

**NORTH CASTLE PLANNING BOARD MEETING
15 BEDFORD ROAD – COURT ROOM
7:00 P.M.
JANUARY 11, 2016**

PLANNING BOARD MEMBERS PRESENT: John Delano, Acting Chairman
Steve Sauro
Christopher Carthy
Michael Pollack

Fifth Board member pending Town Board approval.

ALSO PRESENT: Adam R. Kaufman, AICP
Director of Planning

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

Joseph Cermele, PE
Consulting Town Engineer
Kellard Sessions PC

Valerie B. Desimone
Planning Board Secretary
Recording Secretary

Conservation Board Representative:
George Drapeau III

The meeting was called to order at 7:00 p.m.

APPROVAL OF MINUTES:

October 26, 2015

Mr. Sauro made a motion to approve the October 26, 2015 Planning Board minutes.
Mr. Carthy second the motion and it was approved with three ayes. Mr. Pollack
abstained.

PUBLIC HEARING:

PATTI

30 Palmer Avenue

122.161-4-59

Site Plan

Grossfield Macri Consulting Engineers, PC

Discussion

Mr. Delano read the affidavit of publication for the record. Mr. Delano noted for the record two emails received from Anthony DeCarlo, 3 Grove Road in opposition of this application as well as a letter from Timothy Cronin, PE Cronin Engineering on behalf of his client, Mr. Ken Kaufman, 4 Grove Road.

Mrs. Desimone noted all paperwork was in order for this application. The following noticed neighbors were present: Don Ahrenberg, 31 Gove Road and Ken Kaufman, 4 Grove Road as well as Mr. Ken Kaufman's attorney Michael Fuller Sirignano, from the Law Office of Michael Fuller Sirignano, Attorney. In addition, also present was John Junker at 5 Grove Road. The applicant, Tony Patti and his professionals John Varachi, Esq. from Tackel & Varachi, LLP. & Antonio Maiuolo, Antonio Maiuolo Architect PLLC were also present.

The site plan application is associated with the construction of three off-street parking spaces and a retaining wall. The Applicant is also seeking Planning Board approval for a second curbcut.

At the onset of the meeting, Mr. Patti asked Mr. Delano if he was going to recuse himself from this application. Mr. Delano noted he was not going to recuse himself. Mr. Patti submitted copies of two letters at this time, one addressed to Chairman Adelman and the balance of the board and the second addressed to Mr. Delano. Both letters requested that Mr. Delano recuse himself (the referenced letters can be found in the Planning Board application record file).

After discussions with the Town Attorney and members of the Planning Board, Mr. Delano recused himself from this application and moved from the dais to the audience. As the next senior member, Mr. Sauro assumed the role of acting chairman.

Mr. Patti presented his application to the board which included a parking area for three parking spaces with a retaining wall. He noted that the width of the parking area is 31'2" and the length is 21 feet. Mr. Patti went on to state that he has been before various Boards a total of twelve times. Mr. Patti noted that the project has remained unchanged over the years with the only amendment being a reduction in the width of the proposed curbcut in order to comply with the Highway Department's regulations pertaining to the maximum width of curbcuts.

In response to Mr. Sauro's request, Mr. Kaufman briefly reviewed the recent code changes regarding specific standards to retaining walls in chapter 355.15.G.

Mr. Patti reviewed the twelve steps that were recently adopted by the Town Board and noted how his application complies with those regulations.

Retaining walls.

- [1] Purpose. The intent of these regulations is to regulate retaining walls in excess of six feet in height so that any walls in excess of six feet in height are aesthetically pleasing, are compatible with the surrounding residential character, are not detrimental to public health, safety, or general welfare and do not impair the utility or value of property of other persons located in the vicinity of the site.

Retaining walls in excess of six feet in height shall be subject to the following requirements, notwithstanding any other provisions of this chapter:

- [a] Demonstration, to the satisfaction of the Town Engineer, ensuring stability against overturning, sliding, lateral soil loads, water uplift, and acceptable soil resistance at the base of the retaining wall.
- [b] Depiction of setback dimensions from all property lines and existing structures to all proposed retaining walls.
- [c] Depiction of existing and proposed contour elevation lines in two-foot increments.
- [d] Submission of an erosion and sediment control plan to the satisfaction of the Town Engineer.
- [e] A landscaping plan, which, at a minimum, shall include all proposed ground cover, plants, shrubs, trees, and all fences, including location and setbacks from property lines.
- [f] No retaining wall shall obstruct visibility at any intersection.
- [g] No retaining wall in excess of six feet shall be placed in a location where the wall would create an unacceptably negative visual impact upon an adjacent property and where it cannot be suitably screened to the satisfaction of the Planning Board.
- [h] All retaining walls shall be designed so as not to modify or alter existing drainage patterns.
- [i] Excavation needed for the placement, location and design of a retaining wall shall not undermine the grade of the adjacent property.
- [j] Retaining walls shall be constructed with materials and designs which reflect the character of the immediate neighborhood character of the immediate neighborhood.
- [k] A guardrail for protection from fall from the top of retaining walls may be required. If required, such guardrail shall be constructed with materials and designs which reflect the character of the immediate neighborhood and shall be designed in accordance with all applicable building codes.

Mr. Patti reviewed comments from a previous Planning Board meeting made by Chairman Adelman regarding how the Planning Board cannot make walls invisible but landscaping can make walls more aesthetically pleasing.

Mr. Patti referenced a memo from the Director of Planning from January, 2014 stating that evergreens would reduce the visual impacts of the proposed walls. At that time, Mr. Patti stated that he volunteered to add spindles and railings to the project costing him about \$5,000.00 in an effort to satisfy the two neighbors that had concerns. Mr. Patti noted that the rear wall directly faced his property and no landscaping was proposed.

Mr. Patti reviewed the new sections of the code with the board members.

Mr. Patti felt that the project is compatible with the surroundings of the residential character. Mr. Patti noted that Mr. Sirignano noted previously that this was not compatible with the surrounding area. Mr. Patti noted other parking areas and walls in the immediate neighborhood. Specifically, Mr. Patti identified 36 Grove Road as having a wall as tall or higher than his proposed wall; 30 Grove Road as having a wall higher than his proposed wall. He also noted that Mr. Ahrenberg and Mr. Ken Kaufman expressed no concerns at the time those walls were built. Mr. Patti noted that his proposed wall faces his residence and he is exposed to the wall from the rear. Mr. Patti noted that he can see the foundations 31 & 35 Grove Road from this home. He noted he is going into a lot of detail for the benefit of those watching at home.

Mr. Patti presented pictures of the walls from 36 Grove Road and 30 Grove Road which faces the roadway to the Planning Board for review.

Mr. Patti then responded to a comment made at the last meeting by Mr. Sirignano regarding how the project would be a detriment to public health given that car fumes would be adjacent to Mr. Ahrenberg's home. Mr. Patti noted that Mr. Ahrenberg's parking area was 6 – 7 feet from Mr. Ahrenberg's property, while his project is 12' 8" from the property and Mr. Ahrenberg's home is an additional 6 feet from the property line for a total of 18' 8" from the proposed parking area. Mr. Patti agreed to not back in his vehicles and to only pull in his vehicles as an additional compromise to Mr. Ahrenberg. Mr. Patti stated that many of these items keep getting discussed over and over again because he thinks the matter has been resolved and the neighbors raise the issue again so he feels he must respond again.

Mr. Patti stated that he felt that the general welfare will not be impaired by the project. Mr. Patti noted that in the past, Mr. Sirignano noted that Mr. Patti had no regard for safety. Mr. Patti asked the board whether if it is better for the neighborhood if he parks his cars on the roadway or on his own property. Mr. Patti referenced five police reports showing his car was parked legally on the road. If this application were approved, this would eliminate the police reports.

Mr. Patti reviewed the twelve steps that were recently adopted by the Town Board and noted how his application complies with those regulations.
Retaining walls.

- [1] Purpose. The intent of these regulations is to regulate retaining walls in excess of six feet in height so that any walls in excess of six feet in height are aesthetically

pleasing, are compatible with the surrounding residential character, are not detrimental to public health, safety, or general welfare and do not impair the utility or value of property of other persons located in the vicinity of the site.

Retaining walls in excess of six feet in height shall be subject to the following requirements, notwithstanding any other provisions of this chapter:

- [a] Demonstration, to the satisfaction of the Town Engineer, ensuring stability against overturning, sliding, lateral soil loads, water uplift, and acceptable soil resistance at the base of the retaining wall.
- [b] Depiction of setback dimensions from all property lines and existing structures to all proposed retaining walls.
- [c] Depiction of existing and proposed contour elevation lines in two-foot increments.
- [d] Submission of an erosion and sediment control plan to the satisfaction of the Town Engineer.
- [e] A landscaping plan, which, at a minimum, shall include all proposed ground cover, plants, shrubs, trees, and all fences, including location and setbacks from property lines.
- [f] No retaining wall shall obstruct visibility at any intersection.
- [g] No retaining wall in excess of six feet shall be placed in a location where the wall would create an unacceptably negative visual impact upon an adjacent property and where it cannot be suitably screened to the satisfaction of the Planning Board.
- [h] All retaining walls shall be designed so as not to modify or alter existing drainage patterns.
- [i] Excavation needed for the placement, location and design of a retaining wall shall not undermine the grade of the adjacent property.
- [j] Retaining walls shall be constructed with materials and designs which reflect the character of the immediate neighborhood character of the immediate neighborhood.
- [k] A guardrail for protection from fall from the top of retaining walls may be required. If required, such guardrail shall be constructed with materials and designs which reflect the character of the immediate neighborhood and shall be designed in accordance with all applicable building codes.

Mr. Patti noted that the Town Engineer has been to his property at least twice and has approved this application previously which included the proposed steep slope disturbance. Mr. Patti referenced other erosion control and engineering comments from the previously approved resolution.

Mr. Patti continued by stating that the depiction of setback dimensions from all property lines and existing structures to all proposed retaining walls was addressed on the plans. Mr. Patti noted that the depiction of existing and proposed contour elevation lines in two-foot increments and Submission of an erosion and sediment control plan to the satisfaction of the Town Engineer have been addressed.

Mr. Patti noted that he has prepared a landscaping plan.

Mr. Patti stated that his project does not obstruct visibility at any intersection. Mr. Patti read from the previously approved resolution that the Town Engineer had visited the site and has determined that the site distance is acceptable given the nature of the use and existing neighborhood conditions. This matter has been addressed with three different site walks on his property.

Mr. Patti stated that the proposed wall will not create an unacceptably negative visual impact upon an adjacent property and that it is suitably screened. Mr. Patti read a paragraph from the previously approved resolution noting how this was addressed.

Mr. Patti spoke about the fact that all retaining walls shall be designed so as not to modify or alter existing drainage patterns. He noted that in the previously approved resolution the Town Engineer determined that the small increase in impervious surface can be addressed via the existing street swale. Mr. Patti noted that the little bit of water that will go into the roadway will not cause a problem and that the existing street gutter can handle it. He went on to note that there are other residences on the west side of Grove Road where gross land coverage flows into the gutter and there has not been a problem.

Mr. Patti noted that his project would not undermine the grade of the adjacent property.

Mr. Patti noted that his project will be constructed with materials and designs that reflect the character of the immediate neighborhood. Mr. Patti stated that #30 Grove Road also has parging on the wall which is exactly what he is proposing and it is facing his wall. He noted that the walls will be parged and will be masked by landscaping. Mr. Patti noted that Mr. Ken Kaufman had previously expressed concerns with seeing the undercarriage of the cars. Mr. Patti noted that in response to that comment he proposed a fence and spindles to provide additional screening. Mr. Patti further noted that Number 36 Grove Road has the same type of railing with the spindles that he is proposing, therefore he is not changing the character of the neighborhood, he is picking from the neighborhood to make it fit in.

Mr. Patti noted that his project contains a guardrail for protection from falling from the top of retaining walls. He noted that the proposed fence reflects the character of the immediate neighborhood.

Mr. Patti then addressed each comment presented in the Cronin Engineering report.

Mr. Patti stated this same engineer made comments on this project in the past and a lot of them were reiterated and he opined that was done to see what would stick and what would not stick. Mr. Patti noted that a lot of this has been revisited, like when Mr. Ahrenberg mentioned the fumes, we went over that and put that to bed and we are discussing it again and a lot of the comments in the Cronin report are the same exact thing.

Mr. Patti noted that comment #1 from the Cronin letter states he has a double garage. He noted that the Architectural graphic standards recommend a garage that is 10' W x 20' L and a double garage of 20' W x 20' L. He noted that his existing garage is 7' 7 1/2" w x 17' 9" in length and 7' 5" x 17' 9". He noted that the second bay is not large

enough for a car. Mr. Patti noted that his house and garage were built in 1915 and the garage can only hold one car.

Mr. Patti stated the he has one car garage and is proposing three parking spaces up top. He went on to state that if you look at 4, 31, 39, 43, 48 Grove Road, 8 Castle Heights, 15 Rock Ledge Road and 41 Palmer Avenue, all these lots can accommodate three or more vehicles and these are just residences within the 250' of noticed neighbor's requirements for tonight's public hearing. He further noted that if you drive through North White Plains there are plenty of lots that can accommodate three or more vehicles. Mr. Patti opined that he is not asking for anything out of the ordinary or extraordinary.

Mr. Patti noted that comment #2 from the Cronin memo state that the plans do not show how access will be in and out of the proposed parking area and that maneuvering of cars in and out of site will be difficult at best. Mr. Patti read the Director of Planning's memo which stated that the plans have been revised to decrease the width of the proposed curbcut as required by the Highway Department, as a result, parking space 1 and parking space 3 will only be accessible if parking space 2 is not occupied. Mr. Kaufman's comment went on to state that a vehicle occupying space 2 would have to be moved anytime vehicles wished to enter or leave space 1 or 3 creating a configuration that would set up an inconvenient situation and is not optimal. Mr. Patti stated that the situation is similar to when cars are parked behind garaged cars in a driveway. Mr. Patti stated that Mr. Sirignano raised this issue at the last meeting and Mr. Patti agrees it is inconvenient but he did not invent it, it happens all the time. Mr. Patti noted that the same thing happened when Mr. Ken Kaufman extended his driveway, the cars parked in tandem and his tandem parking will be no different in his application. Mr. Patti also noted Mr. Ahrenberg parks two cars facing in the driveway and one car parallel to the roadway. Mr. Patti noted he had shown the board pictures of that while at his home for the site walk and the neighbors on either side of him are doing the same thing. Mr. Patti also noted Cronin comment #3 was addressed by comments from #2.

Mr. Patti noted that comment #4 in the Cronin letter discussed the difficulty in accessing the proposed parking area from the existing home and the need for additional gross land coverage to create a walkway. Mr. Patti responded that he is living in the house now and it is not a problem for him as the gravel walkways that were removed will be replaced with grass. He noted that if there is a condition where it might be slippery or icy he will deal with the situation by walking on the street. He further noted that he is not the only one dealing with those conditions, everyone is dealing with it.

Mr. Patti noted that comment #1 on page 2 in the Cronin letter discussed Section 355-18 of the Town Code regarding steep slope disturbance. Mr. Patti stated that the Town Engineer has been to his site at least twice and he investigated the steep slopes and still recommended approval to the Planning Board per the previously approved resolution. Mr. Patti further noted that all the other homes on that roadway are dealing with the same steep slope.

Mr. Patti noted that comment #3 on page 2 in the Cronin letter was addressed by a comment in the previously approved site plan resolution which read as follows: WHEREAS, the Town Engineer has visited the site and determined that sight distance

is acceptable given the nature of the use and the existing neighborhood conditions. Mr. Patti said the Town Engineer approved it; it is a matter of record.

Mr. Patti responded to comment #4 on page 2 in the Cronin letter regarding two curb cuts. Mr. Patti noted that there are numerous residents that have two curb cuts, Ken Kaufman's lot 30 and 43 Grove Road, 22 Rock Ledge Road. Mr. Patti noted that all of the referenced lots are within the 250' radius of notification for his home. He also noted that the curb cut was already granted by the prior Planning Board resolution.

Mr. Patti responded to additional comments from the Cronin memo and noted that his survey was prepared in 2013. Mr. Patti continued showing homes and fences as well as other features on the adjacent properties. Mr. Patti stated that he presented the pictures to allow the Planning Board to adequately evaluate the impact of these properties etc. Mr. Patti stated that providing the fencing was one of the compromises he agreed to at an additional cost to him.

Mr. Patti addressed the issue of plantings on the top of page three in the Cronin Memo. Mr. Patti noted that there is a condition in the resolution which states that all landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. Mr. Patti stated that any plant referenced in the Cronin memo that they opine will not survive will be replaced as required by the Planning Board.

Mr. Patti discussed item #4 on page three of the Cronin Memo and noted that the correct scale was on the plan.

Mr. Patti stated that he wanted to review the six page letter that he submitted to the board two weeks ago, but decided against discussing the letter at this time.

Mr. Ahrenberg noted the other two lots with walls that Mr. Patti referred to at 30 & 36 Gove Road that are higher than the walls he is going to build and are not going to be outside of his living room window. Mr. Ahrenberg stated they are in front of their own people's property, not up against someone's house. Mr. Ahrenberg also referenced the Town code requirement that –the walls do not impair the utility or value of property of other persons located in the vicinity of the site.

Mr. Ahrenberg noted the value of his home when appraised with the proposed parking structure would have a 7.5% negative impact on the value of his home. He noted that his house was appraised at \$375,000. He further noted that if the application is approved and the plans built accordingly this will depreciate his house value by almost \$30,000 (he submitted his appraisal as part of the record).

Mr. Sirignano introduced himself representing Cindy and Kenny Kaufman. He submitted two separate appraisals regarding the Kaufman's residence for the board's information and record. One appraisal was \$335,000 and a second appraisal, if this parking structure is approved by this board, was \$75,000 lower if the parking area was built (both appraisals were submitted for the record). Mr. Sirignano stated that the negative impact of this proposal, if allowed to go forward by this board, is real, is substantial and now documented in that appraisal. Mr. Sirignano stated that his

concerns were raised at the prior meetings and that he will briefly review them again. Mr. Sirignano stated that the whole design is contrived, a fiction because of the narrower curb cut and essentially create a bottle neck situation. He noted that when you factor in a fence on three sides, it is virtually impossible to get cars to maneuver in and out of the far left and far right spaces. Mr. Sirignano noted that Mr. Patti or his family is going to start riding the curb to pull straight into the far right and far left part of the parking spaces and make a mockery of the limitation and the Town for the opening. Mr. Sirignano stated that the board is being asked to permit a second curb cut which is not the preferred thing in residential lots. He does not think Mr. Patti has made the case. Mr. Sirignano stated that Mr. Patti has a garage and he is not happy with the size of it and he can understand that. (he submitted a photo of the front of Mr. Patti's property to the board; it was put in the file)

Mr. Sirignano continued to state that if Mr. Patti is not happy with the size of his garage he can do two things: expand the garage and make it wider or relocate to another property that has an ample garage and or parking space. He noted that the fact that his family needs more vehicles or more parking for vehicles is peculiar to the family and has nothing to do with the land and no justification for the Planning Board to approve a contrived application. Mr. Sirignano further stated that the second thing the board is considering is a lot of disturbance to a very steep slope. He continued to state that in order to make this work the other contrivance the applicant is telling you is that he is going to remove the physical access from his house to where he is going to park three of his cars and he is going to climb up a 35% grass slope to access his vehicles - the whole thing is just preposterous. Mr. Sirignano asked why is Mr. Patti saying that is because he does not want to go to the Zoning Board of Appeals because he will exceed to the maximum amount of gross land coverage and the ZBA will be a very very tough sale if not impossible to prove a hardship in order to justify exceeding the maximum limits of gross land coverage. Mr. Sirignano stated that the fact is you are being asked to approve a project that is just not realistic and runs contrary to the spirit and the letter of your ordinances. Mr. Sirignano then presented photos of the Ken Kaufman house to the board and noted his clients would be looking up at this parking area. Mr. Sirignano said that the impact visually is quite substantial aside from the economic impact on the value of their property. He then noted the parking lot would be opposite an intersection and presented photos of the intersection to the board members and he noted that Mr. Cronin, a professional engineer, raised many substantial questions about safety and site distance issues.

Mr. Sirignano suggested to the board very strongly that the second curb cut is not appropriate and he did not see how this board could rationally find it to be appropriate and suggested to the board that the disturbance of the steep slope for the creation of additional parking areas which are not even going to be physically accessible from the main house is not appropriate and nor is it acceptable. Mr. Sirignano also noted that there is a 22 or 24" tulip tree that is going to have to come down as a result of the project which provides shade to the Ken Kaufman residence. Mr. Sirignano stated that he does not see how any argument can be made that this proposal is aesthetically pleasing or is compatible with surrounding residential character or it does not impair the

utility or value of the Ken Kaufman or Ahrenberg residences which are in immediate location of the site. Mr. Sirignano stated that the new ordinance specifically says no retaining wall in excess of six feet shall be placed in a location where that wall would create an unacceptable negative visual impact upon an adjacent property and where it cannot be suitably screened. Mr. Sirignano noted that you could bring in 100' trees and that would not be suitable screening because of the proximity of the wall on both sides to the two immediate neighbors. Mr. Sirignano stated that Mr. Cronin has also raised issues with the drainage and whether the existing design and street drainage capacity can accommodate this new impervious surface. He asked the board not to approve something that is not realistic, that does not make sense and is really totally unjustified.

Mr. Junker approached the podium and noted that he did not receive notice in the mail. Mr. Junker stated that his lot is 0.34 acres in size and Mr. Ken Kaufman's lot is 0.32 acres in size and most lots on the street are 100 feet wide. Mr. Junker noted that Mr. Patti's lot is 0.18 acres and is the smallest on the street. Mr. Junker stated that the meeting this evening is a fresh deliverance of information. Mr. Junker said that Mr. Patti noted earlier that things were a fact and part of the record and there are things said that are not factual. Mr. Junker read the section 213-42 of the Town code and stated this parking lot is a structure and therefore a building. He noted that when houses are built in North White Plains, they are required to put in drainage. Mr. Junker noted that both houses, the one above him and the one two doors down within the last five years had to put in drain wells.

Mr. Junker noted Mr. Patti reviewed the changes to section 213-14-G. He noted that the rock wall Mr. Patti referenced earlier was built by the town years ago when Grove Road was put in, the wall is five feet. He noted the parking area was built higher so the water would drain into the street, he expressed his concerns about where would the additional water go, this additional water will drain down to residences on Clove Road.

Mr. Junker spoke about #8 and the height of the wall and a negative visual impact on neighbors. We just heard from the neighbors that the value of their homes will decrease by \$100,000., this does not address #8 as Mr. Patti previously mentioned. Mr. Junker said that based on this information this discussion is over, that this fact ends the discussion in his mind, legally. Mr. Junker said he has already discussed #9, drainage patterns.

Mr. Junker discussed the size of Mr. Patti's present garage and he recalled at earlier meetings that Mr. Patti's sons need a place to park their cars. He noted when he needed a place to park his cars he rented a parking space or parked it down at the Finest Supermarket which we know as the Stop & Shop supermarket today. He then referenced the map that was attached to the Town Planners memo and pointed out Mr. Patti's home and his steep sloped backyard as "Mount Misery". He noted in the photo that Mr. Patti's truck was parked on Palmer Avenue and noted it was legal to park on Palmer Avenue. He found on the web 20 cars that would fit into the garage that Mr. Patti has presently and read some of the names aloud and noted you can get two cars in that garage. Mr. Junker noted that Mr. Patti's house has two bedrooms, while his house is five bedrooms. Mr. Junker stated that if the family has grown or

circumstances change, like Mr. Ken Kaufman, he moved to a bigger house. Mr. Junker noted that this would enable him to handle the amount of people he has in his home as well as the amount of vehicles.

Mr. Junker asked to go over the Cronin report at this time. Mr. Junker noted that item #2 section 355-56-E requires 25' minimum width maneuvering isle for parking lanes. Mr. Kaufman noted that that section of the Town Code related to parking lots and not a residential driveway. Mr. Kaufman noted that the curb cut is 18' and if there is a car parked in the center spot there will have to be some maneuvering around similar to what people do in the neighborhood and the board has to decide if that is acceptable or not. However, Mr. Kaufman noted the proposed situation is not a direct violation of the code.

Mr. Junker continued regarding Section 355-59-C & D and the 200' site distance requirement. Mr. Junker noted that Grove Road is presently a three way blind intersection. He proceeded to describe the three way intersection as it relates to the proposed applicants driveway. He noted this parking lot will turn it into a four way blind intersection.

Mr. Junker noted he submitted a letter this past fall to the supervisor regarding this intersection. He noted in that letter he was a National Safety Council Instructor (Defensive Driving Instructor) for the State of New York. He handed out a copy of the letter to the board members at this time and noted how this parking area will increase the existing hazards of the intersection.

Mr. Junker then noted that the contour lines on the plans were incorrect. He noted the landscaping proposed would grow to 60' tall and drew on the map the proposed circumference of the tree. Four of these trees are proposed and they will grow large enough to cover the road. He has listed three reasons according to the code why this project should be eliminated. Mr. Junker stated that there is no place for this parking lot on Grove Road, especially on a tiny lot next to an intersection.

Mr. Delano approached the podium and stated that we are only here to discuss the Patti application and that we are not here to discuss any of the other addresses referenced this evening. Mr. Delano noted that the applicant is before the board because of the recent change in regulations. He noted Mr. Patti offered to pull into each space, but Mr. Delano questioned who will enforce that. Mr. Delano stated that the approval Mr. Patti referred to was invalidated by the law suit. Mr. Delano noted that Chapter 355-59 B 4D of the Town Code requires that the Planning Board evaluate sight distance. Mr. Delano stated that he did not recall seeing anything in the file by any of the applicant's professionals that the minimum required sight distance is available. Mr. Delano stated that the required two hundred feet does not exist in the southerly direction. Mr. Delano stated that if the 200 feet exists, the applicant needs to submit that information to the board and make it part of the file. Mr. Delano noted that the Planning Board has sent other applications to the ZBA for this exact same reason for relief of the site distance requirements.

Mr. Delano noted that in 2008 multiple curb were frowned upon unless the Planning Board determines that more than one curb cut was appropriate, not just this curbcut but any curb cut. Mr. Delano stated that more than one curbcut has to be deemed appropriate by this board. Mr. Delano noted that he has not seen in the original file or this new file where this board has an affirmative statement deeming this application appropriate. Mr. Delano stated that the board needs to come up with a reason why this application is appropriate.

Mr. Delano stated that chapter 355-15-G 1 B1 regarding value of adjoining properties and some appraisals were handed in earlier this evening. Mr. Delano stated that the board needs to consider this information heavily. Mr. Delano noted that the code says that in addition to the impact of value to the neighboring properties no wall shall impair the utility of that property. Mr. Delano stated that the utility, in his opinion, is the ability of that person to use their property for what it is zoned for. Mr. Delano noted that there are existing homes on either one of those properties and that there is nothing in the record, no documentation has been prepared or submitted that shows what the applicant is proposing would not have an adverse impact on the two adjoining homes or the use of their driveways. Mr. Delano noted that the applicant has not shown that he can see 200 feet when exiting his driveway. Mr. Delano noted that the applicant has not proved to the board that by allowing his parking area on his site that it will not have an adverse impact on Mr. Ken Kaufman's sight line coming out of his driveway, thereby not affecting his safe utility of the property. Mr. Delano stated that there is no proof in the file that if the Patti parking area is built that it will not have an adverse impact on Mr. Ahrenberg when he exits his driveway. Mr. Delano stated that this information needs to be submitted by a licensed professional in this business to the board for their review.

Mr. Delano agreed with Mr. Junker's comments regarding the landscaping and felt that the trees planted four feet apart, in two years will be growing into each other and dying off. Mr. Delano stated that the landscape plan needs to be reviewed. He also noted the applicant removed some impervious surface to get him under the requirement for gross land coverage; he felt this was absolutely foolish by the applicant as well as some of the board members who approved this previously. Mr. Delano noted that people who live in this home need a safe way to access their parked car. Mr. Delano further noted that you can walk, use stairs, shovel but you can't put salt down on shoveled grass, it turns to mud. Mr. Delano stated that it is irresponsible of this board to entertain an application in his opinion. He stated that if the parking coverage is over and he needs to go to the ZBA then he goes to the ZBA as he has to go there for the 200' site requirement anyway.

Mr. Delano noted that the proposed wall for the driveway was designed for the water to drain out to the street. He stated that is contrary to a specific requirement that states that all retaining walls shall be designed as not to modify or alter the existing drainage patterns. Mr. Delano noted that the wall, as proposed, modifies the drainage pattern and there is no mitigation proposed for the increased stormwater runoff. He further stated that every application that comes before this board no matter how big or small proposes mitigation for the stormwater. He referenced a pool that had a walkway

around it on a large piece of land that had mitigation for the stormwater due to the increased impervious surface and this application was in a densely populated area with lots of impervious surface and the board is not going to make the applicant mitigate his increase in stormwater runoff. . Mr. Delano also stated that the Steep slopes are not shown properly on the Architectural plans.

Mr. Virrahi (double check this spelling), attorney for the applicant, stated he has three comments. He stated that the Town Engineer and Director of Planning have covered just about everything regarding the comments raised by Mr. Delano and Mr. Junker regarding site distance and drainage and this was all approved previously. He further noted that it is unnecessary for Mr. Patti to go through all of that again when it had already been approved by the Town. Secondly, he stated that appraisals are very subjective and everyone has an opinion as to whether that will add value or take away value to the neighboring properties. Third, he noted that regarding the issue of gravel and grass, the Planning Board has twelve items to help them determine whether this is retaining wall should exist. He noted that the first item discusses whether the item is aesthetically pleasing, whether the wall is safe and fits in the with character of the neighborhood and whether the wall will affect the use or value of neighboring properties and the next eleven items pertain to the first item. He stated that nowhere in the Town Code does it discuss access to the wall or if grass is safer than gravel.

Mr. Pollack inquired about the debate of the binding effect of the prior approval given the lawsuit. Mr. Baroni stated that the previous approval of the the Planning Board is not binding and that the Planning Board, as it is constituted now, must review all previously submitted and new information and make a determination under the newly adopted Town Code revisions. Mr. Baroni noted that the court found that the applicant should have been directed to ZBA for an interpretation and the neighbors were within the time limits to do so because the Building Inspector responded to a FOIL request, which none of us knew about at the time. He noted that the judge involved in the underlying Article 78 against this board effectively remanded it back to the ZBA for that interpretive ruling and the ZBA then ruled against the interpretation rendered by the Building Inspector. He stated that the ZBA interpretation then led to the Town Board amending the Town Code with respect to retaining walls. It is really before you in his view, ab initio, except you are allowed to incorporate some of the prior record which he believes we have. Other than that, it has no binding effect.

The Board conversed at this time regarding the history of the project. The Board noted that Mr. Carthy and Mr. Sauro were both on the board during the original application and Mr. Pollack is hearing this application for the first time. Mr. Carthy noted that during the initial application he visited the site numerous times and had major concerns with the application and still has concerns.

Mr. Sauro stated that he agreed with Mr. Delano regarding access to the driveway and a safe access. He acknowledged the gross land coverage maximum. Mr. Sauro sated that the board is not just reviewing the parking area and the wall, but reviewing all aspects of the proposal, including access to the parking area. He continued to note that the board reviews all aspects of an application which include safety and aesthetics. Mr. Sauro opined that the board would almost be negligent if they did not consider the

safety aspect as well.

Mr. Sauro noted the importance of safe access to the parking area and suggested if this were his property he would reduce the size of the parking area and build safe access to the site. He also asked if the board would be setting precedence by pitching this parking structure to the street and running stormwater into the storm drains. He further asked whether the Board is turning a blind eye by not capturing it and mitigating it on site as we do with most of our applications, if not all of them? He asked for Mr. Cermele comments at this time.

Mr. Cermele stated that Mr. Sauro was correct, the majority, if not all of the applications do provide some sort of mitigation. He believes this was discussed during the original application. Mr. Cermele stated that the site as it is has environmental constraints which preclude the use of infiltrators as there are steep slopes and a lot of ledge rock, therefore infiltration will not work. He personally does not want to recommend a system underneath the parking surface behind a retaining wall on a slope like that as it would introduce stormwater behind a retaining wall. Mr. Cermele has walked the site a number of times with the Highway Department and concluded that since there is a constructed gutter there to collect, divert and direct street stormwater and given the insignificant size of the paved surface as compared to the tributary drainage area, collection of the stormwater from the site and directing it to the street system is acceptable.

Mr. Carthy inquired as to whether the board would be in violation of the Town Code if the Planning Board permitted the applicant to pitch stormwater to the road. Mr. Cermele stated that the way the code is written, the discretion for that is left to the Town Engineer. Mr. Delano stated that the code uses the word shall according the section 355-15.G.1.B 2 – retaining walls in excess of 6' in height shall be subject to the following requirements notwithstanding any other provisions of the chapter. Mr. Delano stated that sub Item H clearly says all retaining walls shall be designed so as not to modify or alter existing drainage patterns. Mr. Delano clarified that shall means you will and if you can't you need to go to the ZBA, there is no discretion there. Mr. Delano stated that the Code does not note in the discretion of the Town Engineer.

Mr. Cermele stated that the section he was refereeing to was in respect to stormwater pollution and control. Mr. Cermele stated he was not looking for discretion where Mr. Delano referenced.

The Planning Board discussed existing drainage patterns in the area of the proposed driveway location. Mr. Delano stated that currently if water falls on the Patti property to the west of his property line on Grove Road, the water goes down gradient perpendicular to topographic lines through his property; he noted that stormwater does not come back toward the gutter. Mr. Cermele stated that it goes back into that same drainage system that the gutter discharges to. Mr. Delano noted it alters the pattern in the immediate area. Mr. Delano stated that if the Town Engineer doesn't like the way the code is written, then get it changed. Mr. Delano stated that the way he reads the

code and some other attorney is going to read the code, opens the next Article 78 as the wall would not have been constructed in strict compliance with the Code. He noted that the issue can clearly be taken care of with a trip to the ZBA with the 200' site distance requirement and the Gross Land coverage regarding the access to the site.

Mr. Patti stated this is one of the problems we had with section 213.14.G. The Building Inspector, Town Engineer and Town Attorney felt it read one way and the ZBA felt it read another way and that is why there was an Article 78. He stated that ultimately, the Town Board got involved and stated this will not go to the ZBA for a variance it will stay with the Planning Board. Mr. Patti stated that this seems to be happening here; now he knows why a draft resolution was not prepared today. He said that there is some conflict and one side feels one way and the other side feels another way and he thinks there will be another Article 78 hearing if this is the way it is coming down that the Town Engineer who is trusted, trained and paid to give his opinion, gives his opinion and now someone on the Planning Board says no that is not correct. Mr. Baroni reminded Mr. Patti that Mr. Delano is not commenting as a Planning Board member and is acting as a citizen and is giving his opinion just as Mr. Patti is giving his opinion. Mr. Patti said that he understands.

Mr. Patti stated that the Town Engineer does not feel it is a problem as he feels the water runoff is minimal. Mr. Patti stated that it is nothing different than the other houses that are on the road that have bigger gross land coverage and bigger driveways. Mr. Kaufman noted that ultimately that is irrelevant, as the question that needs to be answered is whether directing the stormwater from the parking area altering a drainage pattern. Mr. Patti stated that it was not altering a drainage pattern because the Town Engineer said that it was not and that is why we got the original ok and that is when it was addressed earlier in May, 2014 when the Town Engineer felt it was not a problem. Mr. Kaufman stated that what happened in 2014 is not relevant as the Town Code has changed since 2014 with respect to this issue. Mr. Patti stated that some of it has to be relevant. Mr. Baroni noted the regulations have changed and the new regulations take control. The board tried to continue discussions on this matter and Mr. Patti continued to speak.

Mr. Patti stated that while this was before the Town Board, the Supervisor noted that once things are given to the ZBA it is pretty much cut and dry, black and white, you either get it or you don't. Mr. Patti noted that he gave landscaping, spindles and the Planning Board was able to work with it. Mr. Patti noted that when one goes to the ZBA there is not much you can work with.

Mr. Patti stated that if he goes to the ZBA it will not be a good scenario and that is why he cut his gross land coverage because the ZBA wanted him to make more concessions and at that point he was at the top of his limit. He asked how many more concessions does he have to give. Mr. Patti stated that it seems like the ZBA is against the homeowner because two other homeowners feel differently. He stated that he returned to the Planning Board because the ZBA was not going to be sympathetic towards him. Mr. Patti stated that he is asking to have those spots for him and the grass is not a problem or a safety issue for him as he has been parking up there for 23 years.

Mr. Sauro stated that he agrees, the ZBA is black and white and this board represents all of the residents and work towards yes when appropriate. He noted that that the Board is in a gray area and tries to massage a situation with input from the neighbors who live there every day. Mr. Patti noted that he lives there too.

Mr. Sauro stated that he understands that Mr. Patti lives in the neighborhood too, but the neighbors are hugely important, they are there every day and live it, breath it, eat it, and smell it and the Planning Board finds their input extremely valuable. Mr. Sauro stated that the board tries to work towards the best case scenarios. He noted that ninety-five to ninety-eight percent of the time neighbor input is critical towards an application and in this case there are a lot of things coming forth that are affecting the project. He noted that this is not the best case scenario but this is an aberration to the area and the board is trying to massage this and kick it around on Mr. Patti's behalf and on face value the project would not happen. Mr. Sauro noted that this is Mr. Patti's day to be heard. Mr. Patti stated that he feels like he is scratching to get every little bit that he gets. Mr. Sauro noted that Mr. Patti is also asking for something that is not really fitting in with the neighborhood and the board is doing everything it can within the power of the law to try and honor what you are requesting.

Mr. Patti asked Mr. Sauro to show him what is not fitting. Mr. Patti stated that he showed the Planning Board that there are walls that are bigger than what is proposed that face the roadway. Mr. Patti stated that he showed there are plenty of locations with two curb cuts. Mr. Patti stated that he thinks that the previous decision made by this board have to mean something. Mr. Patti stated that the Planning Board should reach the same decision that was made in the past. He stated that he met the new requirements of the Town Code

Mr. Sauro noted that the board works towards yes when appropriate and the board is still kicking this around and will see what happens.

Mr. Carthy noted he would like to discuss the 200' sight lines and drainage on site. He reminded Mr. Patti that the board is trying to work through the process right now, that the board is not working against him. Mr. Patti noted it has been a long process.

The Planning Board discussed drainage. Mr. Cermele stated that if a drop of water hits Mr. Patti's property it runs down the backyard towards the house and then to the road on Palmer Avenue.

With respect to sight distance, Mr. Cermele stated that Mr. Delano is correct; the site distance is not on the plan, and the Board has not required that information on every plan that has come before the board. Mr. Cermele noted that many times he and the Planning Board go out to the site and do a field visit to evaluate sight distance. Mr. Cermele noted that 200 feet of sight distance is provided from the north end of Grove Road looking south. In the other direction he did not think 200' of physical road is available.

Mr. Carthy noted this is where the Planning Board comes into play. He suggested a two car parking area; this would eliminate a car being on the street when trying to get out

another car to the street and would give the neighbors more breathing space away from the structure in its entirety. Mr. Patti noted that it will still be an eight foot high wall and that was the neighbors concern. Mr. Carthy noted that the height of the wall was not the only concern of the neighbors and that even if that was their only concern, that is not the only concern of the Planning Board. He noted that the board is reviewing the entire structure, not just the wall. Mr. Sauro stated they are reviewing the feasibility of the entire project.

Mr. Carthy stated that the amount of reduced space from 3 cars to 2 cars can be used towards a walking path up to the parking area which is a concern of this board. Mr. Carthy asked the board members if whether a two car structure would ameliorate some of the concerns raised by the neighbors. Mr. Patti stated that his safety concerns are back on the table with his third vehicle. Mr. Carthy stated that in deference to some of the counter arguments, he did not think that every house in North White Plains, is entitled to four parking spaces. He opined that was pushing the envelope a little bit. Mr. Carthy continued to state that is one parking space by Mr. Patti's house and two up top. Mr. Patti interrupted and stated that the Town is changing the parking requirements to "no parking" on the streets 365 days a year from 6:00 p.m. to 6:00 a.m. and he will not be able to park on Palmer Avenue at all. Mr. Patti noted that his vehicle has been damaged several times when parking on the street.

Mr. Pollack confirmed that Mr. Patti's home has two bedrooms; Mr. Patti acknowledged that it is a two bedroom home.

Mr. Carthy suggested parking one car in the garage and two cars up top result in parking for three vehicles. Mr. Carthy stated that three spaces would potentially ameliorate some of the concerns of the Board and neighbors. Mr. Patti stated that the requested four spaces is a benefit to him since he has an oversized lot and can accommodate three cars and is not a detriment to the neighborhood. Mr. Carthy agreed this is an oversized lot and that is why this board is considering a second curb cut and he would like to discuss it with the board and see what they think.

Mr. Sauro asked Mr. Cermele what would happen if the driveway is not provided with the minimum 200 feet of sight distance. Mr. Kaufman stated that the code requires a minimum of 200 feet and does not take into account different speed limits. Mr. Sauro stated that he would not feel comfortable making a determination that the sight distance complies with the Town Code without additional information from the Applicant. Mr. Kaufman stated that he would have to review that specific section of the code to determine whether the Planning Board has any latitude. The board continued discussion regarding sight distance and how it relates to this application. Mr. Cermele stated that the code just requires a minimum of 200 feet, there is nothing with respect to speed. Mr. Sauro inquired whose jurisdiction is that to judge that. Mr. Cermele stated that the Town has the applicant take design speed into consideration.

Mr. Sauro stated that Mr. Junker made an excellent point regarding the third road coming in at the top. The Board discussed whether a sight line variance was even sent to the Zoning Board of Appeals. Mr. Cermele stated that he did not know of anyone

sent to the ZBA.

Mr. Sauro stated that at the onset of the project he did not think it was a good idea to remove the walkway to the top of the lot. He feels it shouldn't be a straight walk up but should be serpentine or meandering pathway to go up safely to the top. He would like to narrow the parking structure to represent the curb cut of 18 feet.

Mr. Pollack stated that there is merit in narrowing the width of the parking structure especially because now the distance between the houses to the parking structure becomes roughly equivalent to that of the houses to cars that were similarly parked on the street.

In response to Mr. Pollack's comment, Mr. Patti stated that the 8'3" wall was necessary because he did not want it pitched towards his house; he wanted a five inch pitch towards the road for the water to run into the gutter.

Mr. Pollack asked how the wall and spindle lines up with the neighboring properties. He noted that when the Board was on the site it appeared to be at the same elevation as Mr. Ahrenberg's window and the proposed three foot fence obstructed his window entirely. Mr. Patti noted that Mr. Ahrenberg's house was 19' away and landscaping was proposed and Mr. Ahrenberg's view would be of the proposed landscaping.

Mr. Pollack asked where the top of the three foot spindle would come on Mr. Ahrenberg's house. Mr. Patti stated he did not know. Mr. Patti stated that when the trees mature, Mr. Ahrenberg will look at landscaping, not a spindle fence. Mr. Patti noted that Mr. Ahrenberg's house is 6 feet to the property line and his parking lot is 12 feet from the property line. Mr. Patti stated that the proposed trees will be trimmed so that they will not grow to 60' feet high. He noted that he plans to make things easy on his neighbors and make the property more aesthetically pleasing. Mr. Patti noted that you can't make the walls disappear. He noted that the parking area was 33 feet originally and he shortened it to 31 feet and further noted that he is constantly compromising and he thinks the board realizes that and that is where his frustration comes from.

Mr. Sirignano stated that he understands the board's efforts to find a compromise. He felt it was commendable to show respect to property owner's wishes to develop property the way they wish. Mr. Sirignano continued and stated that even if Mr. Patti were to agree to downsize the project to two spaces, the smaller project would not solve the problems identified under the new ordinance that the smaller structure does not modify or alter the existing drainage patterns and it still does not meet the standard that it not unacceptably have a negative impact on the value or the utility of the Ken Kaufman and Ahrenberg properties. Mr. Sirignano noted that although two is better than three; the project would not meet the very new standards that the town board has set. Mr. Sirignano noted that if the Planning Board were to approve two cars, the board would be violating the statute right out of the box. Mr. Sirignano noted that this is the first time that the new statute is being interpreted and the wording was carefully crafted by the Town Board.

Mr. Patti noted last spring Mr. Ken Kauffman stated that his house would depreciate

\$20,000 if the parking structure were to be built. Mr. Patti stated that he spoke to the realtor that Mr. K. Kauffman spoke to and inquired how she could come to a conclusion that the house would depreciate by \$20,000. He said she told him that there was no way she could determine that without seeing the prints, reviewing the project and walking the site. Mr. Patti stated that if the cars are off the street that will cause Mr. Kauffman's property value to rise. He noted that whether the value of the property goes up or down it is all subjective.

Mr. Baroni suggested adjourning the application at this time as it has been discussed for over two hours and there are other items on the agenda to be discussed. He stated that the board should determine what they want from the professionals regarding sight line issues and look into past precedence when less than 200' was available. In addition, he stated that the board needs a better understanding of what a drainage pattern is and when it is impacted as there seems to be diversity of opinion.

Mr. Cermele stated that if the board is going to opine on either of those items the applicant is going to have to submit additional information for the board to review and hire professionals to evaluate the drainage and site distances.

Mr. Carthy asked the board if the applicant should propose different landscaping to the area that was not so alarming to the neighbors. Mr. Patti stated a professional Landscape Architect made the submitted recommendations. Mr. Carthy noted that the board heard some friction regarding the proposed landscaping and he was trying to address the matter. Mr. Sauro noted it will take the applicant 10 minutes to find something that will not grow 60 feet tall.

Mr. Don Ahrenberg noted that he and Mr. Ken Kauffman had professionals that they had never met do the appraisals submitted this evening and both professionals agreed the parking structure would devalue their properties.

Mr. Delano stated that in regard to the devaluation of properties, the only thing to refute that statement is what Mr. Patti feels and he suggested that the applicant be instructed to get his own appraisal or the Town higher an appraiser to resolve the matter. Mr. Kaufman asked why are we discussing this issue. Mr. Delano noted because it was mentioned in the code, that you can't devalue the neighbor's property. Mr. Kaufman clarified that the reference to property value in in the purpose section and that section states that by implementing all of these items in the retaining walls section of the Town Code would result in the construction of walls that would not devalue property. Mr. Delano responded that maybe Mr. Kaufman's interpretation should go to the ZBA along with the drainage pattern and site distance.

Mr. Kaufman stated that is the way he is reading it. Mr. Delano stated that he disagrees with the way Mr. Kaufman is reading the code. Mr. Delano continued that the intent of the Town Board is that when the Planning Board approves stuff it does not have an adverse financial impact on the neighbors. Mr. Delano continued by stated that the Planning Board has evidence that what the applicant is proposing has the potential to have an adverse financial impact on the neighbors, which is not in compliance with the intent of what the Town Board expressed when they created this legislation.

Mr. Sauro stated to Mr. Patti that if he would like to back up with what he said verbally with written documentation, the board would love to see it. Mr. Patti stated he would take care of that.

Mr. Junker stated that he was an Environmental Bacteriologist for Westchester County and when it rains and there is soil, the water percolates through the soil, rather than having an immediate runoff which you are going to get on concrete. He stated that while it is going through the soil the trees are taking the water up and that the three large trees that have to be taken down to do this project have a canopy that totally covers this area. He continued stating that a canopy from a tree sucks up 60% of the rain before it hits the ground. Mr. Junker noted that after it hits the ground and percolates through the soil, 30% goes back up and out to the leaves. He said that represents a 90% reduction from having concrete. Mr. Junker stated that if he has to bring in the neighbors from Cloverdale who get flooded out every other year, he will bring them to the meeting.

Mr. Sauro asked for a motion to adjourn the public hearing. Mr. Pollack made a motion to adjourn the public hearing. It was second by Mr. Carthy and approved with three ayes. Mr. Delano had recused himself from this application.

The board took a five minute break at this time.

DISCUSSION:

SANTOMERO BUILDING

868 North Broadway

122.12-5-63

Amended Site Plan Approval

Michael Piccirillo, AIA, Michael Piccirillo Architecture

Discussion

Present for this application was the applicants engineer - Michael Piccirillo and Dan Hollis, attorney for the applicant.

The application is for an amended site plan approval and for the demolition of the existing office building under construction and the construction of a new 3,187 square foot retail building and the construction of various retaining walls. The property is located within the CB Zoning District.

Mr. Piccirillo stated that he has reviewed the memos from both professionals dated, December, 2015. (Application was adjourned from 12/14/15 to this meeting at the applicant's request.)

In response to the professional's memos, Mr. Piccirillo noted that it is not possible to push the building forward; the back wall also serves as a retaining wall. It was noted that the approvals from the Zoning Board have expired. The variance was for seven parking spaces at the time. It was noted that there are sewer lines and water lines on the abutting property but not on the applicant's property.

Questions were asked by the neighbors and answered to their satisfaction.

DEMASI/FEIT

6 & 4 HUNTER DRIVE

101.03-4-6&5

Lot Line Change

Barry Naderman, PE, Naderman Land Planning & Engineering

Discussion

This application is for a land exchange between the Demasi and the Feit property. No new building lots will be created with the proposed land exchange. Both properties are located within the R-1A Zoning District.

Present for this application was Barry Naderman and Mr. Demasi.

Mr. Naderman, the professionals and the board members had discussions about the transfer of land between from 6 Hunter (Demasi) to 4 Hunter (Feit). While discussing the land exchange it was noted that the Mr. Demasi wanted to transfer some property from his lot to 7 Hunter Drive (Gizzi). Discussions were had at this time regarding how to accomplish the transfer of property from 6 Hunter Drive to 4 & 7 Hunter Drive at the same time. That detail will be worked out with the attorneys. Mr. Naderman has reviewed the director of Planning's memo and can accommodate the comments.

The subdivision plat will be revised to show the both portions of the lot to be transferred. The applicant will resubmit and the board will continue its review at that time.

LOWENSTEIN, SCHMOLKA, CELAJ, CAI

2 & 6 Deer Trail, 17 & 19 Whippoorwill Crossing

107.01-1, 2, 3 & 100.03-1-13

Pond Dredging & Remediation

PW Scott Engineering & Architecture, P.C.

Discussion

The application is for a wetlands permit application for four property owners regarding the removal of excessive accumulation of sediment deposits within the manmade lake within the R-2A Zoning District. The proposed project would dredge the pond and the partial restoration of all existing pond edges with native plantings.

Mr. Scott stated that he has reviewed the professional's memos and will go before the Conservation Board later this month and get his approvals. He reviewed the application proposed at this time. He requested a public hearing to be scheduled.

A public hearing was scheduled for February 8, 2016.

17 CREEMER ROAD
17 Creemer Road
108.04-2-4
2-Lot Subdivision
Joseph Daniels, Contract Vendee
Discussion

Present for this application was Dan Collins, Hudson Engineering as well as the Contract Vendee Joseph Daniels.

The application is for preliminary subdivision approval of a two lot residential subdivision in the R-2A Zoning District.

It was noted at the last meeting that the applicant was asked to submit an alternate IPP plan showing the driveway and buildings in different locations. The subdivision remains the same. The new IPP shows more space in-between the homes.

Mr. Kaufman noted that the board needs to make a recommendation to the Zoning Board of Appeals.

Mr. Collins reviewed the IPP with the board and professionals. With the driveways moved to the other side of each lot, it will allow a 10' buffer to the property line and that will allow sufficient screening if necessary, the pools have been removed from the plan.

The lot comparison map was presented at this time. . He then noted his proposed lots were in character with the neighborhood, he pointed out where there were three larger lots. He noted all the lots were long and thin within the neighborhood and the lots proposed are long and thin as well. He also noted that the size of the house on a four acre lot could provide a house that is out of character with the neighborhood. The water wells will be located in the front yard.

In response to Mr. Pollack's comment, Mr. Collins stated that there are other lots in the neighborhood similarly affected by the wetlands.

Mr. Daniels stated that he received a zoning variance for 10 & 12 Sterling Road.

Mr. Collins noted that more details with the design process will be done once they have ZBA approvals.

Mr. Carthy noted that this board is reviewing a subdivision right now, not the site plan. He would like both lots developed simultaneously and would like the Planning Board to retain Site Plan approval and the applicant would then have to go to the Conservation Board and Architectural Review Board. He does not think these lots should go before

the RPRC. Mr. Delano agreed. Mr. Kaufman stated that can be made a condition in the subdivision resolution.

Mr. Delano likes that all of the development stays out of the wetland. Discussions were had on how they were going to memorialize this site plan work on the subdivision map. The only things in the wetland buffers are the two water wells, two service lines and reestablishment of some natural buffers. This will be discussed by the board when the applicant returns to the board and effective use of notes on the plat to memorialize these comments.

Mr. Sauro feels these lots will fit in the neighborhood and was happy the proposed pool was removed from the wetland buffer. He likes the physical barrier as well.

The board discussed whether they would allow a pool on Lot #2 because they don't want a pool within the buffer. A note will be added to the plat that no structures are permitted in the wetland buffer.

Mr. Carthy made a motion to positively recommend to the ZBA the 17 Creemer Road 2 Lot subdivision application with the notes from the Planning Board that no structures will be permitted within the wetland buffer and simultaneous site plan approval will also be a requirement for both lots, no RPRC for either lots. Mr. Sauro second the motion and it was approved with four Ayes.

28 MAPLE AVENUE

28 Maple Avenue

108.01-6-29

Change of use

Discussion

The Applicant is proposing a site plan waiver, the conversion of existing general office space to medical office space in the CB Zoning District. Eleven off-street parking spaces are required for the proposed use, while fifteen 15 off-street parking spaces are provided on site.

After a brief discussion with the Director of Planning and members of the board, the board agreed to keep the whereas clause regarding the new striping parking lot plan, The board had no further comments or concerns at this time.

Mr. Sauro made a motion to approve, it was second by Mr. Pollack and approved with four Ayes.

Mr. Delano asked for a motion to adjourn the meeting. Mr. Sauro made a motion to adjourn, it was second by Mr. Pollack and approved with four Ayes. Meeting was adjourned at 10:31 p.m.