

on the first page: should be section 2, not section 7. Mr. Kaufman said he was correct, and the designation of the section had to be corrected on pages one and three

Mr. Tim Allen was present for application. Mr. Allen said he'd received the resolution and had no problems with it. Chairman Michelman asked if Mr. Schroeder had any issues or comments and he did not. No members of the Board had any issues.

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

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

PUBLIC HEARING & NEIGHBOR NOTIFICATION:

SOLOWAY

Site Plan

Section 1, Block 5, Lot 13.K-1

9 Jackson Road

Dennis Lowes – Ralph MacDonald Engineers & Surveyors

Discussion

Consideration of approving resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 12 out of 18 cards were returned as well as two envelopes and that all paperwork was in order. Chairman Michelman asked if any neighbors were present; none were.

Ms. Christine Perrier was present on behalf of the applicant. The applicants themselves were present as well. Ms. Perrier said that they read the resolution and had no issues with it. Mr. Soloway had a question regarding item #2 on the list of conditions. He said that when he was before the Board at the last meeting, there was some discussion regarding planting evergreens on a certain portion of the property. There was discussion about whether it would be necessary. The ARB had raised it as an issue but the house is set back from the road, and is not really visible from the road. Mr. Soloway said that he would comply with whatever the Board required, but he felt that planting evergreens in that area would be incongruous.

Chairman Michelman believed that the applicant had conditional approval from ARB. She said that she was not at that meeting, and was not sure what that meant. Chairman Michelman said she was comfortable with changing the condition to say that it be adjusted to "final approval" without specifics from the ARB. She advised that final approval from ARB is necessary, and if that means that the planting is required, so be it; but she would be comfortable with amending it to be contingent upon final ARB approval.

Mr. Kaufman said that in that event, the condition would come out of the ARB approval. Therefore, unless the Board took proactive steps to say that no additional planting would be required, the ARB could require it. Ms. Perrier pointed out that only one member of the ARB said they would like this planting. Although the ARB was concerned, they thought that this Board would handle it.

Ms. Black noted that the conditional ARB approval provided that evergreen screening would be planted on the right side of the driveway, and that did not seem to be where applicant indicated. Mr. Kaufman read from the ARB conditional approval. Dr. Matusow felt that they really needed to determine what was considered the right side of the driveway. Mr. Soloway believed the Board was concerned with seeing the house in the winter when the trees have lost their leaves, but that would not be the case because the grade will prevent much of the house from being seen. Mr. Kaufman explained that the Board had talked about it and agreed with Mr. Soloway's reasoning.

Mr. Kaufman asked Mr. Baroni how the Board would convey the fact that this Board would not require the planting to the ARB. Mr. Baroni reminded the Board that the ARB is not an approval Board, just a recommendation Board. Therefore, this Board should not grant approvals until the ARB makes a recommendation. The Planning Board needs the ARB's recommendation before they grant approval. He said that he did not agree with making the trees a condition of approval.

Chairman Michelman said that the Board needed to wait for a recommendation from the ARB. Ms. Perrier felt that the ARB has already made a recommendation regarding the trees.

Mr. Delano asked if there was a time frame in which the Board was supposed to get a recommendation from the ARB. Mr. Baroni did not think there was such a time limit of that Board.

Mr. Soloway thought the ARB made their recommendation via the conditional approval. Dr. Matusow wanted to hear the ARB approval again, and Mr. Kaufman read it. Dr. Matusow said that he would take the position that the ARB has made their recommendation and that this Board finds the trees unnecessary. The Board and Mr. Baroni agreed. The Board determined that additional screening would not be necessary or serve a purpose.

Mr. Kaufman said that in that event, that condition would be eliminated and the language in the resolution would be changed to say that the ARB recommended approval of the house design.

Chairman Michelman asked if there were any other issues. Mr. Kaufman noted that the language "floor area and" needed to be removed from page three in the first "whereas clause."

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

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

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

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 read the public notice for the record. Ms. Desimone noted that 19 out of 26 cards were returned and that all paperwork was in order. Chairman Michelman asked if any neighbors were present for this application. Mr. Joe Gottlieb, 14 Sterling Road South, Mr. and Mrs. Distefano of 15 Sterling Road South, Mr. Warren Kurtz of 17 Sterling Road South and Mr. Larry Levine of 24 Sterling Road South were present.

Mr. Peter Gregory, P.E. was present for this application, along with the Stobskys. Mr. Gregory explained that the application involves the teardown of an existing home and the construction of a new five-bedroom dwelling. This will be located an additional 60-70 feet behind existing home. They propose to use the existing driveway, which will continue past where the existing house is located, and create courtyard in front of the house and continue around the back. In the rear of the house, there will be a terraced yard area that will drop down to pool and pool cabana area. To rear of site, they are proposing the septic system. There are trees on the property that will have to be removed, and detailed landscaping plans have been submitted to show how the applicant plans to screen the house from the neighbors.

Mr. Gregory apologized that the architect could not be present for the meeting. He said that if there were any questions regarding the house, either he or one of the applicants would attempt to answer it.

Chairman Michelman asked if there were any comments or questions from the neighbors. Mr. Gottlieb asked about the size of the building compared to others on the street. He said that he bought 2 acres and built a 5,000 sq. ft. house on the lot, keeping in mind the character of the street at that time. He is concerned because there is a house at the end of this road, which he thinks is much larger than 10,000 sq. ft. and he is worried that this house won't fit in with the street.

Chairman Michelman asked if there were any other comments or questions from neighbors. When no one came forward, she advised them that this was their time to be heard.

Mr. Distefano asked what were the restrictions in terms of square footage on house on a two-acre lot. Mr. Kaufman said that he would have to look up the exact numbers, but this particular house was not above the maximum. Additionally, the board is required to look at the five closest houses; the 50% larger is the trigger for the Board. The average of the five closest homes is 4,500 sq. ft. and 50% larger than that is 6,786 sq. ft. The proposed house is 9,881 sq. ft. and the Board has to determine whether a house of this size is appropriate.

Another neighbor arrived and wanted to comment. Mr. Daniel Samuels of 4 Hadley Road noted that he has lived on that street for "a long time" and they are right around the corner from Sterling Road South. He said that he shares a 148' common border with the

applicants. The common border consists of dense woodland. As of the beginning of this year, the wooded area between his and the applicants' property was no longer there because the applicant has eliminated it. There are still some isolated trees that remain. When this happened, he was upset because the natural barrier was no longer there. Mr. Samuels said that the applicant said that they were essentially following the Mack plan. However, Mr. Mack had promised him and this Board that he would leave 50' of buffer. He felt that those trees were healthy and could have stayed.

Chairman Michelman acknowledged that the Board had received the packet of pictures Mr. Samuels has submitted. She acknowledged that the Board was familiar with the situation regarding the trees.

Mr. Samuels said it was his understanding that the plan was to raise the elevation of the rear of the property by 6'. Mr. Schroeder said that the back portion of the property would be raised. Mr. Gregory noted that the average will be 3' and there would not be 6' of fill in one area. He acknowledged that there would be more extensive fill near the pool / terrace areas. Mr. Samuels discussed the elevation levels with Mr. Gregory. Mr. Samuels felt this would create water runoff on his property. Mr. Gregory said that the applicant would be working with the Town Engineer to demonstrate that they would not increase runoff onto other properties. Mr. Samuels said that he was faced with a similar situation in the front of his house, and he was assured that they would not have a problem, and there is a problem. He said that even Supervisor Berman has been to the site and if a house more than 700' away can cause this problem, this application will as well.

Mr. Samuels felt that the size of the house was too large. He said that the Board has already commented that the house seems to be much larger than those nearby and the applicant responds by saying there are larger houses nearby. Mr. Samuels noted that the 9,000 sq. ft. house is on three acres, and is not as wide as what is being proposed. That house is on approximately three acres. He wondered about a comment made by a Board member at the last meeting that smaller houses nearby would not remain; no one knew that for sure.

He understood that this applicant wanted to build their dream house, but they should not be permitted to shoehorn a house that does not fit on this lot.

Another neighbor entered and wished to comment. Mr. Bob Alpert of 18 Sterling Road South indicated the location of his property and said that he had several problems with this application. He felt that the property is long, and not suitable for a project of this nature. This property has no sewer or water. Also the area is very sensitive to water erosion and is surrounded by wetlands. He felt that to bring in 1,000 yards, or more, of fill will harm neighboring properties. He felt that it was not responsible ecology, and the proposal will tax the ecosystem, especially the water system. He stated that chemically treated pool water, driveway salt, etc. will toll the wells. He felt that the driveway would be a problem as well. For 50 years the driveway was located on the south side of the site, and now it is being proposed on the North side. He felt the applicant was relying on his property for screening and to him, this was improper. He felt that the width of the driveway will not be sufficient and that the driveway will pollute his yard with noise, activity of landscaping, and maintenance trucks / pool trucks / cars, etc. He felt that the landscaping cannot hide a three-story house and that since landscaping is generally the

last project of the construction, cost over runs cause skimping. He felt that the size and placement of house is wrong and that the driveway location was wrong. He said that he has spoken to other professionals who all say that this is out of character with the area. He asked for another site walk, after leaves are off trees so the Board could see the true impact.

Mr. Levine indicated his property in relation to the applicant's. He said that he hopes that, and is relying on the Board to ensure, that most of these major issues (i.e. drainage, etc.) are considered, and addressed.

There were no other comments from the public. Chairman Michelman asked Mr. Schroeder for his opinion on the driveway and backup. Mr. Schroeder said that he finds the driveway insufficient for backup and that he does not recommend anything less than 30.'

Mr. Kaufman referred the Board back to his August memo. He noted that the memo talked about his concern for the size of the house as well as concern for the neighborhood. He noted that these comments were applicable to the Mack plan as well. He noted that there are differences in terms of the location and the amount of woods in the back. The physical dimensions remained the same and the Board has asked the applicant for additional information regarding wetlands, which he believed was still outstanding. Mr. Kaufman said that his memo also talked about the importance of the woodland corridor, which is a part of larger system. A link in that system is gone, and that concerns him.

Mr. Kaufman noted that a neighbor asked about the maximums for this lot. The applicant is 241 sq. ft. below the maximum permitted FAR, and 14' below the gross land coverage maximum. Mr. Kaufman explained that this might become an issue if the Town Engineer determines the driveway is inadequate.

Mr. Stobsky stated that he only took down trees that he thought would be dangerous. In response to a neighbor's comment, Mr. Stobsky said that his children do and would walk through the woods. Chairman Michelman said that it seemed that more than just dead trees were removed.

Mr. Stobsky explained that the trees the professional designated as dead / dangerous were the ones that were removed. He recognized that the neighbors seem to be concerned with the size of the house and explained that the square footage submitted to the Board includes non-livable area like the garage, attic, basement, cabana, etc. In reality the house is only 7,700 sq. ft., like the Mack's was. Mr. Stobsky said that now, perhaps the neighbor realized it was not as big as they first thought. Chairman Michelman pointed out that these are the regulations and they are applicable to everyone in Town. Those are the figures that are used.

Mr. Stobsky said that another concern of the neighbors was the driveway. He said that it is 25' with the 10' suggested barrier. There is really 35' from the house and the property line. Chairman Michelman said that was not entirely accurate, because the Board always requires the 10' buffer. Mrs. Stobsky asked if that was true 100% of the time, and the Board admitted that it was not, but that it almost was.

The Stobskys indicated trees on the plan that exist on Mr. Alpert's property. Mr. Alpert did not think this was true. The applicants assured them that it was.

Mrs. Stobsky said that she met with some of her neighbors, who are in support of the project. She read a letter from neighbors on Sterling Road South and Hadley road, which indicated they were in favor of the proposal. Mrs. Stobsky said that she did not have a chance to do this for all the neighbors. The Board requested copy of this letter.

Mr. Stobsky said that he did meet with Mr. Kaufman about the house, and after reviewing the proportions and symmetry of the house, there is nothing else that could be done to make substantial changes to satisfy the Board.

Mr. Gottlieb said that he was not objecting to construction, just looking for something more in keeping with the neighborhood.

Chairman Michelman asked if the Board had any issues. Chairman Michelman stated that some of the issues raised by the neighbors, have been raised by the Board previously. She pointed out that this project has a unique history and wanted to provide some background. She explained that the applicants bought this property from the prior owners, the Macks with an approved site plan, for which they paid a premium. The first site walk was conducted with these applicants to discuss the trees that were dying, and at that time, the applicants indicated that they wanted to make changes. The Board advised them that any changes to the Mack's approved plan, would essentially constitute a new application. The applicants opted to make some major changes, and therefore the new application had to meet the new guidelines; something that the Macks did not have to do. Chairman Michelman asked the applicants to take a new look at the approved Mack plan and compare it to their proposal. The house sizes are about the same; but there are some very significant differences. These include: the location of the house and the proximity of the Mack house to the neighbor, that the Mack driveway abutted the neighbors' driveway as opposed to the neighbors' living space. She asked the Stobskys to consider trying to integrate the original plan with their plan, without changing the house itself. She said this might answer the Board's and some of the neighbor's concerns and still provide the applicants with the house they desire.

The applicants agreed to this plan. Mr. Stobsky said that he had looked at both plans in detail and asked if there was any more specificity the Board could provide. Chairman Michelman said she could not give any more specificity, but that they should evaluate the two.

Mr. Delano explained that Chairman Michelman was suggesting that the Stobsky house is deeper from front to rear than the other; they added more decking and more space between the house and pool; they rotated the pool, and pushed the primary septic back over the wall and eliminated a stand of trees to remain between the primary septic and the expansion area. Therefore, they have ended up with more lawn, more impervious surface, and a driveway closer to a neighbor. Mr. Delano asked Mr. Gregory if the previous approval for the expansion area was conditioned in the approval that the applicant in building permit process apply for waiver from Health Department to place fill in the expansion area. Mr. Gregory said the Health Department said they'd make that determination once the construction was commenced.

Mrs. Stobsky explained that one of the reasons they pushed the house back 40' was because there is a slope from Sterling going back, and the slope is steeper in the front, and becomes more gentle. By moving it back, they had ability to lower the house, and reduce the amount of the fill.

Ms. Black noted that moving the house forward could possibly preserve the wooded strip. Mrs. Stobsky said that wooded strip wasn't really there. Mr. Stobsky said "what was, is no longer" and that the tree issue probably shouldn't come up every time they appear before the Board. Mr. Stobsky explained that they have a very detailed landscaping plan that includes planting 60 trees.

Chairman Michelman explained that she was attempting to merge old and new, and there are many people that do not share the Stobskys' views. She noted that, rather than subjecting the applicant to a vote, she wanted to give them an opportunity to review these issues. She wanted the applicant to keep in mind that they purchased an approved plan. They should start from there.

Dr. Matusow said that he felt Chairman Michelman wanted the applicant to consider that the applicant purchased a property with an approved plan and the applicant has to live up to those stipulations in some degree as well. He did not agree with Mr. Stobsky's comment about no longer talking about the trees. He felt that they were part of the approved site plan for the Macks and it could be required today.

Mr. Kaufman noted that there is a difference between having a manicured piece of property with perimeter plantings versus a naturalized area without a maintained lawn. He asked if that was something the Board wanted the applicant to consider. They did.

Mr. Gottlieb asked if the neighbors would receive notice of the next meeting. Chairman Michelman said they would not receive notice, because this was just being adjourned. She explained that they would have to check on the website or with the Planning Department as to when it is on agenda again.

Mr. Samuels asked if it is permissible to put three feet of earth over wetlands. The Board explained that they could not do that without a wetlands permit. Mr. Samuels believed that the soil is not suitable for septic because it was too wet. Mrs. Stobsky explained that they have done the perc tests, and its fine. Chairman Michelman explained that the perc tests and septic is the responsibility of Westchester County Health Department and if they approve it, it is approved.

Mr. Kaufman pointed out that the applicant's plans don't show there are wetlands, and the Board has asked for confirmation that there are no wetlands. They are still waiting for this confirmation. Mr. Delano recalled that the previous applicant already demonstrated that there are no wetlands on the site.

Mr. Adelman moved to adjourn the public hearing to provide applicant with the opportunity to address these issues. The motion was seconded by Mr. Delano and unanimously approved.

VESUVIO

Site Plan

Section 2, Block 13, Lot 17-31

34 Wampus Avenue

Dennis Lowes – Ralph MacDonald Co.

Discussion

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 21 out of 30 cards were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the application. Brian Donovan of 38 Wampus Avenue; Cheryl and Hank Milano of 40 Wampus Avenue were present.

Mr. Frank Vesuvio was present for the application. He presented an architectural rendering for the public. He explained that he is proposing a 2,000 sq. ft. addition to the existing house and presented the plans for the house. He indicated the location of the existing house, and explained that he would be adding 10' to the side and 20' to the back.

Chairman Michelman asked him to explain what the space would be used for. Mr. Vesuvio explained that they plan to enclose the existing patio and add a study on the first floor. The spare bedroom on first floor will be turned into the dining room. The 20' in the back will be a family room with a kitchen. The existing family room will be a two-story foyer. There will be two bedrooms in the front, one of which will be eliminated for the foyer, and reconfigured in another area. The second story will add a third bedroom, with a computer loft, a bathroom and a master suite; there will be a bedroom in the back with a walk in closet and a bathroom. Chairman Michelman asked if they were adding any bedrooms. Mr. Vesuvio said that he was not, just reconfiguring them and making them larger.

Chairman Michelman asked if the neighbors had any questions. Mr. Donovan asked if the applicant was going to be maintaining the setbacks. Mr. Vesuvio said that he was. Mr. Donovan said that, in that case, he has no problems.

Mrs. Milano said that she had an extensive number of questions. She believed that when renderings are submitted they have to have some accuracy as to what is on the site surrounding them. Mr. Kaufman explained that this is not necessary on the architectural renderings, but that is required on the site plan. Mrs. Milano stated that well the rendering makes it look like there is so much room there. She wanted to see the site plan. Mr. Vesuvio showed her the site plan, and corrected her assumption that he was building toward the fence.

Mrs. Milano was also concerned with the neighborhood. When she did her addition, she tried to keep as much room as possible on either side. She noted that this was Mr. Vesuvio's second application to the Board. She felt that the first home he built from side to side on the lot and this is the same thing, although perhaps not quite as bad. However, she still felt he was building a house around a house. Mrs. Milano pointed out that this Board expresses similar concerns for big houses on very big lots. She felt this will impact the character of the entire town. She believed that Mr. Vesuvio was seeking a

special use permit for 1,160 sq. ft. She felt this was a lot of mass on a small piece of property.

Chairman Michelman explained that Mrs. Milano had the calculations confused. She explained that there is a minimum basic, and a maximum that cannot be exceeded. That gives this Board some leverage to say whether this is over or above. The only reason a special use permit is required is because the applicant's dimensions fall between the maximum and the minimum. Mrs. Milano asked if it was fair to say that the applicant is 720 sq. ft. short of where the Board would absolutely say no. The Board thought this was a fair statement. Mrs. Milano said that she has seen this Board quibble over other things that would make a larger impact.

Mrs. Milano pointed out that there is a large wetlands buffer in the rear and believed that this project was within the buffer. Mr. Delano said that 20' would be in the buffer. Mrs. Milano stated that there are wetlands problems on the property and she hoped the Board would take note of that. Chairman Michelman assured her that the engineers are working in this regard. Mr. Kaufman pointed out that the Board has also received very specific recommendations from the Conservation Board, and the applicant will be required to satisfy these as conditions from this Board.

Mrs. Milano believed that the Conservation Board made a comment that future intrusions could be expected. She said that he is talking about a total of 4,500 sq. ft., how could we expect more additions. Mr. Kaufman the Conservation Board was concerned with the lawn area in the rear. The applicant would not be able to increase land coverage or impervious surfaces without coming back to this Board and what the Conservation Board was trying to prevent the lawn from expanding into the buffer, and to require some new plantings in the back. The Planning Board agreed with that, and will make it a requirement. The existing wall should be extended as a hard demarcation line, convert some existing lawn to a buffer area, and plant additional shade trees. This is to effectively delineate the buffer and the lawn. Ms. Black pointed out that the Conservation Board is attempting to revert some of the property back to wetland, which had been turned into lawn over the years.

Mrs. Milano felt that Mr. Vesuvio was only concerned with what he could build and not the character of the neighborhood.

Chairman Michelman asked Mr. Schroeder if he had any issues. Mr. Schroeder explained that there had been some issues regarding the floodplains, but he has spoken to the applicant's engineer, and they seem to have been resolved.

Mr. Vesuvio felt that Mrs. Milano is attempting to make him into some big-time developer and this is not the case. He explained that he came into town 10 years ago, and is proud of what he's done to improve the neighborhood. He said that he is "just a little guy who wants to make a dump look nice."

Mr. Kaufman explained that at the last meeting, the Board set up a public hearing and directed applicant to revise the plans based upon the comments from the Conservation Board. He stated that the Board could either have a resolution prepared based upon the current plans and include conditions, or wait to see the new plans.

Mr. Delano moved to close public hearing.

Mrs. Milano wanted to reiterate the square footage of the five closest homes, based upon the information she obtained from the Tax Assessor's office, with garage space: 1,400 sq. ft., 3,036 sq. ft., 3,130 sq. ft., 2,768 sq. ft., 2,548 sq. ft. She said that none of the houses nearby are close to the 4,500 sq. ft. that is being proposed by the applicant. Mr. Vesuvio noted that his lot was larger than those. Ms. Milano also took offense to the area being called a dump.

Ms. Black seconded Mr. Delano's motion, which was unanimously approved.

The Board decided to review the plans, and have them on the next available agenda and after that they would move forward. Mr. Vesuvio thought they were already submitted; the Board said they were not.

BIALSKY
Amended Site Plan
Section 2, Block 3, Lot 2-5
4 Wrights Mill Road
Barry Naderman, PE
Discussion
Consideration of approving resolution

Chairman Michelman read the public notice for the record. Ms. Desimone noted that 12 out of 17 cards were returned, and two envelopes were returned and that all paperwork was in order. Chairman Michelman asked if there were any neighbors present for the application. There were none.

Mr. Barry Naderman was present on behalf of the applicant. He asked if the Board wanted a presentation. Chairman Michelman asked if he had read Mr. Kaufman's memo. Mr. Naderman said that he had and that everything was clear. Chairman Michelman wanted to adjourn the public hearing, rather than close the public hearing, because there are issues that were brought to the attention of the Board concerning the Building Department that she would like to have resolved prior to the resolution.

Mr. Delano asked the size of the garage and bathhouse. Mr. Naderman explained that the footprint is 758 sq. ft. and that floor plans and elevations were provided. Mr. Naderman said that since he did not know what the issues were with the Building Department, he could not move forward. He asked if, aside from that, there were any other issues the Board wanted him to address.

Mr. Delano asked about the conversion of landscaping to lawn along the street. Mr. Kaufman explained that at the site walk, the Board decided to convert the existing lawn area to the wildflower meadow. Mr. Naderman explained that at the last meeting, he had pointed out that given the landscaping on the property and in the neighborhood, the applicant did not intend to violate anything by planting wildflowers. Chairman Michelman stated that the area will be enhanced with wildflowers. Mr. Naderman advised the Board that due to the nature of the wildflowers, the area will need to be mowed once or twice per year, and just wanted the Board to be aware of that.

Chairman Michelman explained that the Board was concerned with the reserve for adequate gross land coverage if someone in the future would want a deck around the pool. Mr. Naderman explained that at the last meeting, he explained that if someone ever wants a 4' deck around pool, it would represent an additional 250 sq. ft. As part of the application, they are already trimming down some of the driveway and apron in the front. If that were to be eliminated all together there would be an additional 430 sq. ft. He said that he has demonstrated the ability. Chairman Michelman agreed that he had.

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

Dr. Matusow moved to adjourn the public hearing. The motion was seconded by Mr. Delano and approved by all except Mr. Adelman, who'd stepped out.

CONTINUING BUSINESS:

MUCKELL

**Preliminary Subdivision
Section 5, Block 19, Lot 1
3 Morningside Place
Susan Fasnacht, PE
Discussion**

Ms. Susan Fasnacht was present on behalf of the applicant. She explained that in April, there was a discussion on the wetlands. This has since been reexamined, and reviewed by Mr. Sessions. The line has moved up slightly. She indicated old line and the new line. This impacted the buildable area because they had just met the requirements before. They looked at two alternatives; one included a straight lot line with 88' front as opposed to 100' that is required. They recognized that they would have to go to the ZBA for a variance regardless.

The layout of the house could be moved somewhat out of the buffer. She explained that she did not actually do the plans because she still needed to know about the ZBA. She added that there is enough of a side yard to do this.

Mr. Kaufman explained that this is where the Board is; if they go with the revised lot line layout, which he said that he would recommend, they will also need a front yard variance. Chairman Michelman pointed out that they need two. Ms. Fasnacht agreed.

Mr. Schroeder had no issues. Dr. Matusow moved to refer this application to the ZBA with a positive recommendation. The motion was seconded by Ms. Black and approved by all except Mr. Adelman, who had stepped out.

WYMAN
Preliminary Subdivision
Section 2, Block 1, Lot 7
93 Whipporwill Road
Barry Naderman, PE
Discussion

Mr. Barry Naderman and Mr. Wyman were present for the application. Mr. Naderman explained that since the last appearance, the applicant was asked to get feedback from the Conservation Board before they could complete their application with the NYC DEP on Stormwater Pollution Prevention Plan. The applicant went back to the Conservation Board who conducted another site walk. Mr. Naderman explained that there were certain recommendations made by the Conservation Board, which, for the most part, the applicant has done.

On lot one, they were asked to consider moving the house location away from the wetlands to maintain existing stonewall. They have shifted house site, moved septic and moved the lot line slightly. Additionally, the applicant was asked to relocate the driveway entrance for lot one to place it just outside buffer. This has been done. The memo acknowledges that there is some stormwater infiltration and that is acceptable. Mr. Naderman explained that the Conservation Board has expressed their support with those modifications.

Mr. Naderman acknowledged the memos from the professionals. The applicant was in discussions with the DEP to buy vacant lots on the property. During the negotiations they requested that the existing ornamental pond remain outside of lot one, so that if the DEP does buy the existing lot, the drive and the pond would be part of lot one so that the driveway and the pond would be in the ownership of whomever buys that lot. They were also asked to reconfigure lot to so that the existing water course and conservation easement come into the sole ownership of DEP. Therefore, they've reconfigured lot lines for this.

The Fire Department wanted a dry hydrant for lot 4. They have now indicated a 6" fireline that goes from the hammerhead to a location in the front of residence. The Fire Department has expressed its support.

The Conservation Board also wanted under-story plantings along a portion of the driveway with existing evergreens with high limbs that do not provide much screening. Mr. Naderman said they would do this.

Mr. Naderman added that they had been asked to consider an area designated for a children's waiting area. There is a note on the plan that says no further subdivision of the lots but it is his understanding that the Town Planner would like some type of deed restriction, which will not be a problem.

Also, as per the Town Engineer's request, they have added a note that indicates that any existing pavement to remain that is substandard will be brought to the standards.

Mr. Naderman noted that Mr. Kaufman had had a comment on the frontage on lot 3. Currently, it is configured to include stormwater area, sufficient frontage. Mr. Kaufman agreed.

Mr. Naderman explained that the recent modifications include the alteration of the proximity of the stormwater basin to the proposed septic area. This has been redesigned to be 100' off the septic area.

In revising the numbers, the pond has been reconfigured. The dark lines are existing, and will remain and the only grading is to berm across the valley. A pretreatment basin has been eliminated, and therefore, a few more trees will be able to maintain.

Mr. Naderman believed that at this point, everyone was basically happy with the proposal. He noted that there was a comment that lot 3 would require special use permits for exceeding the basic allowable. The calculations are indicated on the zoning tables on the plan, so if it needs to be part of public hearings, they could. Mr. Naderman stated that he would like Board to act on the neg dec and set a public hearing.

Chairman Michelman asked if Mr. Schroeder had any issues. He did not, and commented that the applicant has done a nice job. Chairman Michelman agreed and noted that they have done well in listening to and accommodating all opinions. She asked if Mr. Kaufman had any issues.

Mr. Kaufman noted that there were only a few outstanding comments. If a public hearing is scheduled a second one would be required prior to final approval for the existing development on lot three. Mr. Naderman asked if the notice could be amended to acknowledge the special use permit. Mr. Kaufman said that if the applicant could provide the Planning Department with the worksheets, then that could be done. The Board agreed to do them together. Mr. Kaufman explained that the applicant does not need the special use permit until the Board approves the subdivision because technically, the lot doesn't exist. Mr. Baroni said there is no harm in doing it now.

Ms. Desimone explained that she would need the worksheets first thing the next morning because they needed to be noticed by 11:00 a.m.

Ms. Black moved to schedule a public hearing on both issues. The motion was seconded by Mr. Delano and unanimously approved.

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

Site Plan

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

Main Street, Maple Avenue, Bedford Road

Joe Beninati

Discussion of Expanded EAF

Mr. Mark Miller was present on behalf of the applicant along with Bonnie Von Olson, and Andrea Stressner, architect.

Mr. Miller explained that they were before the Board to talk about environmental issues. He explained that they had been proceeding under the old declaration for the prior project. As the process evolved, it was determined that a new, coordinated environmental review was required. Last year, the Board commenced a coordinated review. In January, a long form EAF was submitted with a number of studies, including traffic, stormwater, etc.

Based upon comments from the professionals and subsequent changes, the EAF was supplemented in July. Additional comments resulted in a revised addendum in September. The applicants have received one more memo, and they were before the Board to move the environmental process forward.

Mr. Miller explained that Mr. Kaufman had four comments. With respect to the proposed parking district rules and regulations, there are some issues with whether Hickory & Tweed are willing to be a part of the district, but they know that the applicant will. Mr. Miller explained that he has spoken to the Town Attorney and the Town Planner on this issue. The applicant will amend the EAF to indicate that they would put together rules and regulations on this issue.

With respect to moving the cross walk on Main Street so that it lines up with the pedestrian walkway, Route 128 is a State road, so the applicant will have to get approval from the State. Mr. Miller explained that they would commit to making that application now.

The applicant will attempt to secure permission from Town Board to create the new crosswalk on Maple Avenue. At the same time, the applicant will seek to eliminate parking for 25' on either side of the entrance on Maple Avenue.

Lastly, Mr. Miller explained that he spoke to Mr. Kaufman earlier that day, and about making an application to prohibit / address left turns into Hickory and Tweed. Mr. Miller explained that they have a problem with this, because they do not control that property and Route 128 is a State road. He felt that it does not seem appropriate for the applicant to make that application on behalf of / or against (depending on how you look at it), with the DOT.

Mr. Kaufman explained that they have to hear the Town Board's direction with respect to Hickory & Tweed and whether that business will become part of the parking district. If so, then the Board would need to deal with the left turn issue. He suggested that the Board require that the applicant prepare the documentation, and then the Town would submit it

to the State. Chairman Michelman asked if the Board could do that. Mr. Kaufman said that they could.

Dr. Matusow thought that it was already established that Hickory & Tweed would join the parking district. Mr. Adelman thought that too. Mr. Kaufman said that had been the case, but Hickory & Tweed has since objected to joining. Mr. Baroni explained that the owner of Hickory & Tweed has questioned the validity of the resolution from 12-15 years ago. He has indicated that when he agreed to it, he felt that it benefited him, and now he feels that there is little benefit to being in that parking district. He's brought that argument to the Town Board several times, and the Town Board has not forced the issue at this juncture. He advised the Board that if the Town Board did this on its own motion and passes a resolution approving the extension of the district, since the Hickory & Tweed owner is the only in the district, he could bring on application for permissive referendum and defeat the resolution. Therefore, there is no sense to try and do this without his consent. Hickory & Tweed has essentially said, 'let them build it, and then I will see if I want to be a part of it.' The Town Board is weighing this.

Dr. Matusow asked if the Board needed to wait for the Town Board to resolve this issue. Mr. Kaufman stated that the more information this Board had, the better. Dr. Matusow felt that he did not want to delay this issue. At the least, the Board should have some idea of what traffic flow will or will not be if that option is eliminated.

Mr. Kaufman agreed. The way this will be dealt with is the same way the Town has the connections to Coco Bolo and Beascake. If ultimately, the Town determines that the connection to Hickory & Tweed would not occur at this moment, then we need to plan for it in the future.

Mr. Baroni pointed out that the Town might not want to restrict the left turns until the parking is disconnected. Mr. Kaufman agreed, and said there is no immediacy. The Board thought it best to remove #4 as a qualification. Mr. Kaufman suggested that, instead of removing it entirely, they add a qualifier like "if the parking lots are interconnected." Mr. Miller asked if that would that be done by the Town, and Mr. Kaufman said that it would. The Board agreed to a qualifier as Mr. Kaufman suggested.

There were no other issues here. Mr. Kaufman explained that, compared to the last memo, there are very few comments remaining. There are still some site plan issues that need to be addressed, and the public hearing is scheduled for October 1st.

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

Mr. Dan Ciarcia was present on behalf of the applicant. They are proposing to construct single family home on a lot in Hammond Ridge. He noted that there are several outstanding reports from the Engineer and Planner, but the focus of the meeting was to discuss the site walk; namely, the screening between the applicant and the neighbor and the reconfiguration of the pool house and pool.

Chairman Michelman thought that the second site walk was helpful. The reconfiguration and the berm, and the landscaping will be very useful. She asked if there were any issues from the Board. There were not. She asked if they were ready for a public hearing and Mr. Kaufman said they were.

Ms. Black agreed the berm and landscaping would do a good job. Mr. Delano advised the applicant that it would be helpful to bring a graphic in terms of a cross section for the public hearing. Dr. Matusow noted that he had had concerns for the neighbors to the right of the plan for the pool and he did not think he would accept a pool on that level, but the applicant has moved the pool considerably to the north, which moves it further away and drops it to another level. He believes the screening will provide the neighbor with significant privacy, and it resolved the issues he had with this project.

Chairman Michelman asked if the Board was ready for a resolution. Mr. Kaufman noted that there are still some other issues, including the streetscape, clarification of square footage on the worksheets and more detail in the landscaping plan for what will be on the berm.

The Board decided to schedule a public hearing but would not prepare a resolution at that time.

Mr. Adelman moved to schedule a public hearing. The motion was seconded by Mr. Delano and approved by all except for Dr. Matusow who had stepped out.

STONE MANORS @ ARMONK LLC.
Section 1, Block 11, Lots 5A-5 and 5A-6 (Lots 1 and 2)
Michael Finan, PE
Gregg Smolev – Stone Manors
Discussion

Linda Whitehead, Mike Finan, and John Slaker were present on behalf of the applicant. Ms. Whitehead gave the history of the site. She explained that the Board and professionals basically had the same comments for both of the lots on the agenda and stated that she would address them together.

The lots were created and approved as part of the Troy subdivision. Several years ago, this client purchased both lots, which required site plan approval. They started construction of the road, came with site plan application, and after the site walk, it was discovered there were additional wetlands on the property. They later came back with an amended wetland permit and site plan. A public hearing was held, and as the Board was considering the resolutions, the Board decided to hold off on site plan, and just grant wetlands permit so that the road could be completed. Once that was done, they were to go back to the Health Department for septic permits. She noted that the permits have been approved, both for a 5 bedroom house.

Ms. Whitehead explained that they have tried to show every single detail of every improvement on these lots. Lot one is under the basic permitted and lot two is over the basic. They are going to try to reduce the patio area around the pool. They are going to try and do some of the driveway in gravel, and are looking at other options.

Mr. Finan added that the pool location is dictated by the septic system. They already have approved percs in a certain location, and they cannot put it below the system. He felt that the pool has to stay where it is. They looked at the impervious surfaces areas, and some of the road area has been removed, and they are now right where they said they'd be per the stormwater prevention plan.

Chairman Michelman said that one of the concerns of the Board is the demarcation area from the Town regulated wetland buffer. She explained that Mr. Kaufman has already commented that something significant needs to be done, because it is appealing to move into the wetland area, and the Board wants to ensure that they are protected. One of the applicant's representatives explained that they have spoken to the owner on this, and they are proposing to do a long, stone wall. Ms. Whitehead explained that on lot one, everything up to the buffer is part of a conservation easement to be given to land trust. Chairman Michelman thanked the applicant for understanding, and just wanted to raise the issue.

Mr. Baroni noted that, with respect to the conservation easement, he has been getting calls from the land trust because the easement had not yet been recorded. Ms. Whitehead explained that it was just a matter of execution, it has been fully negotiated but they wanted to make sure of the final plans before it was finalized.

Ms. Whitehead noted that this has been before the Conservation Board already and asked if they needed to go again. Mr. Kaufman said they did not, because they were not seeking a wetlands permit. He noted that his memo deals with sediment and erosion control, which the Engineer will review.

Ms. Whitehead noted that the public hearing had been conducted based upon the previous site plan. Mr. Kaufman said that it would make sense to have a new public hearing for these two site plans. He said that these are reasonable plans and if applicant could reduce some impervious surfaces, that would be good. The physical demarcation of the wetlands buffer is beneficial as well. He said that he believes the applicant could easily address the other comments.

Mr. Kaufman noted that this had to be referred to the County. Ms. Whitehead pointed out that it had been referred previously, and asked if it had to be referred again. Mr. Kaufman said he would check the status, and if it did not need to be referred, than it would not be.

Ms. Whitehead asked if the Board was going to conduct another site walk, because it looked like it was on the agenda to be scheduled for a site walk. Ms. Desimone noted that it was a similarly named applicant.

Chairman Michelman asked Mr. Kaufman what the next step was. Mr. Kaufman said that he would like to see the revised plans and at that point, they would be able to schedule the public hearing. Mr. Kaufman explained that they still needed to know the status of the gross land coverage and FAR. Ms. Whitehead explained that the first sheet of the architectural plans dealt with the FAR. With respect to the gross land coverage, Lot 1 is under basic and Lot 2 is in the special permit range. Mr. Kaufman said that the worksheets needed to be completed and submitted for all calculations for both lots. They will need to schedule public hearings for special use permits.

NEW BUSINESS:

CAPONE

Special Use – Accessory Apartment

Section 2, Block 13, Lot 14-4

8 Wampus Avenue

Discussion

Mr. Capone

Mr. Capone was present for the application. He explained that they were applying for a special use permit for an accessory apartment. The existing space in lower level will be used, and there will be no changes to the structure or the property. The apartment will consist of two bedrooms, with a living room, kitchen and a bathroom. There will be a separate entrance with adequate parking. He added that the property is served by town water and town sewer.

Chairman Michelman stated that at the site walk, the Board found everything was in order, and now it has to be referred to the Building Inspector and the Fire Marshal. Once the Board receives their written reports, they can schedule a public hearing.

Chairman Michelman asked if the Board had any issues with referring this application and they did not. Dr. Matusow moved to refer to Building Inspector and Fire Marshal. The motion was seconded by Ms. Black and unanimously approved.

20 BEDFORD ROAD

Site Plan

Section 2, Block 14, Lot 13

Mike Fareri

Discussion

Ms. Rebecca Rivera was present on behalf of applicant. She explained that there is an existing single-family residence that was constructed around 1817 and is in poor condition. She explained that they have revised the site plan based upon the Board's comments, which will be submitted to the Board. They are proposing to put a 1,497 sq. ft. addition in the back of the residence, and will keep house as residential. Ms. Rivera explained that the lot is zoned RO. There are two parking spaces that will be required and they will use the same driveway in the same location. The garage will remain the rear. The application will require some repaving to accommodate vehicles.

Ms. Rivera explained that they would keep the same external façade, which they will clean up. She advised that they would keep historical character. They will have a covered porch on the side. She noted that they have reviewed the comments and wanted to know who submitted the application to the county. Mr. Kaufman said that the Town does. Ms. Rivera noted that this has already been before the Landmarks Preservation Committee. Mr. Kaufman stated that the applicant needed to make those arrangements, and demonstrate to the Planning Board that they have issued a certificate of appropriateness. Mr. Kaufman said that they would wait to refer to the County until the Board sees the revised plans. He advised that if the applicant ends up with a different

use, they would have to go through this process again, with the exception of the LPC because that committee does not concern itself with the uses. The only way the application would have to go back to the LPC is if the applicant widens the driveway.

Dr. Matusow asked about the status of applicant's application to the Town Board. Ms. Rivera said that have not made that application yet.

Mr. Kaufman said that the Board would review the plans when they are received.

TUTTLE
Site Plan & Special Use
Section 2, Block 5A, Lot 6-3
9 Skyview Drive
Lou Masi
Discussion

Mr. Lou Masi was present for the application. Chairman Michelman noted that there are some ZBA issues with this application, and the applicant was looking for a referral to that Board. Mr. Masi agreed.

Chairman Michelman explained that she had no objection to this being referred to the ZBA, because that is the applicant's right but she was not comfortable with doing so with a recommendation.

Dr. Matusow moved to refer the application to the ZBA without a recommendation. The motion was seconded by Ms. Black and unanimously approved.

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