

**NORTH CASTLE PLANNING BOARD MEETING  
15 BEDFORD ROAD – COURT ROOM  
7:00 P.M.  
June 22, 2015**

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

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

   Joseph Cermele, PE  
   Consulting Town Engineer  
   Kellard Sessions PC

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

   Valerie B. Desimone  
   Planning Board Secretary  
   Recording Secretary

   Conservation Board Representative:  
   Zenaida Bongaarts

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

**APPROVAL OF MINUTES:**

**May 28, 2015  
June 8, 2015**

Mr. Adelman asked for a motion to approve the May 28, 2015 Planning Board minutes as amended. Mr. Pollack made a motion to approve. It was second by Mr. Sauro and approved with three Ayes. Mr. Delano recused himself and Mr. Carthy was not present for the vote.

Mr. Adelman asked for a motion to approve the June 8, 2015 Planning Board minutes as amended. Mr. Sauro made a motion to approve. It was second by Mr. Carthy and approved with three ayes. Mr. Delano and Mr. Pollack abstained.

**PUBLIC HEARING:**

**MONTESSORI SCHOOL**

**67 Old Route 22**

**Section 107.04 Block 2, Lot 8**

**Amended Site Development for Swimming Pool**

**Robert Peake, AICP, John Meyer Consulting**

**Discussion**

**Consideration of site plan approval**

Present for this application was Bob Peake, AICP John Meyer Consulting.

Mr. Carthy recused himself from this application.

Mr. Adelman asked for a motion to reconvene the adjourned Montessori Public Hearing. Mr. Sauro made a motion; it was second by Mr. Delano and reopened with four Ayes. Mr. Carthy was not present for the vote. No noticed neighbors were present for this application.

Mr. Peake noted he had received final comments from the Conservation Board.

Discussions were had regarding the 2:1 mitigation how it relates to this lot and if appropriate or not. The proposed pool is in the same location as the previous wetland buffer disturbance. There was a comment in the Conservation Board Memo dated June 18, 2015 regarding replacement of the Betsy Sluder Preserve Bridge. It was noted that the bridge could cost between \$2,000. - \$3,000. Chairman Adelman agreed that the bridge needs to be replaced as he has hiked the preserve numerous times. Mr. Peake noted his client was concerned that the cost of the bridge could balloon higher than the estimate and would prefer to provide a set cash amount and not do the work.

It was suggested the replacement of the bridge needs to be communicated to the Parks & Recreation Department and for them to go out to the site and see what can be done. Mr. Cermele stated he would like the parks Department to go out to the site and make sure that money would be enough to cover the cost of the bridge as he felt the estimate was light.

The board did not want to hold up the applicant but needed to know if the Parks Dept. could do the work and if that was enough money to do the work. Mr. Kaufman stated that the board needs to determine if the proposed disturbance in the wetland buffer for the installation of the pool warrants a mitigation plan and proceed from there. Mr. Peake noted that the Conservation Board memo noted this area was previously

disturbed.

The board agreed to accept \$3,000.00 as a contribution of replacing the bridge when it is replaced. The resolution was updated with this information.

Mr. Adelman asked for a motion to close the public hearing. Mr. Delano made a motion to close the public hearing. Mr. Sauro second the motion and it was approved with four Ayes. Mr. Carthy recused himself from this application.

Mr. Adelman asked for a motion to approve the Negative Declaration. Mr. Pollack made a motion to approve. Mr. Delano second the motion and it was approved with four Ayes. Mr. Carthy recused himself from this application.

Mr. Adelman asked for a motion to approve the resolution as amended. Mr. Delano made a motion to approve. Mr. Sauro second the motion and it was approved with four Ayes. Mr. Carthy recused himself from this application.

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

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

**North Broadway at Route 22**

**The DEP is proposing various traffic improvement measures to several intersections affected by the closure of Westlake Drive across the Kensico Dam.**

**NYCDEP - Maria Mandarino, PE Capital Planning, Chief**

**Consideration of site plan approval**

The following people were present for this application, Zaidoun Ereifej, DEP; Rich Wilhelm, DEP; Melissa Beristain, DEP; Steve Seymour, HDR|GF JV; Stefanie Cassin, HDR|GF JV; Tejal Kuray, HDR|GF JV.

The New York City Department of Environmental Protection is seeking approval for the construction of various traffic improvement measures to intersections affected by the closure of Westlake Drive (Kensico Dam) and has resulted in the rerouting of traffic around the Kensico Dam. There are a total of four intersections proposed to be improved within the Town of North Castle which will improve traffic flow and safety. The four locations are at King Street (Route 120) at Nanny Hagen Road; North Broadway at Route 22; Westlake Drive at Route 22; and Park Drive at Broadway.

Mr. Adelman read the affidavit of publication for the record. Mrs. Desimone noted all paperwork was in order for this application. The following noticed neighbor was present. John Magnotta – Sir John's Plaza.

The following neighbors were present: Nancy Battistelli – no address found in town records, Terri Loberman 42 Nethermont Avenue and Will Lee and Jennifer Paulson Lee both at 81 Nethermont Avenue, NWP.

Ms. Cassin stated that the Dam was closed for security reasons after 911. Forty five intersections were studied as a result of this closure and it was determined that four intersections needed improvements as a result of this closure in North Castle. The sites and improvements proposed are:

### **King Street (Route 120) at Nannyhagen Road Proposed Improvements**

- Installation of a new traffic signal at the Nannyhagen Road intersection.
- The addition of an exclusive northbound Route 120 left to lane (onto Nannyhagen).
- The creation of stormwater treatment swales to provide stormwater conveyance and treatment.
- Realignment of the southbound through lane to accommodate the new northbound turn lane.
- Installation of new traffic signs.

### **North Broadway At Route 22 proposed improvements:**

- Construction of a new southbound North Broadway through lane
- Improvements to traffic signal timing
- Improved traffic movement in and out of Sir John's Plaza
- Improved traffic signage
- Construction of a new pedestrian crosswalk at Hillandale Avenue across Hillandale Avenue, North Broadway and Route 22 and the construction of a sidewalk along Hillandale Avenue
- Installation of pedestrian signal poles to Route 22/Hillandale
- Replacement of traffic signal (including screen filter) at Route 22 and Hillandale

### **Westlake Drive at Route 22**

Removal of the existing traffic signal and associated equipment.

### **Park Drive at Broadway Proposed Improvements:**

- Installation of a new traffic signal
- Restriping of Park Drive approaches
- Installation of new signage
- Construction of a pedestrian refuge island in the Broadway median

Ms. Cassin reviewed the Nanny Hagen site. Mr. Adelman inquired if the light would have a sensor when traffic is not heavy. Ms. Cassin stated that loop detectors will be in the area and pick up vehicular traffic and regulate the red lights. This will also work when there is snow on the ground. The DOT in Poughkeepsie will need to change the signal if appropriate. No further comments regarding this site were made at this time.

Ms. Cassin presented the North Broadway Route 22 improvements at this time.

Mrs. Paulson Lee inquired what specifically will happen between Sir John's Plaza and Hillandale. Mr. Delano answered her question. In response to additional comments, Ms. Cassin stated where the work will begin and end and noted the timing of the light will be adjusted to accommodate the traffic. Pavement markings will also make that intersection clearer and the police can enforce those markings. In response to John Magnotta's comment, there will not be a left turn arrow into the shopping center, there will be a green light where cars may proceed northbound or turn left while the southbound traffic will be at a red light.

Mrs. Paulson Lee inquired if the Bronx River Parkway could be directly attached to I-287 instead of cutting through North White Plains. Mr. Adelman noted that was beyond the scope of this project. Mr. Kaufman stated that would be a DOT project. Mrs. Paulson Lee stated she would prefer this applicant go towards connecting the Taconic State Parkway to I-287. Mr. Kaufman noted that they were two different entities. Ms. Cassin stated that they have public meetings for the New York Metropolitan Transportation Council (NYMTC.org) Anyone can participate in their meetings, which will cover the lower Hudson Valley Area.

Mr. Adelman noted that Mrs. Loberman's husband spoke about this at the February, 2015 meeting, this is beyond the scope of this meeting. Mrs. Paulson Lee stated that the money and time spent on this project would be better spent addressing the bigger issue of connecting the Bronx River directly to I-287. Mr. Kaufman noted that there are different scopes of the project. The DEP is mitigating their impacts of closing the Kensico Dam Road. They are trying to get it back to pre-2001. The bigger issue of limiting the traffic and connection with the Bronx River Parkway and I-287 is valid but is not the scope of this application and it involves a different agency.

In response to Mr. Lee's comment, Ms. Cassin stated that the cost of this project was between \$1,000,000. – \$2,000,000. Mr. Lee stated that as someone who walks down the paper street behind the Little Spot almost daily to the NWP train station and home again; there are a lot of other issues with that stretch of property. He does not see how spending that much money justifies what is proposed. He would like to see the traffic patterns and all the reports. Mr. Kaufman reminded Mr. Lee that is why there are four other intersections being addressed in North Castle and there are other intersections being addressed in other municipalities.

Mrs. Batistelli stated that John Nonna came up with this plan 10 years ago. She lives there and this is a mess. The NYS DOT and Westchester County need to sit down and discuss this, this needs to be fixed, these band aides are not fixing the problems.

Mrs. & Mr. Lee continued asking questions regarding this intersection and timing of the lights and money spent, Ms. Cassin addressed their comments.

Discussions were had regarding what needs to be done to warrant a traffic signal.

Mr. Lee noted that very little is done for pedestrians in this area.

One of the professionals in the audience stated that there are 11 intersections and 7 of the intersections are being fixed and four of those are in North Castle. This is one part of the puzzle and this was explained at the beginning of the meeting which the Lee's were not present for. Mr. Lee stated he is not convinced this was an appropriate way to spend this much money, the methodology is flawed and he respectfully disagrees. Mr. Adelman stated that the board is doing what it can; all of these improvements are based on professional's studies and national standards. Mr. Pollack asked Ms. Cassin to finish her presentation regarding the rest of the proposal which has not been discussed yet.

Ms. Cassin stated the DEP will install the crosswalk at Hillandale Ave and North Broadway and after three years if a signal is warranted, the Westchester County department of public works and transportation would address it. The funds do not come from the Town of North Castle; this is New York City funds.

Mr. Adelman suggested Mr. & Mrs. Lee reach out to their local legislators. In response to Mr. Lee's comment, he was directed to submit his concerns to the Town Board regarding issues in North Castle unless it relates directly to an application before the Planning Board.

Mrs. Lee asked more questions about how and where the road will change from Sir John's to Hillandale, her comments were addressed.

Mr. Magnotta had some questions. In response to those questions Ms. Cassin stated that the road closure will last about two months and another month for the Hillandale cross walk. There will be no left turn arrow as people entering Sir John's or continuing north bound will share the same lane but the south bound lane will have a red light so traffic can enter safely into Sir John's. This work will begin in March - 2018. Southbound lane will not be closed, the north bound lane will be redirected to Route 22 north with a left turn onto Hillandale and right turn to continue towards the dam. The police will be present to direct traffic.

Mr. Alan Fuchanelly, esq. for Mr. Magnotta inquired if when the project is complete, he understands there will be time to safely turn left into Sir John's plaza but what about entrance to the Broadway Plaza, the Deli is on the left side when traveling north bound. When exiting the Deli plaza, can you make a left turn out of the plaza? Ms. Cassin stated that there will be a no left turn sign when exiting the deli parking lot as it is not safe to cross two lanes of traffic. Mr. Magnotta inquired why this occurs on Central Avenue and it can't occur here. Discussions were had at this time. Mrs. Cassin stated that this was a county road and it was not permitted. It was noted that those people can also exit through Sir John's Plaza where there is a safe traffic signal. Discussions continued. Because this is a new project, signs need to be installed. Discussions were had regarding signage with specific times of no left turns i.e.: between 4:00 – 6:00 p.m. and hard to enforce. Ms. Cassin will look into a specific time could work or not, she thought the police department was not in favor of this option. Continued discussion

was had regarding the left turn option and when it can or cannot be permitted and whether it is safe to do it or not.

The Park Drive and Broadway intersection was discussed at this time. A traffic signal will be installed and had to be coordinated with the other traffic signals in the area. The traffic signal will be removed from Westlake Drive in January 2017; this is a proposed construction schedule at this time. There are some seasonal restrictions for these sites.

The applicant had some comments regarding the resolution at this time. The conditions discussed were resolved to everyone's satisfaction.

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

Mr. Adelman asked for a motion to approve the resolution at amended. Mr. Pollack made a motion to approve. It was second by Mr. Delano and approved with five Ayes.

## **2 KNOWLTON PLACE**

### **2 Knowlton Place**

#### **Section 108.01, Block 2, Lot 28.1**

#### **Site plan, Tree Removal and Wetland Permit**

#### **Ralph Alfonzetti, PE Alfonzetti Engineering PC**

#### **Frank Madonna, Applicant**

#### **Discussion**

Mr. Adelman read the affidavit of publication for the record. All Paperwork was in order for this application. Noticed neighbor Mrs. Marilyn Donnelly was present from 32 School Street.

Mrs. Desimone read a letter into the record from noticed neighbors: Jeanne & Karl Hinrichs, 3 Rose Hill Drive, Armonk.

Dear Adam,

We are writing in regards to the Public Hearing for 2 Knowltown Place to be held on June 22, 2105. We will be out of town and unable to attend the Public Hearing. We ask that you please forward this correspondence with attachments with the members of the Planning Board.

We are opposed to granting the applicants request to expand the (yet to be constructed) third home for this subdivision from a maximum of 3500 square feet to 4353 square feet for the following reasons:

1. The applicant had more than enough opportunity to present this request at the time the original site plan was being approved. At those preliminary meetings and required Public Hearings the applicant repeatedly stated that the houses on this property and across the street (2 new homes and renovation of the Victorian) would not be any larger than 3500 square feet. The developer said that he “knew the market” and a larger house would not sell. A desire for a larger home should have brought forward at that time when the entire project was being considered and all when concerned were looking at the full scope of the work. Nothing has changed since this project was being originally discussed to warrant a change.

The tactic of asking for additional concessions when a project is underway and attention is distracted elsewhere is often used. Success only encourages its abuse of the system. This applicant has at least one other project in development. Granting additional concessions to an already approved site plan is a poor precedent to establish.

2. This project combined with the one at 96-98 Cox Ave is significantly changing the character of our neighborhood. While 3500 square feet may seem a reasonable compromise, these home have a 30 ft high profile with soaring roof lines. They do not look like any other homes in the immediate neighborhood. If you and the Planning Board members have not seen the two projects recently, we encourage you to make a visit. Construction is progressing quickly and one can see the impact to the area. While it may be true that neighborhoods evolve toward larger homes, this tends to be a slow process. These new homes are enough of a “jolt” to an area comprised of smaller homes with significantly lower profiles without any additional increase in square footage.

The decision made by the Planning Board regarding this request will take only a short time during one meeting. We the neighbors live with the consequence of your decision for as long as we reside in our homes. We respectfully request that the site plan as originally passed be honored and Not amended.

Respectfully submitted,

Jeanne & Karl Hinrichs  
3 Rose Hill Drive  
Armonk,









Mr. Madonna noted he had met with the Conservation Board last week and is waiting on a referral back from their board.

Mr. Madonna stated that he agreed with the comment from the neighbor. At the time the resolution was approved, he did not think the house would be greater than 3,500 square feet and noted all of the other lots were under way and under 3,500 square feet. His client requested preconstruction that an additional bedroom be added on the first floor to accommodate an elderly parent. The 700 square feet will be located behind the garage and will not be noticeable from the road. .

Mr. Alfonzetti stated that this lot is .94 acres and is 4,300 square feet. The disturbance to the wetland buffer is 9,789 square feet. The subdivision had requested 24 trees to be removed and they are requesting an additional 13 trees to come down due to the fill behind the house. The plan presented to the board this evening incorporates an infiltration trench and blending the hill into the grade better to take care of the drainage.

Mr. Madonna stated that he has had many conversations with Mrs. Donnelly who is present this evening. She lives to the west of the lot. There is an existing dirt swale

that runs along her property line into a pond. The swale, mitigation and berm proposed will mitigate any water that could possibly come down the hillside and possibly even make it better than it was before. Before that was a straight run and that was a lot of water and nothing really retaining it. This plan will make it better.

Mrs. Donnelly stated that there was no water running down the hill until the construction began and now there is a big ditch that the water is running down and her concern is that it is going to keep running down and create a wetland. She would like to see this fixed before another house is begun. She has no objection to the size of the house he is proposing but would like the drainage issue addressed before he gets approval to do any more at the site, she does not want to wait for this project to be completed before the matter is addressed, she wants it addressed now because if he sells the house, who is going to be responsible.

Mr. Madonna noted that he brought in a lot of fill on site from another job in town and because of the conditions on site and the way the fill was brought in, there are some steep areas and there have been some heavy rain storms in the last few weeks with two to three inches of rain. He has taken some measure now with some trenches and ponding on site to catch the water. The longer that he waits to level out that area and put in the swale and fix up that site better, the better the chances are that there will be a difference. We are really trying to get that going and fix and mitigate that. We appeared before the ARB last week and he received conditional approval because he had two house designs. Mr. Kaufman asked for that plan to be submitted to the Planning Board.

Mr. Adelman noted that on each project the applicant is required to take measures to prevent any additional runoff of water from their property on to anyone else's property. Mr. Adelman asked what happened with this applicant. Mr. Madonna stated that this swale has been there for a very long time, since the house was built. When he went down there the swale was dammed up, the Town Engineer saw it. The water in the swale is not only coming from up the hill but from other directions as well. That was the main cause of that situation, the maintenance of that was not kept up for a long time. Mrs. Donnelly stated that has nothing to do with it. There was no water running down the hill for years until the construction started. All she was asking for was a temporary fix so the water does not keep coming down. Mr. Adelman stated that absolutely has to happen.

Mrs. Donnelly stated that she was told that it was going to happen and Mr. Madonna was not going to get approval for house #2 until it was fixed and that was her concern.

Mr. Adelman noted that was a very valid concern because during construction these types of things are not supposed to happen. We always task all applicants to make sure that there are hay bales and erosion fences and all kinds of measures to keep this from happening. Mr. Cermele stated that erosion controls have been installed. He has been doing his routine inspections, there are times we have had the applicant supplement, repair or replace the erosion measures. Part of the problem here is that more recently we are at a temporary stage of construction where we have development

going on, mitigation systems that were designed to deal with the increased runoff that was generated from the runoff from on the site and have been installed and are not connected or not completed yet. You have an open area in development and in this case three infiltration systems. The first house has been completed and the infiltration system is installed. There is the larger system which was developed to collect the water from the private road and the private driveway road. The center lot system has been installed but has not been connected to the storm system yet. The third house, which is closest to the cemetery, is under construction and that system has not been installed yet. More recently with the storms that we have been dealing with, we have met with the applicant on site as recent as last Tuesday or Wednesday. At Mr. Cermele's direction, the applicant installed a temporary infiltration sizable gravel pit just off of the private drive with an overflow basin. Mr. Cermele was at the site today to make sure the additional berms were installed as discussed last week, they were discussed and their purpose was to capture all of the runoff from the road and get it in the ground as opposed to the runoff over the back of the site which it had been doing up until this time. He will continue to monitor the site.

Mr. Cermele noted that Mr. Kellard was on site during the recent storm on Sunday night and by that time the pit and the additional berming had already been completed. Mr. Kellard noticed a reduction of the volume of water from what we have seen in the past. The applicant is going in the right direction with these temporary measures, at the end of the day when the houses are built the systems designed should mitigate that increase, which we always require.

Mr. Adelman stated in all his years on the board, he has not heard of something like this, could something have been done to prevent it. Mr. Cermele stated that the erosion and sediment have not been an issue, it is the run off volume, and the volume will always increase as the nature of the project continues. You want to mitigate the discharge rates from pre to post development which is what we do and require. From what he has seen with his visits there, he has not seen signs of sediment leaving the property. There have been occasions where hay bales and silt fences were damaged but they were replaced timely. It has been a volume of water problem and it is because we are in this temporary flux of predevelopment and final construction. There was a breach of the swale on the Donnelly property which partially contributed to the fact there was a lot of debris in that swale that was damming water and preventing it from flowing freely. Mr. Madonna has cleaned that out. The breach in the swale still needs to be repaired, we have spoken a couple of times about that, and Mr. Cermele asked Mrs. Donnelly if she knew of a time line that can be given as to when it would be repaired. No reply was made by Mrs. Donnelly.

Mr. Adelman inquired if there were any financial damages to her property. Mrs. Donnelly stated nothing financially, only when the really heavy rain came the driveway was full of mud with the fresh dirt Mr. Madonna had brought on his site and it was all washed away by time anyone came to see it. There is a big ditch there at the one point and the water is still coming down there and it took all the rocks and is going towards the pond. There is a trail that is going down.

Mr. Madonna stated that there was no evidence of mud. Mrs. Donnelly stated that the mud washed away because it was raining so heavy. About three weeks ago, there was mud coming down into that pit there and overflowing onto the driveway and into the carport, you can still see the mud in the carport. The rain washed it away but there was definitely mud.

Mr. Adelman stated that he would like to avoid this from happening in the future, he was concerned about the fact that this happened in the first place, he inquired was it not foreseeable to make more robust fencing or whatever measures were necessary during the time of construction instead of when it was substantially complete. Mr. Cermele stated that the fences and hay bales will control silt and sediment; they are not designed to stop the flow of water or retain volume of water. The fences are designed to allow the water to go through it. This is why Mr. Madonna is required to build the pit and catchments to retain and hold the water at the top of the hill vs. letting it run down the hill. Mr. Adelman noted that sediment did make it through and was concerned that this was not anticipated and caused this neighbor distress. Mrs. Donnelly stated that she was lucky the water did not come towards the house and went towards the car port.

Mr. Madonna stated he would like to fix it tomorrow; can he grade this down and put the swale in? He was told that he was not allowed to touch that at this point.

Mr. Adelman asked what can be done. Mr. Cermele stated that as recent as Friday, the pit and the berm are completed. He thinks that will suffice. Mr. Alfonzetti stated that once the vegetation is planted that will help; the site is kind of bare at this point. Mr. Cermele stated he would like to see this entire bank mulched to provide some form of vegetation so that it will not be bare.

Mr. Adelman stated that he thinks what we are hearing is with all reasonable certainty they are attesting that they are taking measures so that this does not happen again and will do nothing but get better as construction proceeds. Mrs. Donnelly states that she hopes so. Mr. Cermele stated that this does not stop this evening, if adjustments need to be made, they will be. Mrs. Donnelly stated that she has been calling the Town Engineer every day for the past four weeks.

Mr. Adelman stated that the Town Engineer will stay on top of this and he confirmed with Mr. Madonna that he was clear on how to proceed and Mr. Madonna was clear on how to proceed. Mr. Adelman thanked Mrs. Donnelly for coming to the meeting and bringing this matter to the boards attention.

Discussions were had regarding the size of the home. Mr. Madonna noted he has two buyers at this point, one buyer for a 3,500 square feet and the other for 4,200 square feet. It was to his knowledge that he was not restricted or banned from building something over 3,500 square feet. If he wanted to build something over 3,500 square feet because he represented the houses would not be over 3,500 square feet he would then have to return to the Planning Board for site plan approval. Mr. Kaufman agreed.

Mr. Madonna stated that four out of the five houses are below 3,500 square feet, one is

constructed, one is sold and two are on their way. There is a request for the fifth house to be a little larger. If this approval is granted, he can't guarantee that it will be built that way because things change with contracts.

Mrs. Bongaarts inquired if the wetland buffer disturbance of 9,800 square feet will be increased if the size of the house is increased. Mr. Madonna stated the size of the buffer will not be increased if the house size is increased. In response to Ms. Bongaarts comment, Mr. Madonna stated that he would like to meet with the Conservation Board before putting together the mitigation plan.

In response to Ms. Bongaarts comment, Mr. Kaufman stated that Ms. Bongaarts was correct, the Planning Board cannot make a decision on this application until final comments are received from the Conservation Board.

In response to Mr. Baroni's comment, Mr. Kaufman stated that the original house location did not have the wetland buffer disturbance. The house is set back further and there is grading in the rear. There are some good site planning issues to consider this new house location because there is some good breathing room between the houses and it does go into the wetland buffer but by placing the fill, he is getting a better house site. This is a discussion between the Planning Board and Conservation Board about balancing those impacts. Yes you are going into the buffer a bit but you may get a better site plan out of it and those issues need to be weighed and discussed and whatever mitigation is determined that could be a benefit that needs to be explored. Mr. Madonna noted that he was supposed to be on the June 16, 2015 Conservation Board agenda to schedule a site walk; he was not sure what date came out of that meeting.

Discussions were had at this time regarding the size of the house. Mr. Kaufman stated that in regards to the size of the house, clearly we want to make sure this house is viewed from Cox Avenue and the neighborhood that we are not seeing an increase in the mass of the house. The design of the houses as they have been built really accentuates the mass of these houses, steeply pitched roofs at the maximum building height. Even the four houses built at 3,500 square feet are bulked up to look massive. He understands some comments from the neighborhood. It is very possible to design a house that is slightly larger but looks smaller than the other 3,500 square foot lots, that is definitely doable. The board should review the modified plan that appeared before the ARB and discuss the ARB's key points.

Mr. Madonna stated that the ARB was mainly concerned with the visual appearance in the front of the house that they all do not look the same. Mr. Madonna stated that this house is very comparable to the other houses in mass. The proposed extra bedroom will be located behind the garage.

In response to Mr. Adelman's comment, Mr. Madonna stated he had not shown the most recent plan to the Hendricks.

Mr. Carthy confirmed that the addition will be behind the house on the side of the

cemetery. Mr. Madonna agreed. Discussions of the roof pitch were had at this time. It was noted this would not impact the sewer system as this site has septic.

In response to Mrs. Donnelly's comment, Mr. Madonna stated there would be landscaping planted once construction is completed. The landscaping and mitigation plan may be intertwined; we won't know that until the site walk.

Mr. Pollack asked Mr. Madonna to show on the plan where Mrs. Donnelly's home and the Hendrick's home is in relation to this lot. Mr. Madonna complied.

Mr. Adelman suggested that Mr. Madonna reach out to the Hendricks and show them the proposed plan.

Mr. Madonna stated he is aware he has to go to the Conservation Board and has to work on the mitigation plan and the Planning Board would like to do a site walk.

Mr. Madonna was reminded that he was limited to what he can do on site as he has not received a wetlands permit yet and needs to stabilize the site and put in the temporary measures. Mr. Delano stated the applicant needs to do whatever needs to be done to prevent soil from leaving the site and stabilize the site. Mr. Madonna stated that he took care of it pretty well already.

Mr. Adelman summarized that the Conservation Board needs to do a site walk, the Planning Board needs a final recommendation from the Conservation Board and Mr. Madonna should reach out to the Hendricks with the house design.

Mr. Adelman asked for a motion to adjourn the public hearing. Mr. Delano made a motion to approve. It was second by Mr. Sauro and approved with five ayes.

## **CONTINUING BUSINESS:**

### **CIDER MILL, LLC**

#### **Amended Site Plan resolution**

#### **Section 2, Block 11, Lots 9-1 & 9-1A**

#### **Section 2, Block 15, Lot 1**

#### **Old Route 22**

#### **Mark P. Miller, Esq. Veneziano & Associates**

#### **Consideration of Release of Security for AFFH Units**

#### **Consideration of Release of Certificates of Occupancy**

Present for this application was Mark Miller, esq. Veneziano & Associates.

Mr. Adelman asked for a motion for a positive recommendation to the Town Board regarding release of the security bond of the AFFH units. Mr. Delano made a motion to approve. it was second by Mr. Sauro and approved with five ayes.

Mr. Adelman asked for a motion that a letter be sent to the Building Inspector regarding the release of the CO's. Mr. Delano made a motion to approve. It was second by Mr. Sauro and approved with five Ayes.

## **CVS**

**450 Main Street**

**Section 108.01 Block 6, Lots 22 & 27**

**Paul Vitaliano, PE, CPESC , VHB Inc.**

**Discussion regarding the relocation of utility pole and potential alternatives**

Present for this application was Paul Vitaliano.

Continued discussion was had regarding movement or not of the utility pole located at the southeast corner of the driveway entrance off of Maple Avenue.

Mr. Vitaliano stated that he has been working with Mr. Cermele and Mr. Cermele suggested shifting the driveway 4 ½ feet further away from the existing telephone pole. It was suggested that CVS install the sidewalk now along the driveway from CVS parking area to Maple Avenue. As easement will be needed from Mr. Stone, the neighboring property owner, in order for this to be accomplished. If this is acceptable to the board, an entrance to the Stone property will be eliminated from Maple avenue as it presently exists and a curb cut will be made to enter the stone property from the driveway between Maple Ave and CVS. CVS will also remove the dilapidated building at the rear of the site as well. If this is acceptable to the board, then this plan can be presented to Mr. Stone.

Mr. Adelman inquired about the drain in the parking lot that has sunken quite a bit. Mr. Cermele stated this problem happened over the winter with significant heaving; repairs were done but did not work. He has been in contact with the company Specific West regarding this matter to schedule another appointment. Mr. Vitaliano will stop by the site after the meeting to look at it.

Mr. Adelman stated that he has only received luke warm comments from the fire department regarding safe access to this site from Maple Avenue. He would like a totally non conditional fire commissioner letter saying that under every possible circumstance, fire or otherwise that they can get all of their conceivable equipment on site.

Prior to the meeting with the Fire Department, Mr. Delano asked that the curb details be provided on the plan and all the specifications of specific make, model, dimensions and technical information of the apparatus the fire dept. intends to send to this entrance. He thought they would have a pre plan on how they would attack several different types of fire calls and the information on those vehicles should be submitted. This information can be entered into an auto turn package and show the board the turning movements of each vehicle from the fire department. We can see this on a technical plan from a

technical expert prior to going to the fire department with this plan. Mr. Vitaliano stated that was done on the first go around and that can be done again. The dimensions were received, were run on the template and it worked. Since this was an existing driveway, the actual vehicles were taken out into the field and videos were taken of the actual apparatus turning into the site and the Fire Department said it was tough but we got in there and that is when the actual letter raised some concerns with curbing and signage. He reminded the board that the auto turn was done previously as was the field work. He also noted it will be done again as requested. He also noted that a bigger wider access exists off of Main Street.

Mr. Adelman noted that his end goal was an unequivocal letter from the fire commissioners. The last thing anyone wants to see is that there is some fire at CVS or anywhere in there and it burns to the ground because the appropriate apparatus could not access the site and everyone will wonder what people approved this situation in the first place. Mr. Vitaliano will be happy to sit down and have that conversation and this was submitted as a field change. The curbing details were put on the original plans that were approved back in 2013. Mr. Delano asked that they be put on this sheet that was just submitted to the board. Mr. Vitaliano stated that can be done.

Mr. Cermele reminded Mr. Vitaliano that when the template is run, to make sure the curb is not mountable during any of the tests.

Mr. Carthy asked Mr. Vitaliano to mark out the proposed side walk location. It was suggested that no entry or markings be placed on the Stone property at this time. The material proposed for the sidewalk is concrete which will match what is on that side of the street presently. No landscaping is proposed at this time, discussions of lighting in the driveway were had.

The board was in favor of this application as presented this evening.

Mr. Adelman asked for a motion to adjourn the meeting. Mr. Delano made a motion to adjourn, it was second by Mr. Sauro and approved with five Ayes. Meeting was adjourned at 9:30 p.m.