



Mr. Peake noted 30 days has past since lead agency intent was declared (April 25, 2012) and would like the board to declare lead agency this evening.

Mr. Peake responded to comments made in the professional's memos. He noted that his client would prefer to have the barn on the same lot as the residence but due to the topography of the site and grades on site that would not be possible and suggested meeting with the Planner to work on making this a legitimate use. Mr. Kaufman noted if the barn were built prior to 1985 then the applicant could apply for an accessory apartment. If the barn were built after 1985 an accessory apartment would not be an option. Mr. Kaufman suggested moving the property line to accommodate the septic system for the site. Dialogue was had at this time regarding options for the site and it was noted a meeting should take place with the Building Inspector to see what is needed to make the barn a dwelling unit.

In response to comment #2 regarding the expansion of Lot #2. Mr. Peake stated that the client wanted to keep the lots approximately the same size or may want to donate some property in the future or build an addition on the house. She wanted to keep her options open for herself and future property owners. In response to Mr. Peake's comment, Mr. Kaufman stated that the board has to review the maximum buildable potential on site and this is a theoretical exercise.

In response to a letter from the NYCDEP Mr. Peake stated that he will schedule a site walk.

Mr. Peake confirmed that as long as the road is a traveled way, it does not matter whether or not it is a public or private road, only that it is traveled. Mr. Kaufman agreed that it was not considered a driveway.

In response to comments made by Mr. Peake, Mr. Kaufman stated that we need to know exactly where the septic is located so that we don't create a lot line in the middle of it. Mr. Kellard stated that typically the septic is located by a professional. Mr. Peake will obtain a professional to locate the septic.

Mr. Peake inquired about items 12 & 13. Mr. Kaufman noted that the Planning Board would confirm if Whippoorwill Lane were adequately improved and suggested the applicant install a fire hydrant so that the board can conclude that it is suitably improved, which includes fire protection.

Mr. Peake reminded the board that his client permitted the town to put a water main along her property line which inhibits where structures and things can go, how strong is the town about the fire hydrant? Mr. Kaufman stated that you are adding additional homes to the street and a hook up to the water main would not be that difficult. Mr. Adelman noted that homeowners insurance always asks how close you are to a hydrant and this would save his client money on house insurance. Mr. Greene also noted that when fire issues have come before the board the members are sensitive to those issues. Mr. Peake will follow up with his client regarding these comments.

Mr. Peake inquired if the recreation fee could be collected when the lot is built on. Mr. Kaufman stated that the fee is collected when the lot is created, if you wait until the lot is built, chances are the fee will increase over time.

Mr. Kaufman noted that the board would assume the role as lead agency as no written responses were received regarding lead agency.

### **PUBLIC HEARING:**

#### **FORDHAM UNIVERSITY**

**31 Whippoorwill Road**

**Section 2, Block 11, Lot 8**

**Amended site plan application for the installation of generators**

**Consideration of approving amended site plan resolution**

Mrs. Desimone stated that all paperwork was in order for this application and 70 green cards were mailed out regarding this public hearing.

Mr. Greene read the affidavit of publication for the record. No noticed neighbors were present for this application. Present for this application was Fabio Molbilia from Crest Electric on behalf of Fordham University.

Mr. Molbilia stated that his client is seeking approval for the installation of three new generators, fuel storage tanks and associated utility connections at the 113 acre Fordham University Louis Calder Center. Town-regulated tree removal is not proposed and there is no Town-regulated steep slope disturbance proposed. The generator adjacent to the McCarthy Lab is located within a town-regulated wetland buffer. The generator was moved outside the wetland buffer but trenching had to be done within the buffer area and that is why we are having a public hearing this evening. There will be two 1,000 gallon propane tanks and one diesel tank. The exhaust systems have the highest efficiency and the sound proof enclosures are a tier 3 which, has a jacket around the generator and has sound proofing. They will conform to the sound requirements of the code. The closest generator is 500 feet from the road. During the last storm the center was without power for 10 days and data was lost that needs to be refrigerated or frozen.

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

Mr. Greene asked for a motion to approve the resolution regarding this application. Mr. Sauro made a motion to approve. It was second by Mr. Adelman and approved with five Ayes.

**61 & 67 OLD ROUTE 22 SUBDIVISION**

**61 & 67 Old Route 22**

**Section 2, Block 11, Lots 9-2 & 9-4**

**Bob Peake, AICP John Meyer Consulting**

**Preliminary subdivision approval of a two lot commercial subdivision in the RB Zoning District. The site is currently a 4.58 acre property containing a restaurant and a day care center/school.**

**Consideration of approving preliminary subdivision resolution**

Mr. Greene read the affidavit of publication for the record. Mrs. Desimone stated that all paperwork was in order for this application.

Present for this application was Mr. Babu tenant of India Café and his professional Bob Peake. Noticed neighbor Bonnie McGee, 13 Adler Way was also present.

Mr. Peake stated that the proposed subdivision involves the India Café and Montessori School. Both uses presently exist and this approval will formalize the subdivision and each use will be on its own lot and share the parking lot as each use uses the parking lot at opposite times of the day or week. The improvements proposed are a shared driveway, permanent cross easements and landscaping. The applicants will comply with the Old Route 22 Street Scape proposal.

In response to Ms. McGee's comment regarding if there would be any construction on site, Mr. Peake stated there would not be any construction on site, and there would be no change in use. Mr. Kaufman noted the entry changes would require a site plan approval. It was noted the site lines were addressed.

Mr. Kaufman stated that no official preliminary subdivision plat map was submitted and that was why no resolution was prepared for this evening. Once the preliminary and final plat map is filed, the board can consider approving a site plan resolution.

In response to Mr. Adelman's comment, Mr. Babu stated that he would like to become the property owner as soon as possible and will purchase the property once the process is complete, he would also like to re-open the India Café after he owns the lot and he will keep the existing structure.

Mr. Greene asked for a motion to close the public hearing. A motion was made by Mr. Adelman and It was second by Mr. Delano and approved with five Ayes.

The board will consider approving preliminary and final subdivision. Mr. Peake will submit preliminary and final maps, once received, the resolutions will be prepared.

## **DISCUSSION**

### **RONDEAU**

**477 Bedford Road**

**Section 1, Block 9, Lot 17.2B**

**Joe Palumbo, Architect LLC**

**Construction of a five bedroom, 3,619 square foot new home on a 3.89 acre lot located in the R-2A zoning district.**

**Consideration of resolution of approval.**

Mr. Rondeau appeared before the RPRC for approval for new house construction on his lot and the next door neighbor, Mr. Cavallaro, appealed the decision of the RPRC and an appeal triggers the applicant to appear before the Planning Board. The board member and professionals that were part of the original RPRC discussion recused themselves from the discussion. The remaining board voted to over turn the RPRC decision which then triggered Mr. Rondeau to return to the Planning Board for site plan approval.

Present for Martin Rondeau was Brad Schwartz, Esq. from Zarin & Steinmetz as well as his other professionals Joe Palumbo, Ralph Alfonzetti, Frank Guiliano Landscape architect.

Mr. Cavallaro was present with his attorney, Paul Vink from Andrew Greene Associates and Barry Naderman, PE, Naderman Land Planning and Engineering.

Mr. Palumbo stated that the lot is 3.8 acres and meets all the setbacks and coverage requirements. He has a Westchester County approved Septic plan, 3,600 square foot house and pool site are proposed, the applicant can accommodate the Town Engineers memos, a screening plan is proposed and there has been some discussions with the neighbors regarding alternatives to the site of the house and the full team is present to answer the boards questions.

Mr. Greene understands Mr. Cavallaro's concerns regarding the visual impacts of a vacant lot vs. a developed lot. He has encouraged the neighbors to try and work together to come to an agreeable understanding. He has reviewed the applicant's rights and they are within the building envelope, the Planning Board still has to review the lot. Screening is always reviewed. Mr. Greene thought this was a robust landscape plan and went beyond the minimal plan.

Mr. Sauro asked for an update of what happened over the last few weeks regarding shifting the house and increasing the height of the trees. Mr. Palumbo noted they proposed to shift the house four feet and increase the height of the trees and this proposal was turned down. Mr. Palumbo reviewed Mr. Cavallaro's letter requesting the house be moved 15' north and five feet east. The screening requested by the Cavallaro's is almost cost prohibited,

Mr. Cavallaro handed out a letter with his comments. Mr. Palumbo handed out a plan

with black, blue and red sketching. Original proposal is in black, the blue proposal is his clients and the red proposal is Mr. Cavallaro's comments. Mr. Rondeau did not like the house location proposed by the Mr. Cavallaro and a compromise was not reached. The applicant is proposing to get approval on the black line.

Mr. Vink stated that he represents Mr. Cavallaro and he was not properly noticed about this meeting and would like to work with the experience of the board with compromise and where there is a proposal behind the natural screening that exists.

Mr. Naderman stated that there is a logical resolution. He said that he would not push for something that does not make sense and reviewed why his proposed location would save the applicant money and be better for the site. He has noted that if you shift, tuck, and move the house behind the natural vegetation it would benefit everyone. The black line does not benefit his client at all. He noted there was room for improvement and noted his client could provide some landscaping on his lot as well. The board has always reviewed rational alternatives and these are some rational alternatives. He presented a photo from Mr. Cavallaro's deck (aka Martini Point) to show the board his perspective.

In response to Mr. Mezzancello's comments Mr. Naderman clarified the differences between the two colored lines

Discussions were had regarding the height differences between the Cavallaro's deck and the Rondeau house. Distances between both lots were also discussed.

Mr. Baroni entered the room at this time.

Much debate went back and forth regarding the location of the home and landscaping between all of the professionals on both sides. Photos were presented to the board regarding the view from the Cavallaro's house to the proposed Rondeau house location. It was noted that the elevation from Mr. Cavallaro's deck to the Rondeau site was a grade change of 25 – 30 feet.

Frank Guiliano presented the landscaping plan that was proposed for the Rondeau site. The landscaping plan before the board this evening was the same plan that was submitted to the RPRC. Deciduous trees have a large globe at the top and provide a lot of screening; an evergreen peaks at the top and does not provide much screening at the top as deciduous trees do. We can buffer the lots but there is no way to eliminate the view. One person on their deck is dictating the location of the house. We live in Westchester County, we see each others houses. He referenced the other house that is close by and noted that someone will be impacted no matter where the house is located; we try to minimize the impact.

Debate went back and forth between Mr. Naderman and Mr. Palumbo regarding evergreen landscaping, driveway location and house location.

Mr. Greene asked the Mr. Palumbo to respond to Mr. Naderman's suggestions as noted

earlier. Mr. Palumbo stated that the applicant prefers the largest back yard possible and would allow for a pool and he also has an approved septic plan. Mr. Naderman's location reduces the amount of backyard and provides for a walk out basement which Mr. Rondeau was not interested in and he would like his deck closer to the ground, with a walk out basement, the deck would be higher off of the ground. Mr. Rondeau confirmed that he had considered these ideas and was not in favor of them and may save him some money in one place but would cost him additional money to put the pool in and would increase the steepness of the backyard. It comes to a point of preference and these are his preferences.

Mr. Alfonzetti stated that the septic system has been reviewed for approval from the board of health. Any changes would be a field change, minor in nature.

Mr. Naderman stated that Mr. Rondeau's comments were based on if the house was moved back, not moved to the side.

Mr. Adelman stated that we are hearing what we heard before. and it is a difficult site and with the grade change of 25 – 30 feet it is impossible to totally screen the house. It is impossible to make everyone happy.

Mr. Greene agreed with Mr. Adelman's comment. When you are on a lot that is zoned R-2A, you can not make your house disappear and he understands Mr. Cavallaro's point.

Conversations were had regarding planting some trees on the Cavallaro side, planting on a berm to heighten the landscaping, planting larger trees. Mr. Cavallaro wanted additional screening in a bare area on the plan where the locusts were presently. Mr. Guiliano stated that he could plant four or five more trees in this area but noted there was already 40 ft back of locust presently in that area; we can plant maples behind the locust trees.

It was noted this would cost the Rondeau's significantly more money and the Cavallaro's should help with the cost because of all the extras the Cavallaro's are requesting.

Discussions were had regarding the rotation of the house. Mr. Sauro agreed with Mr. Adelman that you can not totally screen one house from the other. Mr. Cavallaro stated that there must be some compromise to give him year round screening vs. deciduous screening.

Mr. Greene confirmed that Mr. Cavallaro was happier with the blue line vs. the black line and with 4- 5 additional trees in front of the locust. Mr. Cavallaro agreed but also stated that he wanted some year round trees along the property line. Mr. Cavallaro also offered to have berms put up back on his property up to the septic line and 20' Norway spruce along the property line from his view "martini point". He wants a combination of trees.

Mr. Rondeau stated that what we discussed today, which goes to Mr. Greene's point, was to share the cost of putting some trees higher up, add the deciduous trees behind the locust, add year round trees and agree to a budget. If the Norway spruce were planted on Mr. Cavallaro's property it would enhance coverage because of the grading, we would achieve year round screening and deciduous trees for more coverage and a good solution for everyone, but it was refused by Mr. Cavallaro.

Mr. Cavallaro stated that he will see the house in the winter. Mr. Greene noted it can not be perfect and it will be screened while you are out on your deck during the spring, summer and fall.

Mr. Cavallaro noted that the board jumped through hoops to help screen the Armenian Church and their cross for the one resident that had concerns. Mr. Greene noted that that lot was zoned the same as Mr. Rondeau's lot and the neighbor was not expecting six buildings on site, one of them being an 8,000 square feet building with a three foot cross proposed on top. For the board to issue that special use permit they have to make sure all is in order, no special use permit was being issued for the Rondeau lot. We can not make people disappear. The circumstances are very different for the seminary than you with your next door neighbor.

It was concluded that five more trees between 18 - 22 feet would be planted in the area that was an open spot along the border where the locust are. The neighbor, Mr. Cavallaro wanted the trees planted on a berm and wanted them to be evergreens and did not want the berms on his property because he would lose the depth of his property but said he would do some landscaping at some point. Both neighbors agreed on five more maples between 18 -22 feet where the locusts are and to the blue lines.

A resolution will be prepared once the ARB approval has been granted. The draft resolution was handed out to the applicant and he was instructed to comply with as many of the points in the resolution as possible prior to his next submission to the board.

## **NYCDEP KENSICO RD CLOSURE TRAFFIC IMPROVEMENT**

**Intersection of King St. (Rt 120) at Nannyhagen Rd**

**North Broadway at Route 22**

**Westlake Drive at Route 22**

**Park Drive at Broadway**

**Laura Csoboth, HDR-GF JV**

Present for this application was Rich Wilhelm, Laura Csoboth and Stephanie Cassin from HDR and an engineer from DEP Melissa Beristain. I

The DEP is proposing various traffic improvement measures to several intersections affected by the closure of Westlake Drive across the Kensico Dam. The permit also requires approval for wetland impacts, drainage improvements and tree removal

permits.

As a result of 9/11, the Kensico Dam Bridge was closed and reopened in 2003 and permanently closed in 2005. Recently the bridge was open to pedestrian and recreational purposes. The traffic has been rerouted since that time to Nanny Hagen Road, Route 120 and to North Broadway. The applicant is proposing to remove the traffic signal at Westlake Drive and Route 22. They are also proposing an additional travel lane south bound on North Broadway. Pedestrian access will also be created across Route 22 on North Broadway. A traffic signal is proposed at Route 120 and Nanny Hagen and a left turn lane will be created to enter Nanny Hagen from Route 120.

Conversations were had at this time regarding a traffic detector on the traffic signals. It was noted that wires were embedded in the pavement and would be activated by the magnetism at the bottom of the vehicle and would still work in the snow.

In response to a comment made, no consideration to re-open the Kensico Dam is being considered at this time. It was also noted a traffic report was done for this project which ranged from 2005 - 2008.

In response to Mr. Greene's comment, it was noted that the construction would begin in the summer (due to bus traffic) of 2014 and construction would last about 2 years and would cost approximately three million dollars for the work done at Nanny Hagen and Route 120.

Ms. Csoboth stated that approximately 14 trees, (which have ribbons) would be removed on Route 22 along North Broadway, there will be no wetland impacts and no additional trees are proposed to be replanted. Approximately 123 trees were proposed to be removed on Route 120 and Nanny Hagen due to the proposed stormwater swale and wetlands. Local and State Wetlands permits are necessary for this area. The swale will help protect the reservoir and wetlands. An additional 33 trees are proposed to be removed as they will not be strong enough to withstand future storms and wind gusts due to the removal of the 133 trees. A two year invasive species program is proposed to help eliminate the 18 different types of invasive species in the 3.5 acre area.

Mr. Greene stated that the road has been closed for a decade, why spend 3 million dollars to fix it.

Mr. Adelman inquired about the impacts with clear cutting and the impacts on the Usonia Road area. He inquired who would maintain the Swale; Ms. Csoboth stated the DEP would maintain the swale. Mr. Adelman noted that years ago a chain link fence was put up along Route 120 and taken down the same day and was very concerned about the visual impacts of removing so many trees on Route 120 and Nanny Hagen. Ms. Csoboth stated no fences were proposed at this time.

Ms. Csoboth stated that the swales will be planted with grass and cattails, not concrete; there will be trees around the swale.

Mr. Greene requested photos of actual swales for the public to see.

Mr. Kellard expressed his concerns that the applicant did not express concerns about the water quality improvements to North White Plains but had expressed concerns about water quality improvements on Route 120 and Nanny Hagen Road. He noted that North White Plains drains into the Bronx River. Ms. Csoboth stated that they had met with Westchester County and that issue was not raised by the County.

Mr. Greene inquired if there was a plan B with less visual impacts, he noted and agreed with John Kellard; it was an enormous area to address the run off.

Mr. Kellard inquired if full width had to be cleared, can some vegetation be kept. Mr. Greene requested cross sections for the different swales. It was noted that cross sections would be helpful to the Conservation Board as well.

It was noted that the DEP built swales along route 22 years ago and it was very urban looking with fences and walls and very ugly.

#### **ST. NERSESS ARMENIAN SEMINARY**

**486 Bedford Rd**

**Section 2, Block 8, Lot 17.B**

**Seth Mandelbaum, Esq. McCullough, Goldberger and Stout**

**Robert Aiello, PE John Meyer Consulting**

**Site plan, wetlands and special use permit referral from Town Board, renovation and adaptive reuse of the existing buildings and the construction of a new 8,400 square foot, one-story theological center which includes a library and private chapel on the 5.55 acre property. The property is located within the R-2A Zoning District.**

**Consideration of Negative Declaration.**

Present for this application is Bob Stanziale, Rob Aiello, Seth Mandelbaum and Michael Artuinian, St. Nersess Armenian Seminary and Canter Hailey Kolbenski from Congregation B'Nai Israel.

Mr. Mandelbaum updated the board with some changes since the last meeting. He noted the fence color was changed to Forrest Green and the fence was pulled back off of Route 22 approximately 35 – 40 feet on both sides. Additional white pines will be planted at the rear of the site at the request of the abutting property owner, the Cvern family.

Mr. Mandelbaum noted that John Kellard has reviewed the SWPPP and mitigation plan and has signed off on these items.

Mr. Greene expressed his concerns regarding the maintenance of the fencing and its

long term appearance and wanted to know if it was truly necessary. Mr. Mandelbaum stated that two neighbors raised concerns about noise impacts and security to their lots. The landscaping and fence will address the security and noise impacts for both neighbors.

Mr. Sauro stated that since there was not really any other fencing in the area the fence could box in the deer's on site and perhaps direct the deer toward the route 22. Mr. Aiello stated that it would not slow the deer down as they can jump over a six foot fence.

Mr. Greene stated that the fence will be an eye sore and a maintenance headache. He suggested landbanking the fence similar to how we land bank parking spaces.

Mr. Adelman stated that he did not feel fencing on the Northern and Southern side of the lot was necessary. He did not see a threat of people wondering off site.

Mr. Mandelbaum will discuss the removal of the fence from the northern and southern side of the fence with his client. He would appreciate a negative declaration this evening.

Mr. Greene made a motion to approve the Negative Declaration, it was second by Mr. Adelman and approved with five Ayes.

In response to Mr. Adelman's comment, Bob Stanziale stated that they exercise facility will have a shower, water and bathrooms on site.

Mr. Greene thanked Mr. Mandelbaum for working with the abutting property owner, he would like some communication with the neighbors on either side of the lot to make sure they are alright with the proposed fence.

## **MONACO**

**8 Hollow Ridge Road**

**Section 2, Block 3, Lot 2-8**

**Dan Holt, PE Holt Engineering,**

**Preliminary subdivision approval of a Lot Line Change and Special Permit for an accessory structure over 800 square feet.**

Mr. Albert Pirro, Esq. and Mr. Siriano were present for the applicant.

Mr. Pirro stated that he was referred to the ZBA the last time he was before the board. The Zoning Board asked us to return to the Planning Board to make sure it was ok to move in one location and maintain the vegetative buffer. There were some other items raised by the Zoning Board that we could address this evening as well. The plan has been updated to move the garage which will eliminate the rear yard and side yard variances. If this applicant is referred back to the ZBA there will be only one matter on lot coverage. The original vegetative buffer ran along the present existing boundary lines between both lots that Mr. Monaco owns. His client would like to do an even swap

of property with the same amount of vegetative buffer. He would like the move the buffer back so that the garage is not in the vegetative buffer.

Mr. Pirro referred to Mr. Kaufman's memo, general comment #2 regarding Note #14, Vegetative buffers shall be protected or if disturbed revegetated. This is not an uncommon note or planning issue. We would like to move a small area of vegetative buffer back and retain the same amount of vegetative buffer. Mr. Baroni stated that the ZBA members were concerned that part of the buffer that was being moved back was being eliminated and now the applicant is not doing that, all the original buffer area will remain, it will not be reduced.

Mr. Greene noted that we are clear on why the ZBA sent the applicant back to the Planning Board and he is ok to refer this back to the ZBA. He noted there was a laundry list of outstanding items that need to be complied with this board. Mr. Pirro will address the Planning Board issues in writing, but not this evening.

In response to Mr. Kaufman's comment, Mr. Baroni confirmed that the change in location of the vegetative buffer would be represented on the plat map. Mr. Kellard stated this was not created as a buffer for screening between two lots. It was created because this lot is in the NYC watershed, the professionals, Jay Fain, had to calculate the reduction of pollutants that are discharged to the site. He had certain lawn areas that were not being treated and those vegetative buffers were created so that lawn areas that did not go to a drainage system and into the storm water retention systems went through this 30 foot filter and were cleansed as the water ran off of the surface. It was more of a water quality feature, not a buffer. If the feature were relocated you would get the same effect. It was a note on the plat with a cross hatched area. Mr. Baroni stated that we do not need the consent of all the property owners because you are replacing that in kind.

Mr. Kaufman noted that part of this buffer will now be in New Castle. A condition will be put on the plat in New Castle regarding the buffer. A condition will be put in the North Castle resolution to that effect.

Mr. Greene made a recommendation back to the ZBA regarding the new location of the vegetative buffer location and the size of the buffer will remain the same. Mr. Adelman made a motion to approve. It was second by Mr. Sauro and approved with four Ayes. Mr. Delano voted nay. .

**BARON**

**49 Sarles Street**

**Section 2, Block 4, Lot 1-15**

**Frank Giuliano, Landscape Architect**

**Consideration of fifth extension of time site plan resolution**

Mr. Adelman made a motion to approve the Baron extension of time resolution. It was second by Mr. Delano and approved with five Ayes.

**C & H Final Subdivision,**

**336 Bedford Banksville Rd**

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

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

**Consideration of approving final subdivision extension of time resolution**

No action was taken on this application; Town Attorney Baroni deemed it was not necessary.

Meeting adjourned at 10:20 pm