

DRAFT
TOWN OF POUND RIDGE PLANNING BOARD
MINUTES OF THE MEETING
Thursday, January 26, 2012

Board Members Present: *Clay Fowler, Chairman*
 John Bria
 Andrew Brodnick
 Peter Efremenko
 Judy Kennedy
 Steve Kushner
 Sam Mlynar

Also present: *Joe Barbagallo, Woodard & Curran*
 Michael Landler, Planning Consultant
 James Perry, Building Inspector
 Ali Boak, Town Board Liaison
 Karen Taft, Administrator
 Gail Jankus, Conservation Board Liaison

Adoption of Minutes from the meeting of December 22, 2011

Mr. Mlynar made a motion to adopt the minutes from the meeting of December 22, 2011 as amended, and Ms. Kennedy seconded the motion. All Board members voted in favor.

Wong, 241 Stone Hill Road, Block 9817, Lot 7.2. Application for residential site plan review to construct a screened porch and mudroom addition to the existing residence that would exceed the maximum lot coverage threshold for an R-3A zoning district. The property consists of 5.74 acres.

Previous meeting dates: 12/22/11

Board walked property: 01/07/12

Board members had walked the property. Mr. Mlynar said that the addition is in a location where he didn't believe the neighbors would be impacted. He said that it seemed to be relatively innocuous.

Mr. Liam Winters, architect, was present at the meeting. He explained that the driveway is the main issue that puts them over the coverage threshold.

Board members said there was no problem with the request. By consensus, a resolution of approval will be prepared for the next meeting.

Oceanus Navigation Corp., Rolling Meadow Lane and High Ridge Road, Block 9320, Lots 13 & 83. Decision on application for preliminary approval for a proposed conservation/cluster subdivision of a 105.68 acre parcel into 15 proposed lots (12 residential, 2 open space parcels and one storm water parcel. There are two existing residences on the property. The property is located in an R-2A and R-1A zoning district.

Previous meeting dates: Informal hearings on 06/24/10, 09/23/10, 12/09/10

Board walked property: 04/12/11, 04/30/11

Hearings on: 01/27/11, 02/24/11, 04/26/11, 05/26/11, 06/23/11, 09/22/11, 10/27/11

Public hearing on preliminary opened: 09/22/11

Public hearing on preliminary closed: 10/27/11

Extension of time granted for decision to Jan.31, 2012: 11/17/11

Mr. Jim Ryan, John Meyer Consulting, and Ms. Ruth Roth, Cuddy & Feder, were present before the Board. Mr. Ryan stated that they had been before the Town Board with regard to the granting of authorization to the Planning Board for decision on the conservation subdivision application.

Mr. Ryan said there was one item that he wanted to bring to the Board's attention concerning a 10' wide connection between the conservation area on Lot 5 and the 11-acre open space parcel (Lot 4). He distributed copies of the plan and said that it will be reflected in the resolution. Another item concerned the fire tank. Mr. Ray Clark, Pound Ridge Fire District, had pointed out that the tank was not in the correct location. Mr. Ryan will meet with Mr. Clark and revise the plan for distribution to the Planning Board.

Ms. Ruth Roth said there are two important issues relating to open space as mentioned in the recommendation from the Planning Board to the Town Board dated November 10, 2011. Ms. Roth said that the first issue pertained to the request for a reservation on Lot 4 for a potential telecommunication cell tower. Ms. Roth said that it was an issue for consideration at the onset of the subdivision application. She said there was tremendous opposition by residents in the area, there was never an evaluation of how access could be achieved to get to the site and the amount of disturbance on the environmentally sensitive areas of the site was a concern. In addition, there was never an evaluation by T-Mobile and/or AT&T that this site could service the area in terms of their technology. Ms. Roth said that another site was considered and approved in Scotts Corners to accommodate the cell tower. She said that to include this site as a potential tower location becomes a cloud on the marketability of this site in the future.

Mr. Fowler said that he understood the marketability aspect. The lot will be dedicated as open space. He said that the easement is a requirement, and Ms. Roth's concern was that the Planning Board's recommendation to the Town Board had the words "potential site". Mr. Fowler said that they would not rescind that statement. Ms. Roth asked that it not be a condition of the terms in the resolution. Mr. Fowler said that it is open space, and they don't have to make that a condition.

Mr. Efremenko said that the Town never determined that the Oceanus property was not a feasible site. Mr. Brodnick said that if a condition were placed in the resolution for a possible cell tower, and Oceanus remains the owner of the open space parcel, you can't force them to put a cell tower on the property. Ms. Roth said that the parcel will remain in private property.

Mr. Santo Borsellino said that his major concern with the ambulance corps site was because it left the door open for another tower within close proximity. He asked if the deed restriction could restrict any public service. Ms. Roth said that any deed restriction is subject to the Town Attorney's approval.

Ms. Roth stated that all the open space on the property, totaling approximately 50 acres, will have a restrictive covenant with the Town as third party beneficiary. They were concerned that opening public access to the land would create liability and exposure issues. Ms. Roth said that they are open to discuss a possible conveyance in the future with an entity who would take over that responsibility.

Mr. Barbagallo noted that a condition of the Town Board was to provide connectivity in the form of an easement. Mr. Mlynar questioned if 10' was enough space.

Mr. Landler will draft a resolution for preliminary approval for the next meeting. Ms. Roth agreed to another extension of time and will issue a memo to Ms. Taft.

Brountas, 6 Fancher Road, Block 9820, Lot 3. Application for residential site plan review to construct a 285 sq. ft. unheated kid's play cabin on the property that would exceed the maximum building and lot coverage thresholds for an R-2A zoning district. The property consists of 7.946 acres.

Previous meeting dates: New application

Mr. Ian Ashby, architect for the applicant, explained that the application was for a proposed kid's play cabin. He said that the existing lot coverage was already exceeded prior to the additional coverage. Mr. Ashby addressed the comments by the consultant. He said that they allowed approximately 400 sq. ft. for construction activity, and the cabin is approximately 285 sq. ft. The dimensions are 15' x 19'.

Mr. Ashby said that since the cabin is within the 100' DEC buffer, they will consider moving it 10 feet so that it is not within the buffer area. The cabin will be built on six piers, which will be constructed by hand. Any disruption to the site will be minimal.

Mr. Ashby said that the Water Control Commission requested that trees not be removed, and that the structure be removed when the youngsters come of age. Mr. Perry said that the Commission asked that the cabin be removed in 10 years. Mr. Mlynar noted that the cabin will not be heated. He asked if there are any improvements proposed for inside the structure. Mr. Ashby said there is no plumbing, but they proposed to install two light fixtures and one outlet.

Mr. Landler noted that the lot coverage is already double the maximum threshold. Mr. Kushner asked if the driveway was the factor that put them over. Mr. Fowler calculated that they would not be over the maximum lot coverage without the driveway.

Ms. Kennedy commented that the property contained a lot of down lights along the driveway. Board members decided to walk the property after initially feeling that a walk would not be necessary.

Mr. Perry noted that the chief concern of the Water Control Commission was the potential for future conversion of the structure. Since it is close to the wetlands, they were concerned of possible conversion to an apartment.

Levine, 264 Salem Road, Block 10047, Lot 67.1. Application for residential site plan review to construct an inground pool, terrace, pool equipment and subsurface stormwater mitigation system for runoff and pool drawdown that would exceed the maximum lot coverage threshold for an R-2A zoning district. The property consists of 2.073 acres.

Previous meeting dates: New application

Mr. Peter Gregory, architect, Keane Coppelman, explained to the Board that they proposed to construct an 18' x 40' inground swimming pool. Locating the pool was constrained by their septic system and the rear setback requirement.

Mr. Gregory said that accessing the construction site via the driveway will minimize the disturbance. He said that there will be approximately 13,000 sq. ft. of disturbance. Trees to be removed are indicated on the plan. Mr. Gregory estimated that 5 or 6 trees will be removed.

Mr. Gregory presented an aerial photograph. The driveway is on the southern side of the property, accessing to the rear of the property. The buffers along the property lines would remain intact.

Mr. Frank Chiarello, 266 Salem Road, said that he had no objection to the pool, but did have concerns with the visual impact. He presented some photographs of his property as well as the Levine's property. Mr. Chiarello noted the position of the proposed pool. He said that the trees that are to be removed would eliminate a substantial buffer. Mr. Chiarello requested that one tree in particular remain. There is an area of high pines on the applicant's property, and he requested that additional trees be planted of similar height and quality. Mr. Chiarello said that the trees would also provide a sound buffer.

Mr. Chiarello said that there is an existing utility easement of approximately 30 feet wide that runs along the property line. He asked for assurance that the area be respected during construction because of underground wiring.

Mr. Chiarello said that there is some ponding in the area of the pool. There is a substantial amount of runoff onto his property. He had installed a swale of over 300 feet, 2-4 feet deep and a dry rock bed to alleviate the problem.

Mr. Frank Harrison, 105 Park View Road, said that his property is just below the Levine's property. He said that prior to the current ownership of the property at 264 Salem Road, his basement flooded and he sustained approximately \$15,000 in damage. Mr. Bria said that the application is not pertinent to the drainage problem.

Mr. Barbagallo said that he had coordinated with Mr. Harrison previously concerning the drainage and asked the current situation given all the rain. Mr. Harrison said that he had a tremendous amount of water from the past two storms and had to install

a swale half way up the hill. Mr. Fowler said that they will have to visit the site to understand the situation. Mr. Barbagallo said that the problem was from a pipe discharge running through the stone wall onto Mr. Harrison's property. He said that Mr. Harrison was concerned that more water would be put into the system as the property is developed. Mr. Barbagallo said that upon visiting the property, he wanted to be sure that the level spreader that was installed was still functioning. Mr. Perry said that the property is downhill. The swale was designed so the water comes down in sheets. Mr. Fowler agreed with Mr. Bria in that the drainage is a separate issue. Mr. Barbagallo asked Mr. Gregory to see if there are opportunities to make the situation better.

Mr. Kushner was concerned with the property being over the maximum coverage. Since the property is already over the threshold, he felt that consideration should be made to not allow additional coverage. Mr. Kushner noted that the coverage applications that come to the Planning Board are more and more prevalent. He said that there are lots where a pool doesn't fit. Mr. Perry explained that the intention of the law was to drive the applicant to the Planning Board for the purpose of mitigation for neighbors and buffering. He said that the maximum coverage of a lot is 10% of the total lot.

Mr. Fowler said that there are some engineering issues to be resolved. There is a large front lawn that could possibly be utilized as an alternative location for the pool. Mr. Fowler asked Mr. Gregory to indicate the adjoining neighbors on the plan. Mr. Mlynar requested that Mr. Barbagallo walk the property with the Board members.

The Board will walk the property on Saturday, January 28th. Mr. Harrison and Mr. Chiarello will join them.

Brokaw, 43 South Bedford Road, Block 9452, Lot 12. Request for an additional two-month extension of site plan approval to April 9, 2012 for an accessory apartment located over the detached three-car garage on the property.

Residential site plan approval: 12/09/10 (to 12/09/11)

Two-month extension of approval granted: 11/17/11 (to 02/09/12)

Mr. Brodnick made a motion to grant an additional two-month extension of site plan approval to April 9, 2012, and Mr. Bria seconded the motion. All Board members voted in favor.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Karen B. Taft, Administrator
Planning Board