

**TOWN OF NORTH CASTLE
PLANNING BOARD MEETING
15 Bedford Road
Armonk, New York 10504
February 22, 2010
7:00 p.m.**

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

Louise Gantress Hiromura
Conservation Board Representative

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

APPROVAL OF MINUTES:

January 25, 2010

Ms. Black moved to approve the minutes from the January 25th meeting as amended. The motion was seconded by Mr. Delano and unanimously approved.

PUBLIC HEARING:

TURET

Preliminary Subdivision

East Lane, West Lane, Nichols Rd

Tim Allen, PE – Bibbo Associates

Discussion

Consideration of preliminary subdivision approval

Chairman Michelman read the public notice for the record. She noted that the town of Greenwich was required to be notified and that town did not receive the notice in a timely fashion. We will hear from those present tonight. Ms. Desimone noted that 23 out of 27 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for this application. The following neighbors were present:

Conrad and Nancy Kiechel – 1 Palmer Place
Myrna Corda – 30 Nichols Road
Anthony Vettoretti – 7 Palmer Place
Bruce Schwartz – 3 Palmer Place
Jeff Thaw - 242 Bedford Road

Mr. Tim Allen was present on behalf of the applicant. He presented an aerial photo for the Board and explained that the applicant was proposing three building lots that will have new houses. The existing house will remain and possibly be improved in the future. There are really only two new building lots on the property because one building lot already exists. The applicant is proposing to improve East Lane to town road standards. The lots will be accessed via a common drive (indicated) and a new cul-de-sac will be constructed. Mr. Allen indicated the existing neighboring houses. He explained that there are also properties that are partially in North Castle and partially in the town of Greenwich.

Mr. Allen presented the site plan and explained that all of the lots will have septic tanks and wells. They are proposing storm water improvements and ultimately plan to dedicate the road to the town. The access from East Lane will remain; there will be no change. Mr. Turet does own the right of way all the way through. There are a few driveways that come off of East Lane, and the grade will be maintained. Those neighbors will benefit by the fact that East Lane would be maintained by the town in the future. Mr. Allen added that he has received the Conservation Board's memo, which has recommended approval, subject to Dave Sessions' memo.

Chairman Michelman asked about the Fire Department's request for a 20,000 gallon cistern. Mr. Allen said that they have included that cistern on the revised plan (indicated).

Chairman Michelman asked if there were any questions or comments from the neighbors.

Anthony Vettoretti indicated his house on the plan and said that he would have liked to have a professional review the applicant's plans, but he received the public notice while he was away. He said that jamming in this home wasn't beneficial to him. The applicant is putting four homes in this one area but the last home is really his concern because it's jammed into the corner area. He thought that the Board was not familiar with the grade in that area, but Chairman Michelman said that they were.

Mr. Delano pointed out that the meeting would be adjourned so Mr. Vettoretti would have an opportunity to have someone look at the plans.

Mr. Vettoretti wanted the Board to restrict the applicant to three lots instead of four. Mr. Kaufman said that had been discussed.

Mr. Vettoretti thought that, depending on what was approved, there should be some plantings in the area. The Board agreed and assured him that they would require landscaping.

Mr. Allen explained to Mr. Vettoretti that the applicant's plans meet the setback requirements for the area and all the zoning requirements in the code. He pointed out that the neighboring house was also close. Mr. Vettoretti said that they were not talking about the houses that are already there, just the ones that are being built.

Mr. Bruce Schwartz asked the distance between two houses and Mr. Allen said that there was approximately 100' between the two houses. Mr. Schwartz asked about "the lay of the land" and Mr. Allen said there was a little bit of a hill there. Mr. Vettoretti said there was a large hill there so it would appear closer.

Mr. Allen added that the applicant was going to have screening in that area and they were willing to work with the Board to provide additional screening if necessary.

Someone [*did not identify himself*] asked about the proposed pool and how that fit into the setback requirements. Mr. Allen explained that the pool met the setback requirements.

Mr. Kiechel said that he was not directly affected by this, but he joined his neighbors in their concerns. He said he only got noticed about the public hearing a week ago. He said he was concerned, in addition to those mentioned, about the fact that many trees were going to be lost. He knows that this will be looked at environmentally. There are a lot of slopes and wetlands in this area. He wondered if, once this is approved, whether the houses will be sitting unoccupied for some time. The Board said that was a reasonable concern, but it was not within the Board's purview.

Mr. Kiechel noted that Mr. Turet has had a building permit in effect for five years, so he's had at least three 1-year extensions. Mrs. Turet pointed out that the house was under construction. Mr. Turet said that the process took some time, and the house has been under construction for two years. It is a relatively large project. He said that he was going to be living in that house and he wanted to protect the property just as much as anyone here. He said he was allowing houses to get as close to him as he is proposing to build houses on Palmer.

Mr. Kiechel said his point was that this has not been a fast process and this proposal will take a number of years, and the neighbors will be affected by a construction zone. Mr. Turet agreed and said that construction takes time. He was trying to present a plan that meets all the requirements in this zone and protect the neighbors as well.

Chairman Michelman said that there are processes, and when an application is approved, then there is a period of time between the final subdivision, and when construction begins, and then going through the construction process. However, this is all permissible; the economy has no bearing on whether or not applications should be granted or denied. She added that the Board did understand the concerns.

Mrs. Myrna Corda said that the whole back section on Nichols Road are wetlands and she wanted to know how this was going to affect the water in her backyard, and all of my neighbors' yards. She said that she already has water there now and wanted to know if this would make it worse.

Mr. Allen said that they are proposing comprehensive storm water systems and infiltration systems, which is something that is required by law today, but not when Palmer was built. Water

will be steeped into the ground and ultimately discharged into the wetlands. This will account for the quality and quantity of the water in the area. The applicant has a storm water plan that has been provided to the Board. the town engineer has looked at this and found it to be acceptable.

Mrs. Corda asked the location of Nichols Road and Mr. Allen indicated. He also indicated the location of the wetlands and the storm water system the applicant is providing.

Chairman Michelman said that the water has to be taken care of so it doesn't go off the property, and all of the applicant's engineering plans have been reviewed by the Town Engineer.

Mrs. Savitch (?) asked how the neighbors were going to know what was happening with their ground water. She was concerned that the supply would be depleted. Mr. Allen said that from an overall standpoint, nothing will change. The storm water systems treat and capture a smaller rainstorm, so there will be more recharge in that area. The larger storms will overflow and go into the wetland. Chairman Michelman said that the neighbor was concerned about how this will effect neighboring wells. Mr. Allen said that this shouldn't have any impact. Someone [*did not identify himself*] asked what Mr. Allen meant by "shouldn't." Mr. Allen said that there is no way of knowing whether a well would dry up tomorrow; there is no concrete answer.

Mr. Delano explained that the neighbors could hire someone on their own to monitor the levels in their wells as these new wells come on line. Usually with a small subdivision, there is no requirement to do test wells. Larger subdivisions require test wells to confirm that there will be water in the subdivision, and that the neighboring wells won't be impacted. If anyone has problems with their well now, it would be a good idea to monitor them.

A neighbor [*did not identify himself*] asked who could he speak to in the town, so he could understand the process and what impact this will have on my house value. Mr. Kaufman said that the neighbor could talk to him about the process and if he thought his assessment should be lowered, he would need to talk to the assessor.

Mrs. Savitch asked if the bird life has been looked into. Mr. Kaufman said that there are approximately 154 trees being removed on this property, so their habitat will be reduced. Mrs. Savitch asked if that was a problem to the Board. Mr. Kaufman said that it is a concern – but the applicant has the right to build on their property. Chairman Michelman pointed out that the information in the file revealed that the quality of the trees is very poor.

Someone [*did not identify himself*] asked if there was a formula to replace the trees and Mr. Kaufman said there was not. They have talked about requiring trees to be planted for screening

around the periphery, but as far as internal landscaping between the lots, that will be up to the individual homeowner who builds on these lots. If it comes before this board, then that will be a concern, but they won't necessarily have to come to this Board.

Mr. Kaufman explained that with this development, it is hard to find a suitable place for tree planting. There won't be any disturbance in the wetland or buffer, but the majority of the site will be disturbed for the house and driveway.

Someone [*did not identify himself*] thought this was overcrowded and thought that it needed to be very well screened.

Mr. Allen explained that this was a multi-phase process. This was the preliminary approval stage now, then they will have to get final approval, and then site plan approval for the individual lots. At that time, there is another public hearing and more discussion about landscaping. Mr. Kaufman explained that if the individual sites did not require approval from this Board, then they would go to the RPRC.

Mr. Delano said he did not disagree with the comments. In order for this project to manage its storm water, it requires an intrusion into the wetland buffer. He had asked the applicant for a plan that didn't require an intrusion regardless of what it did to the lot count. The applicant said that was not feasible for them because they were not going to be able to do this with one less lot.

Mr. Delano pointed out that there were discrepancies between the plans from Bibbo Associates and Tim Miller's office. The planting plans call for certain types of plantings that Mr. Delano could not find on the plan. These plans need to be clarified and coordinated better. The Board needs to know what it is they're approving.

Mr. Allen explained that part of the mitigation is trying to respect the existing forest. Tim Miller was very concerned about the 2:1 requirement; sometimes it works against you because you're trying to plant shrubs and things that are under shade trees. Nonetheless, the applicant is actually above the 2:1 mitigation requirement.

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

Mr. Delano moved to adjourn the public hearing. The motion was seconded by Ms. Black 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 read the public notice for the record. Ms. Desimone noted that 32 out of 35 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for this application. The following neighbors were present:

Alan and Dina Schlisky – 56 Byram Ridge Road
Paul Occhiogrosso – 2 Hunter Drive
Vincent Giordano – 72 Byram Ridge Road
Janet Hawkins – 5 Hunter Drive

Mr. Daniel Hollis, Ms. Lori Calli, Ms. Megan Smith, Mr. Jim Ryan, Mr. Rob Aiello and Ms. Beth Evans were present on behalf of the applicant.

Mr. Hollis explained that the applicant was proposing a five lot subdivision where all lots are legally conforming. They have received a recommendation of approval from the Conservation Board. There is a conservation easement that they have constructed as part of the application that satisfies some of the concerns that Dr. Matusow had had. Mr. Hollis sent a draft of the easement to Town Attorney and Town Planner.

Mr. Ryan explained that the property is 6.1 acres. He presented an aerial photo to the Board and indicated the subject property and Byram Ridge Road. There was an existing single family house on the property that has been demolished. There will be four additional lots. The plans are in conformity to the bulk requirements and lot size. There is an existing wetland on the property and the applicant's environmental consultant has reviewed the site. The wetlands are locally regulated wetlands located on the northeast portion of the property (indicated). There is an existing stream corridor. Mr. Ryan presented a site plan and explained that there are no state regulated wetlands on the applicant's property, but there are some across the street. The state will be involved in the review and approval of this project.

Mr. Ryan indicated the proposed location for the houses. They are looking only for subdivision approval, but they have prepared an IPP that depicts the feasibility on this site. They have shown pools, septic systems and wells that would be accommodating these sites. The applicant

is here for public hearing on the preliminary approval. A final approval will be required as well as site plan approval for each of the individual lots. At that stage they will show actually proposed homes on the plans.

He explained that they have worked on this design for several years. Access will be off of Byram Ridge Road. They have heard concerns about lights from cars entering driveways, so they have changed the driveway locations. They have confirmed the sight distances. The applicant will have two driveways that will access Lots 1, 4 and 5 off of Hunter Drive. One driveway will serve Lot 1 and a common drive will serve Lots 4 and 5. The applicant's property is adjacent to a wetland so they have buffers on the property. The applicant has submitted a full mitigation plan, but at this point they have no direct impact. The houses they show are theoretical. These houses are four and five bedroom homes. They have done some preliminary testing to see if they can accommodate drainage and septic but they still have to go through the Health Department process.

Mr. Ryan explained that they also have plans for storm water management and they have done a substantial amount of work to deal with this. They have shown this on the plan and it is acknowledged as additional disturbance on the plan. They have an impact on the buffers, but there is an aggressive mitigation plan. The applicant has received the approval from the conservation board on this plan.

Mr. Ryan stated that there is a dam in one of the streams, and the applicant is working to determine whether they should remove it. They are working with the DEC to make sure that they are in compliance with any state regulations.

This site has some unique environmental features, including a large rise and a large drop off cliff. As part of the plan, they have proposed a conservation easement to be placed over the environmentally sensitive areas and these unique features. They have provided draft easement language to consider.

Ms. Beth Evans explained that she was retained in 2007 to delineate wetlands on the property. The wetlands consist of small intermittent stream (indicated). The area surrounding the wetlands has been part of the residential use of this property for years. There is a shed in the buffer and a lot of invasive species there. While she was surveying the property, she determined that the buffer is not really serving much of a function. The applicant plans to enhance the function. The main disturbance is for the main driveway and they are proposing a system to treat the runoff and take it to the brook so that it doesn't cause any additional problems. The old dam on the property backs water up and expands the wetland slightly at the southern end, but the wetland corridor is very narrow.

Mr. Ryan said that the applicant was anxious to have the public hearing to get input from the neighbors, so he asked if any of the neighbors had any questions.

Mrs. Schlisky indicated her house on the plan. She read from a statement, which is set forth, verbatim, in italics below:

Madam Chairperson, and memebers [sic] of the board.

Thank you for giving me the time to speak at this meeting tonight. My name is Dina Schilsky and I reside at 56 Byram Ridge Road, adjacent to 62. I have several concerns with the development of the property at 62 Byram Ridge. My first and biggest concern, is that Mr. Ryan and the owners will make sure there is a substantial amount of bufferage between the houses and my property, since I have had one resident on that property for the past 15 years and now I will have 4 or even 5 houses facing towards my front and back yards. I know there is the promise of trees being planted, but will they be mature trees or just saplings? Also, the amount of majestic trees that are marked for removal is distressing to all the neighbors. Those trees have been there longer than most of are alive [sic] and are being torn down.

Second: When you drive down Byram Ridge Road you notice immediately it's [sic] uniqueness that no two homes look alike. We are one the few neighborhoods that still have an eclectic range of homes. I just hope that the developers of t62 Byram Ridge road do not make another cookie cutter, McMansion development. I believe we have enough to these already.

Third; I don't understand that while the board frequently requested the owners and Mr. Ryan bring a 4 house plan, one was never shown? [sic] The fifth house makes me very wary. It doesn't fit with the property and I believe will be an eyesore. It's [sic] position of the 5th house basically be up against my yard. Right now it's home to a plethora of wildlife, deer, wild turkeys and other animals. It's beautiful and natural why take it away? Aren't four houses enough?

Thank you for your time and allowing me to say my peace [sic]. I hope that my concerns will be taken into consideration by the board.

Alan and Dina Schlisky – 56 Byram Ridge Road
Paul Occhiogrosso – 2 Hunter Drive
Vincent Giordano – 72 Byram Ridge Road
Janet Hawkins – 5 Hunter Drive

Mr. Paul Occhiogrosso indicated his house and asked the size of the proposed houses. Mr. Kaufman said they were not sure yet; this stage was only to create building lots. Once the final subdivision is approved, individual sites would require site plan approval. He added that there is a number that the applicant could not exceed based upon the lot size. If it exceeds a certain size it would go to this Board for approval, if not they would have to go to the RPRC.

Mr. Occhiogrosso seconded Ms. Schlisky's comments, and said that he too would prefer four lots instead of five. Regardless, he was concerned with the number of entrances to the site. Also, there is a bus stop on the corner; families congregate there and the area is congested during pick ups and drop offs. This plan will bring three additional driveways on Hunter Drive. He felt that if there has to be five houses, there should be fewer access points. The way it was currently proposed, the common driveway is proposed to be directly across from his driveway. He thought this would be a problem because this is a narrow road, and he has to back out of his driveway. It creates a hazardous situation. He wanted the placement of the driveway to be adjusted. He said he was also concerned about the volume of traffic. This would create three homes with driveways onto Hunter Drive that is not a full size street.

Mr. Vincent Giordano said that even though he favored fewer houses, he would be ok with five houses with a smaller footprint. Mr. Giordano wanted to know if there would be any way to straighten out a particular area of the road without really affecting the lot sizes. He also wanted to know if the native wetland plantings could include landscaping that is deciduous and berry producing that could bring in wildlife and not just evergreens.

Mrs. Hawkins indicated her house. She said she was concerned about what this development will do to her wells and what will these septic tanks do to her wells in terms of the quantity and quality of her well water. She said she was also concerned about the dam. If the applicant removed the dam, it would mean that she would get gushes of water coming down to her property. Mrs. Hawkins said that she was also concerned about the view; she has a glass house with beautiful views.

Mr. Hollis said that the conservation easement is meant to protect the view on the hillside and many of the neighbors will benefit from that. As for the quality and quantity of the well water,

there is ample water here; this subdivision is not so large as to require draw down tests though.

Mr. Hollis said that with respect to Mrs. Schlisky's statement regarding the appearance of the buffer, the applicant is trying to take a deteriorating wetland and make it better. Often there is a requirement imposed by the Board to maintain the plantings during a period of time. The applicant can't guarantee this forever, but often the Board imposes a period of time to make sure the plantings survive long enough to stabilize.

Mr. Hollis stated that this subdivision is in character with the neighborhood. All the other houses in the immediate area are on similar sized lots, and the houses that the applicant will be able to build there will be limited in size based upon the FAR.

Mr. Hollis said that with respect to the four lot versus the five lot subdivision, the applicant has demonstrated that it is a distinction without a difference. The way the driveway is constructed is really no different between just lot four and lot four and five. There are noise laws in Armonk to calm Mrs. Schlisky's concern re abatement

As for Mr. Occhiogrosso's concerns, the applicant has designed the driveways so that the lights won't cause any negative impact on the neighbors. They have also designed an actual bus stop on the corner of the property so that the kids and parents would have a place to wait.

Chairman Michelman asked if there was a way to shift the common drive so that it is not directly across the driveway across the street. Mr. Ryan said that they looked at the driveway location and generally they like to align drives across from each other because it is generally safer, but they would look at this again. Mr. Ryan added that he has been in touch with a local well driller and they have given that information to a hydrologist who will analyze the area. The only record they have not been able to obtain is for Mrs. Hawkins' well. He asked if Mrs. Hawkins would work with them and she said she would.

With respect to the dam, Mr. Hollis explained that the applicant is leaning toward removing it as opposed to replacing it. They are working with the DEC to mitigate this and to reroute the stream so that there isn't any gushing down the stream. Ms. Evans said that if this dam were to fail, it would be a catastrophic change in the channel. The applicant is working with the DEC to try and remove the well safely and reroute the water. She added that there were no evergreens proposed; they are proposing deciduous trees and shrubs that will enhance the area and wildlife. The plants that are there have little wildlife value and the applicant is looking to take those out and install native plantings.

Mr. Ryan noted that there was some flexibility on lots five and three, so they can adjust the plan

somewhat but it is difficult because there are no real houses proposed.

Mrs. Schlisky noted that Mr. Hollis kept mentioning the wetlands and though that was a concern for her, she wanted to know if the applicant was proposing screening near her, between lots three and five. Mr. Ryan explained that they would look at some native plants and additional screening in that area. Lot five is quite a distance from neighboring homes, but they would supplement the plantings and work with the neighbors.

Mrs. Schlisky agreed that Lot 5 would have a beautiful view, but her view would be impacted. She did not know why they kept coming back to five lots. Chairman Michelman said that was because the four-house plan was not a thorough presentation of what a four-lot subdivision should have been. Although the Board got to see a sort of plan, it did not take the entire property into consideration. However, the plan the Board did see, kept lot five, and moved the house on lot four.

Mrs. Schlisky said she was concerned about the possible future expansion rights of her house based upon the construction of these houses. Mr. Ryan said that he could assure the neighbors that this subdivision would not impact those abilities.

Mr. Occhiogrosso said he was concerned that all the cars that will access all five lots will have to come north on Byram Ridge and turn onto Hunter. Chairman Michelman said that there would be two driveways off of Byram Ridge. Mr. Occhiogrosso said that might be true, but it would still increase the number of houses that will have to access their driveways. Currently, none of this property uses Hunter Drive even though there is a cut there. That hasn't been used for many years. He thought that Lot 1 should enter from Byram Ridge Road, since they're going to have to drive up there anyway. He thought that would ease the replacement of the driveway that would be directly across from his property.

Mr. Ryan explained that the bus stops right at the intersection and the applicant is showing a gravel area so that people could have a place to wait off of the roadway. They could look at the curb cuts, but they felt that this would be best. Also, regardless of whether or not the curb cut on Hunter has been used, there is an existing cut there and the applicant thinks the traffic impacts are minimal.

Ms. Black asked the feasibility of moving a driveway onto Byram Ridge Road for Lot 1. Someone recalled that such a location might have been proposed there before. Multiple discussions were had at this time. Ms. Black recalled that this Board had expressed concern over having three driveways on that road. Mr. Hollis agreed and said they would all be close together.

Mr. Hollis requested that the public hearing be adjourned until March 22nd so that they could obtain the information requested by this Board regarding the dam.

Chairman Michelman reminded him that the Board was also requesting information on fencing along the cliff, which they have not received yet. Mr. Hollis said that the applicant was not sure about whether the fence that would preclude people from walking there. The cliff is there no matter what. There are height restrictions in place. The applicant is still looking at this issue. Chairman Michelman said that the Board has three outstanding issues: the dam, the protection of the cliff and the Fire Department's request for a tank location.

Mr. Hollis said that he had not heard of the last request. The Board gave him a letter from the Fire Department dated February 8th. Mr. Hollis said that they would look into this.

Mr. Giordano said that as a member of the homeowner's association, he maintained the culvert opening and the culvert that goes under Hunter might be crushed; this might be a concern for when they go to rework this area. He thought that a larger culvert might be the solution.

Mr. Schlisky said that he was concerned with a fence along the cliff area because it might impede the wildlife that travels along that ridge.

The Conservation Board representative said that this was a difficult site for the Conservation Board to consider. They have concerns over the increased intrusion of the common drive and storm water control. They were pleased to hear that the applicant is considering the removal of the dam, the Conservation Board just hopes that the new homeowner would not bear any responsibility. The Conservation Board is also concerned about the man made cave and the excessive removal of good trees and monitoring intrusions. There is a need to remove poor trees and debris in the wetland. The Conservation Board wants to maintain the wildlife corridor as well.

Mr. Hollis pointed out that the applicant had received the approval from the Conservation Board, and the applicant was aware of their concerns.

Mr. Delano moved to adjourn the public hearing until March 22nd. The motion was seconded by Ms. Black and unanimously approved.

CONTINUING BUSINESS:

THOMPSON

Special Use Permit

13 Whippoorwill Road

Section 2, Block 1, Lot 12.A

Robert Schweitzer, AIA – Lasting Impressions

Discussion

Mr. Robert Schweitzer was present with Mr. Chris Carthy and Mr. Paul Janick for the application. The last time this was before the Board, Mr. Fava requested that the applicant submit the latest plan to the Conservation Board. This was done and the applicant received favorable comments. They were before this Board to address some minor changes that occurred since last time we were here.

Mr. Schweitzer indicated the location of the pool and explained that they are now proposing a boulder wall as opposed to a finished wall. There are a lot of boulders on the site, so that made sense. He presented a photo of a similar structure. It allows for the integration of plants, and makes it a softer appearance.

Mr. Schweitzer explained that he had been working with Mr. Coyne on the plans and he wanted to see the drainage from the pool deck be dedicated to the storm water detention basin. Mr. Coyne did not want the water from the slope contaminating that system. Mr. Schweitzer presented to the Board and explained it.

Mr. Janick, the wetlands consultant, explained that the applicant asked him to review the project with respect to its ability to meet criteria for a wetland permit. He reviewed the town code and provided the Board with a written response. In summary he felt that the project could meet the criteria. There are disturbances that are associated with this project, however those areas have been previously disturbed. Not only has the tree canopy been removed, but there is an inundation of invasive species. The ground surface is poorly vegetated, and the consequence is that the small wetland area actually gets a lot of sediment inundation because the ground cover isn't stabilized. The applicant did look at alternate locations to site the pool, and they are discussed in his report. In general, those alternative sites would most likely require more clearing of trees and there would be potential to hit bedrock. The site selected is an area that has already been very disturbed, is in such a position that it fits into the contour, and is unlikely that bedrock will be as much of a problem here as in others.

Mr. Janick explained that the disturbance could be easily mitigated. He thought it was good that

that the pool will be non chlorinated and favored the drainage infiltration system. The real benefit is the fact that the area will be improved with the rain garden and the associated plantings. He noted that the applicant was also addressing the chronic erosion problem that exists on a portion of the property. His conclusion is that although there are disturbances, there are many opportunities to correct poor land use practices.

Chairman Michelman asked about the pool house because the applicant wasn't sure what was going into the pool house at the last meeting. Mr. Carthy said that they cannot have a grinder pump, so they are using a sewage ejection pump. That falls within the purview of a septic system. The pool house will have a bathroom with a sink and a toilet and a changing room. Chairman Michelman noted that there had been some concern about pumping it up. Mr. Carthy said he looked into that and as long as they're using the right ejection pump it won't be a problem.

Mr. Coyne said that he had spoken to the Health Department, who shared his concern about pumping without a septic tank into a septic tank because it could potentially clog the fields. More recently, they informed him that they've allowed ejector pumps from these types of cabanas directly to an existing tank. It is not something that they would desire, but they have allowed it. Mr. Coyne said that he still had concerns, but the Health Department will allow it.

Mr. Carthy said that this would have incredibly low usage. I specifically asked the manufacturer about this reality. I wanted to make sure it "maintained its integrity" and he said that it would.

Chairman Michelman asked if Mr. Coyne was comfortable with this. Mr. Coyne said that it was out of his purview; if the homeowner wants it and the Health Department would approve it, he would not override it. Mr. Carthy said that because this was not a bedroom, it would be a simple utility placement. Mr. Coyne explained that the Building Inspector maintains the power to refer this to the Health Department. The Board advised applicant to go talk to the Building Inspector on this issue.

The Board said that this could be scheduled for a public hearing on March 22nd and a resolution be prepared for the same night.

SHAPIRO

Special Use Permit

2 Hadley Road

Section 2, Block 17, Lot 4 I 01

Robert Sherwood, RLA

Consideration of special permit approval

Mr. Robert Sherwood was present on behalf of the applicant. He explained that the applicant is seeking approval for a driveway expansion and renovation. He indicated the small wetland on corner of the property. Most of the driveway and house is in the buffer. They have already been to the Conservation Board. Mr. Sherwood presented and explained the site plan. He explained that they have an approved septic plan from the health department. Chairman Michelman asked if the Board had a copy of the approval and Mr. Sherwood said that he would provide them with copies.

Mr. Sherwood stated that since the last time, they decided to take a parking space out of the front, realign the driveway. The hatching on the plan is the indication of a mitigated area. It will be a no mow zone.

Chairman Michelman asked if there were any issues and there were none. Ms. Black thought that the plan was greatly improved without the spaces in the front.

Chairman Michelman asked if Mr. Sherwood had seen the resolution. He said that he had and had no issues. Chairman Michelman pointed out a typo on page two in the 4th whereas from the bottom; the date needed to be amended. Mr. Kaufman made the correction.

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

9 BEDFORD BANKSVILLE ROAD

Site Plan

9 Bedford Banksville Road

Section 1, Block 11, Lot 10A

Anthony Nestor, PE – John Meyer Consulting, PC

Discussion

Mr. Bob Roth was present on behalf of the applicant together with the applicants themselves. He presented a site plan to the Board and explained that they plan to change the existing single-family house to a professional office. They plan to keep the existing building. The applicant has received approval from the Conservation Board with their comments. Those comments are contained in Mr. Kaufman's memo and the applicant has no issues with those comments. Mr. Sherwood said that the DEC had already granted the wetland permit and allows for 10 parking spaces within the wetland buffer. The applicant has nine. They are calling the drop off area for the handicapped space as the 10th. It was recommended that the applicant have eight spaces instead of nine and the applicant has agreed to that. He thought that they would have to land bank that space. Mr. Kaufman that was fine, the applicant would just have to submit a land bank agreement. If the Board ever determines that that space is needed, the applicant would have six months to build it. The Board thought that land banking would be fine.

Mr. Sherwood presented an architectural rendering to the Board and explained that they were only planning to remove the garage door and install windows and dormers. Chairman Michelman asked if the dormers impacted the FAR and Mr. Sherwood said that they did, but the numbers were fine. He added that they would be going to the ARB later in the week.

Chairman Michelman said that once the applicant received ARB approval, they could get back to this Board, and probably have a resolution at the same time.

Mr. Kaufman said that his only concern was getting the 2:1 mitigation. Mr. Roth said that was not a problem. Mr. Kaufman thought it seemed logical to mitigate up to the edge of the wetland. Mr. Roth said that the applicant would like to keep a little lawn area, and thought that if they followed the wetland line, it would be too tight. Mr. Kaufman said that would be up to the Board.

Mr. Sherwood added that the County wants a new septic inspection and that they will have to redesign the rain garden so that it is 50' from the septic.

Mr. Kaufman said that they needed to revise the plans to show the nine spaces, with one of them land banked.

Mr. Sherwood said that they had no objection to leaving the existing curb cut as it is, which is 20' wide but the Conservation Board had requested 24' wide. Mr. Coyne said he had no objection to either and if the Board had the ability to modify that he would be fine. Mr. Kaufman said that if the Board did not have the authority, they could do what was done across the street on Bedford Avenue and use pervious pavers on the side. The applicant said he would rather just make it 24' wide. The Board said that was fine.

Mr. Roth noted that Mr. Kaufman had asked to see the seed mix for the mitigation area, but the DEC said they would prefer that the applicant let it revert naturally – they don't want any other species introduced.

Mr. Delano said he had some concerns, and some of them were legal issues. He wanted to know how this could proceed in light of sections 109-14(G), 109-16(C)(2)(3), 109-18(E) of the Town Code, and the NYS Education Law. He doubted whether it was legal for a registered landscape architect to practice architecture in New York State. The building plans that call for modification of the structure are signed / stamped by RLA not an RA. Mr. Baroni pointed out when they went to the ARB they would require plans signed by an RA. That situation will need to be corrected.

Mr. Delano thought that he should file a complaint against Mr. Conte with the Department of Education. He thought the applicant should consider rescinding the plans and this being held off on until the Board received proper plans.

Mr. Delano pointed out that there was an issue with the grading of this property because of this property is in the flood plain. They might need to seek relief from the Town Board in this regard. Mr. Roth asked how the Town Board would provide relief for this and Mr. Baroni explained that the Town Board has appellate relief in that regard, not the ZBA.

Mr. Coyne said that he spoke to Mr. Fon about the flood plain issue briefly, but he still needed to look at everything in further detail. Mr. Delano said he'd be happy to sit down with Mr. Coyne and Mr. Fon to go over this issue further.

Mr. Roth said they were looking for a public hearing on site plan and wetland permit. The Board said there was room on the March 22nd agenda. This could be left on this agenda to see if the applicant can address these issues.

11 NEW KING STREET PARKING

Site Plan

11 New King Street

Section 3, Block 4, Lot 14.B

Steven Gates, AKRF

(DEIS) Draft Final Environmental Impact Statement Scope

Chairman Michelman explained that the Board was reviewing a new draft scoping document that incorporated all the requests and issues that were raised at the November 30th memo. The only thing that will be done this evening is to adopt the scoping document and forward it to the applicant for them to respond.

Mr. Kaufman said that was correct. The Board could have a discussion about it if they wanted. Chairman Michelman thought it was pretty complete.

Mr. Kaufman explained that the applicant submitted a draft scope for consideration and then the Board had a scoping session. As a result, there was a comment period, and comments were accepted on what topics should be included in the scope. Now, the Board has a modified draft, which incorporated the comments from scoping session as well as the comments received from the comment period. The actual document had been posted on the town's website. If the Board adopts this document, it would be mailed to all involved and interested agencies.

Mr. Delano pointed out two typos and Mr. Kaufman made the correction.

Chairman Michelman noted that several members in the audience had their hands raised. She said that although this was not a public hearing, she would give them a brief chance to speak.

Mrs. Susan Lifer, a member of the airport advisory committee and a member of the Sierra Club noted that on page 62, there was a comment about how certain items were determined by the lead agency not to be relevant. She wanted the Board to consider putting #5 back in as a relevant consideration. Mr. Kaufman said that would be up to the Board. The expansion issue is dealt with in here. Some of the comments seem to get beyond the scope of the parking garage. If the Board wanted, they could put it back in. Chairman Michelman said she didn't see any harm in including it for further review. The Board agreed. Mr. Kaufman said that he would put it back in on page 16, (b)(2)(E).

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

GLAT
Special Use Permit
22 Woodcrest Drive
Section 1, Block 1, Lot 4-22
Frank Branca, New Dimensions Remodeling Inc.
Discussion

No one was present for this application.

The meeting was adjourned at 9:30 p.m.
