

CONTINUING BUSINESS:

MJ LACAV

Site Plan

Section 2, Block 16, Lot II.B05

115 Business Park Drive

Mr. O'Neill, Attorney

Barry Naderman, PE

Consideration of approving extension of time resolution

Chairman Michelman explained that the Board received a letter requesting an extension of time, since much of what the applicant needs is still pending. She asked if the Board had any problems with the extension, and they did not.

Dr. Matusow moved to approve the extension. The motion was seconded by Mr. Delano and unanimously approved, with the exception of Mr. Adelman, who was not yet present.

SEGATTI

Site Plan

Section 2, Block 2, Lot 9-7

33 Sunrise Drive

Michael Campbell, PE - Campbell Engineering

Consideration of site plan resolution

Mr. Michael Campbell was present for this application. He stated that he had read the resolution, and had no problems with it. He asked when the plans would be signed, and Mr. Kaufman explained that after the applicant satisfies all the conditions in the resolution, the plans are presented to the Chairman.

Chairman asked Mr. Schroeder about his comments. Mr. Schroeder stated that all of his comments were included as conditions in the resolution, and that he had no other issues. Mr. Kaufman had no issues.

Mr. Delano stated that there was a typo on page four of the resolution, which Mr. Kaufman noted.

Mr. Delano moved to approve the resolution. The motion was seconded by Ms. Black and unanimously approved, with the exception of Mr. Adelman, who was not yet present.

ENTWISTLE

Site Plan

Section 1, Block 6, Lot 5B

35 Mianus River Road

Chary & Siguenza Architects, Teodoro Siguenza, AIA

Consideration of site plan resolution

Mr. Teodoro Siguenza was present on behalf of the applicant. He said that he had not yet reviewed the resolution. He was given a moment to do so.

While Mr. Siguenza was reading the resolution, Chairman Michelman recognized that there were neighbors present. She told the neighbors that they would be permitted to make a brief statement if they had anything new to add.

Mr. Rod Christie, of the Mianus River Gorge Preserve, mentioned the section of the code dealing with houses that are more than 50% larger than the five surrounding homes. He pointed out that this application was larger than 50% of the surrounding homes, and asked if that meant the applicant needed special approval. Mr. Kaufman said that they did, and that was pending as part of the approval before the Board that night.

Mr. Christie stated that a review of Mianus River Road does not reveal a house as large as what is proposed. The other thing to keep in mind is that there is a little historic house that was just protected across the street. There is a philosophy in this area to preserve and protect. He felt that approval of a house for the size proposed will open up a Pandora's Box and the neighbors would not like to see this escalate. From his perspective as director of the gorge, they would be impacted because the Gorge has land that is adjacent to the applicant, and they will see the runoff that comes from the project. He explained that he had had a run in with the applicant, where the applicant had cut a trail across Mianus River Gorge property without asking permission. The applicant had said it was a mistake and it was settled amiably. He stated that the gorge tried to be good neighbors, and said that as long as the applicant covered it up, they wouldn't press charges or require a restoration plan. Mr. Christie stated that they are not anti-development but want to ensure that the character of the neighborhood is upheld.

Chairman Michelman wanted to point out to Mr. Christie that just looking at the square footage is a little misleading, because that total does include the porches that are proposed. From an aesthetic and architectural point of view, it breaks up the house. She stated that the actual living space is not that large. It has always been on the hill and the Board will not have the applicant move it down the hill. She stated that the Board also considered the concern about the preservation of Mianus River Road. There are conditions in the resolution concerning lighting, gates, etc. She stated that the Board has been working with the applicant and the other residents to maintain the area.

Mr. Christie asked about the slide for the pool. He believed that because it would come down into the pool from the mountain it would be seen from the road. Chairman Michelman assured him it would not be seen from the road.

Mr. Siguenza stated that he had no problems with the resolution. Mr. Schroeder stated that he had no issues. Mr. Kaufman proposed a change on page five: originally it read "stone pillars are not proposed" he wanted to add the words "and gates" to be clear that the applicant is not proposing the gates.

Ms. Black said that she was also concerned with the character of the road. She believed the resolution addressed the main concerns. Dr. Matusow stated that he understood that the neighbors were concerned about the viewing of the construction and the house from the road, but that the key is that the landscaping plan provides for significant landscaping up the hill. He stated that the landscaping will break up the view of the house from the road and in the long run, there will be no aesthetic damage to the road. He stated that he supported the resolution.

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

BRANT
Site Plan
41 Mead Road
Section 1, Block 10, Lot 5
Jason Lepro, Jay Fain & Associates, LLC
Discussion

Mr. Jason Lepro was present on behalf of the applicant. He explained that the property consists of 3.98 acres and is currently undeveloped. He stated that they had recently been through various approvals and permit procedures with the New York State DEC and that they have received a recommendation of approval from the Conservation Board for a plan that included the proposed conditions and comments. Additionally, he had read the memos from the Planner and the Town Engineer and the applicant believes that the direction they have taken is based upon these memos, and they will be able to address these concerns. He asked if there were any questions from the Board.

Chairman Michelman asked if Mr. Lepro could address the issues for the Board. Mr. Kaufman stated that this is probably only the second time this application had been before this Board. The Board walked the site, and reviewed the first plan and it was revealed that the entire property was in the wetland or the wetland buffer. At that point, it was referred to the Conservation Board right away. Mr. Kaufman pointed out that there will be impacts no matter what, but the applicant addressed the comments of the Conservation Board and received final approval from that Board. Mr. Kaufman advised that now this Board should talk about the merits of this application, including whether the footprint and size are acceptable on this very constrained lot; what type of recreational amenities are appropriate on the site given this site.

He noted that the Board should make this clear on the plans and in the resolution that there may not be an opportunity for a pool or a tennis court or certain other amenities. Mr. Lepro said that they were not proposing any such amenities. The Board recognized this, but wanted the applicant to know that because of the constraints on the property these types of amenities are not likely to be approved.

Chairman Michelman asked Mr. Schroeder about the comment from the Conservation Board regarding rain gardens and his comments in his memo about that. Mr. Schroeder explained that he had never designed a rain garden before, so he would like to meet with the applicant's representatives and discuss the issue further. Mr. Lepro stated that the Conservation Board seemed to prefer this as opposed to underground basins. Chairman Michelman stated that the applicant should sit down with Mr. Schroeder and work out the details.

Mr. Kaufman stated that, in terms of coordination, the applicant is proposing a conservation easement. He asked if the Board wanted him to send this to the North Castle Land Trust, so that they are aware of the property and for their comments.

Dr. Matusow noted that the Board may have already referred this to the Land Trust and the Open Space Committee. Mr. Kaufman stated that he was not sure, but if it had not, he would refer it to them. Upon review of the file, Mr. Kaufman found they were sent on November 28th. Dr. Matusow asked for copies for his own file.

Dr. Matusow asked about the zoning conformance table, because the site requires a 50' setback and the applicant only has 31'. Mr. Lepro recognized this, and understands they would need a variance from the ZBA. Chairman Michelman pointed out that this is referred to in the memorandum.

Chairman Michelman stated that the next step is to address the issues outlined in the memos and for the applicant to make the changes that have been suggested. Dr. Matusow pointed out that the applicant has a very constrained lot; it is practically in the wetlands or buffer everywhere. He asked if the Board felt it was appropriate to consider a four-bedroom house on this lot; or should they require something smaller with a smaller septic. He stated that he wanted the Board to think seriously about this, and wanted the applicant to be aware this was being considered. Mr. Lepro said that has been explored, and the project engineer did get approval from the County for the four-bedroom and when they submitted the plans to the DEC, they went through several downsizing restrictions. Dr. Matusow stated that what the County will approve, and what the Board might or might not approve may be two different things. He said that he did not expect the applicant to provide an answer tonight, but he just wanted to make the concern known.

Ms. Black stated that she also believed that the house could be reduced in size somewhat given the location and the constraints on the site. Chairman Michelman felt that it would be a helpful comparison to see how different a two-bedroom house would be as opposed to the four-bedroom.

Mr. Delano stated that there is a discrepancy between the applicant and the owner of record. Mr. Baroni had suggested they provide a copy of the title report for review. He asked if this had been done and Mr. Baroni said that it had not yet been submitted. Mr. Delano said that they should produce that, and also submit the cuts and fills.

There were no other comments.

ALPS SAUNA & SPA

Site Plan

Section 2, Block 16, Lot 18 A

130 Business Park Drive

William O'Neill, AIA

Discussion of proposed legislation

No one was present for this application. Ms. Desimone did not believe anyone would be coming.

Mr. Kaufman explained that the Board could discuss this without the applicant present. He explained that originally, there was a recommendation to the Town Board to allow day spas in the PLI district which included a definition and a recommendation for off-street parking requirements. The Town Board discussed the issue and some members of this Board expressed concern about the definition that was originally proposed. The Town Board remanded the issue back to this Board, and at the last meeting the Planning Board asked him to devise a definition to put specific limits for restaurants and salons in day spas. Mr. Kaufman concluded by saying that his revised definition calls for 15% of the gross floor area for makeup applications, manicures, pedicures and tanning, and that a maximum of 10% of the gross floor area could be restaurant use ("spa cuisine"). He asked if these numbers were acceptable to the Board.

Ms. Black asked Mr. Kaufman what he used to come up with this figures. Mr. Kaufman explained that it was based upon a reasonableness of the uses in connection with the day spa that is being considered for Business Park Drive. He also noted that a floor plan has been submitted by this applicant, which had been revised from the original floor plan. Originally the applicant contemplated a 57 seat restaurant, which was something that both Boards were not comfortable with. The new plan calls for 30 seats. Mr. Kaufman stated that this still might be too much but the Board needed to discuss it.

Chairman Michelman felt that 10% which converted to a 30 seat restaurant is still excessive for an ancillary service. She felt that would be too large although she did not know what the right number would be.

Ms. Black asked what 8% would translate to in terms of seats. Mr. Kaufman stated that he did not recommend doing that. As it stands, the plan could probably accommodate 40 or 50 seats. The Board could include a percentage and a maximum square footage; the definition talks about maximums, and he did not want to tie it to this specific application. One member pointed out that, ultimately, if an applicant comes before the Board the Board always has the discretion not to approve the maximum. Chairman Michelman and Dr. Matusow recognized this, but pointed out that when the maximum is permitted, the applicants always want the maximum.

Mr. Kaufman explained that this was merely a guide. The Board has the definition, and has it translated to a real life example with the Alps application. If the real life example is not acceptable, the Board should reduce it.

Mr. Delano felt that one of the main problems with this example is that they are dealing with a very large square footage.

Ms. Black liked the idea of including a maximum number of seats in addition to a percentage. Mr. Kaufman reiterated that the Board has to be careful not to tie this definition to this application. In the future, there may be a 7,000 sq. ft. spa, and there 700 sq ft. would be acceptable. That would be why speaking in terms of "maximum" would allow the Board to approve less than the maximum.

Mr. Adelman stated that the Board would have the ability to be specific with the application as they come up. He felt that Mr. Kaufman has given the Board the tools they could use, and he felt that this was what they should use.

Dr. Matusow stated that he still doubted the wisdom of permitting these uses in the PLI zone. The PLI zone was not contemplated for these uses, and he did not think they should be permitted there. Full service hair salons, nail stations etc, are not suitable for this zone, and he would not support a resolution that brought it to the Town Board. The reasons stated in his letter still stand; once installed in the code as a possibility, it is awfully difficult to deny an otherwise acceptable proposal. He felt it was too "wishy-washy." Additionally, he felt that it would allow other retail-like uses that would chip away at the zone, and be a long term mistake. He repeated that he did not approve of permitting these uses in the zone and that he would support the very first definition that precluded these uses altogether. He added that 10% is much too liberal for the restaurant use in the day spa. 10% of a 14,000-15,000 sq. ft. building is larger than the restaurants in the downtown area.

Dr. Matusow pointed out that he does not object to a day spa in this zone, nor does he object to some food services there for those customers who are there all day. He does object to a restaurant. Dr. Matusow added that the new definition would permit non-surgical facelifts. He cautioned the Board about this and said that if this was going to be occurring, there should be a very specific definition of this term.

Chairman Michelman also felt that non-surgical facelifts was a dangerous inclusion in the code. Mr. Kaufman asked if there was a consensus on this issue, and if he should remove it entirely. Ms. Black agreed it should be removed. Mr. Kaufman made the notation to remove it.

Chairman Michelman stated that she would support Dr. Matusow's position on all accounts. She would prohibit the salon services and revert to the original definition for the same reasons. Additionally, she felt the size of the restaurant was too excessive.

Mr. Delano said that he was in favor of leaving in salon services and restaurant, but that the number should come down. He too felt that 10% was large for restaurant, and that 15% was large for the salon. He felt that both should be less than 10%. The nail services should not be any larger than the restaurant. Mr. Kaufman suggested 5% for both.

Mr. Adelman repeated that he was in favor of keeping in the language which limited to a "maximum of 10%." He felt that to further reduce the figure would be to tailor the definition to this specific application. The current definition allows the Board to approve less and he thought the Board had enough tools to exert the flexibility that they want.

Mr. Baroni suggested devising a sliding scale formula based upon the square footage.

Mr. Kaufman and the Board thought that was reasonable. The word "maximum" would remain in the new definition.

Ms. Black agreed that the salon services should be permitted in a day spa.

Mr. Kaufman recommended that he draft another version of the definition, and come back before the Board once more. He said that he understood the Board's opinions and would revise the code based upon that. He added that the Board may also want to consider a maximum sized restaurant for any size facility, but said that he would need to consider this more.

Dr. Matusow suggested that the Board might also want to consider limiting the size of any day spa, so that we're not dealing with a 20,000 sq. ft. day spa. Mr. Kaufman stated that this was an option, but the Board would need to see exactly what the situation and context is and where the balance is.

837 MOUNT KISCO ROAD

Site Plan

Section 2, Block 2, Lot 5A-10

837 Mount Kisco Road

Anthony Castillo, PE, SESI Consulting Engineering

Discussion

Tony Castillo was present on behalf of the applicant. He explained that the applicant was proposing the construction of a single-family house, along with proposed driveway access from Mount Kisco Road. In addition to the house, the applicant is proposing a pool and stormwater management facilities. He explained that the site walk was conducted and the applicant received the comments from the Engineer and the Planner. He stated that they will be able to address the concerns in the memos.

Chairman Michelman asked if Mr. Schroeder was satisfied with the applicant's reduction of the 11' feet of fill to 7'. Mr. Schroeder stated that the applicant could probably reduce it even more, but because there is not a lot of impact to the abutting site and the fact that it will be screened he was comfortable with the reduction.

Mr. Kaufman stated if the Board is comfortable with the house location and the access issues, and the Board has indicated they are, then the site plan is pretty much set. He said that there are some comments in his memo which summarize the impacts, including the size of the house in comparison to the others around it. It is large and there is a significant amount of impervious surfaces, but there are houses nearby that are fairly large. The Board could move ahead if they are comfortable.

Dr. Matusow noted that when the Board conducted the site walk, they talked about relocating house to nestle it into the hollow in order to require less fill. That seemed to get a positive response from the applicant. He wondered why that was not done. Mr. Lepro stated that did look at moving it slightly north. Dr. Matusow said that was not what he meant; they had talked about moving it to the left of the plan, and moving more into hillside, which would enable them to have less fill overall and hide the house from the neighbors more. Mr. Lepro said that they did look at moving this a little. There are constraints i.e. location of septic fields. They need to provide enough room for overflow

as well as the fields. It gets more difficult because of the other distances that they need to consider, including setbacks. This would potentially effect other approvals (i.e. septic and DEC stormwater to septic constraints). They felt that what we have is the best fit.

Dr. Matusow asked how they reduced the fill to 7'. Mr. Lepro explained that they lowered the driveway and the house, and created another small wall on the south side. They kept the footprint in the same location and did not have to substantially modify the grades in the area. Dr. Matusow asked Mr. Schroeder if that made sense and Mr. Schroeder stated that he believed the applicant has attempted to do as much as he could to lower the house as suggested at the site walk with as little impact as possible. Dr. Matusow asked if Mr. Schroeder was satisfied that this has been lowered as much as possible and that they have accomplished what the Board had suggested in another way. Mr. Schroeder said that he was.

There were no other comments. The Board would schedule neighbor notification and public hearing.

MACKEY
Amended Site Plan
Section 2, Block 4, Lot 1-9
5 Dellwood Farm Way
Leonard Brandes, AIA
Discussion

Mr. Leonard Brandes and the applicant were present for the application. Mr. Brandes explained that, after the last meeting they reduced the size of the pool house by 165 sq. ft., reduced the size of the kitchen and reduced the size of the deck in the back. Mr. Brandes explained that the applicant strongly desires to keep the deck, so they did not remove it entirely.

Chairman Michelman asked if they have been to the ARB. Mr. Brandes stated that they had not been there yet, but were planning to.

Mr. Brandes explained that they had adjusted the site plan according to the Engineer's comments. He handed the revisions to the Board, and explained that they basically consisted of note changes. The error in terms of the septic system was corrected. Additionally, they have indicated the location of the underground electric and the connections for the propane tank.

Chairman Michelman asked Mr. Schroeder if he had any comments. Mr. Schroeder stated that he would have to review what he just received from the applicant.

Mr. Kaufman explained that the Board's biggest issue with the application was the size of the pool house, and the applicant had been given the direction to reduce the size. The biggest concern for the Board was that the pool house not be used as an accessory or apartment. Some of the appliances were eliminated, the heating system changed and there is no longer a fully functional kitchen. He stated that this plan seems reasonable.

Chairman Michelman asked if they were ready to schedule a public hearing. Mr.

Kaufman said that they could if the plan is acceptable to the Board.

Ms. Black stated that the issues the Board was most concerned about seem to have been dealt with. Chairman Michelman stated that the public hearing and neighbor notification could be scheduled and that a resolution could be prepared for the same time.

ARMONK SQUARE (formerly known as Pembroke Square and Heritage Square)

Site Plan

Section 2, Block 14, Lots 3, 8, 9

Main Street, Maple Avenue, Bedford Road

Joe Beninati

Discussion

Mr. Mark Miller and Mr. Joseph Beninati were present on behalf of the applicant. Mr. Miller explained that since the last time before the Board, they have addressed various site plan issues. One issue that needed to be resolved was the litigation regarding access with 37 Maple Avenue; this has been resolved. They plan to keep this as a pedestrian mall. The other big issue had to do with the LPC and the Certificate of Appropriateness, because this property is adjacent to the district. He explained that the LPC jurisdiction is limited to the area where we are proposing work. The LPC denied the Certificate of Appropriateness; they had been seeking access and 15 landbanked spaces through that area. On February 28th a Town Board meeting was held, and it was decided that some form of compromise should be made in order to resolve the problem, recognizing that this was a desirable application.

Mr. Miller explained that since then, they looked at various options to come up with a compromise. They have revised the plan with a significant compromise on the part of the applicant, at the same time addressing the LPC's major concern of landbanked parking. They have reduced the density almost exclusively in Building E, by almost 3,000 sq. ft. while still maintaining the residences on the second floor. By doing this, they have eliminated the landbanked parking. This has also allowed the realignment of the roadway. They are still proposing it as a two way road, but now it is curved so that they can save the fairly significant tree in the southwest corner of the site.

Mr. Miller stated that, as the submission indicated, there are other changes to the plan, and there is still the need to keep it economically viable. He also noted that they have removed the tunnel system. Mr. Miller noted that he was awaiting this Board's reaction, because if it was positive, the applicant would take the next steps toward resolving the LPC issue.

Chairman Michelman recognized that the applicant has achieved something significant by removing the landbanked parking. She pointed out however that the Certificate of Appropriateness does not come from this Board. She felt that the applicant should meet with the LPC at the next earliest convenience. Mr. Miller explained that was their intention, but wanted a sense that this plan was acceptable to this Board before moving ahead with the presentation before the LPC.

Chairman Michelman asked about the tunnels because the removal of the underground system presented a series of questions regarding deliveries, parking for deliveries, etc.

Mr. Miller said that they have been working on this as they knew it would be an issue. He said that they are still working on resolving it, but basically, with respect to refuse collection, there will be a superintendent and a porter on site. There will be trash pickup twice per day from the first floor by the porter and perhaps once per day on the second floor to take the trash to the compactor. With respect to deliveries, the owners would be asked to limit these to before or after hours, with exceptions for FedEx and similar services. Chairman Michelman stated they would need to see how this could be resolved.

Chairman Michelman asked Mr. Miller what he wanted this Board to do. Mr. Miller repeated that he was seeking some type of favorable comment for the LPC regarding the landbanked parking.

Mr. Adelman stated that he was glad to see this application back before the Board, and assumed that the applicant offered this revision with some feeling that the LPC would be acceptable of this. He said that he would be willing to give the LPC a sense that the Board finds this moving in the right direction.

Ms. Black stated that she appreciated the compromise, and thinks it is significant to see landbanked parking go away.

Dr. Matusow stated that it was his preference that the individual members of the Board make their comments rather than have this Board take a formal stance in the form of a vote or a letter. He noted for the record that he has positive feelings regarding the direction taken by the applicant.

Borris Utko, a neighbor asked if the Board was going to have a public hearing. The Board assured him that they would, but were not sure when. The Board pointed out that it would be noticed in the papers, and neighbors would be notified.

PUBLIC HEARING (not to start prior to 7:00 pm; started at 7:22 pm) :

VARSALES

Lot Line Change

Section 2, Block 8, Lots 13A & 13A-5

2 & 4 Nash Place

Barry Naderman, Naderman Land Planning and Engineering, P.C.

Consideration of preliminary subdivision resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 12 out of 16 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the application. Robert Brown, 31 Blair Road and Martin and Alice Feldman of 35 Blair Road were present.

Barry Naderman was present on behalf of the applicant. He explained that the applicant owns two lots and they are seeking a lot line change. The two properties are located on Nash Place (he indicated the locations) and both have single-family residences with driveways. Lot 13.A (2 Nash place) currently consists of 2.27 acres, Lot 13A-5 (4 Nash Place) currently consists of 2.18 acres. The applicant is seeking to transfer property back and forth, .48 acres from the rear of 4 Nash Place will be annexed to 2 Nash place,

and .14 acres from the front of 2 Nash Place will be annexed to 4 Nash Place. There are no new additions or structures as part of this application.

Mr. Adelman suggested Mr. Naderman inform the public as to why they wanted to do this. Mr. Naderman explained that the applicant is trying to upgrade the septic system to meet the new codes. As it is currently configured, the lot is constrained by the wells on both properties. They need to be 100' from both wells. The applicant desires to rebuild the septic and also needs the designated 100% expansion area. The only place they can do that is near the pool; this is essentially what feels like the back of the lot; the property line cuts through the fence that feels like it is part of the other property. By doing this, they are providing a 50' rear yard for the structure on the right of the plan.

Mr. Feldman stated that many years ago, when they did construction and grading at the high school athletic fields and nearby lots, there was a lot of water problems in that every house on the road had water flood their basements. He asked if there was any grading associated with this project, and if so, he wanted to be assured that there will not be any impact. Mr. Naderman explained that they have done deep hole and perc tests on the property, and all they are proposing is about 2 – 2½ feet of fill placed in one area. Right now the property slopes from the motor court and there will be some fill in that area, but no where else. He explained that the rear of the property slopes toward the meadow and the applicant has permits that meet the current Health Department codes.

Mr. Feldman indicated on the plan what he thought was the athletic fields. Mr. Naderman corrected him, and showed him where they really were. Mr. Feldman stated that he was concerned about drainage from a certain area. Mr. Naderman indicated Mr. Feldman's property and Mr. Brown's property. Mr. Naderman stated that the two properties are about 525 feet away. One neighbor asked Mr. Naderman to mark the plans so they could see just where he was talking about. There was some discussion regarding the locations of various homes.

Mr. Brown felt this could cause a drainage problem that may not look like it exists, but will exist in the future. He explained that his lot sits on a wetland, and he gets runoff from the house behind him. He said he was concerned. Chairman Michelman explained that to the best of everyone's knowledge, there will be no change to the property at all. The applicant is putting in a new septic system, which will improve things, not worsen them. Mr. Naderman stated that they are not doing anything to increase the water flow. Mr. Brown said he understood this, but wanted it addressed.

Mr. Adelman asked Mr. Naderman if the work that is being contemplated would actually improve the situation because the septic systems would need permeable soils, and Mr. Naderman said that would be probable. He explained that the rear is merely a designation as the 100% expansion area and nothing is proposed there.

Alice Feldman asked if the applicant was planning to cut any trees and Mr. Naderman said they were not. Chairman Michelman asked if there were any other questions from the neighbors. There were not.

Chairman Michelman asked if Mr. Schroeder had any comments. Mr. Schroeder stated that he agreed with Mr. Naderman that there would not be any change in drainage. Mr. Kaufman had no comments.

Dr. Matusow moved to close the public hearing.

Mr. Delano stated that he did not think the Board could close the public hearing yet because the preliminary plat has not yet been received in accord with NYS and Town law. Mr. Naderman pointed out that the practice has been that because this plan has the same information as required on the plat, the Board could close the public hearing. The only difference is that the plat is not acceptable for filing with the County. Mr. Baroni asked if we had the map marked preliminary plat and Mr. Kaufman said they did not. Mr. Baroni stated that, on a very technical basis, the hearing is not valid if we don't have a stamped plat. The Board would have to incorporate these proceedings into the new meeting and the neighbors need to be noticed and publication needs to be done again.

A new public hearing would have to be held. All of what was said tonight would be integrated into the next hearing.

SEIGE
Special Use
Section 2, Block 11, Lot 10.A07
14 Pheasant Drive
Wallace Toscano
Consideration of special use permit resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 10 out of 13 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the application. There were not.

Mr. Toscano was present for the applicant. Chairman Michelman asked if he had read the resolution. Mr. Toscano said that he had, and that he had no problems with it. Mr. Schroeder stated that he had no issues.

Chairman Michelman asked Mr. Toscano to confirm that the old pool / equipment house is being removed. Mr. Toscano said that it is. Mr. Kaufman stated that, in that case, the first sentence on #3 could be removed.

Mr. Delano asked Mr. Kaufman to double check the size of the pool house; we didn't get much of a plan, and the figures all say 130 sq. ft. Mr. Delano said it looked a little bigger than that and wanted to know what the real figure was. Mr. Toscano stated that it might appear to be misleading, but is only one enclosed space. Mr. Delano stated it is almost 22 1/2 feet by 8 1/2 feet; Mr. Kaufman told him that totaled 176 sq. ft., and asked if the Board wanted to include the language "space that is capable of being enclosed in the future" and change it to 176 sq. ft. Mr. Delano pointed out that there are two separate foundations one was 21' 10" by 8' 6" and the porch area in the front is 15'2" by 8'1"; Mr. Kaufman stated that he would amend it to be the sum of those numbers.

Mr. Delano asked if it was sewer or septic in the area and Mr. Toscano said that it was septic. Mr. Delano noted that there is no mention of an approval from the Board of Health and Mr. Toscano stated that was because there is no water going in.

Ms. Black moved to approve the resolution as amended.

Mr. Delano moved to close the public hearing. The motion was seconded by Dr. Matusow and unanimously approved with the exception of Mr. Adelman, who had stepped out.

Mr. Delano moved to approve the resolution as amended. The motion was seconded by Dr. Matusow and unanimously approved with the exception of Mr. Adelman, who had stepped out.

MODERN BARN

Referral from Town Board - rezoning

Section 2, Block 13, Lot 39E

430 Bedford Road / 19 Cox Avenue

Dan Hollis, Esq. Shamberg Marwell Davis & Hollis

Rob Aiello, PE John Meyer Consulting

Discussion

Consideration of draft Negative Declaration

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 13 out of 17 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. Dan Hollis, Mr. Rob Aiello, Mr. Peter Monteleone, Jennifer King, Lucio D'Leo and the Lavanos family (applicants) were present for the application. Mr. Hollis explained that they have been to the Town Board for the public hearing regarding the rezoning from R1A to a Roadside Business. The hearing was closed, and they were on the agenda for the following week. He stated that hopefully, they would have a negative declaration from this Board so that the Town Board could consider action on the rezoning for the following meeting. They've received the variance for the parking shortfall from the ZBA, subject to this board's approval and the neg dec. The Conservation Board has recommended approval in terms of the wetlands permit, and they are very close to getting ARB approval.

Mr. Hollis explained that they were before this Board asking that the public hearing be closed, and that the Planning Board issue a negative declaration so the applicants may be considered to have a resolution of approval in July.

Chairman Michelman stated that there was no need to go through the plan because there were no neighbors present. Mr. Kaufman explained that there have been no changes since the last time it was before the Board. Mr. Schroeder stated that he had no issues.

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

Ms. Black moved to approve the negative declaration. The motion was seconded by Mr. Adelman and unanimously approved.

Dr. Matusow felt that the Board was missing an opportunity here. He stated that he was in favor of project, but felt this would be the appropriate time to collect data regarding the flow of traffic as this gets developed. As a Planning Board, they ought to be thinking about the future potential development across the street. He opined that the development on the other side of the street will be impacted by this applicant's project. He thought that the Board should know what might happen, because it has to coordinate with what this applicant is doing.

Mr. Kaufman stated that this is being done; the Board asked the applicant to prepare a traffic study and they have recommended that a traffic light needs to be installed there. Without redevelopment of this property the Town would still need a light and all of these improvements are all done per specifications of DOT. If that intersection needs to be further improved as a result of future development, it would need to be considered as part of that future development. The study includes what is there now, plus a 2% growth rate. Mr. Delano stated that Dr. Matusow was asking for a study on a hypothetical situation. Mr. Adelman agreed with Mr. Delano; the Board has discussed this before and this applicant cannot know what will be developed on another property in the future. It would be incumbent upon that applicant to address those concerns.

PUBLIC HEARING & NEIGHBOR NOTIFICATION:

BARON

Amended Site Plan

49 Sarles Street

Section 2, Block 4, Lot 1-15

Frank Giuliano, Landscape Architect

Consideration of site plan resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 14 out of 18 cards were returned and that all paperwork was in order. Chairman Michelman asked if any neighbors were present for this application. Mr. and Mrs. Ira Steiner, 37 Sarles Street were present.

Mr. Frank Giuliano was present on behalf of the applicant. He explained to the neighbors that the notice said walls and piers, but the applicant was proposing only stone piers (not a boat dock) The applicant is going to restore the wall to 3' in height uniformly. There will be stone piers with lights on top of each pier. They would fill in a slight depression (as seen at the site walk) that holds water and will be drained into the adjacent buffer area. There is adequate screening on the perimeter of the property. The driveway comes through a motorcourt proposed in front of the house. They are proposing a pool and cabana in the rear as well as a change in the clearing and grading limit line. He explained to the neighbors how it would look.

The pool is approximately 22x45 and the pool house design is pending before the ARB. The pool house is approximately 20x22. The applicant is proposing terracing to the property, but this would be minimal because there is already terracing. There is a circular motorcourt proposed, so that guests or delivery vehicles can maneuver and turn around without having to back down the entire driveway. There is extensive planting

being proposed on the side, and around the perimeter of house.

Mr. Steiner explained that his property shares a common border with the applicant's property. He said that he did not understand where everything was going in conjunction to his property. Mr. Giuliano explained Mr. Steiner's house location, along with his driveway, and the common property line. He explained that the existing driveway is 278' long. Mr. Steiner asked what he meant by a motorcourt, and Mr. Giuliano explained that it is a circle in front of the house to provide turnaround capabilities. Mr. Steiner asked where the pool would be and Mr. Giuliano indicated the location. Mr. Steiner asked if the pool was as close to his property as possible, and Mr. Giuliano said that it was not; it could be 10' closer. He explained that the pool was limited in the possible location because it has to be a certain distance from the septic. Mr. Steiner was concerned that ATV vehicles would be used in the motorcourt and Mr. Giuliano stated that was not its purpose.

The Board explained that the property would be very heavily screened. Mr. Adelman asked if this was the neighbor to the left and Mr. Steiner said that he was. Mr. Adelman assured Mr. Steiner that the Board took his home into consideration, and there will be heavy screening to protect him.

Mr. Steiner again expressed concerns over the ATVs. Mr. Giuliano explained that some towns have outlawed the use of ATVs within certain distances of houses. Mr. Kaufman explained that the Town has certain requirements regarding decibel levels, and if they are really causing a problem they could call police. However, he recommended that Mr. Steiner speak to the neighbor first. Mr. Kaufman assured Mr. Steiner that the motorcourt it is not big enough to race around. Ms. Black added that that Board made sure that the motorcourt was as small as possible.

Mr. Steiner asked what the piers were. Mr. Giuliano explained what the piers were to his satisfaction. Mr. Adelman said that he could think of them as a gate post.

Fred Hyman, who "lives nearby" asked what the safety considerations are relating to wiring on the piers. Mr. Schroeder explained that the wires have to be buried, and have to meet the code for electrical requirements. The wires will have to be encased in conduits. Mr. Giuliano explained the conduits are already there.

Mr. Steiner asked when construction will begin. Mr. Giuliano stated that they plan to begin in the fall; if the project is started in September, they would probably be 100% finished by April. Mr. Steiner asked what types of plants would be planted and Mr. Giuliano explained they are mainly all evergreens including spruces and lower evergreens. Mr. Steiner asked if there is any amount that is necessary or required, and Mr. Kaufman said that there is; the applicant has to comply with the approved landscaping plan. Mr. Kaufman pointed out that the landscaping is the last thing to be installed.

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

Mr. Giuliano pointed out that the wording in the resolution refers to a 3' wall, but not a fence. Mr. Kaufman explained that this was only done so that they could differentiate between the two sets of plans they received on the same date. The applicant wanted to

make sure if he or a future owner wanted to apply for permission to construct a fence, that it was not absolutely precluded.

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

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

NORRIS

Site Plan

Section 3, Block 7, Lot 10.I-1

76 Nethermont Avenue

Cosmo Reale, PE Divney Chung Schwalbe

Consideration of site plan resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 18 out of 19 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were neighbors present. Mr. and Mrs. Sicuranco of 74 Nethermont Avenue were present.

Mr. and Mrs. Norris were present for the application. Mrs. Norris explained that the plan meets side yard and height requirements. There are three homes on the street that are similarly situated. They are proposing a two car garage, which will limit the number of cars visible to the neighbors. Mrs. Norris explained that they want to be good neighbors, and attempt to block the view of the new home, but the Sicurancos want a 6' fence built on their property line. Mrs. Norris explained that they would prefer screening instead. She added that time is of the essence for this application, because they are literally without a home as a result of the fire.

Mrs. Norris presented photos to the Board showing nearby homes.

Chairman Michelman noted that the proposed house is less than 50% of the five closest homes. Chairman Michelman let Mr. Sicuranco comment; he asked if there was a site plan for this application. The Board let him look at one, but what he really wanted to see was an architectural rendering. Mr. Delano let him see one. Mr. Sicuranco asked what part of the house would be facing his home. Mrs. Norris explained that the front entry of her home would face his house.

Mr. Sicuranco asked if the applicant was proposing a basement as well. Mrs. Norris said that they were, but it would not be finished. The Sicurancos stated that they would prefer the front door facing the street, not their house. Mrs. Norris assured the Sicurancos that there would be 6-8' screening between the homes.

Mrs. Sicuranco wanted to know who would maintain the plants on her property. The Board assured her that the plants would not be installed on her property and that the applicant must maintain the plants and replace them as needed. Mrs. Sicuranco was concerned because the homeowner on the other side of her house does not maintain the planting, and that was why she wants the applicant to install a fence. Chairman Michelman reiterated that the applicant will be responsible in maintaining the plants, and if they don't, there are recourses within the Town.

Mrs. Sicuranco asked if the plants would be right on the property line. Mr. Adelman explained that the root ball would have to be entirely on the applicant's property. Mrs. Sicuranco asked if the property was going to be surveyed, so that they know exactly where the line is. Mr. Delano suggested to the applicant that it might be prudent to have the property staked because this is a narrow lot and as-built plan would be required.

Mr. Sicuranco brought up the fact that a water / sewer permit was never issued, and Norris' water line has a "T" that goes into his line. Mr. Kaufman explained that, originally it was going to remain as is, but the Board required that the new house connect directly to the street and be taken off the "T." Mr. Sicuranco said he was concerned that the construction that had been done on the property harmed his sewer line. Mr. Kaufman stated that the Planning Board would not know anything about that. Mr. Sicuranco wanted to know who would be responsible if something happens in the future. Mr. Kaufman explained that issued would be addressed in the easement agreement.

Mr. Norris explained that there was no digging in the front where the water lines were, or near the driveway. Mr. Sicuranco said that they should not have tapped into his sewer lines when they built the house.

Mr. Kaufman stated that he did not understand the neighbors' logic. Mr. Adelman said that he believed the Code was different then. Mr. Kaufman stated that he was not sure, but they are fixing the problem now. Mr. Delano suggested that the neighbor follow the open permit and tell them that the work should be properly inspected and the permit closed. It would be to the benefit of both the applicant and the neighbor to see if there are any special terms and conditions in the easement.

Mr. Sicuranco wanted to know how this was approved/allowed in the first place. The Board could not answer that question or undo what has already occurred. The Board explained that they could only deal with what was before them right now, and recommended they look into the open permit. Mr. Kaufman stated that they are requiring a new sewer and water connection, and the "T" will be shut down. The new home will not touch the sewer and water connection.

Mr. Norris explained that when the deck was constructed in 1992, there was another easement that was drawn up and signed by the neighbor. Mrs. Sicuranco asked if they would get an inspection of our sewer and water before the new house goes up. Mr. Delano said that they might, but that they need to review the terms of the easement agreement.

Mr. Sicuranco said that he has an easement to get in and out of his own garage and wanted to know if they were still going to be able to. Mr. Kaufman explained that nothing shows that there is a vehicular easement. Mrs. Sicuranco claimed that Jack and Jane Lombardi signed an agreement that permits the Sicurancos to ingress and egress on the driveway. If the applicant's house faces the Sicuranco home, how would they swing into their garage. Mr. Kaufman asked if the applicants knew about this. Mr. Norris stated that there is an easement in place.

Mr. Kaufman explained that two cars that are going to park in the garage, the backup area could be used for the neighbor to access the garage, but ultimately, everything

comes down to the easement. The terms of that easement would need to be reviewed. Mr. Sicuranco asked if they would have sufficient room to get in and out of the driveway without blocking or going onto his property, and Mr. Kaufman said that they would. Chairman Michelman stated that if there is a problem, the Board will deal with it.

Mr. Sicuranco stated that the applicant's lot is 9,000 sq. ft. and the applicant is constructing a 3,100 sq. ft. house and his lot is only 24,780 sq. ft and he only has a 3,000 sq. ft. house. He felt that everyone in the neighborhood has houses that conform to the lot. He felt that this house is going to be gigantic and any house that is approved should fit the neighborhood. He did not think they should have such a large house on such a small lot. He also said that there are no houses on the street with front doors on the side. The applicant and the Board pointed out that there are several houses on the street that do have entries on the side.

Chairman Michelman explained that the average of the five closest houses is 3,340 sq. ft. and this house is smaller than that. She noted that "numbers-wise," this house meets the criteria and will not be overwhelming within the neighborhood. Mr. Sicuranco felt that it would not be a good looking site; when you come up the road all you will see is a chimney. He repeated that he thought it was too big. Mr. Adelman explained that the average of the nearby homes is a regulation that was passed to preserve character of the neighborhoods, and that the code would actually permit a larger home.

Mrs. Sicuranco asked how she would be able to get the survey information. Mr. Kaufman explained that would be on file with the Building Department, and that she could contact the department to set up an appointment to view the files. He added that, if or when stakes go up in the field, the Sicurancos would be able to see the property line that way.

Mrs. Sicuranco asked when the shrubs would be planted. Mr. Kaufman explained that this was the very last step. Mrs. Sicuranco stated that she has children, and wanted to know what would be done to protect the site during construction. Mr. Kaufman explained that the bright orange construction fencing would be erected.

Mr. Adelman moved to close the public hearing. Ms. Black seconded the motion and it was unanimously approved.

The Board asked if the applicant had seen the resolution and the Norris' said they had, and they had no problems with it. Chairman Michelman stated that, given the circumstances surrounding this application, the Board wanted to move this forward as quickly as possible, and that is why the Board was considering a resolution with so many conditions. She advised the applicants that the process will not move quickly if the conditions are not met in a timely fashion.

Mr. Kaufman suggested that they add the condition that the site plan be required to show all the easements that exist.

Chairman asked for any other comments. There were none. Ms. Black moved to approve the resolution. The motion was seconded by Mr. Adelman and unanimously approved.

NEW BUSINESS:

MBIA

Amended Site Plan

**Section 3, Block 4, Lots 3, 3A, 3A1, 3B, 3C, 3D,
3F, 3G, 3G1, 3H, 3-1, 3-3, 3-6, 3-7, 3-8, 3-9**

King Street, Cooney Hill, Weber Place

John Meyer Consulting

Discussion

Mr. Mark Miller was present on behalf of the applicant. He explained that as part of the headquarters expansion, there are two wells on the site and two wells on the Cooney Hill property. They took the opportunity to install water lines from those two wells leading to the site, so that they wouldn't have to be disturbed. In order to take advantage of those wells, it was appropriate to consolidate on site water facilities. The applicant wanted to create a single location for U.V. disinfection, pumps and storage. In looking at appropriate spots for that location, it was determined that the best place would be in the lowest level of the parking facility. There will be no visibility from that area. There will be some external indicia, but no impact.

The facility will occupy nine parking spaces, and therefore the on site parking is reduced by that amount. The prior approval allowed for 746 parking spaces. Due to striping we actually had 15 more spaces than we were supposed to have. However, due to loading and handicapped, they ended up being 34 short, which meant that overall they are 28 spaces short on the required parking. During prior approvals, the applicant allowed for landbanked parking in the tennis courts. There is always sufficient parking on the site, however the applicant recognizes the need to satisfy parking requirements. The existing landbanked parking area has 74 spaces. Now, the applicant plans to expand that, so they need amended site plan approval for a change in landbanked parking and slight exterior changes. Mr. Miller explained that they have no problems with the comments and issues raised in the professionals' memos, and that they will satisfy all of them. He added that they needed to schedule a public hearing.

Chairman Michelman asked Mr. Schroeder and Mr. Kaufman if they had any issues. Both said that they had no other issues other than as addressed in their respective memos.

Mr. Baroni asked how they ended up with so many spaces less than what was approved. Mr. Kaufman explained that it was possible that the applicant added additional handicapped spaces; but he just didn't know. Mr. Miller explained that it was a striping issue, and they were surprised to find this result. Mr. Baroni explained that it would be appropriate to remind the Building Permit, that prior to issuing a C.O., they have to count the spaces. Mr. Kaufman said that he presumed the error came afterwards, but he would have that discussion with the Building Department.

The Board stated that a public hearing could be scheduled.

LONDON

Site Plan

Section 1, Block 5, Lot 23.C

175 East Middle Patent Road

Pete Gregory, Keane Coppelman Engineers, PC

Discussion

Mr. Dan Coppelman and Stefano Carterelli were present for the applicant. Mr. Coppelman explained that they have begun to look at the suggestions from the professionals and they have come up with a three-tiered wall system with 4' tiers, 4' apart, tiering it up. Mr. Coppelman added that they have looked at implementing a guide rail system down the driveway.

Mr. Carterelli addressed the layout of the house. He explained that there is an existing 850 sq. ft. structure and the applicant is looking to expand the house. The only way to do that is build toward the garage. The lot will be a two-bedroom house with a two septic system, which is as large as it can be. Therefore, the applicant would like to have a larger kitchen and family room.

He explained the floor plan: as you come in to the right, there will be a 13 x 14 dining room a 6 x 9'1" powder room, a 16 x 17 formal living room and a butler's pantry / bar area opposite dining and living rooms. Off to left of the center stairway, they are proposing a 27'9" x 13'2" kitchen with an eat in area, as well as a family room with a fireplace. On the second floor, to the right of the stairs is the entrance to the seating area of the master suite. This consists of a 17x16'9" master bedroom with two walk-in closets flanking a hallway that leads to the master bath with two sinks and a Jacuzzi. The upstairs has another bedroom with a closet, and a hall bath, with a double vanity, toilet and tub. In the middle of the hall is a laundry room. There is an area over the family room that is unfinished attic space. He noted that the Health Department will not permit the applicant to use it, so they have labeled it as unfinished. He explained that there is no power there and it will not be sheetrocked.

Additionally, because of the views out of the second level, they took advantage of the entry portico, and are proposing a 14x11 feet balcony above. Mr. Carterelli stated that the house is approximately 3,000 sq. ft. there will be clapboard on corners of the house and casings on windows; overall a conservative look. He stated that the house sits well on the site and there will be generous landscaping on the site.

Chairman Michelman explained that the Board is concerned about the size of the house compared to the limitations of the bedrooms. Mr. Carterelli felt that none of these rooms are really out of the ordinary in terms of size and he noted that it is well below the basic permitted and economically, it is the owners' call. Mr. Coppelman stated that they knew this would be an issue for the Board, but at any given time, people will build what they need and this is rather moderate in size.

Mr. Schroeder stated that he would like guide rails on both sides of the driveway. Mr. Coppelman agreed, but said that he needed to speak with the applicant.

Mr. Kaufman pointed out that the Board was concerned about the unfinished attic and

the temptation for a future owner to convert it to a bedroom. Mr. Coppelman noted that, as a point of clarification, this is a two-bedroom septic system with a 100% expansion, which is required by the Board of Health. Whatever they do on this site has to be limited to two bedrooms.

Chairman Michelman asked if there were any other issues. There were not. She asked if the applicant had ARB approval. Mr. Coppelman said that they have ARB approval, subject to Planning Board approval. He noted that there is nothing in writing yet, but would provide it to the Board upon receipt.

Chairman Michelman asked how the Board felt about the design. Dr. Matusow felt it was an unfortunate design, but that it is the prerogative of the owner. He said that he would support this design. Mr. Adelman agreed, as did Ms. Black.

The Board said that neighbor notification and a public hearing could be scheduled.

JACOBS
Special Use
Section 1, Block 5, Lot 15-22
1 Hobby Farm Drive
Pete Gregory, Keane Coppelman Engineers, PC
Discussion

Mr. Coppelman was present for this application. He explained that it would be possible to create a walkway near the pool. He redesigned the deck system to allow for the 4' deck and cut wings down on either side to stay under the maximum. He said that they had 200 sq. ft. to deal with, and he left it at 150 sq. ft. and took some off the sides. He added that he still had changes to submit and that calculations were done with these figures.

There were no issues from the Board or the professionals. The Board stated that a public hearing could be scheduled as well as a resolution for same time.

CARRIER
Site Plan
29 Sarles Street
Section 2, Block 4, Lot 1-5A
Ralph Mastromonico PE, PC
Discussion

Mr. Dan Ciarcia was present for this application. He explained that the applicants purchased this lot in the subdivision, and that they were before the Board for the site plan.

Chairman Michelman stated that the Board had walked the site and had made some recommendations; she asked for his comments on those recommendations. Mr. Ciarcia stated that one issue that came up was the location of the house, but they have to deal with the septic system. It was all in one area, and is problematic to try and relocate it, especially when it was part of the approved subdivision. The site would have to be

retested, and they are not sure it could support a five-bedroom septic.

When Hammond Ridge was approved, the lots and houses were somewhat aligned. Now, the house to the right of this property is twisted; in general, the mass of the house is pretty much where the homes were intended to be, and it lines up with the house next door. He explained that he does not see the applicant deviating from the original design.

Mr. Ciarcia stated that he prepared a plan that he believed was in keeping with the Board's requests. One neighbor is concerned that the backyard would be in their front yard and it places it in the middle of the septic system. Overall, it deviates substantially from the original subdivision.

Chairman Michelman pointed out that this proposal is significantly larger than the IPP. Mr. Ciarcia stated that it is somewhat larger, and that the house on the IPP was a schematic house. He said that based upon the new legislation, this house is on the low end of what could be permitted. It is not too far off from what the zoning ordinance considers. Chairman Michelman recognized this, but pointed out that the applicant is deviating from the originally approved footprint, and maybe if they didn't do that, they wouldn't have to place the house above the septic.

Mr. Kaufman stated that the IPP that was approved as part of the subdivision isn't etched in stone; if the Board is looking for a different location, it is not unreasonable to require the applicant to present that, and to do some testing. Mr. Ciarcia stated that was somewhat unusual to do in a new subdivision.

Mr. Kaufman explained that all of this was being dictated by the pool and the recreational amenities. He did not think the Board would have the issues with the proposed location of the house, but the proximity of the house along with the recreational amenities was causing the problem. One way to solve that problem is to relocate the house and the septic. Mr. Ciarcia explained that there was a certain amount of clearing, grading and utility work done on the site previously. There is a sort of road in the area that has been etched into the site, and they are proposing 14' and 16'-18' pines in the area. They would provide a buffer and considerable screening for the neighbor. Mr. Ciarcia believes that through proper landscape buffering, they could mitigate the location of pool. The people buying these types of homes would want to put recreational amenities in their back yard. He asked if the Board would review this landscaping plan in terms of the applicant's preferred location. Mr. Kaufman suggested that it would be worthwhile to have the Board conduct another site walk and review it in connection with the current landscaping plan. Mr. Delano agreed, and pointed out that the land is very shallow there, and he questioned there could be planting there. Mr. Ciarcia stated that they could always bring in soil.

Dr. Matusow stated that this is suffering because the applicant has to deal with what has already been done nearby as this is one of the remaining lots in the area. One problem the Board saw was the location of the pool as proposed; he felt it would be extremely obtrusive on the neighbors that already live there. The Board's suggestion would move the pool in a less offensive area and the concern still exists. He said that he was concerned with this plan as it has a substantial negative impact on the neighbor. The Board and the applicant have to make sure they can put what they want on the lot without harming the neighbors.

Mr. Ciarcia stated that the applicant bought this lot thinking that they had ample room to do what they are proposing. Dr. Matusow said that was their problem. Mr. Ciarcia explained that until recently, there was no discussion of a buffer if they plant 14' high pine trees, no one is going to see the pool. One neighbor pointed out that they would see it from the second story. Dr. Matusow said he was not convinced the pool should be in that location, and felt that it should be somewhere more private.

Mr. Kaufman felt that they would be able to take advantage of some of the grade changes on the property. The Board should look at the plan to see if it is feasible. Mr. Kaufman asked if this was the same plan the Board had seen and Mr. Ciarcia said it was not, it had been revised. He added that they will submit the engineering plan after he receives some feedback.

Chairman Michelman felt the applicant should look and see if they could work with the grade to relocate the pool. Mr. Kaufman said that the applicant should present both: look at the new plan with the landscaping, and the alternative of flipping house and septic locations, or bringing the pool down the hill. That way the Board would have something to compare.

Mr. Delano asked if Mr. Ciarcia had the as-built location and elevation on the house next door. He did. Ms. Black noted that the proposed garage, driveway and motorcourt area seemed extensive; she asked if there was any way to bring it in a little, and move the entire house forward so that the pool could move forward and make it less intrusive to the neighbor. Mr. Ciarcia felt that was fundamental of this type of application. These homes have motorcourts, and the garages need to be oriented in a certain way. He stated that he would look to see if any adjustments could be made. Chairman Michelman stated that it looks worse when you're there than it appears on paper. The houses on either side have been there, this applicant has to make some accommodations.

Mr. Delano pointed out that there are remnants of test holes on the site. Mr. Ciarcia noticed that, and said they would check the records, because he was unsure if that was viable or not.

ARMONK RETAIL CENTER (former Bowling Alley)
Concept Plan Discussion
Section 2, Block 11, Lot 11A
29 Old Route 22
Discussion
Michael Divney, Diney Tung Schwalbe

Mr. Michael Divney was present on behalf of the applicant. He explained that they were outlining a proposal they've been working on for the development of this property. He explained that he wanted to provide the Board with an overview, and get input from Board. He referenced a letter that briefly described the property. He presented what he termed as a slightly dated aerial photo, which shows Route 22, which is near Old Route 22 and Main Street.

Over the last several years, Ferarri Enterprises has acquired nearby property, and has accumulated 8 acres, which creates an opportunity for a complete plan. He presented another drawing that illustrated the site as it currently exists. He stated that Kassal Street and Labriola Court are public roads; Old Route 22 is not modern and there is parking right on the street. This doesn't present a finished frontage along the road.

This site has 670' in frontage on Old Route 22, and has a depth of approximately 500 feet. The relip boundary is approximately 250' back, and the bowling alley is in the RB zone. The site has frontage on both Kassal and Labriola. There are utility and access easements, that need to be maintained. The site is in two zones: the front is zoned RB and the rear is zoned relip. Both have a floor area ratio of 0.3, which means that the site has the capacity of about 103,000 sq. ft. of RB and Industrial / Office and 440 parking spaces now. The spaces front almost immediately on the creek.

This location has qualities that makes it suitable for a supermarket, including parking, maneuverability and loading. Kassal and Labriola are designed to take heavy traffic, and that the site has direct access from Route 22; this was an important planning criteria. The applicant was also trying to clean up the frontage, and organize the access. They would provide greenage, and integrate access with Labriola and Kassal. The site drops 18-22' from front to back. There are multiple streets. They created a plan for a supermarket of 33,000-34,000 sq. ft. with 50,000 sq. ft. in the RB Zone, and another 40,000 sq. ft. in the relip category, or some hybrid.

Mr. Divney repeated that they were mainly before the Board for input and recommendations. He noted that one of the nice things about the two uses are that they have different peak hour traffic. The site plan that they envision began with this concept of a supermarket with loading docks adjacent to Labriola Court and truck access from Labriola Court. There would also be a complementary retail component along the side. They would also provide a landscape buffer, and a single point of access in the front for passenger vehicles. They would landscape the parking lot. They would try to set the building back so that the parking serving the supermarket could be in the front, but heavily screened. Because the site drops off to the back, a new modern stormwater management facility would have to be in the front. Raising the grade at the upper level, the supermarket elevation would be at 390, which is somewhat higher than Route 22.

Mr. Divney stated that during the process, they began looking at separating the buildings, but ultimately determined it would be best to take the relip type uses and place them under the supermarket. The building coverage would be half. The permitted coverage in the RB district 25%, in the relip zone it is 60%, but the blended rated average would be 41%, and this plan would only call for 25% building coverage. The applicant is cutting back on the parking. By putting the uses underneath, it allows for parking on a deck in the rear behind the retail. All parking in front would be for customers, and the rear could be for pick up, deliveries, employees, etc.

He presented a cross section to the Board. Grade drops off to the rear and runoff would go from the parking lot into a rain garden. One of the benefits of filling operation, is a significant stormwater capability area. By placing stores under the supermarket, it further reduces the amount of coverage.

Mr. Divney explained that there are several options for the lower level. They used the parking ratio for a supermarket, which is 1 / 150 versus 1/200 which is sometimes used. In order to create this, there is an open space in the rear, although they hope they would not have to use that. The parking for the lower level would be underneath. That provides the opportunity to create open space in the rear of the property. This would enable them to pull the parking 100' from the property line, which is almost 115' from the creek.

They will be able to gain access to the back area from Kassal Avenue. Mr. Divney explained that they do not want people stopping in the fire lane, and they want to protect the area in terms of functionality. The challenge is going to be how to find the best zoning strategy to accomplish something like this. They would like to return the property to a taxpaying position and make this section of Old Route 22 more attractive and functional.

Chairman Michelman stated that this was a very interesting and thoughtful proposal. The Board said they wanted to come see the site. She noted that there is another supermarket application pending. This has some creative design features and is well thought out. Mr. Delano agreed that there are a lot of positives, but there are some zoning hurdles. Mr. Kaufman agreed, but noted that this is a sound concept; the Board would have to see if the Town Board would agree. At this stage, it looks like the applicant is on the right track. The Board agreed.

Mr. Adelman pointed out that further down Route 22, there are residential communities and there will be concerns about the traffic, and how the trucks would keep out of that area. He asked if precluding left turns out of the site was still proposed. Mr. Divney said that it was; all trucks will have to go right onto Route 22 but they would not limit cars in this fashion. He noted that they would try to develop traffic management provisions to encourage people to turn right onto Route 22.

Mr. Adelman stated that they also discussed the possibility of a "carrot" for the neighbors: to improve Old Route 22 all the way to the junction with Route 128, including lighting and benches and landscaping. He asked if that was still part of the concept. Mr. Divney said that he did not want to over-commit; there are physical constraints from all the other properties, and difficulty would arise in defining the word "improvement". They feel that 660' of frontage and drainage for the site is quite an improvement. The applicant's focus is in this location and to manage stormwater at another level. He said that the Town was not doing stormwater management ten years ago, now there is a shift in that direction and that is the applicant's main concern for improvement.

The Board agreed to schedule a site walk.

The meeting was adjourned at 10:03 p.m.
