

PUBLIC HEARING & NEIGHBOR NOTIFICATION:

BIALSKY

Amended Site Plan

Section 2, Block 3, Lot 2-5

4 Wrights Mill Road

Barry Naderman, PE

Discussion

Consideration of approving resolution

Mr. Barry Naderman was present for the application. Chairman Michelman noted that the issues she discussed at the last meeting had been resolved. Chairman Michelman asked if there were any neighbors present, and there were not.

Chairman Michelman asked if Mr. Naderman read the resolution. Mr. Naderman said that he had and that he had no problems with it. Chairman Michelman asked if Mr. Schroeder or Mr. Kaufman had any issues.

Mr. Delano asked if the untitled plan was the landscape plan, and Mr. Kaufman said that it was. Mr. Delano asked if the applicant ever completed the approval process with the ARB. Mr. Naderman said that they had, and Chairman Michelman confirmed that they received conditional approval on September 19, 2007. Mr. Baroni reminded the Board that the ARB is not an approval Board. Mr. Kaufman suggested that they change the language to reflect that it was a conditional recommendation. The Board agreed. There were no other issues from the Board.

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

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

837 Mount Kisco Road

Site Plan, Tree Removal, Special Permits FAR & Gross Land Coverage

Section 2, Block 2, Lot 5A-10

837 Mount Kisco Road

Anthony Castillo, PE – SESI Consulting Engineering

Consideration of site plan resolution

Chairman Michelman asked if there were any neighbors present for the application. Mr. & Mrs. Dunn of 839 Mt. Kisco Road were present.

Mr. Castillo explained that since the last appearance before the Board, the applicant provided a package to the Board, which informed the Board about the DEC and DOT

status. It also addressed the issues regarding draining. Mr. Castillo noted that they provided the Town Engineer with the calculations for the retaining walls on the driveway. The architect still had to provide some information, but otherwise, we've provided all other requested documentation. Chairman Michelman asked Mr. Kaufman if this was a condition and Mr. Kaufman said that it was.

Chairman Michelman asked the Dunns if they had any comments or questions. Mr. Dunn asked when the project would start. Chairman Michelman explained that the resolution had to be approved before that could happen.

Chairman Michelman asked if Mr. Castillo had reviewed the resolution. Mr. Castillo said that he had and that he had no issues with it. Neither Mr. Schroeder nor Mr. Kaufman had any issues.

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

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

Chairman Michelman asked if the applicant had any idea as to when the project would begin. Mr. Castillo said they would begin as soon as they get their building permit.

PUBLIC HEARING & NEIGHBOR NOTIFICATION

SISKIN

Amended Site Plan

Section 2, Block 4, Lot 1-10

53 Hammond Ridge Road

Dan Sherman, Landscape Architect

Discussion

Consideration of site plan resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 13 out of 15 cards were returned and that all paperwork was in order.

Mr. Greg Mercurio was present on behalf of the applicant. Chairman Michelman asked if there were any neighbors present. There were not.

Chairman Michelman asked if Mr. Mercurio was aware of the situation that had occurred on the site. Mr. Mercurio said that he was. Chairman Michelman explained that the Board had been advised that a stop work order had been issued on the site, and therefore, based upon the actions that occurred on the site prior to any approvals she felt it was appropriate for the Board to adjourn the public hearing and take no action until the issues with the Building Department have been totally resolved. She asked for comments from the Board. There were none.

Mr. Delano moved to adjourn the public hearing.

Mr. Mercurio asked what they could do, other than stopping the work since they would have to go through the Planning Board Process to even get a Building Permit. Mr. Kaufman explained that the Building Inspector would issue a violation and the owner would probably have to go to court. Chairman Michelman stated that once the Board received word from the Building Department and the court that the issues have been resolved, this could be placed on the agenda again.

Dr. Matusow suggested the Board close the public hearing, as opposed to adjourning it. He noted that it was not certain that the Board would be faced with the same application / situation once the situation was resolved. Mr. Kaufman noted that if the meeting were closed, the Board would have 62 days to make a decision. He added that, as far as he knew, what has been done on the site is consistent with the applicant's proposal.

Mr. Mercurio said that they would work with the Building Department to resolve the issues. Mr. Adelman noted that in an attempt to gain time, the applicant has actually lost time. Mr. Mercurio said that he had no issues with regard to time. He asked if there was anything that would need to be addressed when they come back to the Board. Mr. Kaufman noted that the Board had been prepared to take action on the resolution, so if the applicant has no problems with the resolution, there is nothing else.

Ms. Black seconded the motion to adjourn the public hearing and it was unanimously approved.

Mr. Siskin arrived at the meeting, and he apologized to the Board for, what he called, a misunderstanding.

PUBLIC HEARING:

WYMAN

Preliminary Subdivision

Section 2, Block 1, Lot 7

93 Whippoorwill Road

Barry Naderman, PE – Naderman Land Planning & Engineering, PC

Discussion

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 25 out of 30 cards were returned and that all paperwork was in order. Mr. Barry Naderman was present with Mr. Wyman for the application.

Chairman Michelman asked if there were any neighbors present. Mr. Ed Berlin, 20 Tall Woods Road and Joan Hansen, 70 Whippoorwill Road were present.

Mr. Naderman explained that this is an existing 20.74 acre parcel which is proposed to be subdivided into four lots. There is an existing driveway leading to an existing residence currently on the site. This application would allow for additional conventional building lots. He noted that the applicant spent a significant amount of time with the Conservation Board to modify the plan and minimize the impacts to wetlands.

The first lot would be a 2.33 acre parcel, the second lot will be 3.85 acres and it extends around the back to encompass the watercourse and the conservation easement. Lot 4 will be 7.46 acres and will be served by a driveway (Mr. Naderman indicated the location). Mr. Naderman added that the proposal includes individual septic systems and extensive drainage systems on the property.

Chairman Michelman asked if the existing home on lot three would remain. Mr. Naderman said that it would, and that the lot is just over 6 acres. The private driveway would be widened to meet the private road standards, and would remain a private right of way.

Chairman Michelman asked if the neighbors had any comments or questions. Mr. Berlin said that he just found out about the project one week ago and that his house isn't on any of the maps. He said that he was not at the meeting to object but wanted his concerns addressed. He's lived on his lot for 15 years (indicated the location) and shares a driveway with another house (indicated that location). He explained that he walked site with the applicant, and it is heavily wooded with a steep slope. He said that he could not get a feel for what the impact to him will be. He said that he believed the other neighbor would have a greater impact, but that neighbor could not come. He said that one lot has a much higher elevation than his lot, and was concerned with what it will look like from his point of view.

Mr. Berlin explained that he is concerned about the runoff and the drainage on the property, because he already has a lot of water that comes down the hill. He was also concerned about the physical location of the house. He realized that a lot of effort went into the design, and that New York State has been involved. However, this is a large lot that is tucked in close to the lot lines. He noted that another concern was an easement from his lot to maintain the view that he has, and that was part of the deal when he bought his house. Mr. Berlin said that this easement gives Mr. Wyman certain rights and it was his understanding that the easement was meant to protect the house. He wanted to know why the Board chose to locate the house in that location. He also wondered why he just found out about the project when it seems like it has been before the Town for some time; he said he would have liked the opportunity to walk the site with the Board to get the benefit of what everyone was saying. He gave the Board an aerial from Google Earth that depicts his house, the applicant's house and the corner he was referencing. He wondered if there was any chance to move the house.

Mr. Naderman explained that the house had been sited the way that it had in order to minimize the impacts to the steep slopes. Additionally, there is a disposal area in another area. With respect to the concerns over the stormwater runoff, the applicant has prepared a full Stormwater Pollution Prevention Plan to the satisfaction of the DEP. The runoff will be channeled appropriately. At the subdivision level, the issue was whether this was a buildable lot and right now this was all theoretical. Additional screening and siting could be considered at the site plan approval level. Chairman Michelman emphasized that this is simply *subdivision* approval and that the applicant would have to come back to the Board for site plan review.

Chairman Michelman explained that Mr. Berlin concerns were valid issues, but they are dealt with in detail at the site plan approval level, not at this stage. Chairman Michelman

stated that this was the first the Board has heard of any easement. She asked the applicant if there were written easements. Mr. Wyman said that there was. He explained that as the Board knows, there are not a lot of locations on the 7-acre lot where a house could be located without impacting something. It is Mr. Wyman's understanding that the proposal complies with all necessary setbacks, site coverage and steep slopes, as well as other regulations affecting the lot. Mr. Wyman added that there is a controversial subdivision of lot at the end of Tall Woods Road.

Mr. Wyman read from a copy of a 1988 easement, which was basically between him, and himself. He provided a copy to the Board. It referenced a quitclaim deed to the grantee, and a perpetual easement for light air and view, including but not limited to unobstructed view around the residence, ancillary structure, etc. located on lot 1. He said the important words are "not limited to" and "any ancillary structures." Mr. Wyman indicated lot one. He submitted that the easement speaks for itself, and the view-shed is for anywhere and there would be no impact. There is a potential view from one area.

Mr. Kaufman stated that, even given Mr. Wyman's contention that the easement applies to all, this is not within the Board's purview. The existence or nonexistence of the easement does not encumber the Board's ability to approve a site plan. Mr. Wyman recognized that he would need to do a landscaping and tree removal plan for the Board.

Mr. Berlin did not really understand what Mr. Wyman was saying with respect to the easement; he agreed the easement spoke for itself, but that it talked about a hypothetical horizon from the residence, which he doubted could mean that it should cover a house in another location. Mr. Wyman believed the easement was sufficiently vaguely worded. Chairman Michelman noted that this was a site planning issue, and was a discussion for another time. She reminded the neighbors that this was merely a proposal for where the house *might* be located at the site plan level. That is when we talk about impacts to neighbors, and other impacts.

Mr. Kaufman explained that, it would be appropriate to grant a tree removal permit at the site plan level for things like a yard, some amenities or the like. However, he believed the Board would be concerned if the applicant wanted to remove 500 trees for a better view.

Mr. Berlin asked what the tree removal permit was for. Mr. Kaufman explained that trees needed to be removed to accommodate the road, the infrastructure and the stormwater basins. Mr. Naderman indicated those locations. Mr. Kaufman noted that the Board was not going to be issuing a permit for the driveway yet. The tree removal permits for access and the houses and other amenities would be evaluated at the site plan stage. Mr. Berlin asked if the Board was allowing a basin in a certain area, then that would preclude the house from being placed there. Mr. Kaufman agreed. Mr. Berlin felt that this made it more than just a subdivision application.

Ms. Hansen said that she had already sold her house, but just wanted to have some information for her buyer. She wanted to know where Whippoorwill Road was in relation to this project. Mr. Naderman showed her. Mr. Adelman asked Ms. Hansen to indicate her house, and she did.

Chairman Michelman noted that the Board was still missing some calculations. Mr. Kaufman agreed, and explained that the calculation worksheets were to be submitted. Mr. Naderman explained that he provided those for the notice. Mr. Kaufman said that he would check the file again, but if not, they would have to be provided in order to move forward. Mr. Naderman said he would submit them the next day if the Board did not have them.

Mr. Naderman explained that the applicant wanted to show that what is shown on the lots are under the maximum, but the real issue is lot 3. He said that because these are hypothetical lines, they did not want to make definite representations. They are below the maximum, but above the basic. Mr. Kaufman said that was the issue; they needed to confirm they are above the basic but below the maximum. Mr. Kaufman added that if the Board was comfortable with the configuration of the house, they could approve the subdivision and issue the special permit. Mr. Naderman said that he did transmit the calculations on September 25, 2007. It indicates the gross land coverage maximum permitted was 24,051 sq. ft. and the actual is 22,336 sq. ft. In terms of the FAR, the maximum is 15,306 sq. ft. and the actual is 10,755 sq. ft. Mr. Kaufman explained that they just needed to confirm those numbers are accurate. Mr. Naderman said he would make sure that the Board has them.

Chairman Michelman asked what the next step was. Mr. Kaufman explained that the Board could close the public hearing, and then they would have 62 days to make a decision. Mr. Delano said that the drainage was one of his biggest concerns and has this been addressed.

Dr. Matusow asked if, in the course of the application, has the Open Space Committee contacted the applicant. Mr. Naderman was not sure, but Mr. Wyman said that no one had contacted him. Mr. Kaufman noted that the Board sent the OSC a letter in November, 2006.

Chairman Michelman asked if there were any issues from the Board or the professionals. Mr. Delano moved to close the public hearing. The motion was seconded by Mr. Adelman and unanimously approved.

Mr. Kaufman read a proposed resolution for adopting a negative declaration. Mr. Delano moved to adopt that resolution. The motion was seconded by Mr. Adelman and unanimously approved. Mr. Kaufman explained that the next step was to prepare a resolution.

Mr. Wyman thanked the Board for looking at this project in all its iterations over the last 5 years and added that he would continue his negotiations with the city.

VELARDO

Site Plan

Section 1, Block 2, Lot 4-1

2 Gene Curry Drive

Dan Ciarcia – Ralph Mastromonaco, PE, PC

Discussion

Consideration of site plan resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 18 out of 23 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the application. Mr. Frank Calmanci, 7 Gene Curry Drive, Joe Petrillo of 5 Gene Curry Drive and Craig Deitelzweig, 9 Gene Curry Drive.

Mr. Dan Ciarcia was present on behalf of the applicant. He explained that this matter had received the approval of the Board approximately two years ago, which has since lapsed. He explained that the applicant is proposing the same house on the same lot. Mr. Ciarcia stated that the only issue of any consequence since the last approval was that the new regulations regarding gross land coverage and FAR had been enacted. Mr. Ciarcia stated that the proposal does comply with the gross land coverage regulations, but it is between the maximum and the basic on the FAR. Therefore, they will need a permit.

Mr. Ciarcia noted that the size of the house appeared large, but the regulations require that attic space and basements be included in the figures. He added that the house is typical compared to the other houses in the subdivision.

Chairman Michelman asked the neighbors if they had any questions. Mr. Deitelzweig wanted to know where the house would be sited, and where his house was in relation to it. Mr. Ciarcia indicated the proposed house, the driveway leading to Mr. Deitelzweig's house and indicated the approximate location of his house.

Mr. Petrillo asked if any provisions were made for plantings near the cul-de-sac. Mr. Ciarcia explained that it would be graded and seeded, and would look like lawn similar to the others in the area.

Mr. Kalmancy asked about the retaining walls that had been proposed along the common driveway. Mr. Kaufman stated that while the Board would like that, the owner of that adjacent lot would have to give his consent because this Board could not make that requirement without the other owner's consent. He added that the significant slope would be graded, and that is the area of disturbance.

Mr. Kalmancy asked if there were going to be catch basins on the private part of driveway. Mr. Kaufman explained that all of the stormwater would be treated. Mr. Ciarcia added that there would be drywells that are connected to the catch basins to treat the runoff. As far as the common driveway that was all addressed at the subdivision approval. Mr. Kalmancy asked if the private part of the driveway slopes down to the house. Mr. Ciarcia said that it would. Mr. Kalmancy asked where the crest of the hill would be and Mr. Ciarcia indicated the location.

There were no other issues from the professionals. Chairman Michelman asked if the applicant had reviewed the resolution. Mr. Ciarcia said that he had, and had no comments or issues. Chairman Michelman noted that there was a typo on page five, the extra "and" should be removed.

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

CONTINUING BUSINESS:

STONEWALL, LLC

Site Plan

Section 2, Block 16, Lot 11B-2

145 Bedford Road

Discussion of site walk

Mr. Bob Peake was present on behalf of applicant. Mr. Peake explained that he had received Mr. Kaufman's message regarding the site walk. He understood the Board's position that the sign should be located closer to the driveway entrance, however due to the unique situation of the road, and the fact that it is a dead-end the applicant would like the opportunity to place the sign further away. If someone is coming down the road, they might hesitate to proceed further if they see the dead end sign; this way they'll have some assurance. Mr. Peake requested that they have permission to try it in the desired location and if it does not work they would move it.

Chairman Michelman explained that the Board spent a lot of time considering the sign in various places. At the last visit, it appeared to some of the Board members that where they are proposing to try the sign people would be driving by at a reasonably quick speed. They are not going to slow down enough to see smaller signs. That is why the Board considered putting it nearer the entrance, so that as they do slow down to enter and check, they would have better visibility to see what was in there. The Board did look at the location the applicant is proposing, and there are other obstacles in the way. The Board had a rationale for requesting it where they have.

Mr. Peake explained that the applicant believed that people would not even go that far and the Board's position assumes that visitors already know the location. Mr. Schroeder agreed with the Board's position. Dr. Matusow suggested that if the Board was going to "try and see" then the applicant should try it the Board's way, and see. Mr. Peake stated that he was thinking about putting something temporary up. Dr. Matusow noted that two different Boards have looked at this, and have come up with the location the Board is suggesting, not the applicant's. Mr. Peake asked where the Board was thinking. The Board explained the precise location. Mr. Peake indicated the setback line. Dr. Matusow asked if that would require a permit, and Mr. Kaufman said that it would. Dr. Matusow opined that the Board would support a variance for that.

The Board advised Mr. Peake to speak with his client about the Board's proposed location. They understood Mr. Peake's position, but wanted the applicant to see how their suggestion would work.

Mr. Kaufman reminded everyone that the applicant does have an approved location for the sign as part of the existing site plan. That should be option one; if that is not an option, the applicant would have to come back to the Board, and the applicant is hearing the Board's alternate preference.

MASSARO
Subdivision
Section 6, Block 5, Lot 2-3
54 Custis Avenue
Jim Vanoli, PE
Discussion of site walk

No one was present for this application.

BAIRD
Lot Line Change
Section 1, Block 11, Lots 11-6 & 11-15
Jason Lepro – Jay Fain & Associates
Consideration of extension of time for preliminary subdivision

Mr. Adelman moved to approve the 90-day extension. The motion was seconded by Mr. Delano and unanimously approved.

ROSENBLUM
Site Plan
Section 1, Block 4, Lot 10-420
4 Thorne Lane
Nick Pouder – Pouder Design Group
Discussion

Mr. Nick Pouder and Mr. Lucio DeLeo were present on behalf of the applicant along with the applicant Mr. Rosenblum.

Mr. Pouder presented a plan, and explained that there is an existing building on the lot, and the applicant is proposing an addition on the east and north side, consisting of new living space and porches. There is a new septic system that has been approved by the Health Department, and he indicated that location.

He explained that the last time this application was before the Board, the Board asked the applicant to consider whether the septic and the reserve area could be moved up. Mr. Pouder stated that they had consulted with their engineer who informed them that this would be a problem. There are questions regarding the suitability of the soil, and the

fact that it would require a pump system. Mr. Pouder said that it is their position that it remain in the proposed location.

Mr. Pouder stated that they had also been before the Conservation Board, who agreed that it could stay where it was, as long as vegetation is not removed at this time because it is not necessary. The applicant will also reinforce the buffer between the cleared area and the wetlands area. He noted that there is a natural existing stonewall on the site that serves as a buffer, and enhance with native vegetation from the edge of the septic to the stonewall.

Mr. Pouder noted that Mr. Schroeder's issues have been addressed. As for Mr. Kaufman's issues regarding tree removal and size, there are a few trees in the footprint of building, and one large one that they do not want to chance it falling. Aside from that, a large area will remain natural and they will increase the buffer plantings in the corner.

Mr. Pouder explained that the Conservation Board had concerns regarding the outflow for footings into the buffer, so they have revised the grading. The roof leader drains now go into the driveway and overflows outside the buffer. There are no direct wetland or buffer impacts, and the only time the buffer would be impacted is if the septic failed and they had to use the reserve.

Mr. DeLeo noted that the height of the average grade from the midpoint of the room 31.6 and the height of the wall at the rear of building is 22' 9".

Chairman Michelman said that she had concerns about the size of the building in relation to the neighborhood, based upon the figures presented by the applicant. She recognized that a great deal of the area is porch space, but felt that it is considerably larger – almost double the size – than that of the neighboring homes.

Mr. Pouder agreed that it was larger, but pointed out that it is one of the first new homes in the area. Additionally, the new calculations for the FAR are based upon the information on the Assessor's cards, and therefore, they are not comparing apples to apples. He noted that some of the neighboring homes, according to the Assessor's cards were listed at 1,700 sq. ft. and he doubted that they were that small with basements and attics. He added that they are tucking the structure into the hillside, and using building materials such that will break up the appearance so that it does not appear that massive.

Mr. DeLeo explained that the house is approximately 5,500 sq. ft. of living space; the porches are 1,000 sq. ft. and the garage is approximately 600 sq. ft. He felt this was not too much different than houses nearby.

Mr. Adelman asked if the Unger house was located on this same street. The Board said that it was not. Mr. Adelman felt that it was clear that the applications that the Board has been seeing recently were going to become more common. He also agreed with Mr. Pouder's point regarding the figures on the assessor's cards. Mr. Rosenblum noted that the figures on the assessor's card show that his house, as it currently exists, is 50% larger, and that is most certainly not the case.

Mr. Kaufman noted that the Town Board is considering eliminating that provision from the Code. Mr. Adelman pointed out that taxes are based on those figures as well.

Dr. Matusow asked about the reasons the applicant was not going to move the main septic to the right of the plan. Mr. Pouder explained that there were several reasons. He pointed out that the applicant knew this would be a concern from the Board from the beginning, and asked his engineer to try and find another location. Even if it was shifted in the alternate location, there is no guarantee those trees could be avoided because you might need a bigger land area to make up for a poor perc test. He pointed out that the County had approved the simpler gravity system that does not rely on additional mechanical equipment or another storage tank. He added that the likelihood the expansion area would be needed is slight.

Dr. Matusow felt that if the whole thing could be shifted to the right, then the area with 17 substantial trees could be part of an area that could get a waiver, so they would not have to be cleared. The biggest impediment raised by the applicant is that it would require a pump system. Dr. Matusow felt that they were trying to find a way to preserve a very large set of mature trees, and maybe this is a good tradeoff. Mr. Pouder explained that they were estimating the cost at approximately \$25,000.00. Dr. Matusow said that even if it was \$25,000.00, it wasn't really adding that amount to the project because they would still have to pay for the removal of the trees. Dr. Matusow noted that when he cuts a tree down it costs close to \$2,000.00, and the applicant is talking about 17 trees. There is a tradeoff that might be easier on the applicant. Dr. Matusow would like to find a way to preserve the trees. There are several applications where the Board is working on waivers with the County to preserve trees on the reserve area.

Mr. Pouder explained that they did consider the cost of removing the trees versus the savings, but they had found someone that would have removed them for \$150.00 per tree.

Dr. Matusow said that he would like to see this issue explored more. Mr. Pouder said that they had already explored it. The applicant spent 10 months with the engineer, who is adamant about this being the right way to do it. Mr. Pouder added that there are substandard soils and a large (32") tulip tree.

Dr. Matusow felt they could avoid that by going back into the property where there are many less trees. The difference between taking down 5-7 trees versus 17 is a big difference. Mr. Pouder reiterated that their engineer feels very strongly about keeping it where it is proposed and they would defer to his expertise.

Mr. Rosenblum stated this is the very reason why this was referred to the Conservation Board. He noted that the Conservation Board had similar concerns, and he believed they recommended they keep it where it was approved.

Dr. Matusow asked Mr. Schroeder if he has looked at this with an eye toward the comments he had made. Mr. Schroeder stated that he felt this was feasible, but he did not have the soil information for the area Dr. Matusow was talking about. Dr. Matusow said that he understood the applicant's engineer's position, but wanted the Town's engineer to review it as well.

Mr. Rosenblum explained that he did not plan to put the septic where it is being proposed. He said that all he wanted was his house, and this is what his professionals recommended and the County and the Conservation Board have approved.

Chairman Michelman pointed out that the Conservation Board did not recommend the location of the septic, they merely did not disagree with where it was being proposed. That Board gave an approval with caveats; they did not select the location, they worked with where it had been proposed.

Mr. Adelman suggested Mr. Schroeder look at this and then have a joint meeting with the Conservation Board. Mr. Schroeder said that he would need the soils to conduct that review. He recalled that his issue was always the avoidance of a pump system. Mr. Poudier stated that this had been discussed at the site walk. The general consensus was that this was not so bad. He did not think that the engineer would change his position.

Peter Lindburgh, the Conservation Board representative said that the Conservation board had recommended approval of the application as it was currently proposed.

Chairman Michelman asked Mr. Schroeder to review this with the applicant and his engineer. Mr. Schroeder said he would. Dr. Matusow asked if Mr. Schroeder would provide a memo. Chairman Michelman noted that a public hearing and neighbor notification needed to be scheduled but in the meantime, perhaps this could be worked out.

Mr. Kaufman added that the gross floor area and land coverage calculations would be required. He advised the Board that they would also need to approve (or deny) the disturbance for the expansion area.

GIFFORD LAKE ESTATES (Rolling Hills Lot #1)
Site Plan
Section 1, Block 9, Lot 13-10
Gifford Lake Drive
Tim Allen, PE – Bibbo Associates
Consideration of approving resolution

Christian Kent and Rob Vogel were present for this application. Christian explained that they had the public hearing regarding the trees at the entrance to 10 Gifford Lake Drive, where the road extension comes through. They have shown additional trees. Additionally, they heard the comments from the neighbor regarding the lighting, which has been shown on the plan. He noted that they have also responded to the comments from Mr. Conrad.

Mr. Kaufman explained that the applicant responded to the comments with a revised plan, and he had prepared a resolution for the Board's consideration. Chairman Michelman asked if the applicant had reviewed the resolution. They had, and had no problems with it. Chairman Michelman noted that there was a typo on page 4, #2: "to be revised" had to be removed because it was repeated twice.

Chairman Michelman asked if Mr. Schroeder had any issues. Mr. Schroeder explained that his main concern was the drinking water and wells, but it was dealt with in the conditions of the resolution. Mr. Kaufman had no issues.

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

CONSTANTINO

Site Plan

Section 2, Block 2, Lot 4D

2 Meadow Hill Place

R. Barry Goewey, AIA

Discussion

Christian Kent and Rob Vogel were present for the application. Mr. Kaufman explained that at the last meeting, there was an issue with the land coverage. He stated that the applicant has made as many changes as they could and now there is actually an additional 680 sq. ft. that they could add, and still be below the maximum. They could now have more of a patio for pool area.

Dr. Matusow asked if the applicant was still proposing the driveway around the back. The applicant said they were not and that it had been eliminated.

Mr. Kaufman explained that the applicant had done exactly what the Board has asked for. The Board said that they appreciated that.

Mr. Kaufman asked if the Board wanted to schedule a public hearing and a resolution for the same time. The Board said they did.

Mr. Delano asked about the area near the road. Christian Kent explained that there are considerable trees existing in the area and they were not changing that at all. The applicant is also proposing additional landscaping, and they plan to "spruce" up the shrubbery around the house. Chairman Michelman advised the applicant to prepare the additional landscaping and to provide a plan for the public hearing. Mr. Kaufman pointed out that this had been done with the original submission.

Rob Vogel asked if this application had to go to the ARB. The Board said that it did. Mr. Kaufman recommended that they make the application to the ARB as soon as possible and the public hearing and neighbor notification would be scheduled. Mr. Kaufman pointed out that this Board could not approve this until they receive the ARB recommendation.

ALPS SAUNA & SPA
Site Plan
Section 2, Block 16, Lot 18A
130 Business Park Drive
William O'Neill, AIA
Discussion

Mr. William O'Neil was present on behalf of the applicant. Mr. Delano asked if the Board had received an actual application for this. Mr. O'Neill said that they did, it was submitted in February. Mr. Kaufman explained that the Board had not been speaking about the actual application, because of the pending legislation.

Mr. O'Neill explained that they were before the Board requesting two things: a referral back to the Town Board for a special use permit, and any additional requirements to schedule this public hearing after the public hearing with the Town Board.

Mr. Kaufman explained there were a lot of procedures that needed to be followed, like changing the law, the Town Board issuing a special permit, and then this Board approving the site plan. Mr. O'Neill explained that the legislation had been approved, and at the same meeting the applicant applied for the special use permit. The Town Board sent a letter referring it back to this Board.

Mr. Kaufman said that he had a few relatively minor comments, and if the Board is comfortable, they could vote to recommend it to the Town Board. Chairman Michelman asked if the Board was still awaiting the traffic information. Mr. Kaufman said that they were, but that it was a site plan issue. He noted that it could be considered as part of the special use permit, but it was up to this Board.

Dr. Matsow asked what the Board was supposed to be referring to the Town Board. Mr. Kaufman explained that it was for this specific day spa for a special use permit. Dr. Matusow asked that, assuming the Town Board grants the special use permit, does the applicant then come back to this Board and work out the site plan details. Mr. Kaufman said that he was correct, but pointed out that the Board had most of that information already. Mr. O'Neill asked if the Board wanted him to discuss that detail now. Mr. Kaufman said that if there were issues, they should be addressed now.

Mr. Kaufman noted that the current site plan is almost identical to the site plan approved by the Board for The Gym, Business Park Drive. He said that he did not have any specific issues with the site plan. Mr. O'Neill said that they had submitted their traffic consultant's information. The Board agreed, but said they were still waiting for the Town's.

Mr. Kaufman said that the applicant still needed to depict the location of the existing sign and the relocated sign on the site plan.

Mr. Adelman moved to positively refer the application to the Town Board. The motion was seconded by Mr. Delano and unanimously approved.

Mr. O'Neill asked about scheduling the public hearing. Mr. Kaufman said that the Town still needed to hear from their traffic consultant and if that report does not raise any issues, the Board could schedule the public hearing. The Board had no issue with that, but felt that their hearing had to be done after the Town Board's hearing. Mr. Kaufman agreed.

Mr. O'Neill noted that he received the report from the mechanical engineer and will take to it to the Water and Sewer Department for their approval.

YOU

Site Plan

18 Cowdray Park Drive

Section 1, Block 11, Lot 11-17

Lang Pew

Discussion

Consideration of extension of time for site plan resolution

No one was present for this application. Chairman Michelman noted that the applicant was requesting things that the Board would not give them. Mr. Kaufman pointed out that he prepared resolution for a one-year extension per the Town's Code, which is all that is permitted.

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

NEW BUSINESS:

MILLER

Special Use Permit

84 Cedar Hill Road

Section 1, Block 2, Lot 6.C-26

Ken Okamoto, AIA – Andrew Chary Architect, PLLC

Discussion

Mr. Ken Okamoto was present on behalf of the applicant, along with Joe Miro, and the owner. Mr. Okamoto explained that the FAR exceeds the basic but is below the maximum. The applicant is proposing to bump out the foundation approximately 100 sq. ft. and build up on the second floor above the garage and the living room. The applicant also proposes to replace the existing porch with a screened porch.

The Board asked if there were any issues from the Board or the professionals. There were none. Mr. Kaufman noted that a public hearing and neighbor notification needed to be scheduled.

Mr. Okamoto made a comment on page two. Chairman Michelman explained that the Board was considering this as one project, and would notify the Building Inspector. Mr. Kaufman said that he would do that.

Ms. Black asked about the time frames involved for phase 1 and phase 2. Mr. Okamoto explained that the owner wants to get started as soon as possible. The theory is that they could start on one side, and then move to the other. Chairman Michelman asked Mr. Kaufman if that was a problem and Mr. Kaufman said that it was not, as long as the board is comfortable,

Mr. Kaufman said that he wanted to make sure that the Board understood the project in its entirety and understood the phasing plan proposed, and with this Board's approval, phase 1 could begin. The first phase would not require any Planning Board approval, but phase 2, would put them over, and they would have to go through this process that they are doing right now.

Mr. Okamoto asked if they would be able to do the public hearing now. Chairman Michelman asked if this had to go to the ARB. Mr. Okamoto said that they already did, and that both phases were approved. Chairman Michelman asked for copies of the approvals and Mr. Okamoto agreed.

Chairman Michelman stated that they would schedule the neighbor notification and a public hearing. The Board advised him to call the Planning Department.

MOSES
Site Plan & Special Use
15 Hobby Farm Drive
Section 1, Block 5, Lot 15-13
Louis Fusco, RLA
Discussion

Mr. Louis Fusco was present on behalf of the applicant. Mr. Fusco explained that they are proposing to add an extension to the existing garage to 8 x 22 feet, which encroaches 4' 4" into the front yard setback. They also plan to change the existing massive asphalt driveway into a smaller parking court. The applicant received Mr. Kaufman's comments regarding the existing conditions. With respect to the total gross land coverage, the applicant is actually decreasing the amount and adding additional plantings. Mr. Fusco recognized that they would still be required to get a special permit for the addition and encroachment into the setback. Mr. Fusco stated that they were before the Board to see what approvals were needed, and how they should go about getting them.

Chairman Michelman stated that the applicant needed to get the ZBA approval first, and this Board would make that referral so they can obtain jurisdiction. She noted that the Board could not move forward until they know if the ZBA will approve the variance.

Mr. Fusco asked about the referral to the Conservation Board, and pointed out that there are no wetlands on the site. Mr. Kaufman explained that it had to do with the sediment and erosion control and the Town Engineer would handle that.

Mr. Kaufman said that he would send a letter to the ZBA the next day, and if that outcome was favorable the applicant could come back to this Board. Mr. Kaufman

advised the applicant that they should await the ZBA determination before going to the ARB.

CHEN
Site Plan
19 Denim Place
Section 2, Block 5, Lot 15A
Discussion
Julian Chen, PE

Mr. Chen was present for the application. He presented a 3D model of his proposal. Dr. Matusow asked if this was the revised model. Mr. Chen explained that he is trying to build a small house for him and his wife. The land has been in consideration for many years. He stated that the site is sloped and zoned for a two family house. There have been some attempts at this, but the Board required the removal of 2,700 cubic yards of soil and rock. The retaining walls were too large, approximately 27' high, and that was not feasible for him.

Mr. Chen presented a site plan with a modified house. He explained that the square footage is approximately 1,900 sq. ft. They are doing this because there is a steep slope. If one corner of the house is aligned with the grade, the other corner is 9' high. Because the grade must be about 1' below the first floor, he had no choice but to align the corner of the basement to the street. There would be a small retaining wall, less than 4', on the other side. If they lift the house higher or put it lower, then the retaining wall will be larger, and that is not desirable.

Mr. Chen explained that he has calculated the average height. The north and west side of the basement is under grade, the east side is mostly exposed, and the south side is halfway below the grade.

He noted that, at the site walk, the Board made a sensible recommendation because from one view, it still looked high. Mr. Chen explained that after that discussion with the Board, he developed a revised 3D model. He showed the model as originally designed, and explained that the music room has been eliminated. Mr. Chen explained the model to the Board. He explained that there is no drainage problem with this proposal. He also moved the garage to a different location. Additionally, because there is the requirement that the basement floor be 6" higher than the garage, this works better.

Mr. Delano asked if there was any reason why the applicant was not proposing a two-car garage. Mr. Chen stated that they just don't have the room; the basement is very small and he wants a mechanical room and the storage space. Ms. Black asked if the footprint was too small to accommodate what the applicant wants as well as a two-car garage. Mr. Chen agreed, because a two-car garage would take up half of the basement.

Mr. Chen explained his model to the Board. He noted that the attic ceiling height is less than 7' high and will be used as storage. Mr. Kaufman stated that the next step is for the applicant to submit the new plans. After the professionals review that information, the Board could schedule a public hearing.

VERIZON WIRELESS
Wetlands Permit & Amended Special Use Permit
3 Business Park Drive
Section 2, Block 16, Lot 10.A
Discussion
Leslie Snyder – Snyder & Snyder

Pete Buchanski, Esq. and Anthony Boder (engineer) were present on behalf of the applicant. The applicant's representative presented a site plan. He explained that Verizon is seeking to ensure that the facility at 115 Business Park Drive could provide uninterrupted service at all times, including during natural disasters, by installing emergency backup generators. The generators would be installed within the existing telecommunications compound on the property, and consist of approximately 161 sq. ft. of disturbed area.

Since the existing compound is in NYS wetlands, a wetlands permit is required from the DEC. The Town must sign the DEC permit request. On September 26, 2007, the Town Board referred the application to this Board, now this Board needed to make a recommendation back. He noted that the site walk had been conducted, and he did not think any issues had arisen. He said that they were asking that the Board look at the application and determine what approvals are necessary.

Mr. Kaufman explained that this needed to be referred to the Conservation Board. Chairman Michelman added that the Town Wetlands Consultant should confirm and refer to the County because of the proximity to Route 22. Mr. Kaufman explained that once the Board gets a recommendation from the Conservation Board, assuming it is positive, the Board could make a recommendation back to the Town Board to sign off for the DEC wetland permit and ultimately the site plan will depict the location of the generator.

Mr. Buchanski asked if this Board would be lead agency. Mr. Kaufman suggested the Board declare their intent.

Mr. Adelman moved to declare the Board's intent to be lead agency. The motion was seconded by Mr. Delano and unanimously approved.

The meeting was adjourned at 9:20 p.m.
