

**TOWN OF NORTH CASTLE**

**PLANNING BOARD MEETING**

**15 Bedford Road**

**Armonk, New York 10504**

**April 12, 2010**

**7:00 p.m.**

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**PLANNING BOARD MEMBERS PRESENT:**

Peg Michelman, Chairman

John Delano

Steve Sauro

Jane Black

Beata Tatka

**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

Larry Nokes

Conservation Board Representative

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The meeting was called to order at 7:04 p.m.

Chairman Michelman noted that the MJ Lacav public hearing was off the agenda due to a publication error with their public notice.

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**APPROVAL OF MINUTES:**

*March 8, 2010*

Ms. Black moved to approve the minutes from the March 8<sup>th</sup> meeting as amended. The motion was seconded by Mr. Delano and unanimously approved.

*March 22, 2010*

Ms. Black moved to approve the minutes from the March 22<sup>nd</sup> meeting as amended. The motion was seconded by Mr. Delano and unanimously approved.

**PUBLIC HEARING:**

**GLAT**

**Special Use Permit**

**22 Woodcrest Drive**

**Section 1, Block 1, Lot 4-22**

**Frank Branca – New Dimensions Remodeling Inc.**

**Discussion & Consideration of approving Special Use Permit Resolution**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 20 out of 29 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for this application. There were none.

Mr. Vince Fazio was present on behalf of the applicant. He noted that there are nine items that need to be taken care of, and there would not be any problem in doing so. Chairman Michelman asked if the applicant was agreeing to the terms of the resolution. Mr. Fazio said that he was.

Chairman Michelman asked if there were any issues and there were none from Mr. Kaufman or Mr. Coyne. Mr. Delano asked about lot size versus zoning acreage. Mr. Kaufman said that he assumed that this was originally approved as a conservation subdivision because all the lots in that neighborhood are smaller.

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

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

**GILEAD CONSTRUCTION**  
**Special Use Permit**  
**Section 2, Block 5, Lot 2D-20**  
**7 Ridgeview Circle**  
**Peter Gregory, PE – Keane Coppelman Engineers**  
**Discussion & Consideration of approving Special Use Permit Resolution**

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 20 out of 23 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for this application. There were none.

Mr. Peter Gregory was present on behalf of the applicant. The application is for a special use permit for an increase in impervious coverage for the construction of a pool and associated terraces. The last time there was a concern about screening / landscaping. The applicant has updated that plan. There is landscaping proposed along the driveway and extended up. They indicated how they would capture runoff from the terrace and direct it into the stormwater system. Those were the two main issues.

Chairman Michelman asked if the applicant had reviewed the resolution and Mr. Gregory said that he had, and had no issues. There were no issues from the professionals or the Board. Mr. Delano noted a typo on the resolution. Mr. Kaufman made a note of it.

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 unanimously approved.

**PUBLIC HEARINGS CONTINUED:**

**BUCHBINDER**  
**Special Use Permit**  
**Section 2, Block 5, Lot 2.D-16**  
**28 Sarles Street**  
**Pete Gregory, PE – Keane Coppelman Engineers, PC**  
**Brad Schwartz, Esq. – Zarin & Steinmetz**  
**Discussion**

Chairman Michelman noted that this was a continued public hearing. She asked if there were any neighbors present for the application. There were none.

Mr. Peter Gregory and Mr. Brad Schwartz were present on behalf of the applicant. Mr. Schwartz said that they were hoping to close the public hearing. They have reviewed the draft resolution and there were no issues or comments.

Chairman Michelman asked if there were issues. Mr. Coyne said that there were none but

wanted to point out that there is a condition in the resolution that a licensed engineer witness the construction of the pool. Mr. Kaufman said that was condition #2. Mr. Kaufman said that the way conditions 1 and 2 are written are slightly different from the way that the applicant had proposed them. Mr. Kaufman explained the contents of the two conditions and asked if the Board had any comment and whether they were acceptable. Mr. Delano thought that both conditions were important. He made a suggestion to alter the condition to say "licensed professional engineer(s)." Mr. Kaufman made the correction. Mr. Delano asked if the condition requiring the frequency of the monitoring program was incorporated in the resolution and Mr. Kaufman said that it was, but it is left open to the discretion of the Town Engineer. Mr. Delano noted that on page 7 items 6-8, there is wording on the last page in the last 4 words that say "beyond the construction limit" and they cannot go outside the construction limit. Mr. Kaufman said that the applicant is putting in a chain link fence to make sure they do not go beyond that line, so it is not an issue.

Mr. Kaufman said that the Board was not going to adopt the plan, but the resolution, which has a condition requiring monitoring. Mr. Delano was sure that the Town Engineer would do the right thing.

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

Chairman Michelman said that this was probably one of the most remarkable proposals the Board has ever seen and the Board wished the applicant well.

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

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

Chairman Michelman noted that this was a continued public hearing and asked if there were any neighbors present. Mr. Paul Okeogrosso (2 Hunter Drive) was present.

Mr. James Ryan was present for the applicant. He explained that at the last public hearing, they received input from the neighbors and the Board. There were two subsequent submissions that were made; one on March 5<sup>th</sup> and one on March 29<sup>th</sup>. Those submissions addressed issues as they came up.

One issue was raised by the Fire Commissioners, and that concerned the water storage tank. This would be addressed later by Dan Hollis. The fire chief suggested that the applicant appear before their board and discuss the plan.

Mr. Ryan said that there was also concern about the steep drop off on Lot 5 and the safety of

the drop. He explained that they added a tension wire and steel post type fence which will act as a barrier. He noted that they did not want to change the look of the area too much.

Mr. Ryan stated that they reviewed the comments from the Schilsky's (neighbors) and even met with them on their property and walked the site. They were able to determine what the Schilskys will see. The applicant will provide some additional buffer screening. They had expressed concern over certain areas, and the applicant will continue to work with them on this issue.

With respect to the common driveway on Lots 4 and 5, the applicant has shifted it so that there is more of an offset between it and the neighbor across the street. He noted that people will likely come face out and not back out of the common drive, but recognized that the neighbor might back out.

Mr. Ryan said that they had submitted a letter from their geo technical engineer regarding this project and the wells. There had been a concern, particularly from Mrs. Hawkins, who was concerned about whatever impact the applicant's plans would have on her well. The applicant's expert has provided an opinion, which was sent to Mrs. Hawkins.

Mr. Ryan also noted that Mrs. Hawkins has a view from her site to the dam. The applicant knew the dam was in disrepair and water currently travels around the dam. The applicant met with the DEC and the dam safety people and a summary of that meeting was provided. Mr. Ryan said that because this does not meet the DEC's criteria, they won't take jurisdiction of the dam, but they wanted to make it clear that since the applicant will still need a DEC permit for the other work, they need to keep the DEC informed of what they are doing. The applicant has considered taking down the dam, but not down to the lowest level. They would be able to create a better situation in that area, without impacting the neighbors' properties. The applicant hopes that this Board would allow them to go back to the Conservation Board with this plan because this will require more work in the conservation area. The Board thought that made sense.

Mr. Hollis explained that he and Rob Aiello were at fire commissioners' meeting that night to discuss the issue of the storage tank. Because of the nature of the right of way, it would be a tremendous expense for the applicant. The commissioners would be ok with requiring a dry hydrant for swimming pools, or alternatively, requiring each house to have an individual sprinkler system.

Chairman Michelman asked if there was a lake nearby and Mr. Hollis said that it was pretty far back and that distance is prohibitive, not to mention the fact that it belongs to someone else and the applicant would need an easement. Chairman Michelman pointed out that using a pool as a source of water would require the use of someone else's pool as well. Mr. Hollis said that the pool was an alternative to the sprinkler. Chairman Michelman said that the pool idea is really not an option for the Board. Mr. Kaufman said that the logistics of having the sprinkler system would be easier to deal with. The Board doesn't even know if there is going to be a pool; plus where would the dry hydrant go. Mr. Kaufman said that he would contact the fire commissioners to follow up.

Mr. Ryan recognized that the public hearing would be adjourned and they would go to the Conservation Board in the interim. Mr. Hollis asked if the referral from this Board would make reference to the fact that this was just for the dam issue. The Board agreed.

The Conservation Board representative asked if the shift of the driveway was away from or toward the wetland, pointing out that the Conservation Board had spent quite a bit of time discussing this issue. Mr. Ryan said that it was in the buffer before, and it would still be. It would be slightly closer to the wetland. It didn't really change the design for the mitigation. Mr. Aiello noted that the last design had a flare going toward Hunter Drive, and this revision really just squared it up, and moved it only a few feet closer. The amount of buffer disturbance is the same.

Mr. Coyne pointed out that the overall buffer disturbance would increase because of the dam repair, so the applicant would need to provide construction sequencing for that. Mr. Ryan recognized this.

Mr. Okeogrosso asked for clarification of how the common driveway moved. Mr. Aiello explained it to him and pointed it out on the site plan. Mr. Okeogrosso said that he was also concerned about the house on Lot #1 and wanted to know which road it faced. Mr. Aiello said that as it was currently drawn it faced Hunter, but nothing was final. He pointed out that this was just a preliminary subdivision. Mr. Okeogrosso said that his concern was the increased traffic on Hunter Drive. He said that there has been no traffic for the time he's lived in the area (10 years). He said he had asked at the last meeting whether it would be possible to have the driveway on Lot 1 face on Byram Ridge Road rather than Hunter Drive, but no one answered him. The person who lives there will have to drive up Byram Ridge Road anyway. To have the driveway on Hunter Drive would require the homeowner to have to turn around a corner, and pass a school bus stop. He felt this would create three houses "emptying" onto Hunter Drive, whereas now, there are none. He felt that to be a "huge increase."

Mr. Okeogrosso said he was not convinced that the driveway modification that was made addresses his concern. If the driveway for Lot 1 was on the other street, the common driveway would be able to be moved significantly. With those changes, he said he could support this plan.

Mr. Vincent Giordano, 72 Byram Ridge Road, and a member of the lake association said that it was nice to see the wetland area and that the applicant was going to do something with the dam. He said that he was concerned with the culvert. Once it gets clogged, there is a tremendous amount of water that goes through the area. He knows it is a costly repair, but perhaps the applicant should look into replacing the culvert under the road. With large storms, you can often get 6-7" of water as a result, and that might damage all the work that is being done in the wetland area. Perhaps the applicant or the Highway Department could look into this. He requested that, once everything is approved, if the wetland work could be done first as opposed to construction of the homes.

Mr. Coyne said that whatever changes are made to the dam, the culvert should be looked at. He said he could view the site with the Highway Department and the Board thought that would be a good idea.

Chairman Michelman asked if the applicant was planning to meet with Mr. Coyne ahead of time regarding the dam and Mr. Aiello said that they were, and added that they have been keeping him in the loop in this regard.

Chairman Michelman said that as far as the driveway being located on Byram Ridge Road as opposed to Hunter Drive, the Board is only considering a preliminary subdivision, which is basically just a lot plan. Each one will need to come back for subdivision approval. Mr. Kaufman said that the Board could approve access on a particular road during the preliminary subdivision stage. Mr. Baroni pointed out that each individual lot might not necessarily have to come back to this Board; they could go to the RPRC.

Chairman Michelman pointed out that there were already two curb cuts on Byram Ridge Road; only one additional one than what exist now. Mr. Kaufman explained that the existing driveway on Hunter Drive was going to be abandoned, but the applicant is creating a new one. Mr. Ryan said that in a previous plan, the applicant proposed the driveway on Byram Ridge, but it did not work, partially because of sight line. Ms. Black recalled that the Board wanted to keep the stately look of the other road too. Mr. Kaufman pointed out that in terms of the additional traffic on the road, it would be negligible and it would not cause a problem. Mr. Ryan offered to go back though his notes and give a summary of why the Board determined that the driveway would be better on Hunter Drive.

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

## **DISCUSSION:**

### **170 BEDFORD ROAD**

#### **Referral from the Town Board**

#### **170 Bedford Road**

#### **Sec 2, Blk 13, Lot 27**

#### **John Kirkpatrick, Esq. – Oxman, Tulis, Kirkpatrick Whyatt & Geiger LLP**

#### **Discussion**

Mr. Michael Fareri was present for his application. He provided some background information on the site for the benefit of the new members on the Board. He said that he has owned the property since 2002. He explained that he purchased this property originally because he anticipated building affordable units (“MIUs”) and market rate residential units on it. At that time he was developing the Cider Mill property, for which he had to build 10 MIUs. After a series of events, he planned to build the MIUs he was required to construct on this property. In the interim, a moratorium was imposed in the town, and then it became Antares’ responsibility to build the MIUs on the Cider Mill property. At that point, he submitted an application to build retail and office on this property. He presented some plans depicting the history of the site and his plans for same. Mr. Fareri said that he had received a site plan approval and a permit to construct retail and office space on this site and presented the plan and elevations for that.

Today he is seeking approval to change the plans again. The economic climate dictates what should be done with this property. He pointed out that near this site is a 24,000 sq. ft. building that has been on the market for three years now with no occupancy. He did not want to build something that would compete with that, where there seems to be no market. Additionally, this doesn’t seem like the best location for more retail space. The town is short this particular type of

housing; they do not have a good supply of smaller rental apartment-type units.

Mr. Fareri explained that he has developed a responsible development in keeping with the architecture of this community. He presented site plan to the Board for the current proposal. He plans to have sixteen residential units as part of this plan with three parking spaces per unit, which is more than what the code requires. He presented the front, rear and side elevations. There will be underground parking as well as storage for each of the apartments in the basement. There will be elevators and it will be handicapped accessible. There will be garages in the back. The third floor will have 2 penthouses and there will be an open rooftop area.

Mr. Fareri explained that the plan has been seen by the Town Planner and the Town Attorney. He has sent the plan to the County Planning Board, who has sent back a positive letter, with one concern / recommendation.

This building is identical to the Boies building in town as well as the school property he developed. The school property is 2 acres, but the rear of that property is a ball field which is not utilized at this time. So basically, there are approximately 22 units on an acre of property. That site works very well. There has never been a problem with parking. On the Boies property, there is a 50,000 sq. ft. building on a 2 acre site. Approximately 1/3 of that site is undeveloped in the rear, which is rock. If you deduct that size, it is a 50,000 sq. ft. building on 1.3 acres. For the current site, Mr. Fareri is proposing a 25,000 sq. ft. building on approximately 0.9 acres. Aesthetically, it is in conformity with the other two properties.

Mr. Fareri said that in today's climate, it is very difficult to move forward on any type of project. This is a risk he had to decide to take. He said that even at the time he purchased it, he probably paid more than it was worth, but he did it so that he could transfer the MIUs from Cider Mill. He pointed out that Chairman Michelman had asked at the last meeting if she could attend a meeting to try and get the MIUs back to the lumber yard property to allow the Cider Mill property to move forward. That deal was not successful. He was before the Board asking to be 'cut loose' from that because it will not happen at this time.

Mr. Fareri thought that the plans he developed are sensible. They are in keeping with the town. He has provided the town with a zoning code amendment that is reasonable. The question that has arisen is that this would allow something that is maybe a little denser than what the town would like to see. If a portion of these units are designated as MIUs it might allow the Board to get a little more density and move forward. I thought that everyone would agree that they are tired of looking at what is there. He also thought everyone would agree that what he currently has approval for would not be successful. This is the only way he can figure to move forward with this site makes any sense. He was asking this Board for a recommendation to the Town Board to see if the Town Board would approve the zoning change. If they do, he would have to come back to this Board and go through the site plan process.

Mr. Fareri explained that he is planning 16 units, 6 of which the Town Attorney and Town Planner want to be MIUs. He said that he has thought about this and thought that of the six units, two or three of them should be MIUs and two or three should be age restrictive. Mr. Fareri thought that there was a need in our community for age restrictive units. There are 8 or 10 MIUs at the school, 24 at Whippoorwill Hills and 10 on the Cochrane property. Mr. Kaufman added that there would be additional MIUs at Armonk Square. Mr. Fareri said that the town would have

approximately 50 MIUs in town, but no age restrictive units.

Chairman Michelman said that the issue prior to all of this was the density issue when 100% of the units were market rate. The ability for the Board to entertain and recommend to the Town Board a slightly larger density was tied into the MIUs. This Board's recommendation has to be specific to this property in terms of the density issue. Mr. Fareri said that the attorneys have to create a zoning amendment, which they have done, so that it doesn't make it site specific. If they were to put 12 units on that property, he'd have to put a 10% requirement for MIUs, which would translate to 10 market units and 1.2 MIUs. He said that he wouldn't be getting anything but the town would be. From a developer's point of view, the benefit of MIUs are cumbersome.

Chairman Michelman said the Board would like to work with the applicant, but they need some benefit to the town. Mr. Fareri said that he wants everyone to have a benefit.

Chairman Michelman asked how they would phrase a recommendation back to the Town Board. Mr. Kaufman said it would be up to the Planning Board and Town Board to determine what is appropriate. There is a desire and a need for MIUs. There is a nexus there. He did not know if it is a stated policy that the town needs age restrictive properties. Mr. Kaufman said that he did not see age restrictive units as a huge benefit, unless they would be age restrictive and MIU. Mr. Fareri said that was not what he wanted to do. He questioned how older people who don't qualify for MIUs would be able to get a unit. The Board pointed out that they could buy one of the 10 market rate units.

Chairman Michelman said that there was no necessity to designate any units as age restrictive. Mr. Delano thought that MIUs would work better all around. Mr. Fareri believed that the town has a MIU requirement of around 200. Mr. Baroni explained that under the federal lawsuit regarding affordable housing, it will now be called "Fair and Affordable Housing" and the town will have to amend the code to allow the federal board to market those units directly with the developer.

Chairman Michelman asked if there were any issues. Mr. Kaufman explained that if the Board was to make a positive recommendation it would be based on the Board's opinion that the proposed density would be acceptable given 6 MIUs and the 10 market rate units. Mr. Delano noted that the proposed zoning code amendment would have to be amended. If the applicant is comfortable with 10 and 6, the Board is more comfortable with this plan than they were before, when it had been 100% market rates. Mr. Fareri said he was willing to compromise in this regard. He said he was not happy with having 10 and 6 but he was willing to do it.

Mr. Kaufman recommended that the Board send back a recommendation that is similar to the memo he wrote, and add in the proposed density and why it is acceptable. Ms. Black suggested adding in that it would be beneficial to have something done with the site.

Mr. Delano thought that having this closer to the street was something to consider. Mr. Fareri said he disagreed with the opinion with the County Planner regarding bringing building to the curb line with no parking in the front. That does not work. The parking in the front is for visitors; without it, they would have to park in the street. The Board agreed. Mr. Kaufman explained that the county was taking the non-local view; they don't have the familiarity with this street. He advised the Board that this should be set back. This isn't a Main Street type setting, and he did

not think that having it on the street would be appropriate.

Mr. Delano moved that the Board direct Mr. Kaufman to draft a positive recommendation letter and send it out to members for review. Once a consensus was received via email, Mr. Kaufman would send it to the Town Board. The motion was seconded by Ms. Black and unanimously approved.

## **SANTOMERO BUILDING**

### **Site Plan**

**868 North Broadway**

**Section 3, Block 7, Lot 9.A**

**Michael Piccirillo, AIA**

### **Discussion**

Mr. Michael Piccirillo was present on behalf of the applicant. He explained that there is an existing single story building on North Broadway and the applicant is proposing to renovate it. It was a former auto dealership with a shed-type structure. The applicant proposes to convert part of it into office space. They will maintain one bay as a maintenance garage and make it more attractive.

Mr. Kaufman asked Mr. Piccirillo to explain the uses on the site. He thought it was a great plan and although there will be details that they will have to work out, it would be a significant improvement to the site.

Mr. Piccirillo said that this was a private company, and the owners manage real estate that they own. The reason for the maintenance garage is because they also maintain their properties. Occasionally tenants from his various buildings will come to visit the site. His maintenance crew will come and go out of the shop by 7:00a.m. The general office staff arrive around 8:30 / 9:00 a.m. Ms Black asked how many office employees there were and the applicant said there were 9.

Mr. Piccirillo said that the site is challenging because of the parking situation. There will not be a lot of public traffic in this regard, so they thought that perhaps stacked parking would work for the employees. The southern parking area would probably be reserved for the few visitors that they do get. That is where the handicapped space would be too.

There is no way to create any more parking because of the slope around the property. Mr. Piccirillo presented a 3D architectural rendering of the building and the site. The existing front is paved over. The applicant is trying to make this more attractive for the town and the whole area. They propose to landscape in front of the building, which they believe will be more attractive than having parking there.

Ms. Black asked if the applicant would be able to get the necessary parking by stacking the spaces. Mr. Piccirillo thought they could. He pointed out that they would probably have a car parked in the garage bay, even though it wouldn't count as an "official" space.

Mr. Piccirillo said that there is a residential zone on one side, so there are setback issues, and this building is nonconforming in the front. The applicant realizes they have zoning issues.

Mr. Kaufman asked whether the applicant wanted to come back to this Board one more time and try and address some of the comments and then go to the ZBA. Mr. Piccirillo hoped that because this is preexisting nonconforming, the zoning process would go smoothly. Ms. Black said that the applicant should probably figure out the parking first so that they only have to go to the ZBA once.

Mr. Coyne noted that he was not sure if the applicant's proposed handicapped space met the ADA code. The applicant might end up losing one space on the other side and that might change what they would have to ask for from the ZBA. It was decided that the applicant would come back with responses to the memos and then this Board would refer to the ZBA.

Mr. Coyne asked whether the applicant could add an additional island from the southern property line northward in the right of way like what they did on the north side. Mr. Piccirillo said he thought he could and would look into it.

**GODNER**  
**2nd Amended Special Use Permit Application**  
**Section 2, Block 1F, Lot 2.A**  
**11 Whippoorwill Crossing**  
**David Graham – David Graham Architects**  
**Discussion**

Mr. David Graham was present for the application together with the applicant himself. Mr. Graham explained that the applicant was back before this Board seeking approval to expand the car port by 177 sq. ft., put in a stonewall and make a slightly larger terrace. During the course of construction, the terrace that was there was basically removed. The applicant hired a landscape architect to come in and look at the area who developed a plan, and that is what this application is based upon. It was suggested to the applicant that he extend the carport area for aesthetic reasons.

They are increasing the ground coverage, but would still be 700 sq. ft. under the maximum allowable coverage. Chairman Michelman said that it would look beautiful, but pointed out that they had to have another public hearing. Mr. Graham recognized that.

Chairman Michelman said that the Board did not have a problem with any of this, so a resolution could be prepared for the same night. Ms. Desimone explained that a public hearing has already been scheduled for the next meeting. Mr. Graham explained that they had already sent in the public notice.

(Two neighbors came in after the applicant left and asked what the applicant was proposing. Mr. Kaufman explained it to them and stated that the Planning Board did not seem to have any concerns with the plan. He stated that the public hearing was scheduled for the next meeting. One neighbor wanted the Board to consider the reason why the applicant didn't do what he is

currently proposing in the first place. Mr. Baroni advised the neighbors that they should reserve their comments until the public hearing when the applicant was present.)

**COOPER**  
**Special Use Permit**  
**4 Terrace Circle**  
**Section 2, Block 3, Lot 2 -10**  
**Boris Pogacnik – Pogacnik Architects, LLC**  
**Discussion**

Mr. Boris Pogacnik was present on behalf of the applicant. He explained that since the last meeting, they have made some minor changes. He presented an architectural rendering. The applicant has added a small vestibule in the front, of approximately 7'. The rest is the same. In the back they did away with a mudroom and bedroom, so that it is smaller mudroom. He pointed it out on the rendering.

Mr. Pogacnik said that based upon the recommendation of the Town Engineer, they have added a drywell. Chairman Michelman asked if there was an issue with access to the pool and Mr. Pogacnik said that was resolved.

Mr. Coyne said that he had some detail issues regarding stormwater. He said that Dave Sessions issued a memo that questioned several things as well, including whether or not the buffer needed to be extended due to the steep slopes. Additionally there is the presence of a DEP intermittent stream on the north side. Mr. Pogacnik said he called the state and they didn't have jurisdiction. The Board said that the applicant had to deal with the City. Mr. Pogacnik said that is who he meant. They will get something in writing.

Mr. Coyne pointed out that if the applicant was over 5,000 sq. ft. of disturbance they might need coverage from the state stormwater permit. Mr. Pogacnik said they did not have that much. Mr. Coyne said that the applicant needed to demonstrate that in the calculations.

Chairman Michelman asked about the phosphorus issue and Mr. Coyne said that he just needed to see the size of the drywell and the details. It should be fine.

Ms. Black asked if the applicant had been to the Conservation Board and Chairman Michelman said that they had, and had received approval.

Mr. Kaufman said that the Board needed to see the mitigation plan that goes along with the wetland disturbance. He pointed out that the applicant will need to show 2:1 mitigation. That plan must be submitted to the Board.

Mr. Kaufman said that the Board should discuss the requirement to remove additional phosphorus. This might be an opportunity to do that here. Mr. Pogacnik said that the whole back area is grass, full of fertilizers. Mr. Coyne thought that would work. He added that if the drywells were big enough, that would resolve the problem. Mr. Coyne said he would be in touch with Mr. Pogacnik.

The Board decided to schedule a public hearing anticipating the mitigation plan would be acceptable.

**STEINER**  
**Special Use Permit**  
**Sec 2, Blk 4, Lot 1-3**  
**37 Sarles Street**  
**Luigi DeMasi, AIA**  
**Consideration of extension of time for special use permit resolution**

The applicant was not able to complete the project due to current economic conditions. Ms. Black moved to approve the extension as requested. The motion was seconded by Mr. Delano and unanimously approved.

**FURIO**  
**Site Plan**  
**Section 1, Block 9, Lot 13-1**  
**113 Round Hill Road**  
**Chris Yaroscak – Legacy Development**  
**Consideration of approving 3rd extension of time resolution**

Chairman noted that this would be the applicant's 3<sup>rd</sup> extension. Ms. Black noted that the applicant planned to move forward with the construction this year. Ms. Black moved to approve the extension as requested. The motion was seconded by Mr. Delano and unanimously approved.

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The meeting was adjourned at 8:54

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