

PUBLIC HEARING

BAIRD

Special Use – Gross Land Coverage Section 1, Block 11, Lots 11-6 & 11-15 Jason Lepro - Jay Fain & Associates Discussion

Chairman Michelman read the public notice for the record. She noted that the notice read floor area, but they were dealing with land coverage. Mr. Baroni advised that the notice was defective.

Mr. Kaufman advised that the meeting would have to be renoticed, but if the Board wanted to they could hear the issues. Chairman Michelman asked if there were any neighbors present. There were not. Mr. Kaufman said that they would not have been able to take any action tonight, so the public hearing should just be renoticed.

Mr. Kaufman explained that the Board had already approved a preliminary subdivision to move a lot line; the Board was not creating any new lots. The subdivision would create two lots of approximately 25 acres. One would have the existing horse facility on it. Mr. Kaufman noted that his memo raised the issue of the floor area that would be left over once the subdivision was drawn. He said that a house of approximately 3,000 sq. ft. would be permitted, however there is a special provision in the Code that would allow the Board to permit additional floor area on estate lots. The Board has that ability on these lots and in his opinion, it is reasonable on these lots because the horse facility would take up so much area.

Chairman Michelman said that as long as there is a provision that allows that, the Board should take advantage of it. The Board agreed.

The applicant's representative requested the Board advise him in the interim what the conditions of approval would be. Mr. Kaufman agreed.

CARRIER

Site Plan

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

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 9 out of 13 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present. Mr. Steve Alpart of 33 Sarles Street and Monica Grey of 12 Dellwood Road were present.

Dan Ciarcia was present on behalf of the applicant, along with the landscape architect Seth Tisherst and the applicants. Mr. Ciarcia explained that the application was for one

of the lots in the Hammond Ridge subdivision. Most of the lots are accessed through the internal road system however this lot is not. This lot is accessed directly from Sarles Street and adjoins an adjacent lot, which does use the internal system.

Mr. Ciarcia explained that the applicant's lot is 3.7 acres, and therefore conforms to the two-acre zoning. The house is approximately in the same location as it was approved on the subdivision map. The applicants are proposing to add a pool and a pool house. Mr. Ciarcia acknowledged receipt of the comments from the professionals and believed they were technical in nature.

The applicants require approval from the Board for the gross land coverage and the floor area ratio. With respect to the floor area ratio, Mr. Ciarcia opined that this home would be comparable to the other homes in Hammond Ridge. They are on an existing road, so that adds to the concern for the surrounding neighborhood. He showed the internal roads for Hammond Ridge as well as two homes that access through the internal road, the proposed Carrier residence and some of the other homes in the neighborhood. The Carrier house is proposed to be smaller than a number of homes in the area and not out of character with the surrounding area.

Mr. Ciarcia said that there was an issue that was raised at the site walk regarding the clearing that had taken place because of prior activity on the site. This clearing does not provide a lot of vegetative buffer between the proposed residence and pool and the adjacent property. The applicant tried to mitigate this impact by studying the viewshed from the adjacent property. They profiled the pool, the wall the house, the trees and the berm. Based upon the window of the house next door the sightline clears everything with only a 12' tree on the berm.

Seth Tisherst talked about the landscape buffer. He explained that it would consist of two types of spruces (Norway and Colorado). They would be between 12-14' and 16-18' high trees. The trees would be planted on top of a 4-5' tall berm and these together should be more than sufficient to screen the neighbors.

Chairman Michelman asked if there were any other plantings proposed on the berm. Mr. Tisherst said that they were just proposing the berm and the trees. He added that the trees need space to grow, and they will fill it up.

Chairman Michelman said that she and Mr. Kaufman wanted to know what they planned to do regarding the stonewall in front on Sarles Street. Mr. Tisherst explained they provided a profile to see the sight distance and one wall seems to be impeding the sight. The applicants are going to pull it back, and reconstruct it.

Mr. Schroeder noted that he was still waiting for additional information, including drainage information. Mr. Ciarcia explained that much of this information had been addressed for a previous layout, but would be revised and provided to the Board.

Mr. Kaufman said that he needed to understand the berm planting and the frontage, so he was relatively happy.

Chairman Michelman asked if the neighbors had any questions or comments. Mr. Alpart wanted to know how far the house was set back from the street relative to the other

houses on the street. Mr. Ciarcia explained that it would be further back than the houses there now. He also explained the plan to the neighbor and indicated other houses and lots.

Ms. Grey said that she and her husband had been concerned because they live so close to the proposed construction. She had a professional review the plans and went over with Mr. Kaufman and they are now happy with everything. She wanted to know if there was any process the Board went through to ensure these items are actually constructed as planned; specifically that the berm being as high as it is proposed. Mr. Adelman explained that this is an enforcement issue that will be dealt with by the Building Department. Ms. Grey asked how the berm would be finished, and Mr. Tisherst said that it would be mulched.

Mr. Adelman moved to close the public hearing. The motion was seconded by Ms. Black and unanimously approved. The Board said that they could prepare a resolution for the next meeting.

CONTINUING PUBLIC HEARING:

STOBSKY

Amended Site Plan, Special Use FAR & Gross Land Coverage

Section 2, Block 17, Lot 4J01

20 Sterling Road South

Adam Stobsky

Discussion

Chairman Michelman asked if there were any neighbors present Mr. and Mrs. Gottlieb, 14 Sterling Road South; Mr. Alfred, 18 Sterling Road South; Mr. Samuels, 4 Hadley Road; and Mr. Levine, 24 Sterling Road South.

Mr. Peter Gregory was present on behalf of the applicants, along with the applicants themselves. Mr. Gregory explained that the last time before the Board, the applicant was asked to reconsider the plans to see if they could merge it with the Mack plan. He said that they met with the professionals to discuss the changes they've made.

Mr. Gregory said that they've modified six items. They have moved the house forward approximately 40' toward Sterling Road. By doing that, they were able to bring the house more in line with the existing dwellings to the north and south. The garage areas are more in line with the direction of the neighbor's backyard. The applicant was able to increase the driveway area at the garage to 30.' The setback from the property line to the house is 35', leaving 5' for screening or planting between the edge of driveway and the property line.

They've added a small hammerhead area to assist with backing out. Additionally, by bringing the house forward, they were able to shorten the length of the driveway. This required them to increase the slope to 11%. Mr. Gregory explained that, for the most part, they are following the grade down the driveway. By doing this, they were able to minimize the amount of fill along the property line, and for the most part would be on grade in a certain area. By avoiding excavation and fill, there should be some

reasonable amount of room to screen in the area. Mr. Gregory added that the elevation of the garage and the main floor are dictated by the driveway elevation on the front and side. The grade change allowed them to minimize the earth work and fill requirements in the rear yard.

Originally, the applicant proposed terracing from the rear of the house to the pool area. Now, they can eliminate a retaining wall near the existing stonewall. They were also able to reduce impact along the property line. They were able to maintain the 10' buffer on the eastern portion and the southerly property line. The applicant also narrowed the retaining wall, which allows for an access way to the pool and an area for future use taking into the landscaping that is proposed. Lastly, the applicant was able to increase the natural buffer that had been proposed at 25' and now is represented at 50'.

Chairman Michelman asked which plan the applicant made the changes to, Stobsky or Mack. Mr. Gregory said the changes were made to the Stobsky plan. Chairman Michelman clarified that the plan described by Mr. Gregory was the last Stobsky plan with some changes. Mr. Gregory said that was correct.

Mr. Stobsky offered to explain the similarities between the two plans. Chairman Michelman said that would not work for her. She stated that there was the potential compromise. The Board was trying to get the applicant to go back to the old, approved house and work from there. She said that the plan presented by the applicant was a change in the Stobsky plan, and was presented as a second option.

Mr. Stobsky stated that it was a change in his plan, revised to be more similar to the Mack plan. Chairman Michelman noted that the Stobsky plan was not approved; that the Board was trying to get the applicant to consider variations of the approved Mack plan. She said that she was not prepared to make a judgment based upon the revised Stobsky plan.

Mr. Stobsky explained that the revised plan was within 10' of where the Mack house had been approved. Chairman Michelman recognized this but felt there was still an issue. She said that she now needed to "look at the Stobsky plan as to where this sits, because now we are nowhere." She pointed out that the Board had directed the applicant to look at the old Mack plan and design their house where that one had been approved. Mr. Stobsky said that was what they did. Chairman Michelman disagreed. She said that the presented plans may be perfect, but she did not know because she needed to review it once again.

Mr. Kaufman explained that Chairman Michelman expressed his concerns from his memo. At the September 24th meeting, the Board advised the applicant to place the Stobsky house on the Mack site plan. Mr. Kaufman said that in an effort to help the Board, he prepared a matrix that went through the two plans. The rest of the comments are really carryovers from prior memos.

Chairman Michelman asked Mr. Schroeder for his comments. Mr. Schroeder said that he agreed with Mr. Kaufman. He also agreed that this plan was not consistent with the previously approved plan. Mr. Schroeder stated that even though this plan had been further revised, he still had some concerns. He said that with respect to the backup area, he recalled agreeing with the applicant for 30' and that he scaled 28' for the backup

area. Mr. Schroeder noted that even 30' was a concession, because he would like more. He added that he was still concerned with the wetland issues because they were depicted on the GIS maps. He cautioned that this may have been resolved, because he was not involved with the Town then.

Mr. Stobsky presented a letter from Mr. Schroeder's office stating that there are no wetlands on the property. Mr. Schroeder said that if that were the case, then he was satisfied. Chairman Michelman read the letter, and stated that was not exactly what the letter provided. It says: "there are no regulated wetlands within 100' of the proposed lot improvements." She pointed out that the applicant is talking about different improvements. Dr. Matusow pointed out that there are wetlands in the back, because there is a stream there. Whether or not it is on the applicant's property is to be determined.

Mr. Delano noted that the Board approved the Mack plan, and those applicants had approval to remove certain trees, and they agreed to leave some up. Many trees have been removed – as many as 34. He noted that five of those trees were significant, and were to have remained under the Mack plan. This project is under the Board's jurisdiction, and if there was going to be a change with respect to the trees, it should have come to this Board, and not circumvented by the Building Department. Mr. Delano said that he was not sure how this happened or what exactly transpired. He noted that twenty-two trees would have been cut down under the Stobsky plan and twenty-seven trees would remain under the Mack plan. He felt this was a significant loss of trees.

Mr. Delano said that it was his recollection that when the Board was reviewing the Mack plan, the Board preferred the driveway on the right side, which provided for more of a consistency in an undisturbed native buffer between the homes. By placing the house with the driveway on the left and close to the setback, they are eliminating some significant natural buffer, which the Board was hopeful would remain. An 18" tree has been removed and although another two are still there, they are proposed to be removed. He said that it was difficult for the Board to get the same level of screening despite the detailed landscaping.

Mr. Delano noted that there is a vehicle available to the Board on a case-by-case basis, to make specific modifications to a project as proposed, regarding setbacks. So if this Board wanted to try and preserve the natural setback, they could pass a motion to increase the side yard setback on the left in excess of 30' so that the Board could have the buffer they desire. Originally the Board thought that they would have a 25-30' native buffer there, and now they are only going to have 2-3'. By requiring an additional setback, this would begin to honor the Board's original intention. He pointed out that this would mean that the applicant would lose 60' of the house somewhere, which he recognized would not work. He suggested again that he would try to get the applicant to turn the pool to reduce the impervious area, and flipping the house around to get driveway on the other side to maintain the distance between structures.

Mr. Stobsky said that he appreciated the concerns, and felt that he has taken everyone's concerns into consideration. He said that the trees are raised as an issue at every meeting and he felt they are being held over my head. He pointed out that Sav-a-Tree came to the site, and designated the trees that were removed as dead or dangerous. He felt he was being penalized for taking down dead or dangerous trees. Mr. Stobsky

explained that he went through the process, and got a permit. He noted that the Building Department wrote "dead" on the permit.

Chairman Michelman wanted to go back to the issue of the house itself. Mr. Adelman wanted to know if the tree issue was settled once and for all, because it did keep coming up. Chairman Michelman said that it was all a part of the entire picture. Mr. Stobsky said that the trees should not be part of the conversation. Mrs. Stobsky said that 31 of those trees were ash trees; there is a disease going around that is killing the ash trees in the area. She added that Nick Pouder went out there and said that there was nothing but "dead junk" back there.

Chairman Michelman said she was willing to put the tree issue aside to deal with the house. Dr. Matusow said that he was not ready to let the trees go. Chairman Michelman said she was more concerned with the relationship of the house to the neighbors. She said that they are not where they should be. The Board offered the opportunity to compromise and the applicant needed to make a decision. She explained that Mr. Kaufman's memo provided a comparison between the Mack plan and the Stobsky plan. There are variations aside from the side buffers. She felt that the issue is that the house is not exactly where it was on the Mack plan. The driveway has now 85', versus the Mack plan on the other side with 135'. She said that the Board was considering the neighbors, the location and other things. If the applicant's the Mack plan and put the driveway on the south side it would be better.

Mr. Stobsky said that Mr. Kaufman's numbers are "way off." Mrs. Stobsky said that they only moved it 10' to access the well. Mr. Kaufman said that he would check the figures, and they may be inaccurate, however that was not what the Board was talking about. He explained that the Board was referring to the distance between the driveway and the neighboring house, not the front line to the neighboring house.

Chairman Michelman said that they were looking at possibilities that might work. She said the applicants could have the house that they loved, if it fit better with the neighbors. She suggested they flip it around. Mrs. Stobsky said that would not be the same house and that it was not what the Board said at the last meeting. She added that "garage to garage" is ideal. The Stobsky's said that Chairman Michelman said that they "could have their house." To them, it was the house they had proposed on the site plan. Chairman Michelman I said clearly, that "the Mack plan was approved; that the house sizes were very comparable, so move the house to the Mack plan and you will have an approved plan." Mrs. Stobsky, said that she watched the tapes several times and that was not what the Chairman said.

Mr. Stobsky said that at the last meeting, Chairman Michelman told them that they could have the house they wanted. She wanted the Chairman to tell her exactly what she meant by that because it was not fair to them. Chairman Michelman said that she did not want to have this conversation. She said the issue was clearly stated to them for their benefit. Chairman Michelman added that she would have to go back and look at the plans and what the changes were because she could not make any decisions.

Mr. Adelman requested that Mr. Gregory provide an overlay. Mr. Gregory said that he could. He added that the Mack plan showed the driveway entrance coming in on the center and believed that this would be difficult to propose that driveway and minimizing

the impact on the property lines. By utilizing the existing driveway, they could minimize the disturbance further. He felt that they needed to create length to minimize the cuts and fills. He said that he would like to be able to use a configuration in that manner. Chairman Michelman noted that was rational and laid out the reasons logically and agreed that the overlay would be helpful. Mr. Adelman suggested that where there are material differences, the applicant should provide reasonable explanations as to why they are different. The Board agreed.

Ms. Black stated that she was still concerned about the proximity of the driveway to the property to the north and felt that a 5' buffer is not adequate.

Mrs. Stobsky said that she had been driving all along town and looking at 5' buffers. She said that she saw some that were so heavily planted that one could not see through them. People have been doing this for years. She added that if they say we're going to do something, than they would. She felt that because their current proposal was "garage to garage," there would not be any lights to impact a neighbors' living space.

Mr. Adelman thinks it could be addressed with appropriate landscaping. He noted that on paper, he had very good screening. But in reality, it was hardly effective. He felt that sizeable spruce would provide good screening, and he think that they could address the problem with the appropriate plants. Ms. Black questioned whether one could get a sizeable spruce in a 5' wide area. Mrs. Stobsky felt that they could. Mr. Adelman wanted to hear from the landscape architect.

Chairman Michelman advised the applicant to do the overlay with pluses and minuses and explanations if they could not do "A" but that it makes sense to do "B."

Mrs. Stobsky added that some members felt that there was an issue with the location of the pool, and they were asked why it cannot come closer to the house. On the Mack plan, the pool was 14' from the back door, right on the terrace. Mrs. Stobsky said that for her, it was a safety issue with her children. Chairman Michelman said that was a valid explanation, and pointed out that it should be on the overlay, with these reasons.

Mr. Stobsky presented pictures of what Mr. Kaufman refers to as the corridor. Dr. Matusow said that the tree issue is not resolved for him. Dr. Matusow said that this application troubles him. He said that it is complicated by the fact that there is a prior application that was approved, and the applicant bought the property with the plan in place. The idea was that they were able to implement that plan, and they would be able to have a house. Dr. Matusow noted that even the Mack plan was not a perfect plan, and that in itself was a compromise. He said that even though the Chairman kept talking about a compromise, he felt the Board has already compromised. This Board tends to find in favor of applicants in terms of the compromises; the Board wants the applicants to get what they want.

Dr. Matusow said that he spent great time of looking at the Mack plan and resolution. He felt that the main elements of the approved Mack plan were: the house size, the basic house footprint, the basic location of the house, the driveway location, consideration of the buffers the Board desired, and the impact to the neighbors. He added that a major portion of the Mack approval had to do with the preservation of the forest in the back. Dr. Matusow said that if the expansion area was not built right away it would not be

necessary to put in the fill that would have required removal of the trees and they could have preserved it as long as we could. He said that this was the approved Mack plan, which is no longer available because the applicant took it upon himself to change the rear of the property considerably.

Chairman Michelman tried to explain to Dr. Matusow that this has been discussed; Dr. Matusow told her he wasn't finished and had things that he wanted to say so that they knew where he stood on the issue.

Dr. Matusow said that he compared the Mack plan to the proposed Stobsky plan. He felt the gross square footage was acceptable and that it was about the same as the Mack plan. The house footprint is somewhat bigger than the Mack plan, but he did not feel it was significant enough to make an issue of it. The house distance is also about the same. He said that there are still problems that needed to be addressed, including the driveway. He said that the applicant is much closer to the property line on the north side than if it was on the other side, and a 5' buffer is not enough. There is more than 100' to the next neighbor and 30' to the property line itself on the south side. Lastly, there is the tree issue, which is an issue for him. He said that he would like to be satisfied that the applicants are going to be reforesting. Mr. Stobsky asked if Dr. Matusow wanted them to replant trees that they had removed that were dead, because they only took down the dead trees. Dr. Matusow said that they were allowed to remove the dead trees without a permit. Mr. Baroni corrected him and said that they did need a permit, they just didn't pay a fee. Dr. Matusow said that it was not up to the applicant or his arborist to decide whether they were dead.

Mr. Stobsky said that they only took down dead trees. Dr. Matusow said they did not; that they took down alive trees that they considered "junk." Chairman Michelman and the applicants said that was not true.

Mrs. Stobsky said that Mr. Fon advised her that if the tree was not dead, she was not to take it down and that is what she told her professionals. At this time, multiple conversations were had. Mr. Stobsky said that they provided the Board with all this documentation, but the Board simply does not believe them.

Chairman Michelman said this had to stop. She hoped the applicant had some idea of what the Board wanted. The applicants felt that the tree issue still needed to be resolved. Chairman Michelman said they needed to move to the other issues. The applicants felt that it was still a major concern for Dr. Matusow and it should not come up again. Chairman Michelman pointed out that he was just one vote.

The Board asked if any of the neighbors wanted to comment. Mr. Gottlieb said that he would reserve his comments until the next hearing when he heard the comparison. He thanked the Board and the Planning Department for helping the neighbors learn when the meeting would be scheduled.

Mr. Samuels, 4 Hadley Road, explained that he owned a home adjacent to the applicant and shared a fairly long common boarder with them. He said that he just recently found out this was on this agenda, and said that at least one other neighbor would have liked to be there. He said that he wanted to talk about fill and wetlands. He felt that Dr.

Matusow expressed appropriate views regarding the trees and provided a photo to the Board of a purported dead tree and noted that it did not look dead to him.

Mr. Samuels said that although the applicant claims that there are no wetlands on the property, he felt that there were. He said that he had not been able to get a copy of the wetlands report despite trying for three weeks. He noted that the test was not conducted for Mr. Stobsky, it was done for the Macks more than 1.5 years ago. Mr. Samuels said that he, and the other neighbors, would like to see a wetlands test performed under present day conditions and added that they would be willing to pay for it. He said that he has seen swamp cabbage in the woods. Mr. Adelman felt that it would be appropriate to have Dave Sessions go out again to the site.

Mr. Schroeder noted for the record that the request he received was not about the wetlands tests, but the soil information for the septic, which he had requested from Mr. Gregory. Mr. Kaufman agreed and added that the Board had forwarded the letter from the Town Engineer's office regarding the wetlands to Mr. Samuels. Mr. Kaufman said that if the Board wanted to, it could have the Wetlands Consultant visit the site again.

Chairman Michelman said that the letter was not as precise as she'd like it to be. She felt that Mr. Samuel's request is fair, but wanted to see some background on the issue first, and then the Board would consider whether the Wetlands Consultant needed to go back out.

Mr. Samuels said that with respect to the fill, it would require "loads and loads of earth." He said that at the last meeting, he had questions about the plans, and he did not feel that he received satisfactory answers. He believed the Engineer said that they would only have approximately 3' of elevation. He talked about the contour lines and felt that the applicants were going to create an island plateau that will tower over the neighbors and create problems regarding runoff. He knew the applicant's engineer said that he would 'work with the Town to contain the water' but he had no faith in that. He felt that they would not be able to stop water from flowing down from that elevation. He repeated his comment from the prior meeting, that they have already been faced with this issue from another project on Hadley Road. He felt the runoff would be enormous. He did not think that a plan to wedge this house of this size into a lot of this size was a good idea due to the impacts it will have.

Mr. Delano asked what Mr. Schroeder had asked for soil tests for the septic. Mr. Schroeder said he did. Mr. Delano asked if the applicant would also note the USDSES soil survey information. Mr. Gregory said that he would provide them.

Mr. Adelman moved to adjourn the public hearing. Chairman Michelman questioned whether "adjourning" was proper because they wanted to keep it open until the next meeting. Mr. Adelman explained that was what "adjourn" meant. Mr. Delano seconded. Unanimously approved.

WYMAN

Preliminary Subdivision

Section 2, Block 1, Lot 7

93 Whippoorwill Road

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

Consideration of approving preliminary subdivision resolution

The applicant requested this application be removed from the agenda.

20 BEDFORD ROAD

Site Plan

Section 2, Block 14, Lot 13

Mike Fareri

Discussion

Joseph Crocco, architect for the applicant, was present for the application. He explained that they have refined the plans they submitted at the last meeting. Mr. Crocco explained that there is a residential house on the site, and the applicant is proposing a residential addition with a two-car garage.

Chairman Michelman asked if there was a dumpster on the site. Mr. Crocco said that there was, that it was placed there for some demolition that was occurring.

Mr. Crocco explained that with respect to the FAR they had added the square footage of the garage, when it should have been in the accessory structure. He noted this has been corrected and amended. Mr. Kaufman clarified that numbers were correct, but the garage was in a different category. Mr. Crocco agreed, and said that they put it in the detached structure category. Mr. Kaufman asked about the attic and Mr. Crocco said that it was 6' 11" and there are no intentions to use it as habitable space. He added that if that were to happen, they would have to sprinkler that and there are no intentions to do that.

Mr. Kaufman asked if the applicant had rooms divided in the attic. Mr. Crocco said that he did not believe so, but it would definitely not be habitable space, and he would check the plans. He said that he would revise the plans if required. Mr. Crocco added that the application still needed to be referred to the LPC.

Chairman Michelman asked if there were any issues from the Board or the professionals. Mr. Schroeder explained that the plan was in a basic form and was hard for him to determine what the issues were. He added that once the applicant provides the engineering details, he might have more issues or questions. Mr. Crocco explained that now that he knew the basic plan was acceptable to the Board, they would work on the engineering. He noted there is very little difference between what is existing and what is being proposed.

Mr. Delano asked about the weeping willow and the 60" oak, because he believed they had been removed. The applicant explained that they had to be cut down, and had a

permit to do so. Chairman Michelman asked about the other trees. The applicant explained that the evergreen and the 24" maple are to remain; they are proposing to take the 20" evergreen down.

Mr. Kaufman advised the applicant to proceed to the LPC and the ARB and to address the engineer's comments, and then come back to the Planning Board.

VESUVIO

Site Plan

Section 2, Block 13, Lot 17-31

34 Wampus Avenue

Dennis Lowes, Ralph MacDonald Co.

Discussion

Mr. Vesuvio was present for the application. He explained that the he submitted the revised site plan and asked the Board if they had any questions.

Chairman Michelman asked if the applicant had been to the ARB. Mr. Vesuvio said that they had received approval from that Board. Chairman Michelman asked if the Board had a copy of that approval and Mr. Kaufman said they did not. Mr. Vesuvio, explained that it was received more than a year ago and he would bring a copy to the Planning Department the next day.

Mr. Kaufman explained that the Board wanted to see how the applicant would address the Conservation Board's comments, and he did so with the revised plan. He added that there was nothing else to be done, so the Board could move forward.

Mr. Schroeder said had no issues with this application.

Chairman Michelman explained that the next step is to schedule neighbor notification and public hearing. Ms. Desimone pointed out that the public hearing was held at the last meeting. The Board agreed, and said that a resolution could be prepared for the next available agenda.

GERSTER ELECTRIC

Site Plan

Section 3, Block 8, Lot 12.C01

785 North Broadway

Discussion

Rudolph Petruccelli, PE Petruccelli Engineering

Mr. Rudi Petrucelli was present for the application. He explained that at the last meeting, the Board was concerned about the parking off of McDougal Drive. He said that this

parking had been eliminated from the plan, and they have reconfigured the parking so that they do not need a variance from the ZBA. They will have the full 12 spaces, with a couple of extra in the rear. He added that they have responded to all the Board's other comments.

Chairman Michelman asked how many vans would be parked in the lot. Mr. Petrucelli explained that there would be five vans and indicated the locations. He added that those spaces would serve as employee parking spaces during the day. Chairman Michelman asked if the business would have more than 5 employees and Mr. Petrucelli said there would not be more than five that come by car.

Mr. Kaufman asked if the applicant indicated the location for the van parking on the site plan. Mr. Petrucelli said that originally, he did for three of them but not the other two. Mr. Kaufman advised the applicant should depict all of them, and the Board has to determine whether it is appropriate for those vans to be parked there so that the Code Enforcement Officer does not issue violation.

Chairman Michelman asked about the lighting on the property. Mr. Petrucelli said that there would be sodium vapor lights with shields. Mr. Kaufman advised the applicant that they should be noted that on the plan. Mr. Petrucelli said that there was a note on the plan. Mr. Kaufman asked if the applicant provided the details. Mr. Petrucelli said that they did not because they were already existing but he would add the details.

Mr. Delano asked Mr. Kaufman about whether the rearrangement of the parking and relinquishment of the spaces on McDougal was an opportunity for the Board to require some greenery in the area. He felt that without it, the area could easily revert to parking. Mr. Petrucelli said that he would have to talk to his client and did not know if he would be receptive to that idea.

Dr. Matusow agreed with Mr. Delano that the areas would turn into parking once again, especially since people have been parking there for decades. He felt that the issue should be addressed now with something that would be able to preclude parking there. Dr. Matusow added that aside from that issue, he felt this application was fine.

Neither Mr. Schroeder nor Mr. Kaufman had any issues. Mr. Kaufman advised that the applicant needed a public hearing on the amended site plan. The Board said they were ready for that. Dr. Matusow added caveat that he would be willing to conduct the public hearing if the applicant was willing to address the parking preclusion.

Ms. Black agreed with Dr. Matusow and Mr. Delano.

Chairman Michelman was reluctant to prepare a resolution for the same night because the Board wanted to see the outcome of the blacktop area. The Board discussed having a resolution prepared with that as a condition. Mr. Delano cautioned that many conditions are not met. Mr. Adelman suggested that it be prepared because the applicant would not get their CO if they do not comply with the condition. Dr. Matusow agreed, and pointed out that the Board did not even have to vote on the resolution if they were not happy with the plan. The Board decided to have a resolution prepared.

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

Consideration of reduction of bond

Mr. Rob Aiello was present for the application, and explained that the applicant was requesting the Board make a recommendation to the Town Board to release the wetland bond that was posted to ensure the completion of the wetland plantings. He explained that Kellard-Sessions has confirmed that everything is in accordance with the plan.

Neither Mr. Schroeder nor Mr. Kaufman had any issues with the request. Dr. Matusow moved to approve the recommendation. The motion was seconded by Mr. Adelman and unanimously approved.

HAMMOND RIDGE

Subdivision

Section 2, Block 4, Lot 1

Consideration of reduction of bond

Mr. Adelman moved to approve both resolutions. Dr. Matusow asked if there were any issues with the request. Mr. Schroeder said there were no problems. He noted that for one, the Town was still holding 25% and the other is for the common drive.

Mr. Delano seconded both motions and they were unanimously approved.

HAMMOND RIDGE

Amended Site Plan – Common Driveway

Section 2, Block 4, Lots 1-6, 1-7, 1-14

8, 10 & 12 Dellwood Farm Way

Consideration of reduction of bond

Mr. Adelman moved to approve both resolutions. Dr. Matusow asked if there were any issues with the request. Mr. Schroeder said there were no problems. He noted that for one, the Town was still holding 25% and the other is for the common drive.

Mr. Delano seconded both motions and they were unanimously approved.

WEISSMAN

Preliminary Subdivision

Section 2, Block 8, Lot 2B & 2B1

610 & 614 Bedford Road

Sabri Barisser, PE Bibbo Associates

Discussion

Mr. and Mrs. Weissman and their son were present for the application. Mr. Weissman explained that he and his wife are the owners of the property and presented a site plan. He explained that they reside on lot three and his wife grew up on this parcel.

He explained that they are proposing to subdivide the 5-acre parcel, and indicated the subdivision line. He noted that there was the issue of the size of the house that had been brought up previously and the answer will determine how he proceeds. Mr. Weissman explained that he put the coverage for the house and the garage on the plan. The total area for the second floor includes the garage and the living area. There are other "schemes" that he developed by just moving the two segments closest to Route 22, but moving it up 5' and then up 10' which gives a configuration that is not too different from an earlier plan. This would dramatically increase the floor area of the house. He said that he would like to get some sense of where the Board was going with this, so that he could continue to develop this and respond to the professionals' comments.

Mr. Kaufman explained that the applicant was going to have to submit the plans that he was presenting to the Board, because no one had seen them. He added that not having seen the plan makes it difficult for the Board to comment. Mr. Kaufman asked how Mr. Weissman was moving the line, and whether they were expanding the lot area of the vacant lot. There will not be a significant difference. Mr. Delano said that the applicant was trying to increase the width of the house area for the new lot. Ms. Black said that they were moving the lot toward the existing residence. Mr. Weissman explained that the lot line is being repositioned in a way that was not shown on the first submission.

Chairman Michelman added that the Conservation Board should walk the property sooner rather than later, because there are wetlands constraints that should be part of the bigger picture. The applicant agreed. Chairman Michelman said that when that Board walks the site, the applicant should go over all of the options.

Mr. Kaufman explained that the most important information the Board needed, and the very first step the applicant should take, is to determine whether these lots would comply with the new regulations. Then the Board could send out the referrals, and the lots could be reconfigured them so that there is a bigger lot, this is a very positive step. Mr. Kaufman advised that in doing those calculations, the applicant has to deduct steep slopes and wetland areas.

SZCZESNIAK

Site Plan

Section 1, Block 4, Lot 10-512

35 Evergreen Row

Fred Rucker, AIA

Discussion

Mr. Fred Rucker was present for the application. He explained that the applicant is proposing an addition to the left side of house that excess 1,500 sq ft. It will be a first floor with a walkout basement. He noted that the major concern is the wetland issues, and explained that the wetlands are delineated on plan in blue and the buffer is represented in orange.

Mr. Rucker explained that the existing house is already in the buffer. *Multiple conversations were had at this time.* Mr. Rucker explained that there is a stream that leads to a pond. He noted that both this house and the existing house next door were already in the buffer. He added that he has already made an application to the wetlands commission, but then found out he had to come to this Board first.

Mr. Rucker indicated the addition to the house, and explained they were planning to add a portico on the front. He presented an architectural rendering and photos to the Board. He indicated the wetlands delineation map and pointed out that the applicant is not in the state wetlands.

Chairman Michelman explained that the applicant needed to meet with the Conservation Board. Mr. Rucker said that the Conservation Board already had all the paperwork and would ask them to begin consideration.

Chairman Michelman advised that the wetlands consultant should confirm the boundaries. Mr. Rucker consented, and believed that they were already flagged and had a copy of the wetlands map for Kellard-Sessions.

Dr. Matusow noticed on the SEAF it listed this as +/-1,400 sq. ft. and the application form has it as 1,764 sq. ft. and Mr. Kaufman's memo said 1,904 sq. ft. He said that he wanted to know just how much the Board was dealing with. Mr. Kaufman explained that he added the figures based upon the calculations provided, so he would say that his figure is accurate.

Mr. Kaufman said that he had no issues with this application. He noted that the addition was nice, and would work well with the property. He said that they just needed to wait for the Wetlands Consultant and the Conservation Board comments.

Chairman Michelman explained that once that information was received the Board would schedule a neighbor notification and public hearing. She added that she did not see any issues other than defining the wetlands.

CRONIN

Site Plan & Special Use

Section 1, Block 9, Lot 17-2

481 Bedford Road

Pete Gregory, PE Keane Coppelman Engineers, P.C.

Discussion

Mr. Peter Gregory, Mr. Steve Lopez and Mr. Cronin (owner) were present for the application. Mr. Gregory explained that the owner is seeking permission to build new four-bedroom dwelling on the site. This project would include the demolition of the existing residence on the front portion of the property. The plan calls for a new, serpentine driveway. They curved the driveway in order to try and preserve some trees on the site.

Mr. Gregory added that the septic system is proposed in the front of the house. The house shares a portion of the adjacent property to utilize the existing septic. The applicant is looking to get all the utilities back on his own property. He indicated the possible location of the septic and drainage systems. He explained that the existing tennis court would be removed, and the house would go just beyond that area with a pool located to the rear of the house. There is no intention to disturb anything to the rear. The neighboring homes are approximately adjacent to the tennis court, to the east, and another home to the west.

Chairman Michelman asked how many bedrooms the new septic system would accommodate. Mr. Gregory explained that the applicant is proposing four-bedrooms. Chairman Michelman felt there was an issue because there seems to be five-bedrooms proposed on the plan. The Chairman added that the Board had discussed the possibility of referring at least a piece of the front of the property to the LPC, with Mrs. Cronin. She noted that there is a piece of a house from 1780 and the LPC could determine whether it is something worth saving.

Mr. Lopez stated that the applicants are willing to meet with the LPC, but was concerned that it would raise a number of variance issues, and was not sure how that would work out. He said that they hoped the issues could be worked out in everyone's best interest. Mr. Lopez said that he believed they would need a use variance.

Mr. Kaufman explained that the Board would be able to approve the structure as an accessory apartment. He added that the applicant would probably not need any variance because it is an existing non-conforming. Chairman Michelman pointed out that the first issue is to see if the LPC determines it is worth saving.

Mr. Lopez added that they have a landscaping plan. Chairman Michelman asked if there were any questions. Mr. Kaufman explained that the Board should discuss the size and location of the house, and determine whether they are comfortable with it; if the Board had any issues, they should discuss them.

Mr. Delano asked if the applicant had talked to the neighbors and the applicant said that he had, and that they were all on Board with his proposal.

Ms. Black said that, having walked the site the location of the house seems to make sense. Chairman Michelman agreed. She added that the Board would still like to see the landscaping plan, but felt that the house appears to be in a sensitive place. Ms. Black added that she was supportive of the applicant's desire to curve the driveway in an attempt to save the trees.

Mr. Gregory said that there was an issue with where the garage would be located, but the original proposal would have impacted people to the right. They reconsidered, proposing the center courtyard with the garage entry to the front which allowed the applicant to maintain the natural buffer and he believed that they would be able to enhance that further.

The Board felt this was a good application. Mr. Gregory said that they would clean up the plans and address all the comments, including the Town Engineer's.

Mr. Lopez stated that there are a lot of significant trees along the property line; and they did not show more landscape screening because they did not think anything else would grow there. The applicant discussed the idea of using some solid fencing along the property line in lieu of plants underneath that will not survive. Mr. Kaufman said that was acceptable.

Chairman Michelman said that the applicant would have to provide Mr. Kaufman with that information. Mr. Kaufman said that the Board would refer the application to the LPC, and the applicant can come back to address the Town Engineer's and Planner's concerns and go from there.

YUN

Mr. Bill O'Neill was present for the application. He explained that the proposal was for a detached garage, specifically designed at 799 sq. ft. so that they would not need to come to the Board for approval. However, between the time it was designed and the time they received the variance and ARB recommendation, the laws had changed, and now the applicant did not comply with the gross land coverage. They are above the basic, but below the maximum. Mr. O'Neill noted that the previously approved and constructed tennis court placed the applicant above the basic permitted; the garage did not cause the issue with the gross land coverage but they are here for a special use permit to permit the construction of the garage.

Chairman Michelman advised that this would need ZBA approval. Mr. O'Neill agreed, and recognized that the Board still needed several things. Mr. O'Neill said that he had some comments on the Board's comments, specifically his comment about steep slopes; he asked if the Board had a reason to believe the applicant was in a steep slope area. Mr. Kaufman said that he did not, only that if there were any, they should be noted. Mr. Kaufman said that it was the same thing with the tree removal comment.

Mr. O'Neill noted that the FAR and the land coverage calculations were on the site plan. Mr. Kaufman recognized that the calculations were on the plans, but still wanted the applicant to provide the 8^{1/2} x 11 sheet for the Town records. Mr. O'Neill agreed.

With respect to the mitigation of the impervious surface Mr. O'Neill asked if he needed to do this for the additional driveway area or just for the building area. Mr. Schroeder said it was for both. Mr. O'Neill asked if Mr. Schroeder wanted him to install a catch basin somewhere. Mr. Schroeder said that they would go over it together and work on the solution.

There were no other questions or concerns from the Board or professionals.

Mr. O'Neill asked that, assuming these issues would be satisfied, if the Board could schedule a public hearing. Mr. Kaufman asked if the Board wanted to see the application again before the public hearing. Chairman Michelman asked his opinion, and Mr. Kaufman said that he did not think it was necessary. Mr. Schroeder agreed that his issues could be resolved.

The Board decided that a resolution could be prepared for same time.

The meeting was adjourned at 9:12 p.m.
