

PUBLIC HEARING & NEIGHBOR NOTIFICATION:

PIA

Amended Site Plan

Section 1, Block 11, Lot 11-14

4 Ashfields Lane

Jason Lepro – Jay Fain & Associates

Discussion

Consideration of site plan resolution

Chairman Michelman read the public notice for the record. Mrs. Desimone noted that all paperwork was in order and that 11 out of 12 cards were returned. Chairman Michelman asked if there were any neighbors present for the application. There were not.

Mr. Jay Fain was present on behalf of the applicant. Mr. Fain explained that this was a straightforward application. The Board previously approved the tennis court and the fence was approved by the ZBA.

Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Fain said that he had, and that he had no issues with it. There were no comments from the Board or the professionals.

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

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

C&H PROPERTIES, LLC

Site Plan

Section 1, Block 2, Lot 1

336 Bedford Banksville Road

Peter Gregory – Keane Coppelman Engineers, P.C.

Discussion

Consideration of site plan resolution

Chairman Michelman read the public notice for the record. Mrs. Desimone noted that 21 out of 27 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present. Ben Hertzberg of 69 Bret Lane and Eleanor Erita of 71 Bret Lane were present.

Mr. Brad Schwartz, Esq., was present on behalf of the applicant. He explained that the site was 5.6 acres in size and the applicant was proposing a new home as well as conversion of the existing farmhouse to servants' quarters. He noted that they are seeking a landmarks designation from the Landmarks Preservation Committee for that building. He indicated the locations on the plan for the public.

Nick Pouder was also present for the applicant. He indicated the locations of the existing home, and the two other structures. He explained that they were going to bring the new driveway up the hill around the ridge, and put the new home in the "saddle area." Mr. Pouder explained that the nearest property is several hundred feet away; he indicated the location of the houses of the neighbors that were present. He noted that #71 was probably not visible at all.

He explained that five bedrooms were being proposed with a garage and a pool in the rear. The house that is currently visible will be reconfigured and the additions that were constructed in the 1930s would be removed. The applicant plans to restore it to the original architectural integrity.

Mr. Hertzberg was concerned because the public notice said the proposal was more than 13,000 sq. ft. Mr. Kaufman and Mr. Pouder explained that this includes all of the buildings, including the 1,500 sq. ft garage and 700 sq. ft. in the attic. Mr. Hertzberg asked the square footage of the actual house; Mr. Pouder said it was about 10,000 sq. ft. Mr. Hertzberg asked if the house was going to be in the "dip." Mr. Pouder said that it was, and indicated the location again. He explained that the road is actually cut into the slope and that for most of the view, the driveway wouldn't be seen. The forest will remain and the house will be set into the first of the so-called valleys.

Mr. Hertzberg asked what the maximum height was (recognizing that the average height is 30'). Mr. Pouder explained that he did not have the elevations with him, but did present the architectural renderings. He said that the maximum height was perhaps an additional 7'.

Ms. Erita said that she was concerned about the need for the special use permits. Mr. Pouder explained that this was only a result of the new Town code; the applicant falls in between the basic allowable and the maximum allowable and therefore they need a special use permit. Mr. Kaufman pointed out that the applicant also needs a special use permit for the gross land coverage.

Ms. Erita said that she was also concerned about the runoff that exists already. Mr. Peter Gregory was present and addressed this issue. He explained that they have prepared a stormwater analysis and as a result of new construction the applicant is proposing to discharge runoff into subsurface infiltration system. Mr. Gregory explained that this would improve the existing conditions. Ms. Erita felt that they would not really know if that would actually work until there is a storm. Mr. Gregory reiterated that they would not have any increase in runoff from this proposal; there has been testing on the site and they know the soil that is there can handle the water that will be introduced and they are proposing systems to improve it.

Mr. Adelman pointed out that one of the criteria for the Board to consider is that there be no net increase in runoff. He suggested that the Board should try and do more for this site where there is not going to be any increase. Mr. Schroeder pointed out that this would be very difficult to do because they would have to attempt to locate the source of the runoff.

Mr. Pouder explained that the two sites are at the backside of the ridge and the runoff is not only the result of the applicant's property. He pointed out that there is a substantial watershed in the area all the way up Cedar Hill Road.

Mr. Hertzberg asked how close the applicant was to the maximum allowable. The applicant's representative explained that they were approximately halfway between basic and the maximum. Mr. Schwartz explained that they exceed the basic by 4,753 sq. ft. but are still 3,700 sq. ft. below the maximum. Mr. Hertzberg asked if the proposal was below the maximum for both the gross floor area and the lot coverage and Mr. Schwartz said that they were.

Neither Mr. Schroeder nor Mr. Kaufman had any issues or questions. Chairman Michelman had questions about the second floor of the main house. She pointed out that the applicant is calling the proposal 5 bedrooms. Although the room that is designated an office is not identified as a bedroom, there is an attached bath even though the applicant has removed a doorway to a closet. She also questioned the layout of the long room. The applicant's representative said that this could be used as a "game room" for an older child. The applicant explained the rooms to the Board (by indicating). Chairman Michelman said that the proposed layout concerned her, but conceded this was ultimately within the Health Department's discretion. Mr. Delano agreed that this was a concern because there is a lot of space. Mr. Schroeder asked if the applicant has received Health Department approval. Mr. Gregory said that they had.

Dr. Matusow said that since he's been on the Board, he could not recall an application with three considerable structures on one lot. He recognized that the applicant was reworking the servants' quarters, and understood the new house. However, he did not understand the third building. Mr. Pouder explained that this had been known as the "new room" and considered an artist studio / party space. The applicant considered reconfiguring the area. He explained that there is no bathroom - not even a sink. He explained that, during construction the area would be the construction office. Mr. Pouder assumed that it would be used as a painting studio or a game room and that it would probably be related to the servants' quarters. Dr. Matusow agreed that it would be better associated with the servants' quarters, but did not understand why there would be such a use associated with the servants' quarters. Mr. Pouder explained that the restoration has been completed and the applicant just thought it should remain. Dr. Matusow said that it looked like an extra house. Mr. Pouder reiterated that there was no plumbing in it. Dr. Matusow said "not yet."

Mr. Adelman pointed out that this building was finished very attractively. Chairman Michelman said that no one was denying that. Mr. Adelman was sure that someone would find a use for it.

Andy Zartarga of 45 Bret Lane asked where this house was going to be in relation to his back yard. Mr. Pouder indicated the locations and explained that it was 236 feet from the property line and then approximately another 50' from the property line itself. Mr. Zartarga said that during the last rainstorm there was a lot of water in that area. Chairman Michelman pointed out that that was an unusually significant amount of rain. Mr. Pouder explained that there are no wetlands there.

There were no other comments or questions from the Board or the public. Mr. Adelman moved to close public hearing. The motion was seconded by Mr. Delano and unanimously approved.

Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Schwartz said that they had reviewed it, and had no issues with the same. Mr. Adelman moved to approve the resolution. Mr. Delano seconded the motion. Dr. Matusow abstained from this vote. Chairman Michelman, Mr. Adelman and Mr. Delano approved the resolution.

DUSANSKY
Amended Site Plan
2 Dellwood Farm Way
Section 2, Block 4, Lot 1-13
Frank Giuliano, Landscape Architect
Discussion
Consideration of site plan resolution

Chairman Michelman asked if there were any neighbors present for the application. Mr. Michael Mackey of 5 Dellwood Farm Way was present. Ms. Desimone noted that four of the cards were sent to Mount Kisco addresses by mistake. However, the applicant went to neighbors to make sure they knew. She explained that the Board has received two letters from neighbors at 10 and 12 Dellwood Farm Way who had no issues with the application. All paperwork was in order.

Mr. Giuliano explained that they have changed the application somewhat. They have reduced the radius of the motorcourt from 50' to 45'. Additionally they have increased the planting around the motorcourt and it is much heavier than before. Chairman Michelman asked if any of these plants were in the right-of-way. Mr. Giuliano said that they were not. He also handed out a revised plan to Board. There were no other questions at the last meeting, and therefore nothing else has changed.

Chairman Michelman asked if there were any issues. Mr. Schroeder and Mr. Kaufman said that they had no new comments. There were no comments from the Board, other than Dr. Matusow thanking applicant for reconsidering the application.

Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Giuliano said that he had reviewed it and had no issues with it. Mr. Adelman moved to approve the resolution. The motion was seconded by Mr. Delano and unanimously approved.

PUBLIC HEARING:

MARIANI
Site Plan & Wetland Permit
Section 2, Block 16, Lot 3.A – 45 Bedford Road
Section 2, Block 16, Lot 9-2 – 49 Bedford Road
Dan Hollis, Esq. – Shamberg, Marwell, Hollis & Davis
Rob Aiello, P.E. – John Meyer Consulting
Discussion
Consideration of site plan resolution
Applicant withdrawn this evening.

This application was removed from the agenda.

CONTINUING BUSINESS:

837 MOUNT KISCO ROAD

Site Plan

Section 2, Block 2, Lot 5-A-10

837 Mount Kisco Road

Anthony Castillo, P.E. – SESI Consulting Engineering

Discussion

Mr. Anthony Castillo was present for the applicant. He explained that the applicant is seeking site plan approval and a special use permit for construction of a single-family house with a pool and courtyard with driveway facilities. The plan was originally before the Board in November 2005, and was not acted upon for several reasons. Mr. Castillo recognized that in the interim the Town had adopted some changes to the code, and they have applied the new laws to this project and ensured that they met the gross floor area and land coverage. They do, however need the special use permit.

Mr. Castillo informed the Board that since 2005 they have obtained NYS DOT approval in order to permit the construction of the driveway and additional construction within their right of way as well as DEC approval.

Mr. Castillo explained that the proposed house has a 5,200 sq. ft. footprint but the cumulative floor calculations are approximately 10,240 sq. ft. of total floor area. He added that the septic system has been approved by the Health Department. He indicated the location of the proposed system. He explained that they are installing a stormwater management system. The existing macadam driveway will remain but they have evaluated the effect of the house and driveway and the tributaries above as well as the cumulative effects of the runoff. The proposed application will not worsen any conditions on the right of way drainage system.

They are proposing new systems for the rooftop runoff and they are comfortable that the soils can accept the water, up to and including the 100-year flood figures. Mr. Castillo added that this would be presented to the town engineer.

Chairman Michelman asked if he had reviewed the professionals' comments. Mr. Castillo said that he had seen them, but pointed out that many have been addressed back in 2005. Many of the comments suggested that they utilize the existing roadway. He explained that this had been considered previously, and they believed that this would (1) cause at least 10% more disturbance than what is currently proposed (2) they would southern exposure to the house and the pool and (3) they would require 10' and 8' tiered retaining walls. This would reduce buffers to neighbors and promote additional traffic from the residential plot.

Chairman Michelman stated that the Board should revisit the site and everyone agreed to schedule a site walk. Mr. Kaufman explained that his comments were categorized correctly; they are the same comments he had in 2005. However, he was not convinced that using the existing driveway and redesigning the grading plan would result in more disturbance on the site. The current plan requires significant amount of disturbance and

an increase in impervious surfaces. He noted that the code is different now, and the site walk might help.

Barbara Dunn of 839 Mt. Kisco Road asked to speak. Chairman Michelman pointed out that this was not a public hearing, but permitted her to speak. Ms. Dunn stated that she has been a resident for 6 years, and the shared driveway is a death trap. She said that it is very steep with almost a 90-degree turn. She claimed that she was "almost involved in several near head-on accidents." In the winter, the driveway is impassable and cars have to be parked in the street. She cannot imagine a new house using the same driveway. She felt that there is too much water coming down from the hill and therefore the problem with ice in the winter is insurmountable. She felt that it would be "unconscionable" to permit another family to use the driveway.

ENTWISTLE

Site Plan

Section 1, Block 6, Lot 5B

35 Mianus River Road

Teodoro Siguenza, AIA – Chary & Siguenza Architects

Discussion

Mr. Teodoro Siguenza was present for the application. Mr. Andrew Entwistle and his children, Rachel and John-Andrew, were also present.

Mr. Entwistle explained that the professionals' comments have all been addressed. He said that they received a letter from approximately 20 neighbors that contained questions however, he felt that they would have been better addressed at the ARB stage, which has already been completed.

Mr. Siguenza stated that the pool would not be visible from the road at all and it was rotated slightly to make it even less visible. The house has a very little footprint facing the road. Approximately 1,900 sq. ft. of livable space being added and the rest is unlivable. Mr. Siguenza said that the proposal has been accused of "towering over the road" and at its highest peak it is only 33' and that is only on one corner near the driveway. He said that it will not tower above the road, and that is why we turned it. From the roadside the profile has been reduced significantly and the ARB has approved this. He felt that this was much more aesthetically pleasing than what currently exists. No changes to the roadway are anticipated. He explained that eventually the road will change slightly as part of the subdivision approval but no gates would be included. He said that the stonewall would be repaired and that they have no intention to do anything near the road, other than plant grass.

Chairman Michelman felt this was still too big. Mr. Entwistle said that the proposal consists of adding a three-car garage to the end of a 2,100 sq. ft. house. This will have a rec room and a master suite, and includes the porches. It will have approximately 4,000 sq. ft. of living area when it is completed. Mr. Kaufman explained that under the Code, the porches are considered floor area, so the Board has to consider the covered porches and that they have to be included in the calculations.

Mr. Siguenza stated that the applicant was able to build this house as of right. He explained that the blue area on the plan was the existing house and the yellow was the

expansion area with the master bedroom / bath and stairway and the rest are porches. The basement is entirely below grade and the second floor is the playroom for the kids with a stairwell. The proposal is not considered massive development and they meet the height, the coverage, the setback, etc.

Mr. Entwistle explained that the porches were designed to add to the aesthetics not to detract. It gives a better visual and breaks up the flat front. He added that natural materials would be used for the façade, including cedar and stone. He reminded everyone that some of the square footage is the porches.

Mr. Kaufman explained that this is why the Town Board gave the Planning Board some discretion in terms of these special use permits. Although the proposed house, including the porches, is below the maximum floor area, the Board also has to analyze the five nearest houses, and if the proposal exceeds that by more than 50% larger than the average, then a special permit is required. That analysis results in a figure of 3,300 sq. ft. and 50% larger is 4,950 sq. ft. The proposal is larger than 4,950 and therefore the Board needs to issue the special permit. Therefore, the Board has to consider whether this house is in character with the neighborhood. He pointed out that there is minimal steep slope disturbance, few trees are being removed and the pool issue has been resolved. This is the only issue to be resolved.

Mr. Siguenza explained that the total livable space is only approximately 4,000 sq. ft. Mr. Kaufman explained that they include the garages in the comparisons. Mr. Siguenza believed that the information from the assessor's office does not include garages, attics, and basements.

Mr. Adelman stated that in his opinion, the nearby homes are rather small (900 sq. ft. and 2,000 sq. ft.) He felt that these houses are not in keeping with current living requirements and that the applicant should not be penalized by this comparison.

Mr. Delano asked if there were any aerial photos of the neighboring houses. Mr. Siguenza presented the aerial, but explained that the houses are far away from each other and hard to capture in one photo.

Mr. Siguenza explained that from the house to the road was approximately 120.' Two of the closest houses are 400 and 500 feet from the proposed application. Another home is more than 4 acres away.

Chairman Michelman pointed out that the applicant's house is very visible from the road and was still concerned that the enlargement would increase that visibility.

Mr. Entwistle explained that the proposed construction would create an interesting profile and would not dominate the road. He noted that the garage face would not be seen while coming down the road. He stated that the portion of the house that is visible from the road is in keeping with the area. The porch is still in the same roofline and the roofline for the new addition is set back further. The lot is not open; there are trees everywhere, which helps break up the view. The trees along the bottom of the road will remain and only a few trees that are right next to the current house are being removed.

Chairman Michelman noted that they still needed to have the neighbor notification, and it may help the applicant to speak with these people prior to that date. Mr. Entwistle noted that many of these people do not live on Mianus River Road. Dr. Matusow said that even though most of these people don't live near the proposal, they feel they are impacted because they walk on that road a lot. Dr. Matusow said that he walked the site and noticed from the road that the topography goes up rather steeply, and plateaus at the house site, and then goes up again. The 472 line on the topographic map is the edge of the first rise and from there to the proposed house is approximately 65 – 70.' He asked if the applicant would consider landscaping with evergreens and tall plants, because he felt this would almost entirely screen the house and might satisfy the neighbors. Mr. Entwistle said that would be fine, but would have to take out a number of existing trees in that area to do so. He added that the area is a ledge. Dr. Matusow said that he was not a landscape architect, and was not going to plan it with the applicant, but that his proposal might satisfy the neighbors.

Mr. Entwistle said that he would be happy to look into this but asked that it be made a condition and for the Board to schedule the public hearing. Mr. Kaufman said that would be up to the Board but cautioned the Board that if they were directing the applicant to do additional landscaping, the applicant should consult a landscape architect because it might not be a simple task, and the Board should not approve a berm in that area. He felt that simpler would be better as opposed to a screen; it would have to be naturalistic. Mr. Entwistle said that they would come to the public hearing with an architectural drawing.

Mr. Kaufman explained that the applicant would have to have a plan for the public hearing and that the Board wanted to see it at the next submission. Dr. Matusow advised the applicant that if the plan wasn't acceptable the Board might extend the public hearing.

SEGATTI
Site Plan
33 Sunrise Drive
Michael Campbell, P.E. – Campbell Engineering
Discussion

Mr. Michael Campbell was present for the application. He explained that they needed to schedule a public hearing. They have reviewed the memos from the professionals, and although they are missing a few things, they would be able to provide them. He noted that they have addressed the Town Engineer's issues and those details would be submitted. Mr. Campbell explained that a one-story house currently existed on the site, and they are proposing an addition and a garage underneath.

Mr. Kaufman noted that the main issue is whether the house size and location is appropriate. He recognized that the applicant has relocated the driveway so that the cars can get in and out and the sight distance has been improved. Mr. Kaufman asked about the landscaping plan. Mr. Campbell explained that they are working on getting that to the Board.

Mr. Kaufman stated that as required by the Code, the Board has to look at the five nearest houses, and that averages out to be approximately 2,806 feet, which is relatively small. He explained that 50% larger is 4,209 and the applicant is proposing a house that is 6,915 feet, which includes the underbuilding garage. Mr. Kaufman asked how much of the underbuilding was the garage. Mr. Campbell said that it was approximately 1,800 sq. ft. Mr. Kaufman stated that he was surprised it was that large. Mr. Campbell explained that it was a two-car garage. Mr. Kaufman said that typically, a two car garage is approximately 600 sq. ft. Mr. Adelman asked how large the underbuilding was. Mr. Campbell said that it was 2,300 without the addition and 3,300 with the addition. Mr. Kaufman clarified that Mr. Campbell was talking about the entire understorey area – including the basement. Chairman Michelman explained that Mr. Adelman was trying to determine if the addition is mostly underground, then it reduces the visual from the street. Mr. Campbell said that the majority of the space being added is underground, and this conforms visually to the surrounding houses.

There were no comments from the professionals or the Board.

Mr. Kaufman explained that because the house is 50% larger than the 5 adjacent homes, a special use permit is required, and they would need to have a public hearing and neighbor notification.

GILEAD CONSTRUCTION

Site Plan

Section 2, Block 5, Lot 2D-21

5 Ridgeway Circle

Peter Gregory, P.E. – Keane Coppelman Engineers

Discussion

Mr. Peter Gregory and Mr. Rich Morgante were present for the application. Mr. Gregory explained that at the last meeting, the Board asked the applicant to consider where a pool would be located on the site in the event that a future owner would like to construct one. He said that they have found a location that could work off the existing terrace and they have demonstrated that a pool could work on this site and the lawn area could still be maintained in the area. He said that by incorporating the retaining wall, they could minimize any additional impact to the steep slopes and would not require the removal of any additional trees.

Chairman Michelman confirmed that the applicant was not planning a pool. Mr. Gregory said they were not. Mr. Kaufman said that he believed the applicant has demonstrated that a pool would work well in that location with little disturbance.

Dr. Matusow asked if there was any way for the Board to protect the trees to the west, because in his experience, someone will propose a pool here someday, and they will likely want to remove the trees to provide light to the pool. He said that he did not want to hold up the application. Mr. Kaufman explained that there is already limit of disturbance and that a note on the plan that says no additional trees can be removed beyond what is being approved. Dr. Matusow was satisfied.

Mr. Kaufman said that they have previously talked about the size of the house. He recognized that the applicant is above the basic and fairly close to the maximum, but

that this lot is relatively easily developable and the proposal seems appropriate in this neighborhood. The possible location of a future pool has been considered, and the minimum steep slope disturbance is 300 sq. ft. Lastly, approximately 88 town-regulated trees will have to be removed, but the site is heavily forested.

The Board explained that a public hearing could be scheduled.

VALEV

Site Plan

Section 7, Block 04, Lot 1L

18 Nethermont Avenue

Teodor A. Valev, P.E.

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

Discussion

Consideration of site plan resolution

Mr. Barry Naderman, Ms. Gail Ascher and Mr. Valev were all present for the application. Mr. Naderman explained that since the last appearance the applicant has prepared a lighting plan, which depicts the standard residential lighting at the home. They are proposing two gooseneck spotlights at the garage that would be pointed downward to the garage apron. The lighting that frames out the driveway would be mushroom pagoda lights.

Mr. Naderman went on to explain that they have formalized the construction and staging plan, and have met with the Town Planner and Engineer in this regard. The applicant has illustrated a truck route in light of the fact that will be difficult for certain trucks to navigate the site. Additionally, the Highway Department requested that the drainage in the area be analyzed, and this was done. He presented an aerial with the existing drainage systems and explained that they found that, given the rock and slopes, there is no drainage in Freedom Road and nowhere for the water to go. There are minimal lip curbs, and there is a problem. The applicant is going to have an interceptor swale installed in his property that will lead to a new catch basin. This will represent a slightly longer flow path, and there would be a slight net reduction in the flow to the catch basin; the water that runs from behind will be improved.

Chairman Michelman asked Mr. Schroeder about the sequencing plan. Mr. Schroeder explained that he and Mr. Kaufman met with Mr. Naderman on this issue, and that he was comfortable with it. He added that with respect to the drainage, this would be a vast improvement, although he noted that he had not reviewed the calculations yet.

Mr. Kaufman said that he had no additional comments and all his concerns were addressed as conditions in the resolution. Chairman Michelman noted that there is a typographical error on page six, paragraph number four: it should read Town "code" not the Town "cod."

Chairman Michelman asked if Mr. Naderman had reviewed the resolution. He said that he had, and had no issues with it. Chairman Michelman suggested that the applicant make the sequencing plan available to the neighbors. She asked if there were any other comments / issues.

Mr. Delano wanted to add the fact that there was a meeting on March 12th and April 9th as well as a worksession with the ARB on April 9th. He also said that on page 6, item number 2 the Board should require that the as-built be provided with the floor plans and have the same vertical datum as the approved site plan.

Mr. Rick Sosnovy was concerned about the storm sewer and the impact on Nethermont Avenue, because the applicant only addressed Freedom Road. Chairman Michelman advised this was not a public hearing. Mr. Naderman assured the neighbors that they would be happy with what the applicant is doing because currently, the way the water flows it comes down over the street onto the neighbors' properties. The drainage will be significantly reduced and even the overland water that remains will flow to the catch basins that are being installed. He said that this would be a tremendous improvement because, currently, there is no drainage for any of this.

Another neighbor, Frank Mellachio, said that he was concerned because there was another house that had been constructed down the street and the storm drains were not included. Chairman Michelman pointed out that Mr. Naderman had just provided a thorough explanation of how things were going to improve and that the Board has no control over what was or not done on other homes.

Mr. Adelman moved to approve resolution. The motion was seconded by Dr. Matusow and approved by Mr. Adelman, Chairman Michelman and Dr. Matusow. Mr. Delano opposed.

NEW BUSINESS:

MACKEY

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

Mr. Leonard Brandes was present for the applicant along with the applicant himself. Mr. Brandes explained that the site walk was conducted, and they have presented additional drawings with additional information. The drainage was reviewed and stormwater calculations were completed. He referred the Board to SP-1. He noted that there are two drywells in the rear of the property, but that they cannot do test pits in the location where the house is being built because of the debris on top; however, it can be done in the proposed drywell locations. He noted that they plan to connect to the existing septic system and would provide additional cleanouts. They also depict how they are going to connect the utilities.

Mr. Brandes stated that he has discussed the heating and air-conditioning with the Building Department. He said that typically, he does insulate his projects even if they aren't heated and air-conditioned. The applicant would like to have the building air-conditioned for those who will not be swimming, but still wanted to be near the entertainment. Additionally, the heat would enable them to extend the use for more months of the year. The applicant would like it heated because it is a nice structure that will enhance the property. They are proposing 10' white spruces around the property,

and there are minimal lights on the side of the building. Most of the "openness" faces the main house.

He explained that the Town Code permits 800 sq. ft. without approval, and they are seeking to construct a 1,063 sq. ft. structure. Subject to the Board's discretion, the Code permits them to construct a structure that is 25% of the main structure. The main house is 5,400 sq. ft., which would permit up to a 1,350 sq. ft. for an auxiliary building, which they are lower than. Additionally, in terms of the height, they are permitted up to 22' for the auxiliary building. The property is 13.9 acres and there is only one neighbor nearby and they are set lower, and are being shielded. No other neighbors can see it. There is landscaping in the area and that will remain.

Chairman Michelman explained that the Board talked about the size at the site walk. They are not only concerned with the current owner but future owners, and the possibility for them to convert this to a secondary living area. She asked Mr. Kaufman if there was a history of pool houses in town with heating and air-conditioning. Mr. Kaufman said that he was not sure. He said that the Town has seen a range of styles of pool houses, and the Board has typically required "mini" appliances.

Dr. Matusow noted that the Board recently approved a pool house on a large property, and did not believe that it was heated. He noted that when the Board raised these same concerns, the applicant understood and changed it. Mr. Kaufman reminded the Board that this is a discretionary permit; the Board does not have to approve it if they are uncomfortable with the proposal. The applicant could reduce it to 800 sq. ft. and then a special use permit would not be needed.

Dr. Matusow said that he never saw the property, but the pool house is being proposed with a 19'x21' central living area, a full kitchen, an outdoor shower, a bathroom, a back deck, a front B-B-Q area and heating and air conditioning with insulation. Dr. Matusow questioned why they were proposing a deck in the rear. Mr. Brandes said that was because that is where most of the yard is. The applicant wants to have viewing of the woods and most of that area is not buildable due to restrictions on the site. In the front there is a patio that opens up entirely to the pool and spa area.

Dr. Matusow recognized that the proposal is beautiful, and was not saying that the applicant shouldn't have a pool house, but felt this was very large and contains a lot of amenities. He wanted the applicant to recognize that he was concerned about this at this early stage. Mr. Brandes said he'd be willing to walk the site with Dr. Matusow if that would help.

Mr. Adelman said that, normally, he would be concerned that this would be too easily converted to an additional dwelling, but he was somewhat persuaded by the property being almost 14 acres in size, and the lack of visibility. He said that if the applicant would consider removing some of the appliances, he'd be more willing to support it. Mr. Brandes said that they would modify the kitchen, but reminded the Board that the applicant wanted to be able to entertain there, and that is the purpose of the appliances.

Mr. Kaufman asked Mr. Schroeder if the Health Department would consider this a separate bedroom. Mr. Schroeder said that due to the amenities and the fact that this has a washer and dryer, it was possible.

Mr. Adelman said that the Board would probably want the washer dryer removed, in order to make it more difficult for anyone in the future to convert it. Dr. Matusow said that was not the answer here; removing some of these appliances would still exceed the need for a pool house. He pointed out that the applicant had an answer for why he wanted each appliance and amenity, and taken on its own, it seemed reasonable. However, when they are considered together, it is too much.

Chairman Michelman said that if this pool house was 800 sq. ft., the applicant could do anything they wanted. Mr. Brandes recognized this. Mr. Baroni corrected the Chairman and explained that that would not mean they could do anything they want, just that the administration of it is switched to the Building Department; it still could not have the attributes of a guesthouse. Mr. Kaufman said that the Board would still have to approve the site plan.

Chairman Michelman explained that the majority of the Board felt that this was too large. Mr. Delano stated that, in his recollection the Board has never approved a pool house like this. The Board has consistently not permitted pool houses with insulation or cooking facilities.

Mr. Brandes asked if the Board would be more comfortable with the size of the structure if he removed the heating and air-conditioning. The Board said that this is one big step in the right direction. Mr. Brandes pointed out that if this was going to be an artist studio, they would require heat and a/c. The Board recognized this, but then pointed out that they would not have the entertainment facilities. Mr. Kaufman advised that if that proposal came to the Board, they would have to consider the merits of that application.

Mr. Mackey said that he had no intention of renting it out, or occupying it as a residence. The A/C and the heat would be for those who don't swim; the washer and dryer would be used for towels. He said that he could not say what any future owners would use it for. He recognized that there is bathroom and a shower, but there is nothing like a bedroom.

Mr. Kaufman understood what the applicant wanted to do there. Mr. Brandes explained that because of the glass wall and the systems in place, it could not be divided into floors or smaller rooms.

Mr. Guiliano, the landscape architect for the applicant, added that the Board had previously approved a pool house that did have heat and A/C (Jacob's residence) and that the Board required the stove be removed. He noted that the spa is in that area that can be used even after the pool is shut down. These are all very high-end pool houses but the glass front opening up to the spa is the reason for the location.

Chairman Michelman asked what the next step was. Mr. Brandes said that they would remove the kitchen and increase the storage. He added that he has spoken to people at the building department to confirm that the pool houses constructed in the last few years do have heating and air-conditioning. This is an entertainment area, not a \$15,000 changing room.

Mr. Baroni asked if there was a way to put in a heating pump rather than an entire system. Mr. Brandes said that these are only good up to about 45 degrees outside.

The Board advised him to reconsider his plan.

VARSALES

Lot Line Change

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

2 & 4 Nash Place

Barry Naderman, P.E. – Naderman Land Planning & Engineering, P.C.

Discussion

Mr. Barry Naderman was present on behalf of the applicant. He explained that the two parcels consist of existing single-family residences and a pool, pool house and septic. They are seeking to make some lot line adjustments so that Lot 13A becomes 2.41 acres. They will add an area in the back, and remove area in another location. Lot 13A-5 consists of 2.81 acres, and will be 2.04 acres. They are doing this because one existing residence is being served by a very old septic system for which there is no records in the Health Department. That house has five bedrooms. We are looking to build a full five-bedroom system and a full expansion area, so that when it comes time for the owner to sell the property, they have no problems. They are looking to give the other rear yard a full 50'. They will end up with a lot width of 140', and they are required to have 150' for the lot width, for which they will need ZBA approval. Before they can file with the ZBA, they will need a referral / recommendation from this Board.

Dr. Matusow asked if this qualified as subdivision, and if they needed to refer it with a recommendation. Mr. Baroni said that they do.

Mr. Schroeder asked if they tested the areas for the septic and Mr. Naderman said that they have and that the verifications were planned for the following week. Mr. Schroeder asked for copies when they were completed.

Mr. Kaufman asked if the existing septic was grandfathered. Mr. Naderman said that it was, but if the owner wanted to sell, there was going to be some concern over the outdated, inadequate septic. In this situation, the septic is inadequate for a five-bedroom, and there are actually five bedrooms that already exist. Mr. Schroeder explained that this is a significant improvement.

Dr. Matusow asked what the potential downside would be to the neighbors and the town. Mr. Kaufman said that if the Board is comfortable with the lot line changes, then there is no downside. Mr. Naderman said that given the house and the amenities on the property, it does not carry the value it should as a three-bedroom residence.

Mr. Kaufman said that since this is an unlisted action, they could do a coordinated review so that each board could make their own determination. Mr. Baroni explained that the ZBA is not used to doing their own SEQRA, and recommended that this Board do that. Mr. Kaufman said that, in that case, the Board would need to adopt a negative declaration. Mr. Delano pointed out that the applicant does not have a plat. Mr. Naderman explained that they have a preliminary plat with metes and bounds. Mr. Kaufman said that this was sufficient.

Mr. Baroni pointed out that this has to be referred to other agencies. Mr. Kaufman agreed if they were going to do a coordinated review. He added that the Board could declare intent to be lead agency.

Mr. Adelman moved to declare intent to be lead agency. Dr. Matusow seconded the motion and it was unanimously approved.

Dr. Matusow moved to refer the application with a positive recommendation to the ZBA. The motion was seconded by Mr. Adelman and unanimously approved.

PALOMINO

Special Use (FAR & Gross Land Coverage)

Section 1, Block 1, Lot 22

175 Bedford Banksville Road

Barry Naderman, P.E. – Naderman Land Planning & Engineering, P.C.

Discussion

Mr. Barry Naderman was present for the application along with Ms. Martha Palomino. Mr. Naderman explained that the property is 0.66 acres on Bedford-Banksville Road. There is an existing residence and they are proposing to “square off” the house. The gross floor area is 324’ and it will be 4,481’. The basic permitted is 3,983, so they are going to exceed basic allowable, but will still be below the maximum. With respect to the land coverage, a special use permit is also required.

Mr. Naderman explained that there is no grading associated with this proposal, and that they have already received the variances on the side yards and ARB approval. Mr. Naderman added that the Health Department has already signed off on the application, as there is no increase in the bedrooms.

Mr. Kaufman said that the only issue he had with the application is where the 100’ buffer to state wetlands were located. Mr. Naderman explained there is one off the back of the property and this addition is more than 100’ away and this will be illustrated.

Mr. Naderman explained that another issue is whether this would exceed the nearby gross floor areas by more than 50%. He presented an aerial and indicated the residence in question, the house across the street, and the church. He said that it is fairly obvious that they are not in danger here.

Mr. Kaufman said that this was not going to be a big house, and in this case there is no point in considering the nearby homes because the applicant already needs a special use permit.

Chairman Michelman asked when the applicant received the ARB approval. Mr. Naderman said that it was received on August 3, 2006.

The Board explained that a public hearing could be scheduled and a resolution could be prepared.

DISCUSSION:

Proposed RO District Amendments

Mr. Kaufman explained that the Town Board received a request from the LPC to amend the RO district to allow additions for professional office. As drafted now, it only allows for expansion of those buildings for residential use, and expressly prohibits expansion for professional office space.

He explained that originally these were all residential homes in a residential district. In 1978 when the Code was amended to create the RO district, which allowed those homes to be converted to offices. The LPC is recommending that the Town once again amend the Code to bring them back to their original state. The Town Board asked this Board to meet with the LPC to discuss these changes. Eventually the Board will have to make a recommendation back to the Town Board.

Mr. Kaufman said that he had prepared a memo to the Town Board in April. It is his opinion that the department is concerned about the nature of the houses, and what expansion would do to the character of the houses. If the buildings were expanded, the parking areas will need to be enlarged, which would require more curb cuts and more impervious surface. Additionally, they need to limit the maximum floor area allowed in the district. When the RO district was created, the FAR was left blank, which made sense because at that time the town did not regulate this. Now, they should probably include FAR. Mr. Kaufman said that he analyzed the lots in question, and the FAR ratio is 0.11 to 0.38 and the average is .22; this is very consistent with the PBO zoning district, which is similar to this type of district.

Mr. Kaufman asked if there were any questions. Mr. Delano asked if your recommendation on FAR was the same regardless of whether they are improving the building or not. Mr. Kaufman said that it was. Mr. Delano pointed out that there are already buildings in that district that would exceed that area. Mr. Kaufman said that they would be grandfathered, but could not be added to. The three of the five houses that are below, could go up to 0.2. He is recommending in either scenario that they be only .2 because of the FAR. Mr. Delano asked if they were only talking about five buildings. Mr. Kaufman said that they were. Mr. Delano asked if the LPC was so concerned about historic buildings, why are they trying to permit the enlargement.

The LPC feels that this is an opportunity; specifically at 20 Bedford Road. This has been modified over the years, and if the Town allows this, the developer said he would restore the façade to the original historic character, but an addition for professional use is also proposed. Chairman Michelman asked how this would impact the parking. Mr. Kaufman said that they would require the additional parking for whatever size the addition would be and on top of that, there would have to be one space for every 200 sq. ft.

Mr. Delano pointed out that they would also have to consider what types of material would be allowed for paving. Mr. Kaufman suggested scheduling a work session with the LPC. Chairman Michelman said that they already have.

Dr. Matusow pointed out that the LPC was very concerned with using the driveway near these buildings for Armonk Square.

Mr. Kaufman said that this discussion should be continued at a worksession with the ARB.

Carry-out Restaurants

Mr. Kaufman said that he needed the Board to advise him about their position on this issue so that he could make a recommendation back to the Town Board. Dr. Matusow said that they should not only be talking about Café Norma. Mr. Kaufman said that he had been stressing that all along. Dr. Matusow said that the Board is considering requiring a lot of parking that it may not need. This proposal requires a broader study than only whether Café Norma is happy or not.

Mr. Adelman felt that the Board should try and bring this down to earth, rather than theoretical. He would like to know how someone like Café Norma would be impacted by the Board's decision even though he know that they are not making their decision on Café Norma alone.

Dr. Matusow would look at it the other way. Café Norma exists already, and there has not really been any impact on the Town. Mr. Kaufman said that there are many people in Town that say there is a parking problem in the downtown area. Dr. Matusow said that sometimes there is, and sometimes there isn't. Dr. Matusow agreed this needed to be considered, but that it would take more time than Café Norma would like, and he did not care.

Mr. Kaufman asked what type of quantification the Board was looking for, because he already gave one to the Board. Dr. Matusow felt that they are just throwing out numbers and the Board does not know whether they are good numbers or bad numbers; these figures should not just be pulled out of a hat. Mr. Kaufman said that they are similar to other communities that have similar uses, and they are all based upon the ITE.

Mr. Adelman felt that it might be appropriate to consider "x" number of parking spaces per "y" square feet. Mr. Kaufman said this was basically an impossible task because he would have to assume that they are going to have access to every single floor plan in Town.

Mr. Adelman suggested using the actual uses that exist now in Town, and calculate the total parking requirement, and determine if there is a shortfall. Mr. Kaufman said that there was a study done in 2001 and he believed this would be close. Mr. Adelman said that then the Board could determine if they needed to adjust it.

Dr. Matusow asked if the ULI would permit this to function with less spaces than the Town Code. Mr. Kaufman explained that these figures are very similar; if the Board takes 25% off of the Code requirements, they end up with similar figures as the ULI. If you are downtown, you can get a twenty-five percent credit for parking.

Dr. Matusow said that he wanted to know why the Board was picking these numbers. Mr. Kaufman explained that if they considered 100 or 125 there is no real increase; if the Board thinks there is not going to be increased parking, then 200 is fine.

Chairman Michelman said that the other issue is places like Café Norma; these places are open for breakfast and lunch, and this will impact how long people stay inside.

Mr. Kaufman asked the Board what he was going to tell the Town Board. Chairman Michelman said that they should say that it has come to light that the Town probably needs this type of designation, but they have nothing upon which to base these figures. Mr. Kaufman asked if the Board wanted him to commission a study. The Board said that perhaps he should talk to the Town Board on this possibility. Mr. Kaufman explained that the Board was going to get the opinion of an engineer that says it is somewhere between the retail and restaurant parking. Dr. Matusow felt that a traffic engineer's opinion would be pointless because he would not have familiarity with the Town.

Dr. Matusow felt that the Town could "stretch the parking requirement quite a bit, because he hasn't seen much of a change."

The Board said that they were finding it hard to give guidance when they did not have sufficient information. Mr. Kaufman asked again what type of information the Board needed, because he would get it to them. Mr. Adelman suggested starting with the 2001 study as a jumping off point. The Board agreed.

The meeting was adjourned at 10:02 p.m.
