

north side of the property, which extends to the rear of the property line. They also reduced the size of the windows as much as practicable and added shutters at the north elevation. Mr. Flagg explained that the ARB has seen the revisions and issued an approval. In all other respects, the project remains unchanged. The Board said that they wanted a copy of the ARB approval. The applicant said that she already submitted it to the Planning Department.

Chairman Michelman asked if there were any comments from the professionals. Neither Mr. Kaufman nor Mr. Kunny had any issues. Chairman Michelman asked if the applicant had reviewed the resolution and Mr. Flagg said that he had. He asked about the arithmetic in item #3 regarding changing the permitted gross maximum coverage. He came up with 2,378, so he'd like to go over the number with Mr. Kaufman. Mr. Flagg added that the reason the gross land coverage and stoop were not included in the calculations was because that area is already paved, so it did not change the amount of coverage. He recognized that he would need to make some changes. Chairman Michelman asked if the applicant had the adjusted figures for the Board. Mr. Flagg said that he did not have them with him, but it was approximately 4x5 or less. Chairman Michelman pointed out that this was still under the max gross floor area.

Mr. Flagg asked about the comment regarding runoff being treated with leaders and gutters from the new stoop to the satisfaction of the Town Engineer. Mr. Flagg said that it falls on the existing paved area, which is then shed to the street along the driveway. He suggested that was a better solution rather than introducing a gutter and leader system. Mr. Kunny said that was acceptable, and directed the applicant to indicate this on the plan.

Mr. Flagg said he had no other comments. Chairman Michelman asked for comments from the Board. Ms. Black noted that the elevation looks much improved. There were no other comments.

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

Dr. Matusow moved to approve the amended resolution. The motion was seconded by Ms. Black and unanimously approved.

ROSENBERG
Amended Site Plan
Special Use Permit
Section 2, Block 4, Lot 1-19
61 Sarles Street
Consideration of approving site plan resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that all paperwork was in order and that 9 out of 10 cards were returned. Chairman Michelman asked if there were any neighbors present. There were none.

Mr. Frank Giuliano was present on behalf of the applicant. He explained that he had

made some minor changes to the site plan after the last meeting. The Board had asked the applicant to change the chain link fence along Sarles Street to a more aesthetic fence, which they did. The proposed fence is now wrought iron. He also received ARB approval for the cabana at the direction of the Board. Mr. Giuliano added that he was able to revise the plan so that the filter equipment is in the basement of the cabana. Therefore, no filter is shown on the new plan.

Chairman Michelman noted that the cabana seems to have grown in size from the original plan. Mr. Giuliano said that was somewhat correct. The actual cabana did not grow, but a porch was added.

Mr. Giuliano said that there were other basic planning issues, like showing the adjacent neighbors, which they did. The maximum coverage amount is 13,270 sq. ft. and they are at 11,252.75 sq. ft.

Chairman Michelman asked if there were any comments or questions. Mr. Kunny said that he had no other issues. Mr. Kaufman said that his issues were all contained in the resolution.

Chairman Michelman noted that the resolution contains many conditions, all of which she would consider minor. She pointed out that these conditions have been unresolved for some time, and the Board always attempts to limit the number of conditions before a resolution is approved. She asked why the conditions were not addressed in the interim. Mr. Giuliano said that the only real condition dealt with the stormwater and erosion control plan, which would have to be approved by the Town Engineer prior to signoff. Chairman Michelman stated that there were 17 conditions, and there did not seem to be any real attempt to reduce the number of conditions. She added that some of the conditions had been contained in early memos. Mr. Giuliano said that items 1 and 2 were discussed with the architect. Mr. Kaufman explained that items 1-4 were really just housekeeping items. Chairman Michelman said that was her point; the applicant should have been taken care of such minor items. Mr. Giuliano stated that items 7-11 all have to be part of stormwater control plan, so even though it looks like many conditions, it is really only one.

Mr. Delano asked Mr. Kaufman about the dates on the plans as listed in the resolution. They indicate that the plans were last revised on June 18th but he does not have that plan. The most recent plan he reviewed indicates that it was revised on December 13, 2007. Mr. Giuliano said that was a very old plan, and that it had been recently revised. Mr. Delano noted that all of the architectural plans are dated June 18th, which is the Thursday before the Board got their packages, and this plan was not a part of that package. Mr. Delano asked if the basement was a full basement with a walkout. Mr. Giuliano said that it was. Mr. Delano noted that the grading was not depicted on the plan. Mr. Giuliano said that this was only done to provide easy access to the filter system.

Mr. Kaufman asked if the Board was comfortable with approving the resolution if Mr. Delano had not seen the latest revision of the plan. Mr. Delano asked what was dramatically different about the new plan. Mr. Giuliano explained that the only real difference was the calculations. Mr. Delano recognized that Mr. Kaufman would be

reviewing that information carefully. Mr. Delano asked if everything else was the same size except for the basement and the cabana, and Mr. Giuliano said that was correct. Mr. Delano said that, in light of this information, he did not think him not having reviewed the plans was that significant, because ultimately the plans would have to be signed off on by the Building Inspector.

Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Guiliano said that he had, and had no problems with it.

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

Ms. Black moved to approve the resolution. The motion was seconded by Dr. Matusow and unanimously approved.

93 ROUND HILL ROAD

Site Plan

Section 1, Block 9, Lot 14.A01

93 Round Hill Road

Chris Murphy, CSM Management, LLC

Michael F Stein, P.C.

Discussion

Consideration of approving site plan resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that all paperwork was in order and that 16 out of 20 cards were returned. Chairman Michelman asked if there were any neighbors present. There were none.

Mr. Michael Stein was present on behalf of the applicant. He explained that the main change since the last meeting was the investigation for the expansion area. The applicant has since conducted deep hole and perc tests. He explained that the area down closer to the front is very level and there is adequate room for the expansion area there.

Chairman Michelman asked if the applicant had been to the ARB. Mr. Stein said that they had, and received that approval. Chairman Michelman asked if the applicant submitted the planting plans to this Board and the ARB. Mr. Stein said that they had.

Mr. Kunny asked if the expansion area had been approved by the Health Department and Mr. Stein said it had not. Mr. Kunny asked if the applicant was planning to apply for the approval. Mr. Stein said that they do not plan to make any application because this project does not require Health Department approval. Mr. Delano pointed out that this project did not result in a change of the bedroom count, so the applicant was only asked to make an effort to see if an expansion area could be accommodated. The Board said this was correct and at least this was made a part of the record.

There were no other issues from Mr. Kunny. Mr. Kaufman said he had no issues. Dr. Matusow asked Mr. Baroni if he had received the information from the neighbor. Mr.

Stein said that he has a letter from the neighbor, and will submit it to the Board. Mr. Kaufman pointed out that this was a condition to be satisfied prior to the signing of the site plan. Mr. Stein explained that he does have the letter, it just had not been ready before the submission date. Mr. Stein submitted copies of the letter to the Board.

Mr. Baroni asked if they were talking about the macadam drive that is encroaching on the neighbor's property. Mr. Stein said that was correct, and the applicant was planning to remove it. Mr. Baroni asked if there was going to be any permanent encroachment when the applicant was through and Mr. Stein said no. Mr. Baroni said that no permanent license or agreement was required for this situation. He added that although there is no document to be filed, the letter could be more elaborate, and he suggested including an exhibit to the letter describing the work to be done.

The Conservation Board representative asked what the wetland issues were. Mr. Kaufman explained that the applicant is removing the driveway in the rear of the house that is in the wetland buffer. Mr. Stein indicated the location of the driveway and the wetland buffer area. He noted that the applicant was also going to restore the hillside in the buffer at the request of the Conservation Board. Mr. Stein added that the applicant did shift the fence back as the Board requested, but there was only so far they could go because of the septic system.

There were no other issues from the professionals or the Board. Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Stein said that he had, and had no issues. Mr. Delano moved to close the public hearing. The motion was seconded by Ms. Black and unanimously approved.

Mr. Delano noted that he had comments with respect to the resolution, although they were not specific to this project. He explained that in #9 the applicant is referenced as a developer, and it should probably remain an applicant. Mr. Kaufman agreed. Additionally, there is the continued reference in to the Westchester County best practices and it is his understanding that this is very outdated and perhaps the Planner should work with the Town Engineer to reference a more updated source. Mr. Delano stated that these things should be revised in this resolution and all future resolutions going forward. The Board agreed.

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

COHEN

Site Plan

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

14 Sunrise Drive

Barry Naderman, PE Naderman Land Planning & Engineering

Discussion

Consideration of approving site plan resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that all paperwork was in order and that 20 out of 23 cards were returned. Chairman Michelman

asked if there were any neighbors present. Mr. Alexander Sidorenko of 16 Sunrise Drive and Theresa and Tom Perna of 12 Sunrise Drive were present.

Mr. Barry Naderman and Mr. John DeFeo were present on behalf of the applicant. Chairman Michelman explained that the Board is holding the public hearing because all the notices were sent out, but the Board was not in the position to move forward on the resolution. She advised the applicant that the Board would not move forward until they receive the ARB approval.

Mr. Naderman explained that the applicant was seeking approval for an addition to the existing residence, consisting of a garage with two bedrooms above. There will also be an existing bedroom that is converted into a different space, so there will be a reduction of one bedroom in the main residence. The applicant is also proposing a pool, spa and cabana in the rear. The project needs site plan approval as well as special use permits for gross land coverage and gross floor area.

Mr. DeFeo presented the landscaping plan to the public. Currently, the yard is a continuous slope, so they are terracing the yard into useable levels. There will be a 4' high retaining wall involved. Currently, there is a row of trees that were planted when the house was worked on previously. He noted that the applicant wants to save these trees, but move them closer to the property line so that they can rework the septic lines. The applicant is also providing full screening with evergreens and deciduous trees. The pool area will be fenced in so that the applicant could have full access to the yard. There will be a walkway that leads to the back yard near the garage addition.

Chairman Michelman asked Mr. Naderman to point out the homes of the neighbors who were present in relation to this project, which he did. He also indicated the garage, pool and the house. He added that the screening the applicant is proposing is more than what currently exists. Chairman Michelman asked how much closer the garage and bedroom is to 12 Sunrise Drive. Mr. Naderman explained that it was approximately 35' closer to that residence than is the existing garage.

Chairman Michelman asked about the landscaping that is being planned for that area. Mr. Naderman explained that there is a stand of existing evergreens, and these are not the ones they plan to move. He indicated those trees on the aerial. The applicant was asked to regrade to save additional trees, which they have done. Supplemental planting is being added from the garage area to the rear. Chairman Michelman noted that from either of the neighbors' homes, the backyard is not the issue. The issue is the additions in the front. Mr. Naderman stated that the aerial shows that there is an existing stand of evergreens, which will mask this area sufficiently. Mr. Perna asked if any of those trees would be damaged and Mr. Naderman said they would not be. Mr. Perna asked if the applicant was following the code in relation to the setback requirements, and Mr. Naderman said that they were.

Mr. Sidorenko asked about the regrading along the border of the property. Mr. Naderman said that they were not grading anything closer than 10 ft. from the property line. He indicated the location of the retaining wall, which is approximately 30' from the property line. Mr. Alexander Sidorenko asked if the grading changes would cause a problem with stormwater runoff. Mr. Naderman said that it wouldn't; the grading is going

to direct runoff away from the property even more than it does currently. Mr. Naderman added that the Town Engineer would not have authorized the surface flows to be increased.

Chairman Michelman asked if Mr. Kunny had any issues. Mr. Kunny said that he did not have anything new since his last memo. Mr. Naderman said that there was nothing of any substance in those comments, and he would be able to address them. Chairman Michelman advised the applicant to address as many conditions as possible while the applicant is waiting for the ARB approval.

Mr. Kaufman said that he had nothing to add. Dr. Matusow noted that the applicant has not talked about the facilities that will be in the pool house, and this is an issue that arises every time the Board is faced with these structures. He asked if the applicant had received a letter from the Building Department in light of the fact that the structure is going to contain a bathroom and a kitchen. Mr. Kaufman did not believe that they did. Mr. Naderman reminded the Board that this was discussed at the last meeting; the applicant has agreed to utilize a heat pump so that they would not have year round heat. Mr. Naderman said that the applicant would still like to keep a fully functioning kitchen. Although he agreed to a modest kitchen, it was doubtful the applicant would accept a restriction for a two-burner stove and a half sized refrigerator.

Mr. Sauro asked if the 5th garage door was just storage. Mr. Naderman said that it was; and added that there was no garage door out the back. The issue with this door was that the applicant had an existing three-car garage, and then they proposed to add two more. However, a five-car garage was not allowed, so the garage door closest to the house was eliminated and it is there to work with the grades. There is no interior access; only access to storage.

Mr. Delano recalled that the Building Inspector indicated that he would not qualify the cabana as a second dwelling even though it had a full bath. He said that he did not know if he agreed with the Building Inspector that this met code. He felt that if there is room to live, and there is a kitchen and bathroom then it has the potential to be a dwelling unit.

Dr. Matusow pointed out that the Board has been dealing with this issue by attempting to ensure that year round heating will not be in the structure, and that it hardly matters what facilities are built in for the summer use. He said that he looked into "heat pumps" and found that they could be made with valves that are reversible, therefore creating sufficient heat. He said that he was not sure if the Board should use the term "heat pump," and thought that they should use some language that specifically limits the amount of heat. That way it is more controllable and the Board could use it for all of applications with this type of structure. Ms. Black agreed and said that if the Board could find a way to restrict the heat, then the cabana could not qualify as a dwelling in New York, because the winters would be too cold. Mr. Kaufman said he'd defer to the Town Engineer on this issue. Mr. Kunny said he would work on developing this language

Mr. Naderman suggested that one of the conditions could specifically state that it not be used as a dwelling. Mr. Kaufman said that the Board does not need to have that as a condition because it is illegal.

Mr. Kaufman advised the Board that if they closed the public hearing, the Board would only have 60 days to make a decision, and the applicant still needed to receive the ARB approval. He said that the Board should only close the public hearing if the applicant waives the deadline. Mr. Naderman stated that the applicant would be willing to waive the time period if the ARB does not make a decision within that time.

Chairman Michelman asked if the neighbors had any comments. Mr. Perna stated that he has lived in the house adjacent to the applicant's property for 18 years. He explained that he is a licensed professional engineer in New York and that he had reviewed these plans, and felt the applicant and his professionals did a great job. Mr. Perna also felt that the proposal would be a welcome addition to the neighborhood in terms of planning and aesthetics.

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

AHERN

Site Plan

Section 1, Block 4, Lot 10-409

20 Windmill Place

Barry Naderman, PE Naderman Land Planning & Engineering, PC

Discussion

Consideration of approving site plan resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that all paperwork was in order and that 15 out of 17 cards were returned. Chairman Michelman asked if there were any neighbors present. There were none.

Mr. Barry Naderman was present on behalf of the applicant. Mr. and Mrs. Ahern were also present. The Board stated that they didn't need full presentation.

Mr. Naderman explained that at last meeting, the Board commented about the two trees (#12 and #13 on the planting plan) that were proposed to be removed. The hemlock is in poor condition, and that will be removed, but he will be able to pull the septic trenches back to save the 36" tree (indicated as #13 on the planting plan). Mr. Naderman added that he had reviewed the resolution and had no issues.

Chairman Michelman said that she was still concerned with this entire application. She said that the house is creatively designed, but it is enormous. She thought that it changes the entire character of the community and that the Board was clearing a piece of property to put a very large house with amenities, which decimates the entire area. She added that she also has an issue with the trees in the front; she felt that the planting makes the front look very formal and this should not be a formal area. To her, it is totally inappropriate to have several straight trees lined up along the road in this rural area. Mr. Naderman said that he would be able to mix that up in some way and give it a more natural feel. They were only attempting to break up the appearance in the front. He suggested that it be made a condition in the resolution that it be done to the satisfaction of the Town Planner.

Chairman Michelman asked if there were any comments or questions from the Board or the professionals. Mr. Kunny asked that condition numbers 4, 6, 7 and 9 include reference to the Town Engineer. Mr. Kaufman agreed. The Board said they would permanently amend these paragraphs.

Mr. Kaufman said that he had no issues. Mr. Delano asked if he was adding the condition about naturalizing the trees in the front yard and Mr. Kaufman said that he was.

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

Mr. Delano moved to approve the resolution as amended. The motion was seconded by Ms. Black and approved by the Board, with the exception of Chairman Michelman, who abstained.

OTHER BUSINESS:

LUPPINO

Amended Site Plan

Section 2, Block 17, Lot 5.J01

6 Hadley Road

Cami Fareri Luppino

Consideration of site plan resolution

Ms. Cami Luppino was present for this application. The Board said that they did not need a presentation as the public hearing had already been closed.

Ms. Luppino stated that she has read the resolution, and had a couple of questions. Under the section entitled 'prior to signing of site plan,' item #3 requires the applicant to submit documentation modifying the easement to the satisfaction of the Town Attorney; she asked if she would have to go to the Town Board for a public hearing. Mr. Baroni said that they would not have to; her attorney could write it up and send it to him.

Ms. Luppino said that she would be working with the Town Engineer to expand buffer enhancement area number one. She asked if the Town Attorney needed to get involved with the establishment of a maintenance agreement. The Board explained that they just needed the standard language on the maintenance. Mr. Baroni said that he would look at the form of it, but the content needs to be reviewed by the Town Engineer and Town Planner. Mr. Kaufman said he'd revise the comment in this regard.

Ms. Luppino asked if the parenthetical language in comment #6 (regarding pervious decking) was flexible. The Board said that it was; similar materials would be acceptable.

Ms. Luppino had a comment about the pipe, which will cross the stream and the requirement that it be replaced to the satisfaction of the Town Engineer. She recognized that it needed to be replaced, but she wanted to know if this could be made a part of the construction sequence on the drawings. Mr. Kaufman said that the Town Engineer

believes it should be moved to "prior to signing of the site plan" because it is possible that the pool will never be built. That way, before the approval is completed, the pipe will be replaced. Ms. Luppino said that she had no problem with this, but was worried about the Conservation Board having a problem because it was out of the construction sequence. Mr. Kaufman said she did not need to worry about this, it was a directive of this Board.

Ms. Luppino believed that the current pipe is 48", but the original site plan calls for one significantly smaller. She asked if the size that was originally approved on the site plan would be adequate. Mr. Kunny said that it was. Mr. Kaufman said that the applicant should coordinate this work with the Building Department.

Ms. Luppino confirmed that she would be able to get an extension of the approval if necessary, and the Board said that she could.

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

Mr. Delano moved to approve the resolution as discussed. The motion was seconded by Ms. Black and approved with four Ayes. Dr. Matusow voted no.

MJ LACAV
Site Plan
Section 2, Block 16, Lot II.B05
115 Business Park Drive
Mr. O'Neill, Attorney
Barry Naderman, PE
Consideration of approving extension of time resolution

Chairman Michelman asked if there was anyone present. Ms. Desimone said that no one was present; they had been informed that their presence was not necessary.

Chairman Michelman pointed out that there is a typo on page 3 in the second "whereas" clause: the expiration date is 2008 not 2009.

There were no issues on this resolution. Mr. Delano moved to approve the resolution as amended. The motion was seconded by Ms. Black and unanimously approved.

BARON
Amended Site Plan
49 Sarles Street
Section 2, Block 4, Lot 1-15
Frank Giuliano, Landscape Architect
Consideration of extension of time site plan resolution

Chairman Michelman explained that the applicant has requested the extension because the stormwater plans were just completed and still needed to be reviewed. There were

no issues.

Ms. Black moved to approve the request for a one-year extension. The motion was seconded by Dr. Matusow and unanimously approved.

LAWN DOCTOR
Concept Plan Discussion
760 North Broadway
Tom Mitchel, Lawn Doctor
Discussion

Mr. Tom Mitchel was present on behalf of the applicant. Mr. Kaufman explained that the applicant received a notice of violation for parking vehicles on the property without a site plan approval. The Board received the application to legalize the parking on the property. Mr. Kaufman explained that he encouraged the applicant to come in with a concept plan as opposed to a full application. Based upon his review, it appears that the applicant is only renting a garage on the property and not any office space. Overnight parking has to be an accessory to a permitted principal use and that does not seem to be the case here because the applicant is only renting. If those facts are correct, the Board cannot legalize.

Mr. Mitchel asked the Board what constituted an office. Mr. Kaufman explained that it is where a business is conducted, with a phone, a desk, etc. Mr. Mitchel stated that he rented the space and works out of that garage. It is not a 9-5 office, but it is a spot that his employees coordinate routes with drivers and return calls at the end of the day via cell phones and computers.

Mr. Delano asked if the Code defined "office" and Mr. Kaufman said that it did not.

Chairman Michelman asked where the applicant conducted business before he rented this space. Mr. Mitchel said that he previously worked out of Peekskill, but most of his customers are in this area.

Mr. Baroni asked if the garage had heat and windows. Mr. Mitchel said that it has windows and electric, but the bathroom is in the adjoining house. Mr. Mitchel explained that his business only operates seven months out of the year; they do not operate in the winter months. He added that his is not the type of operation that needs a lot of unnecessary overhead.

Mr. Delano asked if the garage and the other structures were on one parcel. Mr. Kaufman believed that the garage and the parking were on the same parcel. He did not think it is on the same property as the tile business was. Mr. Mitchel believed the tile business was one property, then the house and garage was another, and the former pet store was on another parcel. Chairman Michelman pointed out that the area behind this property is residential.

The Board asked Mr. Baroni for his opinion. Mr. Baroni said that the Board needed to determine if this was all on one lot, and then make a determination as to whether this is

a seasonal office or not, and whether that qualifies as a principal use. He asked if there was any other space the applicant conducted business. Mr. Mitchel said that there wasn't; everything is forwarded to him in the field. Mr. Baroni asked if there was a secretary anywhere and Mr. Mitchell said there was not. Mr. Baroni recognized that this was a unique situation.

Mr. Kaufman said that the next step is for the applicant to prepare a formal application, which would provide the Board with additional information as discussed at the meeting; namely that the use and the violation are occurring on the same property.

Mr. Delano confirmed that there is no access to Palmer Avenue. Mr. Baroni asked if the garage was used for the storage of chemicals and Mr. Mitchel explained that there is only one day's worth of fertilizer, and tools and seed. He said that he did not need to store anything in a warehouse because he picks up his supplies directly from his suppliers.

Mr. Delano pointed out that the applicant would need to submit a floor plan of the garage so that the Board knows what the interior space is like as well as information about what is kept inside. Additionally, the applicant should provide some assurances that they have an agreement in place for access to bathroom facilities.

SCOTT
Subdivision
80 Mianus River Road
Section 1, Block 7, Lot 4
Jerry Barrett, RLA
Discussion

Mr. Jerry Barrett, Mr. Aarons, Esq. and Mr. Giacomo were present on behalf of the applicant. The applicants themselves were present as well.

Mr. Barrett explained that this application was before the Board a couple of years ago. The plan still proposes a four-lot subdivision on approximately forty acres. He added that not much has changed over time, although much input has been spent on the drainage plan.

Mr. Barrett noted that the Fire Department requested the applicant widen the drive and having a 100' turnaround, which the applicant did.

Additionally, subsurface drainage was requested, but it was determined that it was not feasible. Therefore, detention basins would be used on the property. He indicated the locations of the basins and explained that they would handle most of the flow from the common driveways. The individual lot runoff will go to the cultechs.

The wetland impacts have increased a bit because the driveway got a little wider. Mr. Kaufman advised the applicant that they would have to mitigate 2:1 for the wetland and the buffer impact. Mr. Barrett said that they would need to come back to show where they could show this additional mitigation but he thought that there was room to do this.

Mr. Barrett said that the existing cottage on lot one had been an issue. After discussing this with Mr. Kaufman and the applicants, he believed they would come back to make an application for the special use permit to continue the residential use for the cottage. Mr. Kaufman said that this could be done because there is a provision in the code that provides that if the building existed prior to 1984, it can be used as an accessory apartment. The applicant will have to demonstrate that it meets the criteria for an accessory apartment. Mr. Barrett said they would come back to the Board with that information.

Mr. Barrett stated that he would file an application with the DEC when this moves ahead, and he hoped that this could be a condition of approval.

Mr. Barrett said that the surveyor put together a plat map. Additionally, the applicant calculated the contiguous building area, and each one is in excess of the required one contiguous acre. The surveyor also indicated where the roads would need to be widened if they had to be dedicated. Mr. Kaufman stated that this would need to be included in the total calculations. Mr. Kaufman added that when doing the calculations for contiguous land coverage the applicant did not need to exclude easement areas.

Mr. Barrett recognized that there was talk about whether the cottage should be referred to the Landmarks Preservation Committee but he was not sure if it met the criteria. Ms. Black asked the age of the structure. Mr. Kurnit said that it was rumored to be a way station during prohibition but he was not sure. Mr. Kaufman said that he would refer this to the LPC, and advised the applicant that if it was not designated as a landmark, they needed to be cognizant of the time frame.

There was also the issue of the potential of future subdivision of the lots. Lot 3 is the largest lot and in order for the lot to be subdivided into another lot, a town road would have to be built. There is not enough frontage on Mianus River Road without a variance. Therefore, the applicant does not think it would be feasible for the lot to be subdivided.

The other issue is the existing barn on the site; this is a historical feature along the road. Mr. Barrett explained that the barn was in disrepair, and needed to be torn down and rebuilt. The applicant tried to go to the ZBA, but that Board was not able to act because SEQRA had not been completed. The neighbors want this structure to be saved. He asked if there was anyway that the Zoning Board could make that determination for SEQRA related to the barn. Mr. Baroni said that was not possible because this is a coordinated review so they have to wait for this Board to make determination.

Mr. Aarons, the applicant's attorney believed that the ZBA could say that this is not really part of the subdivision. Mr. Baroni did not think the lead agency could segment this project, and make two determinations. He repeated that the applicant would have to wait for this Board to conclude the SEQRA process. Mr. Kaufman said that he believed this Board was close to concluding the SEQRA process. Mr. Aarons asked if they still needed a public hearing. Mr. Kaufman said that they did and that they could not make a determination until after the public hearing. Mr. Kurnit asked if there was any way for this Board to say that they had no problem with the barn going up in same location.

Mr. Delano asked what would prevent the applicant from applying for approval from the

Building Department and getting a referral to the ZBA through that avenue as a Type 2 action. Mr. Baroni explained that this has been part of a coordinated review all this time so they could not segment the project. He did not disagree that the application could have been made differently, but it has been part of this plan. Mr. Aarons did not think that it had been reviewed by this Board. Mr. Baroni pointed out that the barn has been on the plan from the beginning and it was referred to the ZBA by this Board.

Mr. Kaufman asked if this Board was comfortable with this layout. Chairman Michelman felt that the steps the applicant has taken are reasonable. Mr. Kaufman pointed out that the applicant wanted feedback from this Board before they filed the DEC application. He asked if the Board was comfortable with this layout. Mr. Delano did not think this plan had many other alternatives. He did have a concern about the stormwater, and he said he would like those issues corrected before the application went to public hearing. Mr. Kaufman pointed out that the road map is contained within his and Mr. Kunny's memo so the applicant should come back and address these issues, and if they are met to the Board's satisfaction, then a public hearing could be scheduled.

Mr. Kaufman noted that the most significant issues are the accessory apartment, the 2:1 mitigation, the stormwater and the sightline.

Dr. Matusow pointed out that there is a problem with applications that go on for as long as this one. Only two of the Board members were part of the Board at the beginning, and two were new and hearing the application for the first time. He asked the applicant to go back to prior discussions to help the newer members of the Board. He said that he himself became involved in the middle of the process, and he would like refreshing too. One question was why these lots were cut the way they are.

Ms. Black agreed that would help. Mr. Kurnit said that he would welcome a site walk. He added that he bought this property to do nothing with it. His intention was that the back 11 acres would be donated to the Mianus River Gorge, and that none of this really ever happens. The original concept was that he would move here and have one house on the entire 40 acres. The problems arose due to the accessory buildings and the Planning Board directed the applicant to carve up the lots. He explained that he wanted to preserve the flexibility and thought this was the best way to do it. There are a couple of small houses, and the plans depict large houses with pools. They have also shown the subdivision as a six-lot subdivision, which is theoretically possible. Mr. Kurnit said that one reason he did not want to limit the subdivision was because he did not want to lose the tax advantage of a six-lot subdivision, as opposed to the four-lot subdivision. He repeated that he has no intention of developing the property as presented. Ideally, they would keep getting the permits renewed until they could not renew any further; only then would they begin construction. Mr. Kaufman asked if the applicant was going to file a plat map and Mr. Barrett said they would.

Mr. Kaufman pointed out that the Board has always talked about this as an environmentally sensitive piece of property; the Town does not want a lot of curb cuts so they are only using one. Additionally, there are several wetlands on the site, and this limits the impacts. Mr. Kaufman added that this was a very good plan.

Dr. Matusow did not understand "the boot" shaped parcel. He recalled a prior application

on Round Hill Road. He said that the Board worked hard to try and keep the lot lines parallel with the road and wanted to know why that was not the case here. Mr. Kurnit did not think one piece indicated by Dr. Matusow was actually his property; he thought it was the gorge property. Mr. Barrett said he'd clarify that. Dr. Matusow said that still did not answer why it is connected with a very narrow strip of land. Mr. Kaufman stated that the Town would not allow this to be a separate lot because it doesn't have frontage. Ms. Black asked why it was not part of some other lot. Dr. Matusow asked why it was a lot at all. Mr. Kurnit stated that it was his intent that it would go to the Mianus River Gorge eventually. Dr. Matusow said that he liked the applicant's intent, but things may go wrong, and the Board needed to know the implications of this boot shaped lot.

Mr. Kurnit indicated what he believed was the main piece of property, along with the accessory buildings. If this was a six-lot subdivision, this lot could be developed through the use of a town road and a cul-de-sac. Mr. Kurnit reminded the Board that they are not planning to build on this boot shaped lot. Mr. Kaufman said that the Board's environmental review uses the six-lot plan. Mr. Delano noted that the six-lot plan requires a town road, and requires more environmental review. If in the future someone comes and wants to develop a six-lot subdivision, it would be a very onerous proposal.

Mr. Barrett explained that the lot is shaped the way it is because of the cottage and the 50' setback. Additionally, the applicant wanted to keep the pond, and that required a different setback.

Mr. Kurnit repeated his offer to walk the site with any Board member who wanted to go. He was directed to address the issues in the memos and come back to the Board. After that appearance, a public hearing could be scheduled.

POLVARA
Site Plan
Section 1, Block 9, Lot 20-2-12
40 Green Valley Road
Joseph Riina, PE - Site Design Consultants
Consideration of site plan resolution

Mr. Joseph Trimelli was present on behalf of the applicant. He explained that since the last meeting with the Board, the applicant did some cleanup and coordination with the landscaping plan. He received the comments from the Town's consultants and had reviewed the resolution, with which he had no issues.

Chairman Michelman noted that there were still questions about the actual calculations for the project. Mr. Trimelli explained that, originally the applicant made the calculations based upon the gross lot area, and then he revised them based upon net lot area. He believed this was his error. In any respect, they are below the maximum permitted, and the applicant will make the corrections as required.

Mr. Kaufman noted that the information in the "whereas" clauses is correct and it is all spelled out. Chairman Michelman said this was acceptable. She added that this resolution also had a large list of conditions, which should have been addressed by now.

Mr. Tremelli said that many had been addressed. The two easements have been reviewed by Mr. Baroni. Mr. Baroni agreed, and noted that they were fine, and had reported this back to the applicant's attorney.

Chairman Michelman noted that condition numbers one and four on page 8 were identical so #4 would be removed.

Neither Mr. Kaufman nor Mr. Kunny had any issues. The Conservation Board representative asked what was going to happen with the 40" oak. The applicant said that he had been able to preserve it; originally the pool would endanger that tree, but it has since been revised. Ms. Black asked if there was a problem with the pool and the setback. Mr. Tremelli said that there was, and that he would take the rear portion of the patio and the side off, which will take care of this problem.

Mr. Tremelli added that he had received Health Department approval. Chairman Michelman asked if the applicant had seen resolution. Mr. Tremelli said that he had, and had no problems.

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

HIRSCHMAN

Site Plan

Section 1, Block 4, Lot 10-310

3 Hardscrabble Circle

Jeffrey Econom, PE

Discussion

Mr. Hirschman was present for the application. Chairman Michelman thanked him for listening to the concerns of the Board and the neighbors. Mr. Hirschman pointed out that they have moved the house and cut off the side patio.

Dr. Matusow said that he appreciated the number of trees that are being saved by this plan, but he did not understand why a specific tree had to be removed. In his opinion it did not need to be. Mr. Hirschman explained that it had to be removed due to its proximity to the back patio. Dr. Matusow would appreciate it if the applicant could save this tree. Mr. Hirschman said he would look at it, but explained that the tree has a strong root system, and would be unwise to put a patio on top of it.

Dr. Matusow asked about the sight line distance down Hardscrabble Circle. The plan says approximately 200' but the Town needed to corroborate this. Mr. Kunny said he would confirm it.

Mr. Kaufman noted that at the last meeting the Board discussed screening between this property and the neighboring property. Mr. Hirschman explained that Mr. Econom had the plan but he was unable to attend the meeting. Chairman Michelman asked if the Board had to wait and see that plan before scheduling a public hearing. Mr. Kaufman said that it was up to the Board. Mr. Hirschman said he could get it to the Board within

48 hours and requested that they schedule a public hearing. The Board felt that they would be able to schedule the public hearing; the landscaping plan would not be much different from what they have already seen. A resolution could be prepared for the same night.

The applicant was directed to work on the conditions that could be met so that the conditions in the resolution are reduced as much as possible.

COTT
Special Use Permit
Section 1, block 4, Lot 10-62
9 North Lake Road
David Graham, David Graham AIA
Discussion

Mr. David Graham was present on behalf of the applicant. He explained that at the last meeting there had been discussions about the impact of the architecture. This is the same footprint and same basic building, but with conceptual changes. He was able to lower the ridge by approximately 1.5' – 2'. Additionally, the Board had been concerned with the extent of the siding; therefore, the base of the building has been revised to have stone veneer toward the street and side. On the tallest side of the building, the shed roof and the trellis have been switched. The shed roof breaks up the mass of the building.

Mr. Graham explained that the landscape architect prepared a planting plan for the front of the building. The applicant extended the peninsula to be cognizant of the sight line toward the building. Also, in his rendering, he detailed the existing as well as the proposed well to give the Board a better idea (he explained that previously, the plan only showed proposed in significant detail).

The details and the comments raised by the Town Engineer have been worked out. The Board noted that the efforts made to mitigate the façade have helped. Chairman Michelman pointed out that the applicant did not address the possibility of a future pool. Mr. Graham said that he was the architect, and that would not be within his purview. Chairman Michelman explained that the Board wants to determine if there is a site on this lot for a pool should a future owner want one. This prevents future applications coming in to the Board in pieces. Mr. Graham thought that there is 1,100 sq. ft. and believed that a pool was not implausible, subject to the special use permits.

Mrs. Cott thought that a pool be evaluated if or when an application came into the Board for a pool. The Board explained that this was not necessarily the case; if a house came in without a pool, the Board might have made it larger than they would have if the pool had been part of the application from the beginning.

Ms. Black believed that because the addition is near the driveway and in the front, this particular addition would probably not impact the feasibility of a pool. Mr. Cott pointed out that they were not planning to impact the rear of the property at all, and that is where a pool would be located. Dr. Matusow said that he did not think this would become an issue for this lot.

Chairman Michelman asked if Mr. Kunny had any issues. Mr. Kunny said that he did not, aside from the drainage, but said he would review the new plans. Mr. Kaufman had no issues. Ms. Black stated that the new elevation is much more attractive.

The Board explained that the public hearing could be scheduled and a resolution could be prepared for the same meeting Mr. Kaufman explained that the applicant needed to go back to the ARB to approve these changes. The Board pointed out that they could not approve any resolution without the ARB approval. Mr. Graham thought he'd be able to get on the next meeting for the ARB, which would allow him to get back to this Board for the August meeting.

Mr. Cott did not think it was fair for him to go back to the ARB because the laws have changed since the last time they were there, and this Board requested the changes that are requiring him to go back to the ARB. The Board said that this was the process; the applicant was not "grandfathered" but advised the applicant that this would not hold up their public hearing.

39 & 41 MAPLE AVENUE

Site Plan

Section 2, Block 14, Lot 5 – 39 Maple Ave

Section 2, Block 14, Lot 6 – 41 Maple Ave

Rebecca Rivera, Joe Crocco Architects

Discussion

Ms. Rivera explained that the proposal was to join 39 and 41 Maple Avenue, remove the shed in the back, and remove some decking in the rear. The applicant will combine both structures with a clock tower element. By joining them together, the applicant needs a special use permit for the gross floor area. Ms. Rivera added that they were short on the parking spaces. The exterior façade showed both the existing structure and what was being removed, and how it was being added. She added that this was located within the commercial business zone.

Mr. Kaufman asked if the applicant changed the elevation. Ms. Rivera said that they had, and that they added additional windows. The Board thought this was a significant improvement.

Mr. Kaufman explained that the real issue would be the parking. He wanted to avoid the situation the Board was faced with in the Kurnit application, where the ZBA would not be able to make determination without a SEQRA finding. Mr. Kaufman noted that this did not need to be coordinated and he recommended that it not be, that way each Board could make their own finding. This would enable them to run simultaneously with the ZBA process. He added that the Board would refer this to the ZBA.

Mr. Baroni asked about the situation with the parking spaces behind 37 Maple Avenue; he believed that they were being eliminated by the Armonk Square proposal. Ms. Rivera said that they were, but the spaces were transferred into the Armonk Square project. The applicant explained that whatever he was losing he would gain in the Armonk

Square project. Mr. Kaufman said that Armonk Square was an approved plan now, and though it was not signed off, the applicant could show it as an inset. Mr. Baroni pointed out that it has to be clear for the ZBA where those spaces would be located.

Chairman Michelman noted that while the revisions of the buildings were attractive, and an improvement, she wondered if there was a way for the Town to work out with the Torlish property next door. The applicant presented some alternatives to the Board, but reminded the Board that it was not their property. He explained that he had met with them on many different occasions, and that the owner is not receptive to it.

Mr. Kaufman said that the applicant should explore with the Town Engineer the possibility of stacking the parking in the rear of 37 Maple. Ms. Rivera explained that if they are stacked there would only be approximately 12' to back up. Mr. Kaufman said that he would have liked it if they could have gotten 15' at least but this would be too tight. Mr. Kunny agreed.

Mr. Kaufman said that that there is just not enough parking and that is the issue here. Mr. Delano moved to positively refer this to the ZBA. The motion was seconded by Ms. Black. Dr. Matusow asked if the Board wanted to positively refer this application, and the Board said that they did because this was a positive improvement. The motion was unanimously approved.

They discussed the request to do a traffic study. The applicant said he would speak with the Town's consultant about this. Mr. Kaufman said that was fine, and that the Board was not requesting a full traffic study.

GRANADOS
Site Plan, Special Use (FAR & GLC) Tree removal
Section 2, Block 2, Lot 14
116 Old Mount Kisco Road
Tim Allen, PE Bibbo Associates
Discussion

Mr. Tim Allen and Mr. Michael Bubner were present on behalf of the applicant. Herman Granados was also present. Mr. Allen explained that the applicant was proposing the teardown of the existing house and reconstructing the house up the hill. He pointed out that this is vertical site.

Mr. Allen explained that he has shown a viable location for a proposed pool with terracing and retaining walls. They have gone through many variations on access to the site came up with switchback driveway.

The sewer was raised as an issue. Mr. Allen explained that he had discussed the improvements to the pump station with the Town Engineer. A report from Sterns and Wheeler recommended this as well. The applicant will work with the Town to bring the pump station down to the corner of Route 128 and Old Mt. Kisco Road. The Town Board has expressed that they'd like to see Old Mt. Kisco Road sewer, but there are issues that have to be worked out to make that happen. The applicant is proposing this be sewer.

Chairman Michelman agreed that this was an interesting and difficult piece of property. She believed that the overriding issue is the sewer system; this issue had to be step one. If the applicant was unable to get a sewer connection, then this design would have to be different. She did not think it made sense to move forward if this was not feasible.

Mr. Allen thought that the applicant could begin to work with the Town, and this Board could begin its review. Mr. Baroni explained that the Town Board has requested the Town Engineer to prepare a capacity report. He is attempting to gain information, and until this report comes in, he did not think much could be accomplished. Mr. Kunny agreed that this was still in the preliminary stage. Mr. Baroni said that the determining factor was whether this is possible for Old Mt. Kisco Road. He noted that IBM is producing much less flow than one would think the size of their buildings would permit, which means that their reserve is that much greater. If they want that reserve, and they said they do, then there is not much more room available.

Mr. Allen said that he spoke to an engineer for another subdivision who informed him that IBM had a capacity that would amount to a 900,000 sq. ft. building that could be added. Mr. Baroni stated that IBM has 135,000 total (usage and reserve) for the site, and they are using less than half. Chairman Michelman said that she hoped this plan worked, but the Board would not know until they saw the report.

Dr. Matusow referenced the letter from the Water and Sewer department about the Madonna application, indicating that if everything were added up, they would already be over the design capacity. He thought that presenting an alternative plan showing septic would be the only way the board could move forward.

Mr. Allen said he would speak more to the Town Engineer and the Water and Sewer Department on these issues.

Chairman Michelman noted that this was a large house which would require a large septic system. Dr. Matusow believed the house would have to be smaller. Chairman Michelman agreed that the only way this could move forward was if the applicant presented alternative plans.

The meeting was adjourned at 9:58 p.m.
