

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 p.m.  
May 23, 2011**

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**PLANNING BOARD MEMBERS PRESENT:**

John Delano, Chairman  
Jane Black  
Steve Sauro  
Beata Buhl Tatka  
Guy Mezzancello

**ALSO PRESENT:**

Adam R. Kaufman, AICP  
Director of Planning

Ryan X. Coyne, P.E.  
Kellard Sessions Consulting, P.C.  
Consulting Town Engineers

Roland Baroni, Esq. Town Counsel  
Stephens, Baroni, Reilly & Lewis, LLP

Valerie B. Desimone  
Planning Board Secretary  
Recording Secretary

Conservation Board Representative:  
Larry Nokes

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The meeting was called to order at 7:01 p.m.

**APPROVAL OF MINUTES:**

Mr. Delano asked for a motion to approve the April 25, 2011 minutes as amended. Ms. Black made a motion to approve, it was second by Ms. Mezzancello and approved with five ayes.

**PUBLIC HEARING:**

**C & H PROPERTIES**

**Preliminary Subdivision**

**Section 1, Block 2, Lot 1**

**336 Bedford Road**

**Brad Schwartz, Esq. Zarin & Steinmetz**

**Peter Gregory, PE, Keane Coppelman Gregory Engineers, PC**

**Discussion**

**Consideration of approving site plan resolution**

Present this evening for the applicant was Brad Schwartz, Esq. Zarin & Steinmetz and Peter Gregory, PE, Keane Coppelman Gregory Engineers, PC.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone stated that 15/17 green cards were returned and all paper work was in order for this application.

The following noticed neighbors were present, Mr. & Mrs. Cserenyi , 175 Loder Road, Yorktown Heights, NY.

Mr. Gregory stated that this application was for a two lot preliminary subdivision application along with tree removal permit and steep slopes permit. The lot is presently 5.6 acres. In 2007 there was an application to build a house on this lot and maintain the existing Land Marked staff quarters. The applicant is now proposing to subdivide the property and put up a new single family home, on lot two and keep the present staff quarters as a two bedroom home on lot #1. The lots will share 100' of a common driveway and split to each residence after that. Each home will have individual well and septic systems. Since their last appearance before the board, additional screening has been proposed. The storm water and driveway have also been studied. A landscape plan will be submitted. The applicant will follow up with Westchester County regarding the driveway. They are now looking to have the Board of Health look into this application at this point.

Mr. Delano asked if any of the noticed neighbors, board members or professionals had any questions or comments at this time. No questions or comments were made.

Mr. Delano asked for a motion to close the public hearing. Ms. Black made a motion to close, it was second by Ms. Tatka and approved with five Ayes.

Mr. Schwartz inquired if a typical common driveway maintenance easement agreement will be added to the resolution. The board agreed.

Mr. Delano asked for a motion to approve the amended C & H resolution, Ms. Black made a motion to approve, it was second by Ms. Tatka and approved with five Ayes.

**RIEBELING**

**Special Use Permit – Accessory Apartment**

**Section 7, Block 4, Lot 1-15**

**3 Roberta Place**

**Discussion**

**Bob Law, Attorney**

**Robert W. Pollack, AIA**

**Consideration of approving special use permit resolution**

Present this evening was Mr. Riebeling and his professional Bob Pollock.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone stated that 24/27 green cards were returned and all paper work was not in order for this application. The mailing was done timely but the publication in the newspaper was not done timely. No noticed neighbors were present for this application.

Mr. Baroni stated that since the mailing was done timely, we would open the public hearing, listen to public comment and adjourn the application until the next meeting which would give the applicant sufficient time to publish timely before the next meeting.

Mr. Pollock stated that the 2<sup>nd</sup> floor apartment has been present since 1950 and Mr. Riebeling has been living in the house for the last 35 years. There was a tenant in the apartment when he purchased the house who was Mr. Gustafson's father at the time. They recently found out that the apartment needed to be legalized and that is what the applicant is doing this evening. As requested, the applicant has installed smoke and c.o. detectors.

Mr. Delano asked for a motion to adjourn the Riebeling public hearing, Ms. Black made a motion to adjourn, it was second by Mr. Sauro and it was approved with five Ayes.

**TEDESCO**

**Special Use Permit – Accessory Apartment**

**Section 3, Block 14, Lot 1.G**

**1462 Old Orchard Street**

**Discussion**

**Petruccelli Engineering, Steve Bassini**

**Consideration of approving special use permit resolution**

Mr. Steve Bassini was present for the applicant.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone stated that 8/27 green cards were returned and all paper was not in order for this application. The mailing was done timely but the publication in the newspaper was not done timely. No noticed neighbors were present for this application.

Mr. Baroni stated that since the mailing was done timely we would open the public hearing, listen to public comment and adjourn the application until the next meeting which would give the applicant sufficient time to publish timely before the next meeting.

Mr. Bassini stated that they would like to legalize a two bedroom accessory apartment which meets all of the requirements, codes and setbacks. There was a second accessory apartment on site which was not legal, it did not meet the height requirements and that area will now be used as storage for the property owner. The accessory apartment meets all of the code requirements.

Mr. Bassini raised some minor revisions to the resolution; the size of the apartment is 767 square feet. The board discussed the easement agreement regarding the separate tax lot adjacent to the parcel which has a portion of the driveway turn around on it. The resolution has a condition which states to submit an easement agreement to continue this use and the applicant is requesting that we do not require the easement. Mr. Baroni suggested merging the lots. Mr. Bassini stated this was not a building lot. Mr. Baroni stated that you have to do one or the other. This is a situation that has to be corrected while before the board. After much discussion, it was agreed to move that item to prior to the issuance of a Certificate of Occupancy.

Mr. Delano asked for a motion to adjourn the Tedesco public hearing. Ms. Black made a motion to adjourn, it was second by Ms Tatka and it was approved with five Ayes.

## **ONE LABRIOLA COURT**

### **Site Plan**

### **Section 2, Block 11, Lot 13-1**

### **1 Labriola Court**

### **Discussion**

### **Dennis Noskin, AIA LEED AP, Dennis Noskin Architects**

### **Consideration of approving site plan resolution**

Present for this application was Mr. Noskin and his client Charles Brown from C.W. Brown.

Mr. Delano read the affidavit of publication for the record. Mrs. Desimone stated that 8/8 green cards were returned and all paper work was in order for this application.

Mr. Noskin stated that the present use on site is office, warehouse and some medical components. The loading docks are now useless and the applicant would like to re stripe the parking lot and land bank a few parking spaces. It was suggested by Mr. Coyne that the applicant build regular sized parking spaces instead of compact parking spaces. The applicant agreed and they will land bank seven parking spaces. A sample land bank parking agreement will be emailed to the applicant.

It was agreed that the applicant will submit three plans showing the striping as a standard parking spaces, a plan with the compact parking spaces according to the code and a plan with the land parking spaces and a land banked parking agreement.

Discussions were had regarding the location of the land banked parking agreement in the resolution and it was agreed to locate that condition prior to the issuance of a C.O.

Mr. Delano asked for a motion to close the One Labriola Court public hearing. Ms. Black made a motion to close the public hearing, it was second by Ms. Tatka and it was approved with five Ayes.

Mr. Delano asked for a motion to approve the resolution as amended. Ms. Black made a motion to approve as amended, it was second by Ms. Tatka and approved with five Ayes.

Mr. Delano stated that he looks forward to taking a larger tour of the facility. Mr. Noskin noted that this is the 86<sup>th</sup> building in the country that is Leeds platinum certified. Mr. Sauro stated that this company, C.W. Brown located at 1 Labriola Court has wonderful new technology and shows a great example of what can be done with an old structures and how to renovate them into a Leeds platinum certified facility. Mr. Delano stated that this building is a great honor for our town. Ms. Black stated that there was a fascinating use of materials on site.

## **DISCUSSION:**

### **LANDER**

#### **Special Use Permit**

#### **Accessory Apartment**

#### **Section 2, Block 12, Lot 4.I**

#### **24 School Street**

#### **Bill O'Neill, RA O'Neill Architects**

#### **Discussion**

Also present for this application was the property owner, Tracey Lander.

Mr. O'Neill stated that he has received Architectural Review Board approval and has appeared before the Conservation Board and will return to the Conservation Board. New York State issues have been completed and there are no objections. We are now going through the 90 day comment period.

Mr. O'Neill reviewed some of the comments in Mr. Kaufman's memo and noted that the wetland consultant was done and the applicants have had residency for 18 years. He also discussed the mitigation plan and opined that the definition of a mitigation plan only applies to the direct wetland with a 2:1 replacement ratio. It does not apply to the wetland buffer. The applicant would prefer to keep a larger backyard. Mitigation is the loss of wetland, not wetland adjacent areas. A mitigation plan has been prepared for the wetland adjacent area, not at a 2:1 ratio. There is a new disturbance of about 1,000 feet in the wetland and he is proposing 1,500 square feet of mitigation.

Mr. Baroni stated that he read Mr. Mastromonaco's letter regarding the White Birch application

and he has the same comment. Mr. Baroni stated that if you read it the way that the applicant would like it to be interpreted, why would it say a mitigation plan shall be prepared to offset the impacts upon the wetlands or wetland adjacent areas and which plan shall compensate for unavoidable wetland losses at not less than a ratio of 2:1. Mr. O'Neill stated that it does not say wetland adjacent areas. Mr. Baroni stated that it says "or wetland adjacent areas". Why would you ever create a plan for that area if you don't have to mitigate. Mr. O'Neill stated that we do have to mitigate, not at a 2:1 ratio. The 2:1 ratio is for the loss of wetland, not the wetland adjacent areas. They enumerated both in the sentence above and only one in the sentence below. Mr. Baroni stated that he wonders if when the drafters wrote "loses" if they meant wetland and wetland buffers. Mr. Kaufman stated that he thinks it applies in this case because when you look at the definition of wetland buffer, which is in the same chapter, it says ground surrounding a wetland, water body or water course that is intended to provide protection to the wetland, water body or watercourse for human activity. The wetland buffer or adjacent area shall be subject to the regulations for wetlands as defined in this article, which is how we have connected them.

Mr. Baroni stated that Mr. Kellard worked on the legislation with an associate in his office whom is no longer there. Mr. Coyne will follow up with Mr. Kellard regarding the wetland and wetland adjacent areas. (Mr. Kellard worked on creating the original legislation) The consistency over the years has always been both the wetland and wetland buffers. Mr. O'Neill was hoping for some flexibility on this.

In response to a comment from the board members, Mr. O'Neill stated that the accessory apartment is within the existing addition proposed. Mr. O'Neill stated that he needs to return to the Conservation Board and needs some more time to go to New York State.

## **MILLER**

### **Site Plan**

### **5 Valhalla Avenue**

### **Section 5, Block 25, Lot 13**

### **Ken Murphy, Petruccelli Engineering**

### **Discussion**

Present for this application was the applicant Mr. Miller and his professional Rudy Petruccelli, Petruccelli Engineering.

The following neighbors were also present. Cecelia Nassetta – 4 Valhalla Avenue, Nancy Hadley - niece of Cecelia Nassetta, Joe Grecco – 17 Rock Cliff Place, Stephanie Cornell – 50 Overlook Road, John Weyhausen – 1 Valhalla Avenue.

Mr. Petruccelli stated that the private paper road is maintained by the residents on Valhalla Avenue. A steep slopes permit will be necessary and the applicant is proposing to widen the driveway to 18 feet. No encroachment will be made on the other property owner's lots. Infiltrators will be put in by the right of way and maintained by Mr. Miller. Sewage for the residence will be accessed off of Valhalla Avenue. The waterline will be accessed off of Rock

cliff place with a meter pit to the house. There will be 22 trees removed. There is an encroachment by one neighbor which will be corrected.

In response to Mr. Delano's comment, Mr. Coyne stated that there should be one more meeting with the Sewer and Water Department along with Mr. Petruccelli and himself regarding service off of Rock Cliff. Mr. Coyne would also like to discuss the meter pits and infiltrators. The Highway Department will need to review the curb cuts. The right of access and right of way also needs to be addressed. Mr. Baroni asked for the title report and deed at the last meeting which he has not received to date. Mr. Petruccelli will provide another copy for Mr. Baroni.

Mr. Kaufman stated that the legal issues are more pressing, the impact of the development of the house are not that significant. The exact amount of steep slope disturbance needs to be submitted.

Mr. Petruccelli stated that he will submit the steep slopes figures and he is able to address the comments in Mr. Kaufman's letters. He would like to hold off on the landscaping and screening plan until after the house is constructed, due to all of the rock around the site. Ms. Black was concerned if the property were adequately screened. Mr. Kaufman stated that we could put a note in the resolution that the landscaping can be adjusted in the field but there needs to be some minimum threshold.

Mr. Delano welcomed the neighbors to speak at this time.

Mrs. Hadley pointed out the houses of the residents that were present this evening. She also handed out to the board pictures of the existing houses in the neighborhood located on Overlook Road North, Valhalla Avenue, Rock Cliff Place and Morningside Place. A picture of the existing road on Valhalla Avenue was also presented. Mrs. Hadley stated that the applicant's house is excessively dissimilar to the existing houses in the neighborhood.

Mrs. Hadley also read into the record and handed out copies of the letters sent out by Mrs. Nassetta's attorney's office - Pappalardo, Tombinin & Wolff, LLP to Anthony Calvello, ARB Chairman and Town Attorney Roland Baroni dated April 29, 2011. She noted that a response was not received from either Mr. Calvello or Mr. Baroni. She would like to know about the appeal process of the ARB approval because the house is so dissimilar to the existing houses in the neighborhood.

Mrs. Hadley was unclear how Valhalla Avenue could be expanded without variances; she did not feel there was enough room to expand the road ten feet. She also referred the board to the Muckell and Luciano applications where they were forced to get approvals from the neighbors a few years ago. Mrs. Hadley requested again that Mr. Baroni share the title info and deed information with Mr. Pappalardo. Mr. Baroni stated that he has not seen anything to date and will forward that information once received. Mrs. Hadley expressed her frustration that there has been no communication with her aunt and Mr. Petruccelli and Mr. Miller and she would like some communication with the neighbors. Some of the neighbors noted that Mr. Miller called them at 6:00 p.m. last night to let them know this application was back before the Planning Board tonight.

Mr. Delano stated that if the neighbors are not talking, then the neighbors should speak with the town. Mrs. Hadley noted that she sent a letters to the Town, the ARB Chairman and Town Attorney and no one responded to those letters.

Mr. Petrucci offered to have all of the neighbors over to his office to review the plans.

The board decided that they will review the letters from the neighbors and decide if they would like to send comments to the ARB or not.

Mr. Weyhausen asked why the road has to be wider. Mr. Delano stated that the road has to be brought up to private road standards which allow it to be narrower than a town road but also to be wide enough for emergency access.

The board noted that it is important to figure out who owns what on the right of way.

Jill Gretto stated it was her understanding that based on the frontage requirements of this lot the applicant has to widen the road. Mr. Kaufman stated that it relates to the private road standards, not the frontage of the property. The code states if you are going to build a road it has to be built to these standards and if you are building a private road it has to be built to those standards. The frontage is the amount of linear feet on a roadway and the amount does not change on a public or private road. Ms. Gretto was concerned about the right side of the road; there is a large outcropping which is on part of the setback from Mrs. Nassetta's property. Mr. Kaufman stated that the setback is not measured from where the pavement is, it is measured from where the actual right of way ends and the property line meet. All of the work will occur in that right of way piece. The setback is not affected because all of the work is done in the right of way. Mr. Kaufman stated that the applicant would have to demonstrate that they are able to widen the road within the right of way. The applicant will demonstrate that they can widen the road without encroaching on anyone's property; they can't encroach on anyone's property unless the property owners grant an easement to do that.

## **BAC ELECTRIC**

### **Site Plan**

### **877 North Broadway**

### **Section 6, Block 2, Lot 1**

### **Barry Naderman, PE Naderman Land Planning & Engineering**

### **Discussion**

Present for this application was Barry Naderman and his client JR Cavallaro.

Mr. Naderman summarized what happened at the last meeting. While he realizes the easement access is necessary to access the back property parking lot, do we need the meets and bounds to be done or could we use a blanket easement. Mr. Baroni stated that could be worked out.

Mr. Naderman stated that he redid the zoning conformance table for only this parcel. The



applicant still plans on providing additional screening. His client would like the board to waive the landscaping, paving, curbing and sidewalk in front of the site. He would like the use to continue as it has been for over 60 years.

Mr. Kaufman stated that the board needs to decide which elements are and are not acceptable and give the applicant some direction on these items.

Mr. Kaufman inquired if retail sales are realistic for this use; discussions were had by the board. A business office is allowed in this zoning, no excavation material on site is permitted. Mr. Kaufman stated that product inventory storage would work for this use. Mr. Delano inquired if this applicant met the same criteria as Gerster Electric. After continued discussion was had, the board agreed the plan was realistic.

Mr. Naderman stated that the abutting lot to this site does not have a side walk on North Broadway. Mr. Mezzancello inquired what the linear footage was on the applicant's lot. Mr. Naderman stated it was 53 feet. The board agreed that a sidewalk was not necessary on the side of the lot which was located on Washington Avenue. Mr. Naderman stated that the lot next door to this lot was vacant and will provide that detail to the board. Mr. Delano noted that there was originally a sidewalk in front of the lot next door. Mr. Naderman reminded the board that in these economical times it was a financial hardship for his client to put in a sidewalk along North Broadway.

Mr. Naderman stated that if a sidewalk was put in front of the building and those parking spaces were lost in front of the building then the parking count would still be ok. Mr. Delano noted that he would like handicapped parking spaces in front of the building.

Mr. Kaufman stated that if we keep the parking spaces that back out on to the right of way, we will need to get a variance from the ZBA. He also noted that the Planning Board can waive the parking requirements in a parking lot.

In response to Ms. Black's comment. Mr. Naderman stated that the applicant will regrade and fill in the pot holes on site.

Mr. Delano suggested a rain garden or a bio retention filter at the rear of the property. Mr. Naderman stated that in order to put in a rain garden or bio filter to hold the water and clean it, would require the loss of one parking space.

Based on comments from Mr. Kaufman's memo, Ms. Black suggested a few planters in front of the building. Mr. Cavallaro stated that he would like to remove the garage door on another application and will provide the flower boxes then.

Mr. Delano asked for a motion to refer this application to the ZBA. Ms. Black made a motion to approve. It was second by Ms. Tatka and approved with 5 Ayes.

**FUCA**

**Site Plan**

**25 Limestone Road**

**Section 2, Block 16, Lot 17.B22**

**Ralph Mastromonaco, PE. – Ralph Mastromonaco, PE, PC Consulting Engineers**

**Discussion**

Ralph Mastromonaco was present for this application.

Mr. Mastromonaco stated that he is looking for site plan approval on a single family lot. Septic approval has been received from the Board of Health for a two bedroom house. He has received DEC wetland approval for work in the wetland and the adjacent area with a condition of an impervious driveway. He noted the FEMA flood maps were grossly in error and redid the line. There are also town regulated wetlands.

He also agrees with Mr. O'Neill regarding the Lander application as it pertains to the wetland and wetland buffer mitigation. He also believes that the definition of a mitigation plan only applies to the direct wetland with a two to one replacement ratio. It does not apply to the wetland buffer. He agreed that he will mitigate the wetland buffer but not at a 2:1 ratio.

Mr. Mastromonaco stated that he would like to have a basement in the house and would like the house to be above the 100 year flood plain. This is a two story house and the houses on either side of this lot are both one story. He noted there are other houses in the neighborhood which are two stories. He is proposing wetland mitigation and will hire a professional regarding this matter. This lot abuts federal property, I-684. The septic size was determined by the proximity to the stream.

Mr. Kaufman stated that is a good summary of the project and the board will have to decide if the house is reasonably sized and is it acceptable to have the house two feet above the flood plane out of the ground. There are no other real alternatives for the location of the house on site. The size of the house and how it sits on the lot and mitigation are the primary issues to be dealt with by the board regarding this application.

Ms. Black stated while at the site walk she and the other board members were concerned about the height of this house as it compares to the other neighbors. The first floor will be higher than the two abutting houses first floors and when the second floor is put on this house is would be significantly higher than the neighboring houses. She suggested that the basement be put lower to lessen the size impact of the house and put in a crawl space vs. a basement. Mr.

Mastromonaco stated that if the basement were lower, you would reduce the basement to a crawl space and it would dampen the crawl space and he does not want the basement to flood. Ms.

Black stated if a crawl space were put in that would reduce the height of the house. Mr.

Matromonaco stated that if the neighbors were to build a second floor then the houses would be equal. Ms. Black stated that the first floor elevations on the neighboring houses are still lower than the first floor elevations on this proposed house and if the second floor were built on the abutting houses, this house would still be bigger. Mr. Mastromonaco stated that he guess that the neighbors may have water issues. Mr. Kaufman stated that one of the neighboring houses was a

raised ranch and the first floor is the basement.

Mr. Mastromonaco stated that regardless of whether it is taller or not, it is a two story house and we are going to be higher than our neighbors, no variances are needed and the height is according to the code.

Mr. Sauro inquired if there was a way to ease the esthetics of the impacts to the house, how much fill will be put in and around the foundation. Mr. Mastromonaco stated that you could put 2 - 3 feet of fill around the house. After discussions by the board regarding landscaping and fill, the applicant will plant along the right side of the house. Ms. Black requested plantings along the left side of the house too. It was noted by the board members that the applicant had not submitted a landscaping plan or architectural renderings. Mr. Mastromonaco agreed with the landscaping suggested by the board members on site.

Mr. Delano stated that the board was concerned about the height issues at the site walk.

Ms. Black suggested that some people have done their mitigation off site when they don't have enough property for the 2:1 mitigation on site, the board has not had very many off site mitigations previously.

The board referred this application to the Conservation Board.

Mr. Coyne stated that past practices have been a 2:1 mitigation for wetland and wetland buffers. He will speak with Mr. Kellard regarding this issue. Mr. Mastromonaco suggested that each of the board members read the definition of wetlands. The board noted that it was a legal interpretation.

Mr. Mastromonaco presented pictures of the neighboring homes. Mr. Kaufman stated that he doubted that those homes were only two bedroom homes. Mr. Mastromonaco agreed with Mr. Kaufman. Mr. Kaufman suggested Mr. Mastromonaco proceed to the ARB. Mr. Mastromonaco will submit the architectural renderings.

**FRIMET**  
**Appeal of RPRC Determination**  
**67 Windmill Road**  
**Section 1, Block 4, Lot 10-85**  
**Marc & Patrice Frimet**  
**Discussion**

Ms. Frimet comes before the board this evening because she is appealing the RPRC Determination letter, which read as follows: The Committee determined that Planning Board review of the proposed project is not required. However, the following issues will need to be addressed prior to the issuance of a building permit: The parking area shall be constructed of Grasscrete or approved equal to the satisfaction of the Building Department.; The Applicant shall

provide an as built survey demonstrating that parking area is located on the subject property and not on the public right-of-way.

Mrs. Frimet stated she and her husband did not like the look of grasscrete pavers, the grass does not grow well in this area as it is shaded. She presented pictures to the board at this time of five other houses in her neighborhood which are similar to her request of on street or near street parking. The last pictures have grass pavers and they did not like the look of it.

Ms. Black stated that there are grasscrete pavers at 20 Bedford Road and at Mariani Garden Center which look very nice. Mrs. Frimet stated that there is no sunlight in the propose parking space location and the grass will not grow. The board reviewed the pictures at this time.

Mrs. Frimet stated that she felt that she was denied due to the aesthetics and does not agree that her other neighbors have these spaces and why she should not be allowed to do the same.

Ms. Black stated that the parking regulations state that the motor court can not be in the front yard setback.

Mr. Delano noted that there are rarely cars parked on the street in this Windmill Farms neighborhood, while in North White Plains, there are cars parked on the street all of the time. Mr. Delano stated that the code says it can be at the side or the rear of the site. This is a quality of life issue.

Mrs. Frimet stated that her neighbor did not have any problems with the proposed parking space. Ms. Black state that we have to worry about future neighbors as well as present neighbors. People move into this town because of all the green space and rural character of the town. If we allow one and fifty more come in then it could change how the town looks. The Planning Board needs to bring this issue to the attention of the Town Board regarding the parking spaces on the street; 20 Bedford Road and Mariani Garden Center look great, but she understands that grasscrete will not grow in a shady place.

Mr. Sauro stated that while driving southbound you can not see this parking spot, you can only see it while driving northbound. This is a heavily wooded area. He then referred to the alternate location Mr. Kaufman proposed in his memo. He noted that the alternate locations were more expensive than what the applicant was proposing. He also noted that the alternate location was near the septic and water on site and could not build in that location. Mrs. Frimet stated that the parking space would cost about \$1,500.00.

Ms. Black stated that there is a weakness in the code and it needs to be addressed by the Town Board.

Mr. Sauro did not object to the application and noted you can get grass seed that grows in the shade. Mrs. Frimet stated she has used it grass seed that grows in the shade but it does not grow all summer long. Mr. Sauro will approve this application but this matter must be brought to the attention of the town board.

Ms. Tatka and Ms. Black asked if there were any plantings that could be done regarding the visual impacts. Mrs. Frimet stated that she would have problems growing things there due to the shaded location.

Mr. Delano asked Mr. Coyne what the site lines would be if an SUV were parking in the parking space.

Mr. Kaufman stated that based on the board's comments, the board can look at it like a 2<sup>nd</sup> curb cut on a case by case basis. The applicant can pave it, beautify the area, provide an as built survey and make sure the parking space is not in the right of way and the site lines are good. The board will review the draft letter to the Town Board at the next meeting.

Ms. Black made a motion to approve the blacktop parking space provided the site line impacts have been verified as well as the driveway is not in the right of way and some beautification to the area is provided. Mr. Sauro second the motion and it was approved with five Ayes.

#### **WHITE BIRCH DEVELOPMENT, LLC.**

##### **Site Plan**

##### **Section 1, Block 2, Lot 4-6**

##### **7 Guion Lane**

##### **Michael Dobler, Ralph Mastromonaco PE, PC**

##### **Discussion**

Mr. Kaufman stated that there were no issues with the proposal. The status of Guion Lane and its dedication is still pending. Mr. Baroni asked Mr. Kaufman to write a letter to the property owner to see what the status of the dedication is.

The wetland issues need to be resolved and the floor plans and the elevations need to be submitted. The architectural plans will be submitted. Once the house plans are submitted the board can consider a resolution.

Meeting adjourned at 9:25 p.m.