

**TOWN OF NORTH CASTLE
PLANNING BOARD MEETING
15 Bedford Road
Armonk, New York 10504
January 26, 2009
7:00 p.m.**

PLANNING BOARD MEMBERS PRESENT: Peg Michelman, Chairman
John Delano
Jane Black
Steve Sauro

PLANNING BOARD MEMBERS ABSENT: Gene Matusow

ALSO PRESENT: Adam Kaufman
Town Planner

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

Ryan Coyne, P.E.
Kellard Sessions Consulting, P.C.
Consulting Town Engineers

Valerie Desimone
Planning Board Secretary

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

APPROVAL OF MINUTES – JANUARY 12, 2009

Ms. Black moved to approve the minutes from the January 12th meeting, as amended. The motion was seconded by Mr. Delano and unanimously approved.

CONTINUED PUBLIC HEARING

PRISCO

Special Use Permit

Section 2, Block 5, Lot 14-15

9 Quaker Meeting House Road

Rob Sherwood, RLA Robert Sherwood Landscape Architect LLC

Consideration of approving special use permit resolution

Mr. Rob Sherwood and Ms. Beth Evans were present on behalf of the applicant. Chairman Michelman asked if there were any neighbors present. Mr. Jeff Liebmann of 10 Quaker Meeting House Road was present.

Mr. Sherwood explained that since the last time before the Board, the applicant made some changes to the plan. The proposed pool impacts the current clearing and grading limit line and there was an issue about older wetlands that were on the filed map. He explained that it has since been determined that it is not a wetland. Mr. Sherwood stated that the revisions include a swale, which eliminated some of the ponding in the rear. Water will flow down the Prisco property into a catch basin and ultimately out into a drainage system that will collect runoff from impervious surfaces from the pool. He said that Mr. Delano had made a comment at the last meeting regarding incorporating the USGS indicator map onto his plans, but technically there is no way to do that. He said he did include a copy with his letter to show the Board where it was.

Ms. Evans explained that she was asked to look at this property 3 or 4 years ago because the subdivision plat showed a defined pocket area that was designated as wetland. She looked at the area, vegetation and took soil borings in August and it was her determination that there were no wetlands there. There were no hydraulic soils or vegetation indicative of a wetland. She said that she had seen the neighbor's photos and the area is flat and it does not percolate quickly, but it does not have the qualifications of wetland. Although it meets the town's definition of a vernal pool, it does not meet wetland scientists' definition. She explained that the Army Corps wetland maps were based upon aerial photography done in the early spring, and in early spring many of these areas are wet. This area was worthy of a second look in 2005 and it has since been looked at by the town wetlands consultant; in both their determinations, the area is not a wetland.

Mr. Delano wanted to know whether this was a vernal pool under the Town's standards, even though Ms. Evans did not consider it one. Mr. Kaufman explained that Mr. Sessions reached the conclusion that this area was not regulated. Mr. Delano asked whether a wetland permit was required for the construction of these homes and Mr. Leibmann (the neighbor) said yes. He added that the construction of his and the Prisco's homes were delayed because of this issue. Mr. Kaufman did not doubt that. Mr. Liebmann did not understand why, all of a sudden this issue did not exist any more; he said that the conclusion was somewhat nonsensical particularly because of the drainage issues.

Ms. Black asked if the work the applicant was proposing would correct those drainage issues and Ms. Evans said that the plantings being proposed will absorb some of the waters and will make this less of a problem.

Chairman Michelman asked if the professionals had any issues. Mr. Kaufman said that he had

none, aside from what is contained in the resolution. Mr. Coyne said that the applicant needed to make sure that the catch basin and piping in the rear yard was separated from the proposed infiltration for the pool. Mr. Sherwood agreed.

Mr. Liebmann wanted to know where, on the plan, his pictures were taken. He said that the wetland gets to within 40' of his house and it is advancing, and that the Board will just have to take his word for it. He wanted to know that whatever was going to be done here in terms of grading won't cause water to come from the other side. Mr. Sherwood explained that there will be a swale that will drain away along the side of "Nick's" property.

Michael Fareri, a resident of the town, but not a noticed neighbor, stated that this is a problem the Board has frequently – the neighbor doesn't understand the plan. He said that it is up to the town's consultants to determine whether the plan will work and he thought that Mr. Liebmann's comments were out of order. Mr. Fareri said that if Mr. Liebmann didn't understand the plans he should have hired a professional of his own. Mr. Fareri thought that the applicant was being treated unfairly. Chairman Michelman pointed out that this was not Mr. Fareri's application, nor was he a noticed neighbor, and that he should sit down.

Chairman Michelman explained to Mr. Liebmann that the town's consultants have examined the site and have determined that the area was not a wetland. She explained that the applicant was trying to improve the "wet" problem and that the Town Engineer has looked at the plan.

Mr. Liebmann asked additional questions regarding drainage and Mr. Sherwood answered his questions. Mr. Coyne explained that there are two systems proposed to help correct the problem; the applicant has proposed an infiltration system with basins around the pool and terrace that will discharge to the street. The chambers are designed for a 25 year storm event. Additionally, the applicant will install a swale in the rear yard. He said that he did not know that it would eliminate the problem entirely (it depends on where the basin is placed) however it will improve the situation. Mr. Sherwood said that it was his intention to drain the property faster so that the ponding does not occur as it does now. He plans to have the drain at the flattest part of the yard and that is where it is shown on the plan.

Mr. Delano explained that the professionals have rendered opinion that there are no wetlands. He pointed out that he agreed with Dr. Matusow's comment from the prior meeting (that this is a drainage issue and not a wetland issue, and as long as what the Board approved doesn't have an adverse impact on the neighbor, the application should move forward). Ms. Black agreed with that sentiment and thought that this will only make it better.

Mr. Delano said that the applicant was seeking approval of an amended clearing and grading limit line, but he was not sure if the plan showed that line at all or if it did, whether it was shown adequately. Mr. Sherwood explained where the old line was and explained where the proposal encroaches on that line. He showed the mitigation area and the conservation area. Mr. Delano advised the applicant to put the line on the plan. Mr. Sherwood agreed. Mr. Kaufman said that he added this requirement as a separate condition.

Chairman Michelman explained that the Board received two letters from the residents at 12 Quaker Meeting House Road and from 6 Quaker Meeting House Road indicating that they are in favor of the project. She said that these letters would be made part of the record.

Chairman Michelman asked if there were any other issues or comments. There were none. Mr.

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

Chairman Michelman asked if the applicant had reviewed the resolution and Mr. Sherwood said he had not, so the Board gave him an opportunity to review it. Afterwards, Mr. Sherwood said that he had no issues.

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

200 BUSINESS PARK DRIVE

Site Plan

Section 2, Block 16, Lot 18A-1

200 Business Park Drive

Dennis Noskin Architect, PC

Discussion

Consideration of approving site plan resolution

Mr. Dennis Noskin was present on behalf of the applicant. Chairman Michelman asked if there were any neighbors present. Mr. Ralph Ruiz and Lisa Bovet from Armonk Limousine were present.

Mr. Noskin explained that at the last meeting, the plans he submitted were incorrect; the Planning Board was correct when they said that there were actually 26 or 27 spaces being used. The plans have been altered and they now reflect the 33 spaces there. Mr. Noskin stated that Armonk Limo is longstanding business in the community; the business doesn't bother anyone and it is out of sight.

Chairman Michelman noted that the applicant's letter mentioned 30 spaces, but the plans show 33. Mr. Noskin stated that the letter was incorrect and that there are 33 spaces. Chairman Michelman said that 33 spaces would max out the parking area completely, so if anyone came in the future, it would be maxed out.

Chairman Michelman said that the other issue, which is part of resolution, is that the Board, for a long time has been seeking some information about the operation of the applicant (i.e. the number of staff, how much space, etc.). Mr. Noskin stated that the president and vice president of the company were at the meeting. Chairman Michelman asked if they had all looked at the resolution and Mr. Noskin said that they had. Chairman Michelman explained that condition #3 under prior to the signing of the final site plan deals with her point. Mr. Noskin thought he submitted a set of floor plans showing each floor and its square footage. Mr. Kaufman said that if he had, that was fine, but the Board wanted to make sure the applicant submitted all requested information to ensure that there is adequate off street parking. Mr. Noskin agreed.

Chairman Michelman asked if anyone had any issues and there were none. Mr. Delano noted that the word "consulting" in the 7th whereas clause on the second page needed to be removed.

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

Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Noskin said that he had, and had no issues. The applicants said they had no issues either.

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

PUBLIC HEARING:

BENZ

Special Use

Section 2, Block 16, Lot 17.B16

39 Limestone Road

Tim Lener, AIA

Consideration of approving special use permit resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 7 out of 9 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the application. There were none.

Mr. Tim Lener was present for the application. He explained that they were last before the Board in November and they have responded to the comments from the Planner and the Town Engineer and revised plans accordingly. Mr. Lener stated that they have received ARB approval and now they were seeking approval from this Board.

He explained that one of the issues from the Planner pertained to his calculations; he mistakenly did not include the shed and that was why it didn't add up but now they match what is in the resolution and the backup information will support that.

Chairman Michelman wanted clarification about the approval from the County Health Department. Mr. Lener said that a set of plans he submitted had been stamped by the Board of Health. Mr. Coyne said that he hasn't seen it, but he trusted that the applicant had it. Chairman Michelman wanted to know the number of bedrooms as approved by the Health Department and Mr. Lener said it was four.

Chairman Michelman noted that there seemed to be a discrepancy about what trees are still there and whether or not the oak tree can / cannot be saved. Mr. Lener explained that it is the applicant's intent to save the oak tree. He recognized that this was not depicted on the site plan, but it is noted to be saved on the septic plan. The applicant plans to do everything possible to save that tree.

Chairman Michelman said that before the Board approves the plan, we have to determine whether it will be saved. This is a large tree with a large root system and there are a number of differing opinions. The applicant said that he personally dug test holes and it is a very sandy soil. They did not strike any major roots in the places where they dug. The applicant said that there was no question in his mind that the tree will be able to be saved. Mr. Lener showed the board a plan with that oak tree being shown to be protected.

The applicant wanted to know who thought that the tree couldn't be saved. Mr. Kaufman said that he doubted whether it could be. He recognized that the applicant intended to save it, but the

tree protection measures don't seem to be adequate. Although the applicant is proposing some protection of that tree, in Mr. Kaufman's opinion, more likely than not, the long term survival of the tree might not be good.

Chairman Michelman asked if some trees had already been removed, and the applicant said no, they had been transplanting trees. Chairman Michelman explained that the Board had not had a chance to review the memo from the Town's Wetland Consultant. Mr. Kaufman explained that he found no wetlands, and the fields appear to be sufficient, but he'd like notes regarding the approximate wetland buffer, and that if any construction to be in that area, that an update be performed. Mr. Kaufman recommended including it in the resolution.

Mr. Lener said that the wetland is more than 200' away. Mr. Kaufman explained that the Wetland Consultant said that it was approximately 105' away, and that he only wanted the approximate wetland boundary on the plan. Mr. Coyne believed that Mr. Sessions stated that there is a horse trail there, and the wetland seems to be on the other side of that. If there is no fill for expansion area then it shouldn't be a problem, but the applicant should note it on the plan. Mr. Lener agreed.

Mr. Lener thought that Mr. Kaufman had conversation with Mr. Petrucelli and he believed that Mr. Petrucelli has agreed to the changes and would get them in this week. Mr. Kaufman explained that discussion concerned the conditions in the resolution, but that Mr. Sessions' comments will be incorporated as conditions as well.

Mr. Coyne noted that the property was in the flood zone and the applicant was required to comply with that code per the building inspector. Mr. Lener asked if the building inspector issues the flood permit and Mr. Coyne said that was correct. Mr. Kaufman said that he was going to amend the resolution in accord with Mr. Sessions' comments. Mr. Kaufman noted that the resolution had an incorrect date for the ARB approval – it should be January 7th.

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

Chairman Michelman asked if the applicant reviewed resolution. Mr. Lener said that he had, and had no issues. Ms. Black moved to approve the resolution as amended. The motion was seconded by Mr. Sauro and unanimously approved.

CONTINUING BUSINESS:

FARERI

Subdivision

69 Round Hill Road

Section 1, Block 9, Lot 4-2

Susan Fasnacht, PE

Consideration of approving preliminary subdivision resolution

Mr. Michael Fareri was present for the application. He said that this application had been pending for approximately two years for a three lot subdivision on approximately 12 acres in a 2 acre zone. His professionals have made numerous appearances before the Board; he's paid for the services of the Town Planner and Town Engineer. He said that he had reviewed the

preliminary resolution, but has not come to the meetings because he finds them time consuming, frustrating and sometimes a waste of time.

He was concerned with two things in the resolution. The property is not serviced by public water, but a well. There is a home there now, where he lives. Also on the property is a caretaker's home, which has three bedrooms. There is also another guest house. Originally there was 4th home (guest home), which he removed.

During the approval process, the Board asked for comments from the fire department on the subdivision (originally it had been four lots, but he decided to reduce it to three). The fire department recommended the applicant include a 30,000 gallon water tank with a pipe that would go out to the roadway for a dry hydrant. This would provide a water source in the case of fire for these three homes and the neighboring properties. The expense of that tank is approximately \$60,000-\$100,000, which the fire department would maintain.

However, he was only adding one home to the site and questioned why he had to be burdened with this substantial cost to add only one home. There is an expense that goes along with maintaining the tank and to him it made no sense. He said that there were other ways; for example there is a nearby pond on his neighbor's property. The pond is approximately 100-200' in diameter that he thought would be appropriate for a dry hydrant. That would not require any maintenance cost or any cost to him to install a tank. The fire department said that if he could prove that they have that source and that he could get a variance / easement they would prefer that.

However Mr. Fareri was concerned about the new sprinkler law and the double expense of putting in a dry hydrant and then the expense of putting in a sprinkler system. He said he'd be happy to do one or the other but he shouldn't have to do both. The issue of fire protection should come about when / if the additional house is built. If, in the meantime the law is changed regarding sprinklers, he'd prefer to do that. If it isn't enacted, then he would do the dry hydrant.

Mr. Fareri also stated that the Board had asked that he grant a conservation easement in the rear of his property. Chairman Michelman corrected him and pointed out that the applicant presented a conservation easement with the first proposal; the Board did not ask for it. Mr. Fareri said that it was offered at the request of the town's consultant. He said that he would also like to protect wetlands. However, he pointed out that Gifford Lake has a silting problem and if this lake was to be remediated, this area would be the perfect area to be able to accomplish the remediation. The reason he does not want to give a conservation easement is because it would preclude any remediation area, so he was willing to give all the restrictions the Board would like to protect the wetlands, without granting a conservation easement. If / when that was to be done, he would like the property owner to be permitted to have a small dock and gazebo in the area. That language was removed from the resolution by the Town Planner and Mr. Fareri wanted it put back.

Mr. Fareri said that he reviewed the resolution and thought that the Planning Board went overboard. He said his engineers reviewed the plan and revised it more than a half a dozen times. He was told to "guess" what size house they would have and whether there would be recreational amenities, etc. Then, after all that was done, they were told to submit engineering plans. The applicant had to do profiles, design the pool, design the walls, design mitigation and cuts and fills; impervious area, etc. All of this was done for subdivision approval and Mr. Fareri said that was outrageous. He said the engineering that was done was something that should

have been done at each site plan application stage. The Board went so far overboard, it cost him an additional \$50,000 for engineering and \$7,000 for the Town Engineer to review and \$2,000 for the Town Planner to review it.

Mr. Fareri said that the property currently generates \$48,000 in real estate taxes but that it will pay \$60,000 in real estate taxes and \$20,000 in recreational fees for the town. He wanted to know why it has taken two years to get done. If the middle house was to be built it will be a \$5-6 million house. It will pay approximately \$100,000 in real estate taxes. He said that he thought the time frame for the review process is too long, too unfair and too costly. He felt that parts of the resolution were ridiculous.

He said that he had a problem with the 3rd whereas clause from the bottom on page 4 referring to FARs. He felt that because the FARs are shown on the applicant's engineering plan and they are above the minimum and below the maximum that he should not have to come back for a special permit. He felt that the Board should grant that permit right away based upon the calculations the plan was drawn for. He thought that if, when the final plans come in, they vary from what was shown, then he should have to come back for a revised special permit.

Mr. Kaufman explained that was not permitted under the Town Code; the applicant did not apply for the permit, and the Board cannot grant approval for something the applicant didn't apply for. The only application before the Board was to subdivide the lots. Mr. Fareri said that was correct, but the Board made him study these other details and if the Board had no problem with the outcome, then why should he have to do it again. Mr. Kaufman reiterated that the applicant did not submit any application, floor plans, etc. He said that the applicant had a misconception of what was being done for the subdivision; the Board has to look at all the impacts and that was why the applicant had to do an IPP. The applicant has to demonstrate that there is adequate access to the property, that stormwater can be treated, that septic can be installed, etc. Mr. Fareri told Mr. Kaufman he was wrong, and that that Planning Board went well beyond that.

Chairman Michelman stated that the objective of the meeting was to either approve the subdivision resolution or not. She said that they were not there to go back over everything. Mr. Fareri said he was not willing to accept this whereas clause.

Chairman Michelman said that there were still other issues to discuss. Several weeks ago, the Board had been ready to approve a resolution but at the moment they were going to, the issue of the cistern came up. Mr. Fareri thought that was a valid concern to bring up. Chairman Michelman said that it was, but the Board still needed to discuss the issue. Although Mr. Fareri raised the issue in his presentation, he merely talked about it and moved on. She said that this was not the same resolution as the last one. At that time, there was a conservation easement that was part of this. Mr. Fareri said that was resolved at last meeting. Chairman Michelman corrected him and said that it was only discussed at the last meeting, it was not resolved. The minutes reflect that Mr. Fareri's attorney was to draft something and although something was drafted, it was not drafted by an attorney. Mr. Baroni said that the document was submitted to him for review, but it was not up to him to accept the language. After he reviewed it, he sent it to Mr. Kaufman, who removed the language about the dock and the gazebo language was removed.

Mr. Fareri thought they determined that it would be better to do a deed restriction as opposed to a conservation easement. Chairman Michelman agreed but pointed out that they needed to have a deed restriction that was acceptable to both sides. Mr. Fareri said that he submitted a

draft to the Town Attorney, but the dock and gazebo were omitted. Mr. Baroni stated that he had given "Steve" the Town's standard language for deed restrictions, but that he did not make any comments. It is up to the Board to decide whether the applicant's additions are appropriate or not. Mr. Fareri said he only wanted those two things to be permitted and that they would agree to make it subject to the Planning Board's approval. Mr. Fareri wanted to know who had the power to eliminate those things. Mr. Kaufman said that it was his recommendation that those things be eliminated. The email sent by the applicant was his submission and the Planning Board saw that language. What the original conservation easement would have done would have eliminated structures and protect the land; instead the applicant asked for a deed restriction. In the opening paragraph of that document, it says that the purpose is to preserve the land and prevent structures but under the permitted use section, the document would allow gazebos and docks. The stated purpose could not be met if the applicant intends to allow those structures.

Mr. Kaufman pointed out that this area was important; it is a source of drinking water for Connecticut, and a substantial portion of the property is in a CEA. Initially, the Planning Board's justification to allow this construction was that they were going to get a two-acre conservation easement around the lake. If that occurred, then it would be permissible to allow a portion of the house to be built in the CEA. However, the applicant's proposal to include some recreational amenities in that area concerned him. However, he pointed out that the Board has the right to permit those facilities in that area if they make the determination.

Mr. Fareri stated that the value of the property is the lake itself; people can walk to it and swim in it and use it. He said that he has extended the protected area more than necessary. Rather than to disallow it entirely, the restriction should permit a future owner to come to the Board to seek permission. Mr. Kaufman explained that the current document reads that nothing would be permitted in that area.

Mr. Fareri explained that if he decided not to do the subdivision there would be no restrictions imposed on the area and pointed out that it would be better to have some form of protection. He did not think it would be so outrageous to have a dock there. Mr. Kaufman agreed, but said that was not the issue – the issue is building the houses in a CEA. Mr. Fareri recognized that he was not going to succeed in permitting a dock and gazebo on the restricted area, so he agreed to use Mr. Kaufman's language in the deed restriction and that this issue was resolved.

Mr. Fareri said he had preferred to mention either a sprinkler or a tank in the resolution. Mr. Baroni noted that the resolution says it is an alternative. Mr. Fareri said that he did not want to be in the section prior to issuance of a C.O. They had no problem picking and designing one of them, but it should not be determined until they need the C.O. on the house. Mr. Baroni noted that the sprinkler would have to go in at the building permit stage. Mr. Fareri said again that he would be willing to do one or the other. Mr. Kaufman explained that all they were saying was that prior to the final plat being signed the applicant was to indicate what he planned to do. Mr. Fareri said he could not do that because he didn't even know that a house would be built there. Mr. Kaufman asked if the applicant planned to show all three as potential options and then pick one when the house is built and Mr. Fareri said that was correct. Mr. Kaufman and Mr. Baroni said that was acceptable. Mr. Kaufman said that number four on page 8 would be modified to reflect the three potential alternatives.

Mr. Delano pointed out that if a subsequent owner comes in for a major addition on Lot 3 then that owner would be subject to whatever laws are on the books. Board agreed. He also pointed

out that there could be a situation where the other houses had no fire protection at all. Mr. Fareri said there was another alternative he thought about; he'd prefer the 20,000 tank in an alternate location. That would allow fire protection for his neighbors as well. If he could get an exemption from the sprinkler law, he would do the tank, but this Board doesn't have that power to exempt him.

Chairman Michelman said that she was not as comfortable with the alternative options when two of the houses might not be protected at all. The way she read the fire chief's letter was that he'd be happy with either the cistern or the dry hydrant. Mr. Fareri said that there would be a savings to him if he used the pond. If he was able to do that then he would make a contribution to the community center. Chairman Michelman said that she read the fire department's memo to include the sprinkler system as well as the tank / dry hydrant. Mr. Fareri agreed that the letter was ambiguous and that was why he called the fire department and was told that was not what he meant.

Chairman Michelman thought that it should have been because two of the houses won't have protection. She said she'd be more comfortable with having the applicant making a choice, but she recognized that the Board could not exempt the applicant from the sprinkler law. Mr. Fareri said that was his problem too. He discussed the cost of sprinkler system and said he didn't think that new law would be passed. He thought that the three alternatives left open was a compromise. Chairman Michelman said again that she was concerned that this would leave two of the houses as unprotected as they are now. Mr. Fareri thought that was the choice of the homeowner who'd be paying for the insurance.

Mr. Delano said that the problem was that the Board closed the public hearing without fully vetting all of the issues regarding the tank and the easement; he pointed out that the Board only has a 62 day time limit in which to make a decision

Mr. Kaufman explained that there were no other changes to the resolution except on page 8 #4, where they would list the three alternatives. Mr. Fareri said that he would agree to do the cistern or a dry hydrant (and not list the sprinklers as an option) in exchange for a letter of support from the Planning Board when the applicant applies for the variance if / when the sprinkler law is passed. Chairman Michelman and Ms. Black agreed. Mr. Delano said that the Planning Board was not a part of that process; it is all between the ZBA and the applicant.

Mr. Baroni suggested adding it as a whereas clause that the Planning Board supports the waiver for the sprinklers in the houses. Mr. Fareri and the Board agreed.

The applicant had agreed to do a deed restriction without a dock and gazebo. Ms. Black thought that it would be a legal issue anyway because the lake is a separate lot. Mr. Baroni thought that there was some language that said that they could not improve the condition of the lake and Mr. Kaufman said that was correct.

Chairman Michelman asked if there were any issues with the resolution. Mr. Fareri said that he thought the Planning Board, through its consultants went way beyond what was necessary. There were no issues from the professionals.

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

FUSCHETTO

Special Use

11 Hobby Farm Drive

Section 1, Block 5, Lot 15-5

Discussion

Walter G. Nestler, Landscape Architect ASLA

Mr. Walter Nestler was present on behalf of applicant. He explained that the applicant was seeking approval to construct an in ground pool. The lot currently exceeds the allowable gross land coverage and the applicant did not plan to exceed that. They plan to remove the existing patio and a portion of the existing drive. Mr. Nestler explained that the house has an unusually large driveway. The septic and the reserve area are located in the front yard. He submitted a copy of the septic plans for the file.

Chairman Michelman pointed out that because the property currently exceeded the gross land coverage, the applicant would need to go to the ZBA. Mr. Kaufman agreed, and said that the applicant has addressed the Board's concerns. Chairman Michelman agreed and said that the applicant's plans were much improved.

The Board would refer the application to the ZBA. After the variance was granted, the applicant would have to come back for a public hearing. A resolution could be prepared for the same meeting.

MUCKELL

Final Subdivision

Section 5, Block 19, Lot 1

3 Morningside Place

Susan Fasnacht, PE

Consideration of approving Final Subdivision Resolution

Ms. Susan Fasnacht was present on behalf of the applicant. She explained that she was seeking final approval for the applicant; the preliminary approval was received approximately one year ago. Since then, the proposed sewer and water lines have been constructed. The certification is complete and they are waiting for final approval from the Health Department. She said that because that has already been constructed, that change had to be made to the plat.

Mr. Baroni asked if the changes were done within the easement. Ms. Fasnacht explained that they would need a new description because they did not stay within the easement. Mr. Baroni believed that his office had recorded the easement document. Ms. Fasnacht said that she would supply Mr. Baroni with a new description. She stated that this was a better situation now and it cleaned up the corner.

Mr. Muckell asked if he would have to go back to the Pappalardo's regarding the easement. Mr. Baroni said that they may need to go back to them for an amendment if he recorded the easement.

Ms. Fasnacht stated that there were some engineering comments that will be addressed. She said that she had some questions about the resolution. She said that the recreation fee was

paid in the fall. Mr. Kaufman said that if that was the case, then that item would be marked off. Ms. Fasnacht also thought that some issues had been signed off by the engineer already. Other than the fact that many items have already been addressed, Ms. Fasnacht had no other issues. Mr. Delano said that numbers 12 and 16 weren't needed anymore; there was no need to bond the project if it has been built already. Mr. Coyne pointed out that he was still waiting on the County Health Department certification. Mr. Kaufman said that this was added as a condition to be conservative.

Chairman Michelman said that the dates on page 4 needed to be revised; the Planning Board was reconfirming the negative declaration adopted on January 8th not February 25th.

Mr. Coyne asked Mr. Baroni whether something needed to be dedicated prior to signing of the plat or whether it could be done afterwards. Mr. Baroni said that if they were going to get the bill of sale, then he would like it all prior to filing of the plat. Mr. Muckell asked what Mr. Baroni meant by 'bill of sale.' Mr. Baroni said that it was just a way to dedicate the area; the applicant's attorney would generate the document, but his office had a form they could use.

There were no issues from the Board. Chairman Michelman asked the applicant if there were any other issues with the resolution. Ms. Fasnacht said there were no other issues.

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

BEEHIVE

Site Plan

30 Old Route 22

Section 2, Block 15 Lot 1A

Barry Naderman, PE Naderman Land Planning & Engineering

Discussion

Mr. Barry Naderman was present on behalf of the applicant. Since the last time before the Board, the applicant was able to receive the variances that were needed at that time. Unfortunately, the applicant couldn't acquire the property from the DOT that was needed in order to move ahead with that plan.

Mr. Naderman explained that despite that setback, the applicant still needed to make adjustments to the property in order for it to function. Now, the applicant was seeking to square off the building to try and make some of the interior spaces function better without any increase in seating at this time. The applicant was looking to implement some improvements that were part of the last application, but still on the property that they own. The right side of the property would be revised to have two additional spaces. The applicant plans to modify the plan to have access around the back. The awning on the side will be moved to the front and they will provide a more formal / legal handicapped space leading to the front door. The applicant was also going to try and incorporate some of Galante's recommendations, including adding landscaping in the front to discourage parking in that area. Additionally, they will put in double yellow line and single white lane line to make it safer on that stretch of road.

The plan adds about 540 sq. ft. of additional space and they have submitted a small floor plan. The apartment upstairs will also have an addition of approximately 500 sq. ft. The external stairway will be relocated inside. As part of the improvements they will do drainage work and

add catch basins. The applicant was also going to try and provide some foundation plantings.

Mr. Naderman explained that the plans also reflect an area for an outdoor patio so that if they are able to acquire additional land in the future, they could apply for approval to increase the seating. He added that there might be an opportunity to get additional seasonal seating with a special use permit

Mr. Naderman explained that the revised plans require some additional variances, different than what they needed before. The ZBA approved the backup spaces on to Route 22, but the applicant now required a variance for the gross land coverage and FAR. They have submitted an application for those variances. Chairman Michelman pointed out that the applicant would also need a parking variance. Mr. Naderman said that they did get a parking variance for the old plan, but now, since they were only able to consider what was on site, there are only about 8 spaces on the site now. As part of the reconfiguration, there is a net gain of 3 spaces, but they are not increasing the seating. Chairman Michelman pointed out that this was an entirely different plan so the applicant still needed a variance for parking.

Mr. Kaufman said that there was another issue; this plan doesn't meet the front, rear and side yard setbacks. He said that the Planning Board has the power to vary those setbacks in this type of situation if they are so inclined, but if not, the applicant will have to get those variances. The Board said that they would deal with that aspect; the applicant wouldn't have to seek a variance for that.

Chairman Michelman asked what would happen if the DOT decided to use that property for something else, since the applicant was only leasing that property now. The applicant said it was a month-to-month lease done on a yearly basis. Mr. Naderman explained that the land represents no value at all to the DOT, so he did not anticipate a problem. Mr. Delano asked when the lease was up, and the applicant said that he just renewed it.

Mr. Delano moved to refer the application to the ZBA for the parking, FAR and land coverage applications. Ms. Black seconded the motion and it was unanimously approved.

ZAWOJEK

Site Plan

Section 1, Block 1, Lot 4-14

47 Woodcrest Drive

Discussion

James J. Hahn, Hahn Engineering

Frank Annunziata was present on behalf of the applicant. He explained that they were last before the Board in the summer. The applicant had started construction of the alternative driveway to replace the existing steep driveway. At the time, they needed a front yard variance because they were extending the garage out to the road a little bit. The applicant went to the ZBA and that Board recommended pulling the driveway back a little, but they did approve it.

Mr. Annunziata stated that he reviewed the memos from the Town Planner and Engineer. He said that he would show disturbed area and would get something that confirms that the pool is off the plans. Chairman Michelman pointed out that the applicant needed to go to the Building Department because there was still an open application. Mr. Annunziata said that there was an existing wall that goes on the neighbor's property and that will be removed on next submission.

Mr. Annunziata said that he would be able to reduce the curb cut to 18' per Mr. Coyne's memo. With respect to consideration of providing a complying apron at the driveway entrance, Mr. Annunziata stated that the town standard is 4% and if they did that, it would create some problems. They would have to bring in quite a bit of fill to get it up to that level and then they'd have to catch that raised grade in a low spot, which would be very difficult. Mr. Annunziata said they would have to make the driveway from that point down to what they have in order to get down to 16%. He said that the applicant did not want to do that because the whole purpose of this application is to reduce the grade.

Mr. Annunziata stated that he would work with Mr. Coyne regarding the pipe out of the basin. Mr. Coyne asked if the driveway was curbed and Mr. Annunziata said that it was. Mr. Coyne stated that if that were clogged somehow, the applicant would have at least 6" of water. He thought that a bigger pipe might work, but if the applicant sized it, then there shouldn't be any problem.

Mr. Coyne said that with respect to the grade issue, the platform coming off the road is steeper than 4% and steeper than proposed 14% and then flattening to 14%. His comment was that, given the scope of the work, and that the reason for the work is to improve the driveway, then improving the platform would be beneficial. If it causes a significant burden due to fill and raising the height of walls, perhaps there would be some sort of middle ground that could be discussed then it seemed that now would be the time to do it. Mr. Annunziata said that the applicant has been functioning with this for some time, and here, it shouldn't be an issue because there is no traffic in the area and no transition is really needed.

Chairman Michelman thought that the issue was serious enough to sit with Mr. Coyne and discuss the overlay and see if there is any alternative or accommodation. This is the time to review the entire thing. She asked if the applicant ever received a signed document from the ZBA. Mr. Kaufman said that he knew that it was approved even if the formal resolution has not been completed.

The applicant was directed to meet with Mr. Coyne and to go to Building Department to withdraw the application for the pool. The public hearing could be scheduled for the second meeting in February.

CHARNEY

Special Use Permit

12 Palmer Place

Sec 2, Block 16, Lot 17A-6

Discussion

Robert Schweitzer , RLA Lasting Impressions Landscape Architecture

Mr. Robert Schweitzer was present on behalf of the applicant as well as the applicant's architect. Mr. Schweitzer presented an aerial photograph and explained that the property was surrounded by wetlands. The existing driveway is straight off from the cul-de-sac and they have curved it to make it more interesting. There are free standing entry walls and a parking court with lighted piers. The existing deck will be removed and a new, elevated masonry deck would be added. Steps will lead down to an interim patio from the upper deck, then couple of steps down to garden steps, leading to the lawn area, where the existing septic is.

The lawn platform will be defined by two walls on each end and there will be two-tiered lawn treads. This is a way to transition down to lower lawn area.

The architect presented photos to the Board as well as the masonry / stone plan. It will span the whole width of the house and below that, there will be an area with arches. Chairman Michelman thought that this improved the look of the house. The rest of the Board agreed.

Chairman Michelman stated that this applicant still had to go to the ARB and to the Conservation Board. Then the Board could schedule a public hearing and a resolution could be prepared for the same night.

Mr. Kaufman said that the Board still needed to discuss whether there was an opportunity to convert some of the existing lawn into a real buffer. Chairman Michelman thought the Board could wait until the Conservation Board made their recommendations. Mr. Kaufman agreed, but said that this Board could comment too. Mr. Schweitzer said that he took the wetland setback (indicated) and much of the site has been turned into a lawn, and that is something that his client hoped this would be sufficient to the boards. He said that he took the square footage of the structures in the wetland setback, and came up with 205 sq. ft. of additional impervious surface that would be added to setback, another 311 sq. ft. for the decking, 60' of impervious area for the garden steps, added it up and multiplied it by two and came up with 1,050 sq. ft. of "give back." Mr. Kaufman said that they also needed to include disturbed areas not just the impervious surfaces. Mr. Schweitzer said that due to the regrading (and a lot of that is a result of the drainage improvements they are making) the applicant has to drain the site responsibly and that will require disturbance in the buffer. He said that it takes up a tremendous part of the site and if that is multiplied by two, the applicant wouldn't have a lawn at all. Mr. Delano pointed out that they wouldn't be able to have a house.

Mr. Schweitzer said that the applicant wants to 'give back' but he does use this property with his dog and his kids, and to give a tremendous part back and turn it back to brush would be a "recreational hardship" for him. He said that, based upon his calculations, he thought he would be able to add a combination of approximately 5' of extended buffer around the property.

Mr. Kaufman pointed out that the code requires 2:1 mitigation, so the applicant has to come up with that for any disturbance within the buffer. If the applicant can't provide that, then the Board will address it, however, the applicant will have to do more than 5' adjacent to the wetland given the amount of work being done in the buffer. Mr. Schweitzer said that with the construction fencing, rain garden and water coming out of the site post construction will be cleaner, the net affect will be positive. Overall, he did not see how the applicant would be disturbing the wetland. Mr. Kaufman said that the applicant does not have to make the calculations based upon what was already there, just new disturbance (any activity within the buffer). He said that the applicant may have to revisit that regrading to limit the disturbance.

Mr. Delano asked if the applicant was making grade changes along a certain area and Mr. Schweitzer said they were not, but that they were trenching and landscaping. Mr. Sauro asked the location of the stonewall in the back and Mr. Schweitzer indicated. Mr. Sauro noted that there was already up to 10' of planting there and he thought that this was an attractive plan. He said he did not think it was necessary to recapture that much of the lawn.

Ms. Black asked about minimizing the impact of the tiered lawn. Mr. Schweitzer said that they could, but then the grade will be steeper, and that might cause runoff problem. The flatness will

Mr. Coyne asked if trees were going to be removed in order to put in the rain garden and Mr. Schweitzer said that he was not; there are no trees in that area.

Chairman Michelman said that the Conservation Board still needed to walk the site and they needed to keep in mind on how to achieve this mitigation and how to accommodate everyone.

SINGER

Lot Line Change & Special Use Permit – GLC & FAR

1 Quarter Mile Road

Sec 2, Block 11A, Lot 24

Bob Roth, PE John Meyer Consulting, PC

Discussion

Mr. Baroni noted for the record that he represented Mr. Singer, so he had to recuse himself from this application. Mr. Baroni left the room.

Mr. Paul Sysak, Mr. Anthony Guccione and Mr. Singer were present for the application. Mr. Sysak explained that they were seeking approval for a lot line change and special use permits for FAR and land coverage.

There are two lots consisting of 6.19 acres. He indicated the existing lot line; the applicant's lot is approximately 2.5 acres and he intends to make his lot as close to 2 acres as possible and sell the remainder to NYC DEC to stay forever green. Along with this application, the applicant is seeking approval for an addition and driveway improvements, which prompted the need for the special use permits.

Mr. Sysak said that he read through the comment memos and had no issues. He recognized that the applicant would need to go to the ZBA for the encroachments. Chairman Michelman asked if the basketball court was existing nonconforming or if the applicant needed a variance. The applicant was not sure. Chairman Michelman said that if the applicant didn't have anything that indicates that it is preexisting nonconforming the applicant might need a variance. Mr. Sysak stated that he also knew he needed to go to the ARB and to resubmit the site plan application because it expired.

Mr. Kaufman said that this was basically the same plan without the great room and he didn't think that this Board would have any problems. Mr. Delano stated that the applicant would need the lot line change before the site plan issue was dealt with. Mr. Delano asked if the applicant was in contract with the city and Mr. Singer said that he was almost in contract. Mr. Delano asked if there was any reason why the applicant was offering 4.1 acres as opposed to 3.95. Mr. Singer said that it was a financial reason and this was more beneficial for him. Mr. Delano pointed out that if the sale didn't go through, the Board was creating a lot that can be further subdivided. Mr. Singer said he was fine with making this approval contingent on the sale to the NYC DEP. The Board said they weren't sure if that was allowable.

Mr. Coyne suggested that they put a no future subdivision clause on the lot but Mr. Kaufman said that might not benefit the applicant. The Board would be amenable, but he wondered whether the DEC would be willing to buy it for the same price. Mr. Singer said that might be a

problem. He said that he would be in contract soon, probably even before they came back from the ZBA, so this issue might be moot. Mr. Singer pointed out that right now there is a potential three-lot subdivision. Mr. Kaufman said that in order to comply with SEQRA, the Board would look at a schematic layout of three lots to see where three houses and their septic systems would go; this would constitute the requisite "hard look". The Planning Board's responsibility is to look at what could potentially happen on this property by their actions. Mr. Singer said again that once he was in contract, this would be moot. The way the contract is written, only the NYC DEP can back out; he cannot. Mr. Kaufman agreed that would settle the issue.

Mr. Kaufman stated that the subdivision was considered an unlisted action. If the Board did a coordinated SEQRA review, the Board would have to conclude the SEQRA process before the ZBA could issue a variance. He suggested doing an uncoordinated SEQRA review so that the ZBA application could move ahead.

The Board would refer the application to the ZBA. Mr. Kaufman explained that the applicant would need to get the variance before this Board could approve the subdivision. The applicant was also advised to go to the ARB as soon as possible.

VENTORINO

Special Use Permit

Section 2, Block 17, Lot 4C

11 Sterling Road South

Craig A. Studer, ASLA Studer Design Assoc. Inc.

Discussion

Mr. Craig Studer was present on behalf of the applicant. He explained that the applicant was seeking approval for a pool. Originally, there was a different flagging of the wetlands, which the applicant took from the original subdivision. The applicant had them reflagged, and it was determined that the pool was in that buffer. They have since modified the plan to pull the pool and hardscape out of the buffer area. He agreed with Dr. Matusow's comment that perception is not reality. Although this looks like a wide-open area, it is encumbered by many setback issues.

Mr. Studer stated that they need a special permit because they exceed the basic land coverage amount. Additionally, the applicant was seeking to construct entry walls and modify the driveway. They have submitted a lighting plan and they have taken down the uprights to eliminate any issues.

Chairman Michelman said that the Board appreciated the applicant's acknowledgement of the comments and the changes that were made.

There were no other issues. A public hearing was scheduled for February 23rd and a resolution would be prepared for the same night.

WAXMAN

Special Use

Section 1, Block 4, 10-430

33 Thornewood Road

Pete Gregory, PE Keane Coppelman Engineers, PC

Discussion

Mr. Glen Ticehurst, Mr. DeLeo and the applicant were present for the application. Mr. Ticehurst said that since the last meeting, they went to the Conservation Board who will conduct a site walk. He received the memos from Mr. Kaufman and Mr. Coyne, and he was hoping to get a public hearing scheduled.

Chairman Michelman asked when the Conservation Board was going to conduct their site walk. The Conservation Board representative said that it had not been scheduled because the Board wanted to see the site without any snow. Mr. Kaufman explained that the Code gave the Conservation Board 45 days to walk the site and if the site walk is not done within that time period, then the Planning Board can move forward. Chairman Michelman asked when the application was referred. Mr. Kaufman was not sure. Mr. Sauro said that the Planning Board had their meeting on November 24, 2008. Mr. Kaufman said that he would have referred the application by the end of November at the latest. The applicant said that they were only before the Conservation Board the week before.

Chairman Michelman thought they had 45 days from last week. Mr. Baroni explained that is the date of the referral that controls, not the date of the Conservation Board meeting. Mr. Kaufman said that the wetland impacts were relatively small. Mr. Kaufman said that the Board could grant an extension to the Conservation Board to allow them time to come back with a report, but he did not think that the Board could wait until springtime. The Conservation Board representative said that they didn't have to wait until spring, just until snow melts sufficiently to see the ground. She said that this was a significant area for the Conservation Board, as it is near the Mianus. Mr. Baroni pointed out that this dealt with many of the issues as the house across the street (Unger). The Board agreed.

Mr. Ticehurst explained that the new septic would be out of the buffer. Mr. Kaufman agreed that this was a big step, and that the mitigation plan was reasonable; it was more than 2:1. He expected the Conservation Board's comments would not be too different in terms of restoring that buffer.

Chairman Michelman asked whether the Board wanted to extend the period for Conservation Board or simply schedule a public hearing. Mr. Kaufman said that it was up to the Board and what they felt comfortable with. He thought the Conservation Board would be able to give sufficient comments even if they walked the site now. Mr. Delano said the Board could still schedule a public hearing. Mr. Kaufman agreed and said that the Board could make a decision without the Conservation Board's comments after 45 days. Mr. Delano thought the Board should get the process started.

Ms. Black noted that the Planning Board saw the property without the snow and many of their concerns are being addressed. Mr. Kaufman agreed.

Mr. Sauro agreed that the Board should schedule a public hearing to avoid delay. The public hearing was scheduled for February 23rd.

WEISSMAN
Preliminary Subdivision
Section 2, Block 8, Lot 2B & 2B1
610 & 614 Bedford Road
Sabri Barisser, PE Bibbo Associates
Discussion

Mrs. Weissman explained that in 1940, her father purchased seven acres of land with an old farmhouse and barn on it. The property has been in her family ever since. The old farmhouse was built in the 1800s and the second house was built in 1950 on five acres. Her father died in 1991, and before he died, he worked on plan with Frank O'Neill to subdivide the property. She came back in 1995 and took up his project. She moved into the old farmhouse, and her son moved into "new" house. Now, they would like to build on the 3rd lot.

Mr. Weissman explained that he has show the Board two alternatives and they have removed the northern parcel to make it clearer as the Board suggested. The driveway no longer encroaches onto Lot 2 from Lot 1. The turnaround has been eliminated from one parcel. The dwelling is approximately 2,646 sq. ft. and is consistent in size with the ranch house along the road.

Mr. Weissman explained that the provided alternative #2 at the suggestion of the Board. It shows the demolition of the existing house and the construction of a new one with greater distance between the two proposed houses. It doesn't accomplish everything the Board wanted to accomplish in terms of aligning all the houses. One parcel has to be the frontage for the house on lot two.

Mr. Kaufman said that the issue is creating lots that will work together and have a good relationship with each other. He recognized that the applicant would have to deal with the frontage issue, but there may be other ways to deal with it more creatively – i.e. possibly creating a private road, with 25' frontages. Mr. Weissman said that there wasn't enough land to do that. He said that they tried every conceivable method and nothing works other than what they were showing.

With respect to Mr. Kaufman's comments, alternate #1 has been changed as previously noted, but has frontage on two different streets. There is not enough on Route 22, so the frontage for the 2nd house has to be on Ilana. He said that he believes his plan met all code requirements.

With respect to the second item, and the requirement that 'side lot lines shall generally be at right angles' the houses along the road are "generally" at right angles. He pointed out that most of the applications he saw at the meeting were not at right angles.

He said that they were willing to include a permanent monument at every change of bearing to resolve the problem between property owners.

With respect to the wetland buffer issue, the Conservation Board said that the wetland area was created by the fill materials for the construction of Ilana Court. The single encroachment is from the drain line from the septic system, and it is minimal. He said that he has never seen any standing water in what is essentially a pothole.

With respect to the question of parcel width, they have provided two sheets (P1a and P2a) to show how the calculations were made for the width of the parcels. He explained how he arrived at the figures. He said that he understood that was not the way it was normally done; however, he said that he hasn't heard a reasonable explanation about how to do it, despite my repeated requests. Mr. Kaufman corrected him and pointed out that he sat down with the applicant and the applicant's engineer last year. Mr. Weissman said that based upon these lots, he did not think that was reasonable. Mr. Kaufman said again that they went over the methodology. Mr.

Weissman asked if he did the calculations for these parcels and Mr. Kaufman said he didn't as that was the applicant's responsibility. Mr. Weissman wanted to know how he wanted him to do that. Mr. Kaufman said that he explained this last year, but went through the explanation again. Mr. Weissman said that the axis was not defined. Mr. Kaufman did not agree with him, but said that he would sit down with him again. Mr. Kaufman added that he has spoken to the Town Engineer and they agree that the calculations provided by the applicant were not acceptable. Mr. Kaufman said that if the Board wanted him to, he could measure lot width and depth.

Mrs. Weissman said that after the meeting between the Planner and their engineer, these were the calculations that they came up with. Mr. Kaufman said that was not accurate and that it was possible for the calculations to be done as he was directing.

Mr. Weissman said that he compared this property and its measurements to the measurements of the Fareri application and thought that Mr. Kaufman had said that was never acceptable. Mr. Kaufman said that was incorrect – he said that it was generally unacceptable and it was not acceptable in this situation because there was another way to do it.

Mr. Weissman said that he would appreciate if Mr. Kaufman did the calculations. Mr. Kaufman said that the applicant could come in and he would go over it again.

Ms. Black pointed out that Mr. Kaufman had suggested that if the applicant removed the existing house, they would be able to explore different relationships between the houses, so why not relocate that house when they rebuild it. Mr. Weissman said that the problem is the way things would be laid out; the steep slopes create a problem. Additionally, there is an historic barn that they don't want to destroy. There is no other reasonable place to locate this building.

Chairman Michelman said that one of the major problems was that they were trying to squeeze a lot into a very small area, with difficult constraints. She wanted to know why they needed to create three lots. The applicant said they were only creating one additional lot. Mr. Weissman's son said that one parcel will have one house and one will have the barn on more than 5 acres, in a 2-acre zone. They were only trying to get two lots in that area. The problem with moving the existing house forward was that it would cause the other house to intrude upon the wetland buffer.

Mr. Weissman said that the wetland is the problem but it wasn't there until Ilana Court was created. The lot lines have changed several times over the years. Mrs. Weissman said that Bibbo did try to respond because he sat with Mr. Kaufman and said he understood what Mr. Kaufman was saying, and this is the plan that the applicant's engineer created feeling that he answered those questions. This is not the first time they have done this. The cost has become high to go back again after the applicant's engineer submitted the plans. She thought that the Board should see if this plan was workable.

Chairman Michelman said that if this could be reconfigured so that a portion of one house is in the buffer, so that the subdivision works better, then that might be an option. Mr. Weissman said it becomes interminable. Mr. Weissman's son said that every time the applicant comes back with a plan, the Board has another suggestion. There has to be a way to work with the Town. Mr. Kaufman said that he would like that too, but this was basically the same plan that the applicant submitted a year ago with very little change. He said that he was always available to meet and discuss the plan options.

Chairman Michelman said that there had to be a way that this could be done. She thought that the applicant should meet with the Town's consultant. This is not an ideal property and there are limitations, but she thought they should work together to figure out a solution. Chairman Michelman thought they have seen enough alternatives to start seeing how to make the alternatives work.

Chairman Michelman asked if there were any issues. Mr. Coyne said that his issues were all site plan related, so he could not make too many comments until the site is finalized.

Mr. Kaufman asked if the Board was comfortable enough with the plan. Chairman Michelman thought that the applicant should meet with Mr. Kaufman again to try and resolve this.

Ms. Black asked if there was enough depth in these drawings and Mr. Weissman said there was. He said that absent our disagreement regarding the lot width, this falls within the parameters of what is required by the code.

Mr. Sauro asked if all the setbacks were accurate. Mr. Kaufman said that the applicant had to demonstrate that the lot width and depth were accurate and demonstrate that they have minimum contiguous lot area. Mr. Weissman said that his engineer said that it did comply.

COSTANTINO

Site Plan

Section 2, Block 2, Lot 4D

2 Meadow Hill Place

R. Barry Goewey, AIA

Discussion

Consideration of approving extension of time resolution

Ms. Black moved to approve the extension for the site plan / special permit. The motion was seconded by Mr. Delano and unanimously approved.

Mr. Kaufman explained that the Town Board is considering purchasing the Dubos property and wanted to know if the Planning Board wanted him to send any communication in that regard. Mr. Baroni explained that it would be a joint purchase with the Village of Mt. Kisco.

Mr. Delano asked if the property was adjacent to / close to the Trump property. The Conservation Board representative said that it was on both sides of Baldwin Road.

The Board decided that preservation of the area was a good idea and that it was also good for Mt. Kisco's watershed. The Board directed Mr. Kaufman to send a positive response to the Town Board.

Motion to approve Acting Planning Board Chair 2009

Ms. Desimone explained that the Town Board had not yet reappointed Mr. Delano to the Planning Board. She asked Mr. Baroni if the Board could appoint him as acting chairman or if they should wait. Mr. Baroni said that they should wait until the Town Board reappointed him.

The meeting was adjourned at 10:41 p.m.
