering with anyone, but the septic could be an issue.

Mr. Kunny stated he was still waiting for stormwater design. Mr. Lepro explained that they were still working on some of those aspects, but would submit it shortly.

Chairman Michelman explained that the Board did not see any major issues that could not be dealt with, but the septic and stormwater were two things that needed to be addressed before they could move forward.

Mr. Delano asked who the applicant's surveyor was. Mr. Lepro said S.E. Minor did a portion and Robert Hock did a portion. Mr. Delano stated that there is a note on the architect's plan that dances around the issue. He explained that Robert Hock is not licensed in New York State, and he was given the credit for doing the boundaries.

The applicant was advised to submit the updated material. The Board wanted to see this information before a public hearing was scheduled.

ZAWOJEK

Site Plan

Section 1, Block 1, Lot 4-14

47 Woodcrest Drive

James J. Hahn – Hahn Engineering

Discussion

Mr. Frank Anunziato was present on behalf of the applicant. He explained that the applicant has a very steep existing driveway (more than 25%) without approvals, and they rough cut a new driveway to stabilize the driveway. The new driveway would comply with the Town Code in the areas the applicant will be working on. At the site walk, there was discussion about how to reduce the amount of disturbance and the

height of retaining walls (of which there will be quite a few). The applicant will pull back the parking areas and reduce the amount of disturbance. A variance is required for the front yard.

Mr. Kaufman explained that the proposed garage structure is now a part of this application, where it had not been previously. The garage is what makes this violate the front yard setback, so the applicant needs to be referred to the ZBA. The Board advised the applicant that they cannot approve the application without the variance; they could only refer to the ZBA.

Dr. Matusow explained that if the driveway and garage were separated, the Board could deal with the driveway right away. Mr. Anunziato explained that the applicant might run the risk of getting the driveway worked out and then be denied the variance by the ZBA. He was hoping that the Board would be able to approve the application subject to the ZBA approval. Mr. Baroni explained that although some towns are allowed to do that, this Board is not. Mr. Anunziato said that the applicant would prefer to keep both parts together as one application.

Chairman Michelman said that the height of some of the walls concerned her. Mr. Anunziato said that the heights she was concerned with are only in one area and they won't be seen. Additionally, if the backup areas were removed, the walls would not need to be that high. Chairman Michelman stated that 12' is very high, and whatever could be done to reduce the size would be beneficial.

Mr. Delano noted that if the wall was moved in and tiered, the height could probably be reduced. He hoped the applicant understood the expense of this driveway, and that the value of the house will support that expense. He asked if there was any time frame in mind for the future addition to the home. Mr. Anunziato explained that the addition is only to have another way into the garage. They were not proposing any addition other than that.

Dr. Matusow asked what Mr. Anunziato meant when he said the driveway "would comply with the Town Code in the areas the applicant will be working on." Mr. Anunziato explained that they do not plan to do any work on the area in the front. That portion is steeper and if they did that it would throw off all other grading.

Dr. Matusow asked if there was a portion that is on someone else's property. Mr. Anunziato said there is an easement indicated on the drawings, but was not sure if this allowed for reconstruction. Mr. Baroni said that it depended on the terms of the easement, and that he would have to review it. Mr. Anunziato said he would send a copy to Mr. Baroni. Dr. Matusow asked if the easement was what the applicant referred to in the initial application when they indicated they had an interest in any adjoining properties. Mr. Anunziato assumed so, but said he would check.

Mr. Kaufman asked if the pool was being withdrawn, or if there was enough savings in the driveway in terms of gross land coverage to construct the pool. Mr. Anunziato said it was not going to be an easy pool to construct so the applicant has indicated the pool will be removed. Mr. Kaufman advised the applicant that he should withdraw the open permit

for the pool from the Building Department. Dr. Matusow said it should be removed from the plan before going to the ZBA.

Mr. Baroni asked if the Board would be doing coordinated review with the ZBA. Mr. Kaufman said they would not. Mr. Delano asked if this would need ARB approval and Mr. Kaufman explained that if the addition to the garage remained a part of the application, the applicant would need ARB approval before this Board could issue its approval.

Mr. Kaufman asked if plans have been considered for the addition, and said whatever preliminary plans the applicant has, the Board should see them. He cautioned the applicant not to go to the ARB until advised by this Board.

Dr. Matusow asked who would be constructing the driveway. Mr. Anunziato was not sure. Dr. Matusow said he was concerned about the contractor because it is his understanding that the existing violation occurred on the advice of the individual that roughed out the existing driveway. This raises issues that the Board would have to deal with if that individual is going to be involved in doing the new construction.

Chairman Michelman asked if the Board wanted to refer the application to the ZBA. Dr. Matusow moved to refer the application to the ZBA. The motion was seconded by Mr. Sauro and unanimously approved. The applicant was directed to return to the Board after his ZBA hearing.

CAFÉ NORMA
Change of Use
Section 2, Block 11, Lot 3.H
387 Main Street
William O'Neill, AIA – O'Neill Architects

Mr. Bill O'Neill was present on behalf of the applicant. He explained that, originally, the applicant proposed a restaurant, but there were too many parking issues. However, the parking issues remain. The applicant has the same parking requirement as a carry out restaurant as retail but it is deficient. They have tried to show a way to get up to 18 spaces on the site. Some of the existing spaces are only partly on the applicant's site. If the applicant doesn't count them, then no one else gets to count them. Mr. O'Neill explained that this applicant and the four neighbors entered into a cross-easement parking agreement, which allows a clear space between the properties and calls for maintenance. Mr. Baroni explained that this was a very economic attempt at a parking district. Mr. O'Neill agreed and said this has been in place for many years.

Mr. O'Neill explained that the applicant was granted a fairly substantial parking variance to add second floor (approximately 41%). The applicant would prefer not to go to the ZBA for another variance due to time and expense. He added that the ZBA is not in favor of parking variances.

Mr. Kaufman asked if the applicant had the ability to depict the required number of legal parking spaces. Mr. O'Neill presented a diagram that showed 18 spaces on the lot. He explained that they did not have the ability to create isles but they were pretty close. Mr.

Kaufman asked if, theoretically, they could do it. Mr. O'Neill said that they could, aside from the Town Engineer's comment about a buffer between the parking spaces. He added that there are no landscaping buffers or similar structures depicted, but they would feasibly be able to get all the spaces on the site. He pointed out that the parking requirement would not change and asked if there is a way to do a landbanking for the spaces. Mr. Kaufman said there was as long as the applicant could show that all the spaces can be placed on the property. Mr. Kaufman said he was still concerned about the cross-easement agreement. Mr. O'Neill said nothing in his proposal violates that agreement; the easement is only 15' and they would still have the same 15' isle.

Mr. Baroni thought the new legislation on this application alleviated this issue. Mr. Kaufman explained that it set the parking requirement for a carry out restaurant the same as retail. Mr. Baroni asked if, as the legislation was approved, the applicant had one use and was changing it to a new use with the same requirement, would they need to meet the off street parking requirement. Mr. O'Neill stated that would be better for the applicant because they were not increasing the non conformity, nor were they changing anything else.

Mr. Delano asked if this was how Subway was able to get into North White Plains, and Mr. Kaufman said it was not. This is carry out to retail; that was retail to retail. Mr. Baroni said that because the applicant was changing the use, he did not think the argument works. If there was no change, then there would be no issue.

Mr. Kaufman asked if the plan that shows the 18 spaces, in and of itself, satisfies the off street parking requirement. Mr. Baroni stated that was a far better argument. Mr. Kaufman did not think that the Town would want the spaces built because it would frustrate the cross-easement, but at least there is a plan that shows they could be built.

Mr. Kaufman explained that the Board had asked the applicant to show this as the official off street parking count site plan, and that the Board would landbank them. The spaces could remain landbanked until the Town feels that it no longer works, or a parking district is established.

Mr. Baroni suggested there be a condition in the approval that the owner must agree that if the parking district is proposed, they agree to become a part of the parking district. Mr. O'Neill stated that his clients are conditionally in favor of joining a parking district, it just would depend on the cost.

Mr. Baroni explained that the Town would form a district, and bond the improvement; then the property owners would pay over a period of time, and we assume they write the leases so that the tenants are funding the cost. Mr. O'Neill said the applicants understood this, but they do not believe they could not get additional money from tenants, and to do so anyway would cut too much into profits.

Dr. Matusow did not believe that the owner would be willing to sign onto this as a condition. Mr. O'Neill said again that the owners had indicated a willingness to join a parking district, but their unwillingness to pay a large cost. He did not think the Board could make the owner agree to something, the terms of which are uncertain. He noted that this type of agreement would affect the resale value and that it would be unfair to

this owner if they were the only one to sign on, and therefore they would be the only one to pay it. Mr. Baroni stated that the language could be altered to show that this owner would be receptive to the parking district. He thought something similar was done on the DiGiacinto property.

The owner of Café Norma stated that he understood the problem in Town and the issue of the parking district, but had a problem with the Board tying his approval into joining a parking district. He said that he wanted the path of least resistance, so if it was acceptable that he simply show 18 theoretical spaces, then that was what he wanted to do. Mr. Kaufman stated that it goes beyond just showing theoretical 18 spaces; they would have to be built if the Town required. Mr. O'Neill explained to his client that the Board is willing to consider the theoretical space, and in return wanted some type of indication that this owner was willing to join a parking district, if and when one was established. If language could be drafted that would be acceptable to the Town and the applicant to support the concept of a parking district, this issue could be resolved. The owner wanted to do away with any link between his parking and the parking district. Mr. Baroni explained that it "plays well" with giving an approval on a concept plan that they are not going to build. It recognizes that this is an intermediate measure that comes before a point in the future when a district will be proposed

Mr. Baroni explained that the Board cannot force the owner to sign on if they refuse. The owner said he did not want to delay this any further. Mr. Baroni pointed out that the applicant will not be delayed because the professionals still need to review the plans and a public hearing was still needed.

Chairman Michelman asked if the seating area was less than 25% of gross floor area. Mr. O'Neill said it was much less. Chairman Michelman noted that 521 sq. ft. is indicated as basement storage. Mr. O'Neill explained that was the total amount of the basement; it is only a partial basement.

Mr. O'Neill requested the Board schedule a public hearing and prepare a draft resolution for the same time. In the meantime he would speak with the owner and the Town Attorney about language regarding the parking district. Mr. Kaufman said he was comfortable with this suggestion. Dr. Matusow said he would be comfortable even if the owner refused to sign on; the Board could rely on the landbanked plan. Mr. Kaufman said that he would need to look at the plan the applicant just submitted. Dr. Matusow said he would be comfortable with going to public hearing if everything discussed is addressed. He advised the applicant that he did not want to go to public hearing with all of these unresolved issues.

Mr. Delano moved to schedule a public hearing for the application. The motion was seconded by Dr. Matusow and unanimously approved.

REAL BUILD LLC

Site Plan

Section 2, Block 11, Lot 3G-9-1

8 Briggs Lane

Tim Allen, P.E. – Bibbo Associates

Discussion

Mr. Tim Allen was present on behalf of the applicant. He explained that at the last meeting there was a long discussion about a potential pool site on this property. He thought that this would be scheduled for a public hearing, and was upset that it won't be until at least September

He explained that the pool had been removed from the plan, and that there were still minor comments that they would need to work through. This is part of larger subdivision that is owned by the applicant. This shares a common driveway with lot two. He explained that there are several legal issues concerning easements, but they would consent to the standard language for an easement to the Town. Drainage will be through a swale and lead into infiltrators. Mr. Allen stated that they have everything that night to move this to a public hearing.

Chairman Michelman noted that the ARB had reserved their decision earlier on in the process, and requested the house be altered. This Board determined that would not be in the best interests of the owner. Having taken that into consideration, the Board will move to public hearing.

Mr. Allen stated that the he has checked the building elevations and there may be some very slight adjustments going forward. He explained that Rob DiPalo was no longer involved with the project. Mike Disisto will be the builder and he would like to pursue the pool location, and has a different opinion than the previous builder. Mr. Allen added that the applicant would work with their consultants in the time between meetings for public hearing.

Mike Disisto explained that he believes there is a way to make the back yard more attractive, and that there was a way to include a pool. If it were screened properly from the neighbor and driveway it could work and be an asset to the property; not just "shoehorned" into the site. He said that he did not want to hold up the permit, but since this would not be going to public hearing any time soon, he could pursue this avenue.

Chairman Michelman said she did not recall this being scheduled for a public hearing, however, if the applicant could design something that would work, the Board would like to see it. She pointed out that this was something the Board initially requested.

Mr. Delano asked if there was enough room between the septic and the property line for a pool and Mr. Disisto said there was. He asked if the plans could be worked on and reviewed in the months between now and the public hearing. Dr. Matusow pointed out that this would not be brand new to the Board, so if the applicant could show the pool sites, and how it would be satisfactory to the Board, he had not objection.

Mr. Kaufman pointed out that the Board could open the public hearing and if the plans were not satisfactory, they could keep it open. The applicant was advised to screen it well and that a rendering would be helpful. The Board would also consider 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, P.E. – Bibbo Associates

Mr. Kent Theussan was present on behalf of the applicant. He explained that, at the last meeting the applicant was waiting to hear from the Conservation Board before moving to a public hearing. Chairman Michelman explained that the Conservation Board did provide comments, which contained a very thorough review of their expectations and where the expectations have fallen short. There were a couple of issues that needed to be discussed; one of the recommendations was to review the original IPP. She stated that this particular design would probably not satisfy the Conservation Board. Mr. Theussan asked why. Chairman Michelman explained that the Conservation Board listed many issues indicating that the plan does not meet any requirements on the site plan.

Mr. Theussan said that everyone always knew some of the construction would have to go into the buffer area. Mr. Kaufman agreed that there was no question the anticipated pool would have to go there. He said that the Board understood that the IPP is conceptual and that it may be different when it comes to site plan stage, but the applicant should understand that the Board should issue a wetlands permit that is in keeping with the IPP, or slightly beyond. Now the entire pool and patio is in the buffer, whereas before, only a small portion of the pool was in the buffer.

Mr. Theussan said that the location of the final septic was the cause of the problem; it pushed everything back. Chairman Michelman pointed out that the size of the septic is related to the number of bedrooms. Mr. Theussan agreed and said that the proposed house was only five bedrooms as opposed to six. He added that the wetland was really only a manmade pool with a liner. Mr. Kaufman asked if a portion of the neighbors' pond was on the applicant's property and Mr. Theussan said it was. Mr. Kaufman asked how the applicant was going to deal with that. Mr. Theussan said he would deal with the problem however the Board told him to; the applicant wanted to get this plan approved.

Mr. Allen recalled that at the subdivision approval stage, this had been a long fought battle, which resulted in the Board requiring 100' from the man made pond and deal with the site the way it is. Mr. Kaufman explained that the Board was dealing with the strong language from the Conservation Board: "the location within the buffer is extreme." Mr. Theussan said that he would be willing to take the paved area away, so that he would be out of the area. Dr. Matusow suggested eliminating the garage and putting the pool house elsewhere. This would remove the garage and the paved area. Mr. Theussan explained that there is a person who is interested in buying this plan. He said he would work to get rid of the paved area, and slide the house back but the potential buyer wants

the look of the garage. There will be barn doors, and the area would be used for storage. Mr. Kaufman stated that this would go a long way toward addressing the Conservation Board's concerns. If the applicant was leaning toward that concept, it would not be necessary to have gravel there. Mr. Theussan said they would like to have the gravel so that it could be used as a parking area.

Chairman Michelman asked where the stand of white oaks were located and Mr. Theussan indicated the location. Mr. Fava also pointed out a large white oak in one area and a large 48" white oak in other location (indicated). He also pointed out a group of at least five other white oaks, in excellent condition, (indicated). Dr. Matusow asked why those trees were threatened at all. Mr. Theussan explained that it was because of the sun panels that are recessed into the roof. Mr. Fava stated that because they are the best trees on the site the Conservation Board did not think they should be removed. He added that the Conservation Board had not seen anything regarding an angle from the roof to the sky. Mr. Theussan explained that he needed to have 80% coverage from the sky, but he did not think he would have to remove all of them.

Mr. Kaufman stated that this was a real issue many towns are facing; builders want to do the right thing and provide solar power, but to do that, there has to be direct sunlight, which comes at the cost of removing trees. Mr. Theussan explained that for the 10 kw system being installed will save 6.5 acres of a forest. He added that he would provide Mr. Fava a graph of the solar panels.

Dr. Matusow asked if it would help if the house was rotated. Mr. Theussan said that the current angle of the house is perfect; 15 degrees due south, which is the ideal location for the solar panels. He added that this will power the majority of the entire house.

Chairman Michelman pointed out that this also changes the appearance and character of the property as it fits in with all the other properties. She said she was not saying this would not be a beneficial addition, but this is something the Board has to weigh. This is a forested and rural area.

Mr. Theussan said that he had another house (lot 5) where he would be doing solar power, but it would have a pole system and they would not have to take down many trees. The Board asked him why he would not use the same system on this lot and he explained that he would have to drill many wells, which would probably cause more damage.

Mr. Delano wanted to see the revised clearing and grading limit line, to see the extent of this in relation to what trees are being removed. Mr. Allen asked if the Board wanted another site walk after Mr. Theussan met with the Conservation Board.

Chairman Michelman agreed that the Board definitely needed to see this on paper, as Mr. Delano suggested. Mr. Allen said that they would have a better idea of what was needed after Mr. Theussan presented the plan to the Conservation Board.

Mr. Fava said that he expected to see a profile through the house all the way to the oak tree cluster. Chairman Michelman said that this Board would await the comments from the Conservation Board.

Mr. Kaufman asked if the Board could schedule a special meeting. Mr. Baroni stated that the Board was not supposed to discuss the plan on the site. The Board assured him they do not. Mr. Kaufman said that the Town should encourage this type of design, and applicant was told that the board appreciated this type of design.

Dr. Matusow asked if the Board needed to convene a special meeting to discuss what they learn at the site, or schedule public hearing, and keep it open. Mr. Baroni suggested squeezing this application on the August meeting for a discussion of the site walk. The Board said they could.

Mr. Allen said that the applicant would discuss the plan with the Conservation Board regarding the solar panels and talk to the client about the driveway and pool house / garage, and that is what they would discuss at the August meeting.

The applicant was advised to submit a revised plan as soon as possible because the deadline for the August meeting was that day.

Mr. Fava said the Board and the applicant should disregard item #2 in the Conservation Board's list. Additionally, the filling and grading on the slope is chasing the slope, which is the problem. There is approximately 25' between the two clearing and grading limit lines on Lot 2 and Lot 3. They needed to look at the vegetation between lots two and three. The applicant was advised to submit a cross section to the Conservation Board.

170 BEDFORD ROAD

Site Plan

Section 2, Block 13, Lot 27

162 Bedford Road

Rebecca Rivera – Joseph Crocco Architects

Discussion

Mr. Joseph Crocco was present on behalf of the applicant. He explained they have received the comments dated June 12th. With respect to general comment #1, there was a misunderstanding on the applicant's part regarding the calculations, however they are now clear about how to do them. The footprint is committed to 6,660 sq. ft. The variable is in the second floor, which is more of an attic space. The FAR will not exceed the permitted.

Mr. Crocco believed that the lot was in compliance. One of the big issues that arose was the flow of the parking lot. The original submission for the parking lot had an entrance on the west with a counter-clockwise flow around the building. There was a concern about how patrons would get around to the back of the building to find a parking space. The revised plan showed a one two-way egress, with a clockwise flow around the building. Mr. Crocco explained that he was concerned because this presented a confusing flow; the entering and exiting cars would be heading toward each other, and would probably cause a problem for emergency vehicles.

He explained that he has developed a third alternative. There is a two-way access on the easterly side and a one-way access on the westerly side. This would allow you to enter the site and if there is no space in the front, you can go around the site from within.

This also provides a better access for loading and the dumpster. Mr. Kaufman said this looked like a great solution, and addressed all of the Boards' concerns. Chairman Michelman asked if the emergency accesses would need to be approved by all the departments. Mr. Kaufman said that they would need to approve it, but this would be the plan that would be circulated.

Mr. Crocco said that the FAR calculations would be revised and noted that he might be able to get a total of 50 spaces as opposed to 49. He explained that he would provide required landscaping plan when they reach that point.

Mr. Crocco asked if this project could be tied into an existing traffic study for the intersection because this is at a dead end. Mr. Kaufman said that they could and that he would have a conversation with the traffic consultant about what, if any information the Board needed from this applicant. He said the Board recognized those intersections are significant and close, but he did not think this building would change the traffic.

With respect to comment #13, 3,493 is the actual lot area. The 3,220 is what the Town has in the assessor's office. Mr. Kaufman explained that the surveyor will be more accurate. Mr. Crocco said he would correct the number to read 3,493.

Mr. Kaufman said that the other issue concerned the completion of the sidewalk network. Mr. Crocco said that was still up for discussion with the applicant. Mr. Kaufman said that the sidewalk would be within the right of way. Mr. Crocco said they understood, but did not have an answer yet.

Mr. Kunny said that he had no major issues. He was still waiting for some detail requirements, and that there were still some engineering aspects to clean up, but nothing significant.

Mr. Baroni asked about Mr. Kaufman's reference to residential uses on page two. Mr. Kaufman said he was just trying to explain that common areas in multiuse buildings would not count for off street parking (i.e. if there is a lobby on the first floor that is going upstairs to residential apartments, it would not be part of the parking requirement).

Mr. Kaufman advised the applicant to submit five copies of the revised plan and then the Board would circulate it to emergency services. The Board agreed to schedule a public hearing for a future agenda.

Mr. Kaufman asked what the Board wanted to do with the environmental review and noted that this was not a Type 1 action, so they could do an uncoordinated review. Mr. Delano asked what other agency would possibly be involved. Mr. Kaufman said that no one else would be interested, and that was why he recommended doing an uncoordinated review. Mr. Baroni asked why the Board would not do a coordinated review if there would be no other agencies. Mr. Kaufman said they could; its really the same thing. If the Board wanted to do a coordinated review, they could declare intent to be lead agency. Mr. Delano thought it would help the applicant if its coordinated.

Mr. Delano moved to declare intent to be lead agency under SEQRA. The motion was seconded by Mr. Sauro and unanimously approved.

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

Mr. Tim Allen was present on behalf of the applicant. He explained that at the last meeting, he misspoke regarding the calculations for the increased impervious surfaces. On the original calculations, he considered the impervious areas minus the pool. He has since conceded that the area should be declared impervious in order to move forward expeditiously. The plan has been revised and he broke down all areas individually, between old and new plan. He presented the plans to the Board.

He explained that the building has been changed to 3,859 sq. ft. with no accessory buildings or decks. The porch in the front is depicted in red and is the same on both plans. There was a slight angle change to the house, which was approved by the Building Department. There is a little more driveway area in the proposed plan than the old plan. The terraces did increase slightly to another 150' (1,457 to 1,601). The pool / pool equipment pad was what he had excluded in his prior calculations.

Mr. Allen explained that the walls were reduced in the current plan and are closer to the building. The prior coverage was 8,470 sq. ft., and 9,559 sq. ft. is now proposed. This is an increase of 1,089 sq. ft. The applicant is now proposing pervious pavement for the driveway, a rubberized macadam, which water runs through. Mr. Allen said the applicant's consultant says that it is a wonderful material. This is a proposed mitigation for the increase. Mr. Allen recognized that Mr. Kunny has asked for details on this, which will be provided. The applicant will also provide the mitigation approved by the Conservation Board.

Chairman Michelman stated that the Board worked hard on the original plan, and the original plan covers a great deal of the property and pushes the envelope pretty far. She said that she has respect for the Fareri team but it was hard for her to believe that there was no consideration for a pool. In her mind this was significant segmentation; they had gotten approval for the biggest house that they possibly could, and now they were coming back for a later approval for another recreational amenity, which increases impervious surfaces. The house that is there now is much, much bigger than the house that had existed there. Additionally, although they made the area better by relocating septic away from the lake this was done by clearing significant trees and changing the character of the neighborhood. She said that the pool should have been a part of the initial proposal.

Mr. Steven DeLaurentis stated that when the plan first went through the approval process, there was no pool on the plan, and there was no notion for a pool. After the applicant received the approval and got the permit, there were 7-8 potential buyers. A local real estate broker testified that every buyer requested a pool. They tried to close the sale, but couldn't because there was no pool. It was not the applicant's intention to get an approval and then wait and come for pool. The applicant is only trying to respond

to market conditions. In terms of mitigation, they are not proposing offsite mitigation. There is a stream that runs through approximately 200' of this property (indicated) that is collecting a great deal of silt. By doing the mitigation on North Lake, the applicant is improving the property. Additionally, the amount of plantings they are offering is mitigation. They are willing to do 800' of the road, and Mr. Allen indicated the catch basins area. He said that meant 24,000 sq. ft. of area that the applicant would be treating, that is not treated now. He showed pictures of the site to show the problem.

Mr. DeLaurentis added that the Conservation Board was in favor of this plan. Chairman Michelman said the Board was aware of this and that she was only expressing her point of view. She doubted that everyone needed a pool when there is a lake on the site that they could swim in. She did not know anything about real estate but did not think everyone needed a pool. Mr. DeLaurentis said that they would. Dr. Matusow believed that was reflective of the price being asked by the applicant Mr. DeLaurentis agreed and said that no one will pay the price without a pool. Dr. Matusow suggested the applicant lower the price. Mr. DeLaurentis said that people at this price range want a pool.

Mr. Baroni said that the original concept with the prior angle was much softer. Mr. Allen said that the Building Department approved it. The Board did not recall this approval. Mr. Allen said that the orientation to the lake view was better with the revisions.

Mr. Kaufman reviewed the Planning Board file to determine if they had the revised approval. The file that he had with him was only for the pool, it did not go back far enough. He will need to look into the issue.

Mr. Allen understood the Board's point on segmentation, and realized they were not talking about segmentation in terms of SEQRA, but said there would be a public hearing on this, and he thought the Board would be in good shape with SEQRA.

Mr. Kaufman said the Board needed to determine if the pool location was acceptable, or if this was acceptable in this location with the mitigation or if they wanted a smaller pool in this location, or no pool at all. Mr. Allen noted that originally the applicant proposed a larger pool. The Board recognized this.

Mr. DeLaurentis stated that, at the last meeting, there seemed to have been some support for this. Dr. Matusow said that the last time the Board was under the impression that the applicant reduced the impervious surfaces. Chairman Michelman said she would like to see an area with the type of pervious pavement the applicant is proposing. The applicant's representative said that he has just completed three driveways in Greenburgh. It is rustic looking and porous. Mr. Baroni asked what would happen when the owner no longer wants it, and just puts a topcoat over it. Mr. Kaufman said that it would have to be built in the resolution.

Mr. Delano asked if the subsurface treatment systems were built as if the driveway was impervious. Mr. DeLaurentis said it was. Dr. Matusow pointed out that the Board did not exist to approve mitigation proposals; they were supposed to review the pool application. It should not be done the other way around.

Chairman Michelman asked how close the pool was to the neighbor above. Mr. Allen said it was approximately 90-100'. Mr. DeLaurentis pointed out that there were 14' trees screening in that area too. Mr. Sauro asked how far the pool is from the lake. Mr. DeLaurentis said it was approximately 50-60'. Mr. Sauro asked about the elevation of pool in relation to the lake. Mr. Allen said it was about 9-10'. Mr. Sauro asked if there were any plans to ease the look of the 9' drop, or if the slope was gradual. Mr. Delano said there was a 4-5' elevation change from the wall. Mr. DeLaurentis said that there were pin oaks and shrubbery proposed as well. Mr. Allen said that there would probably be less manicured lawn in that area. The mitigation and planting plan has hundreds of more trees than what the applicant originally contemplated.

Mr. Kunny said that he was still waiting for more details on the retaining walls and the maintenance plan for the pool. He added that the plans should be coordinated, and the details on the driveway needed to be provided. He also advised the Board that the off site improvements needed the approval of the Highway Department.

Mr. Kaufman believed the Board had only received the preliminary comments from the Conservation Board. Mr. Fava told the Board that the final comments were provided on June 26th. Mr. Kaufman said he needed to review that information.

Dr. Matusow said that the Board would have to give the applicant an indication about whether it looks favorably on this pool. If yes, then the Board could work on the rest of the details. If not, then the applicant needed to submit a revised plan with an alternative for the pool. Mr. DeLaurentis thought this was dealt with along with the driveway. Dr. Matusow said that was not the issue, the mitigation should come second.

Mr. Allen said that his original argument was that under the Code, a pool is a building coverage item, but it was not truly impervious. It doesn't shed water, it collects water. Dr. Matusow said that was a different argument. Mr. Kaufman said the Board was not dealing with impervious surfaces, per se, but that the pool clearly counts as gross land coverage. The Board could take that into consideration. Dr. Matusow said that the applicant was talking about adding gross land coverage, above the basic, entirely in the wetland buffer, for purely recreational purpose. Therefore, regardless of whether the pool is pervious or impervious, the Board needed to consider all of the factors.

Mr. Delano said that he would probably be in favor of this application with the pool. Mr. Sauro agreed as long as they take the visual impact to the lake and neighbors. Dr. Matusow said he was not in favor of the pool and that the environmental trade offs made was as far this Board should go. Mr. DeLaurentis asked if Dr. Matusow's opinion had to do with his problem with Mr. Fareri. Dr. Matusow said that was not true, and Mr. Fareri was not mentioned at all. Mr. DeLaurentis said that it was not a secret that Dr. Matusow had a problem with Mr. Fareri. Dr. Matusow said that was not true; it was no secret that Mr. Farerri had a problem with Dr. Matusow.

Chairman Michelman believed that the pattern of segmentation with Mr. Farerri is very clear. The Board considers each application on its face and because they have seen this so often, the Board has begun to ask for a proposed pool site on the plan before they even approve a site plan. Chairman Michelman noted that that she too would not be comfortable with the pool at this point.

Mr. DeLaurentis said he did not know how much more the applicant could give. They do not really want to go through the cost and expense of mitigating 24,000 sq. ft. Chairman Michelman understood but pointed out that even if the pool was built, there is no guarantee the house will be sold. Mr. DeLaurentis said the chances would be much better. Chairman Michelman said that was still not a guarantee. Mr. DeLaurentis said that the house would sit on the site with only the foundation because the applicant would not be able to continue construction.

Chairman Michelman advised the applicant that there was still one member who who's position was unknown. Mr. Kaufman asked if there was some type of compromise (i.e. a smaller pool). Chairman Michelman said that, in her opinion, this pool doesn't belong on this property, however perhaps a smaller pool / spa combination would. She added that she did not like the proximity to the lake and the fact that the Board had to make many changes to the character of the site to get this house on there at all, and now they were being asked to do it even more.

Chairman Michelman asked what the Board should do. Mr. Baroni asked the status of the application and whether they opened a public hearing. The Board said they had not done that yet. Mr. Baroni said that the Board should schedule a public hearing because they would have to bring it to a vote. He added that he was not in favor of straw polls; the Board should hear the comments and vote on it at a public hearing. The Board agreed to schedule a public hearing for the application. Mr. Sauro asked the applicant to provide visuals from the lake and the neighbors to help people visualize the proposal.

Mr. Allen said that the whole corner is being planted with so much additional planting than what was approved; hundreds of thousands of dollars worth. As the site currently exists, you could see through to the house; however, after the landscaping plan is implemented it will be highly screened.

20 BANKSVILLE AVENUE

Site Plan

Section 1, Block 12, Lot 7D

20 Banksville Avenue

Joe Crocco – Joe Crocco Architect, P.C.

Discussion

Mr. Joe Crocco and Mr. DiPietro were present on behalf of the applicant. The applicant is proposing to take a general business property and use it for the storage of his equipment, and a place for his employees to report, and pick up equipment. The little house will be converted to office space. They are not proposing any retail use, and no one will come and pick anything up, other than his employees. He explained that, to him this is the true definition of a contractor's yard. Unfortunately, there is not much guidance in the code. He believed the proposed use would require a special use permit and Mr. Kaufman agreed.

Mr. Crocco said that the applicant was calling it a garage, but is also referred to as warehouse. Mr. Kaufman said that was because the permitted use in the GB district was office and storage, but if they are applying for special permit from the Town Board for a

contractor's yard, there is no need to call it a warehouse. Mr. Crocco said he would continue to call it a garage. Mr. Kaufman agreed that there was no parking requirement for this. Mr. Kaufman asked if the applicant was only storing vehicles and Mr. Crocco said that they would be storing vehicles and rolling equipment. The warehouse portion requires parking, so the applicant might want to call the whole thing a warehouse, and then provide the required parking based upon that use. Mr. Baroni believed that would mean the owner couldn't keep items outside. Mr. Kaufman said that he would be able to - it could be a warehouse with a contractor's yard. If it was just warehouse then it would all have to be inside.

Mr. Crocco noted that the applicant has also requested guidance regarding the bins on the property. They are there to keep gravel, topsoil, sand and other materials that he uses on the site. They are constructed from a modular block system approximately 2' high. They can be moved, and the shape can be changed.

Additionally, the applicant wanted to know if they really needed to pave the entire area. They understood that they would need to pave the entrance area, but the paving would not stand up inside the site. Gravel would work better, plus would keep impervious surface down. Mr. Kaufman said that was in the discretion of the Town Engineer. Mr. Kunny said that he would prefer to see it paved from the entrance up to the garage.

Mr. Crocco suggested that the area in the back could be half and half; the cost isn't the issue, it is more the fact that the paving just wouldn't stand up. Mr. Delano said he was inclined to agree with Mr. Kunny and pave up to garage. Mr. Crocco asked about the width of the entrance required to be paved. Dr. Matusow thought this should be guided by the Banksville Fire Department. Mr. Baroni believed the Fire Department required 16'. Mr. Kunny advised the applicant to take a careful look at the entrance, because it would need to be wider because of the trucks coming in and out. Mr. Crocco said it could be flared.

Mr. Kaufman advised the applicant make an application to the Town Board for the special permit. He did not see a problem with starting the process now, even if the Planning Board decided to change some of the pavement. Mr. Baroni asked if the Planning Board intended to be lead agency and Mr. Kaufman said that they would be. Mr. Baroni suggested they declare intent to be lead agency and asked if the applicant filed their EAF. Mr. Kaufman said that they had. Mr. Delano moved to declare intent to be lead agency. The motion was seconded by Mr. Sauro and unanimously approved.

The Board would refer the plans to the Fire Department. The applicant said he would submit the revised plans before they do that.

**155 LAFAYETTE AVENUE
Referral from Town Board
Section 6, Block 9, Lot 2**

**Discussion: Consider parking as a primary
use on Lots in IND A and IND AA zoning districts**

Mr. Kaufman explained this was a referral from the Town Board. There is a petition to amend the permitted uses in the IND A district to permit off street parking as a primary use. There is a demonstrated parking need in the area and a building owner who doesn't have enough parking on his lot, so he bought another piece of property and wants to use it solely for parking. Mr. Kaufman recommended that this is allowed in the IND A district to alleviate some of these problems. In his opinion it would be consistent with the comprehensive plan.

Mr. Kaufman added that at same time, the Town Board asked if this would be appropriate of IND AA district (near the airport). He explained that in this district, the comprehensive plan is not as clear, and that further study is needed for this district.

Dr. Matusow agreed with Mr. Kaufman. He went to the IND A district and noted that not many properties would be involved in this aside from this one lot. He did not think it should be expanded to the INDAA district; there are other things to consider.

The Board agreed. Dr. Matusow moved to send a recommendation to the Town Board. The motion was seconded by Mr. Delano and unanimously approved.

**ROLLING HILLS SUBDIVISION
Recommendation to Town Board
Section 1, Block 9, Lots 13-7 & 13-8 (Lots 4&5)**

Mr. Delano moved to approve the Town Engineers' estimate to the Town Board. the motion was seconded by Dr. Matusow and unanimously approved.

The meeting was adjourned at 10:27 p.m.
