

DRAFT
TOWN OF POUND RIDGE PLANNING BOARD
MINUTES OF THE MEETING
Thursday, March 22, 2012

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

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

Absent: *Judy Kennedy*

Adoption of Minutes from the meeting of February 23, 2012

Mr. Efremenko made a motion to approve the minutes from the meeting of February 23, 2012 as amended, and Mr. Bria seconded. All Board members present voted in favor.

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, 01/26/12, 02/23/12
 Public hearing on preliminary opened: 09/22/11 Public hearing on preliminary closed: 10/27/11
 Extension of time granted for decision: 11/17/11, 01/26/12, 02/23/12

Mr. Fowler said that this item had been taken off the agenda. Instead, they were given a two week extension by the applicant, and a meeting is planned for next week to discuss the use of the open space lots. Ms. Taft said that she hadn't received any correspondence relating to the two week extension, but heard of the extension from a phone call from Mr. Jim Sullivan, Town Attorney.

Mr. Fowler asked the Board members what they would like to see on the open space lots. He said that at last month's meeting, there seemed to some changes on the part of the applicant as to what they were proposing to do with the open space Lots 4 and 15.

Mr. Efremenko reiterated that Mr. Fowler was more concerned with walking trails on Lot 15 and not Lot 4. Mr. Fowler replied that he was more concerned that there be walking trails on Lot 15 than a future public purpose of Lot 4. Mr. Efremenko said that it

is fundamental that walking trails be part of open space. He said that consideration of a future cell tower on Lot 4 is not realistic since one is being erected on the Ambulance Corps property. Mr. Efremenko said that it was understood clearly through the application process that there would be public access on Lot 15. Mr. Fowler said that was the purpose of the walk.

Mr. Brodnick said that he reviewed the minutes going back to the informal presentations and through the entire application process. It had been noted by the applicant consistently at all of the meetings held last year that there would be public access. Mr. Brodnick said that by changing their application, the Board should not feel obligated to have this aspect pulled away that was on the table from the beginning. If they now say there will not be public access, it is a different application.

Mr. Brodnick said that the open space was a key element of why they granted the conservation subdivision. He said that open space is open to the public, not restricted. If the applicant feels that this is a critical issue, then they should withdraw their application and either revise it, start over, or amend what was submitted to them. He said that the applicant should not expect the Board to cave in on the last minute request that no public access be allowed.

Mr. Brodnick researched Ms. Roth's statement that the applicant would be faced with liability if public access were allowed on the open space parcel. He said that according to Mc Kinney's General Obligations Law, Article 9, Title 1, Section 9-103, if an owner of a property makes his land available for recreational purposes, this provision of the New York law provides they will not face any liability.

Mr. Kushner agreed with what was said by Mr. Efremenko and Mr. Brodnick. He did not think that the applicant was straightforward with the Board. Mr. Kushner was further troubled by the fact that there is a two week extension that puts the onus on the Board. He didn't understand why they had to cater to their schedule. Mr. Kushner said there was no written communication, even an e-mail, confirming the two week extension, nor is there counsel for the Board to assure that there is such an extension. He moved that they deny the application, because they are out of time. Ms. Taft stated that Mr. Sullivan had told her in a phone conversation that there is a two week extension. Mr. Fowler said that to protect the Board, they could deny the application without prejudice. Mr. Mlynar asked if they had to accept the extension. Mr. Fowler said that they didn't. Mr. Mlynar seconded the motion.

Mr. Fowler stated that there was a motion to deny the Oceanus Navigation application for preliminary cluster subdivision without prejudice, and it was seconded. He asked if there was any further discussion. Mr. Kushner said that he was comfortable denying the application without prejudice, because he was not looking for a final denial. Mr. Fowler was quite certain that they could re-establish it. Votes to deny were as follows:

John Bria – recused
Steve Kushner – aye
Peter Efremenko – aye
Judy Kennedy – absent

Andrew Brodnick - aye
Clay Fowler - aye
Sam Mlynar – aye

Mr. Fowler requested that Ms. Taft deliver the decision to those who will be attending the meeting on Wednesday, March 28th at 5:30 p.m.

Mr. Bria said that this would have been a nice time to have an attorney representing the Planning Board.

Public Hearing:

London, 82 Pound Ridge Road, Block 9452, Lot 80. Application for a two lot subdivision of a 14.053 acre property. Lot 80.1 will consist of 5.078 acres and contain an existing cottage. Lot 80.2 will consist of 8.975 acres and contain an existing residence and cottage. Further development of the property is not proposed. The property is in an R-3A zoning district.

Previous meeting dates: Informal hearings: 09/22/11, 11/17/11; Formal hearing: 02/23/12

Board walked property: 10/01/11

Mr. Fowler opened the public hearing for London for a two lot subdivision on 82 Pound Ridge Road. Mr. Michael Campbell explained that the parcel is an existing 14 acre estate proposed to be divided into two lots for estate purposes only. He noted that there is no further development proposed for the property. There is an existing house and a cottage on one of the lots. The other lot contains a cottage with three bedrooms. Mr. Campbell said that there are two driveways on the property, and utilities are located on the individual lots.

Mr. Barbagallo said there is one outstanding condition. The Health Department requires that they demonstrate that there is an expansion area for the septic. He said that we will need that approval.

Mr. Landler noted that the second dwelling should be registered with the Building Department.

Mr. Efremenko made a motion to close the public hearing, and Mr. Brodnick seconded. All Board members present voted in favor.

A resolution will be prepared for the next meeting. The plan will be revised according to the Assessor's comments.

Brountas, 6 Fancher Road, Block 9820, Lot 3. Review and ratification of Resolution of Approval for residential site plan 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: 01/26/12, 02/23/12

Board walked property: 01/28/12

Mr. Barbagallo noted that the majority of his comments had been addressed. A couple of infrastructure details need to be added.

Mr. Brodnick made a motion to approve the resolution, and Mr. Bria seconded the motion. All Board members present voted in favor.

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: 01/26/12

Board walked property: 01/28/12

Mr. Peter Gregory, architect with the firm Keane Coppelman, appeared before the Board. A resolution of approval had been prepared by Mr. Landler. Mr. Gregory said that the pool had been moved approximately 30 feet to the south, and they were able to preserve the three trees to the north. He said there were some items to address concerning the stormwater pollution prevention plan.

Mr. Gregory demonstrated the drainage and indicated the location of the swales to Mr. Frank Chiarello, neighboring property owner at 266 Salem Road.

Mr. Brodnick made a motion to approve the resolution, and Mr. Bria seconded the motion. All Board members present voted in favor.

Goldblum, 20 Miller Road, Block 9318, Lot 1.33. Application for residential site plan review to construct an inground pool and spa and associated patio, walks, retaining wall and sitting wall that would exceed the maximum lot coverage threshold for an R-3A zoning district. The property consists of 4.552 acres.

Previous meeting dates: 02/23/12

Board walked property: 03/03/12

Mr. Ken Thompson, Bedford Poolscares, and Mr. and Ms. Goldblum were present at the meeting. Mr. Fowler recused himself from the application. Mr. Kushner disclosed that his son and the Goldblum's son are friends, and Bedford Poolscares built his pool. He did not feel it was a reason to recuse himself.

Mr. Thompson noted that the project has no impact on the neighbors behind the pool. He presented a revised site plan that indicated removing a patio that did not serve a function adjacent to the pool, and using that square footage to create a wider access way to the pool. With this revised plan, there is no change in the threshold calculations. Mr. Thompson said that it is just a rearrangement of space. He realized that the proper drainage calculations have to be submitted to Mr. Barbagallo. Mr. Thompson said that the two trees to be removed are indicated on the original plan.

Mr. Mlynar asked about the fencing around the pool. He wondered if the sitting wall would qualify as a border in that area. Mr. Thompson said that a fence will be placed either on top or directly behind the wall. Mr. Perry said that you can't stand on anything that diminishes the required height of the fence.

Mr. Barbagallo noted in his comment #10 that the site plan must be signed by a professional. He did not believe that the Board should move forward until the signed and sealed document is received. Mr. Thompson said that in order to complete the site plan, there are a number of requirements including the calculations on the cultec, the correct calculations of the engineering on the wall, and the calculation of disturbed area. He thought that once all the technicalities are approved, they would submit the engineering documents with the proper seal covering all the required details. Mr. Barbagallo said that

the issues could be resolved within the next month, and the applicant could get approval next month.

Mr. Bria said that technically the plans are not legitimate because the person who did the original survey hasn't given approval for the site plan to be put on top of his work. Mr. Kushner said that the site plan requirement is to approve a plan that is signed and sealed by a licensed professional. Mr. Thompson said that the complete plan has to be approved by the engineer with all details. At that time, it will be signed and sealed.

It was agreed that the applicant will return to the Board next month for approval after the site plan is signed and sealed by the engineer.

Cordiano, 21 Waterbury Way, Block 9317, Lot 17.2. Application for residential site plan review to construct a cabana/poolhouse on the property that would exceed the maximum building and lot coverage thresholds for an R-3A zoning district. The property consists of 5.75 acres.

Previous meeting dates: New application

Mr. Fowler recused himself from the application, but noted that he has no objections. Mr. James Best, architect, represented the Cordianos. The proposal was for a small pool house, approximately 235 sq. ft., behind the main residence. In addition, a slightly larger patio is proposed.

Mr. Best said that he has made an application to the Water Control Commission. Since they don't have a meeting this month, they will appear in April. Mr. Best presented photographs of the pool area. The pool house will contain a half bath, a dressing area and an outdoor shower. In the back, the ground slopes downward, so they proposed a small storage room. Mr. Best said that the disturbance to the property is minor. There is an existing septic by the house on the hill and according to the Health Department, they would be able to install a sewage ejector to pump from the pool house bathroom up to the tank. Water, electric and propane are in place, and they will tap off of that.

Mr. Bria said that they had received a note from Paul Zofnass who was concerned about the view from the Westchester Wilderness Walk. Mr. Best said the pool house is centered on the property. Mr. Mlynar said that they will look at it on the site walk. Mr. Perry said that the house would be the only structure that would be seen from the Wilderness Walk.

Mr. Barbagallo asked if Mr. Best had coordinated with the DEC. Mr. Best said that they had received preliminary approval from them.

Board members will walk the property.

Rooney, 234 Westchester Ave., Block 9818, Lot 19.1. Application for residential site plan review as required by Section 113-43 of the Pound Ridge Zoning Code pertaining to the LNG zoning district to construct a proposed addition to an existing barn, proposed underground storage area with connection to barn addition and driveway improvements. The property consists of 2.353 acres.

Previous meeting dates: New application

ZBA granted 23' rear variance for barn addition: 02/15/12

Mr. Keith Simpson, Landscape Architect, was present on behalf of his client. He explained that the property was part of the Pound Ridge Nursery property. Mr. Simpson had received approval from the Zoning Board of Appeals for a 23' rear variance to construct the barn addition. He demonstrated the distance from the neighboring structures to the barn. In addition, Mr. Simpson explained that an underground storage room and connection underground from the house to the barn is proposed.

Mr. Barbagallo questioned the amount of rock on the property. Mr. Simpson will get more information on the underground. Mr. Fowler said that he would like to walk the property. He asked what will be in the barn. Mr. Simpson said that it will house cars. Mr. Fowler said that the barn itself is not an issue.

Mr. Simpson said that they will appear before the Water Control Commission for a permit to replace a culvert that had collapsed under the driveway.

Board members will walk the property.

Pound Ridge Community Partnership, Inc., P. O. Box 402, Pound Ridge, NY, for property located at 70 & 72 Westchester Avenue. Application for commercial site plan review to install a courtyard between the two properties consisting of stone sitting wall, brick pavers and plantings. Referral from Town Board.

Previous meeting dates: New application

Mr. Louis Fusco, Landscape Architect, and Mr. James Best, Architect, were present before the Board. Mr. Best explained that the Pound Ridge Partnership is a group of citizens, homeowners, business owners, and residents formed to promote the business district in Pound Ridge. The Partnership is interested in beautifying the area, and the particular property between 70 and 72 Westchester Avenue stood out. Mr. Fusco presented photographs of the area. There is an existing gravel path through the alley that ties into an asphalt path. The green space is a mixture of overgrown shrubs and unsightly storage behind the building.

Mr. Best said that he had approached the two business owners, and got their approval to present a plan to the Town. The area will provide a passageway from the parking lot in the back to the stores along Westchester Avenue. He said that their intention was to match the area that is between DiNardo's and Blind Charlie's.

Mr. Fowler said that this proposal is being received warmly. Mr. Best said that they had presented their plan to the Town Board, and they are open to it. Mr. Best said that their services are volunteered. Ms. Boak said that if the Partnership had to pay for the renovation of the area, it would cost approximately \$45,000. Given the contributions and volunteer services, the cost is down to \$5,000 which primarily is for the cost of shrubs and flowers. Mr. Bria asked if the property owners were contributing. Mr. Best said that at this point, they are not. Mr. Bria commended the Partnership for the project.

Mr. Fowler said that the biggest concern would be the drainage. Mr. Fusco said that the primary focus is to start on the first phase of the project. He indicated the location of silt fencing, erosion control details, and a retaining wall. Regarding drainage, Mr. Fusco proposed yard drains that would tie into the existing catch basin.

Mr. Best hoped that the project would be completed by May 20th. Mr. Fowler said that the Partnership will find a way to maintain the area. Mr. Bria asked about the watering. Mr. Best said that the Partnership and volunteers will water the garden.

Mr. Fowler moved to approve the plans dated, revised March 22, 2012 and recommend approval to the Town Board. Mr. Bria seconded, and all Board members present voted in favor.

Mr. Best asked what would be needed for Phase 2. Mr. Fowler directed Mr. Best to come back to the Board with a plan when they are ready.

Informal Hearing:

Kassis, 496 Long Ridge Rd., Block 9031, Lot 172. Discussion concerning location of proposed pool.

Mr. Sabri Barisser, Bibbo Associates and Mr. Dan Horowitz, Apache Design Build, were present at the meeting. Mr. Barisser said that they are proposing a swimming pool, patio, retaining wall and landscaping. He indicated an existing wetland, septic system, driveway, and residence. The shading on the plan indicated steep slopes.

Mr. Barisser had requested an informal hearing to discuss the location of the pool. He said that there are some minor steep slopes in the preferred location. The other alternative for locating the pool is within the wetland setback area.

Mr. Perry said that the house is about five years old. He noted that the slopes are not created slopes. Mr. Perry said that this is an example of why the steep slopes ordinance was revised. Mr. Barbagallo suggesting moving the location of the pool to get below the steep slopes thresholds. Mr. Perry noted that the proposed pool is very large, and a very large patio is proposed as well. He said that there are other options.

Mr. Kushner asked about the coverage on the property. Mr. Barisser said there is 9,183 sq. ft. existing. Including the pool on the property would create an additional 3,336 sq. ft. They would be over the threshold by 509 sq. ft. Mr. Fowler thought that the coverage issue could be alleviated by decreasing the size of the pool. He suggested that Mr. Barisser work with Mr. Barbagallo to see how it could be done.

Mr. Fowler said that the Board will walk the property. He directed Mr. Barisser to flag the area of the pool and patio. Mr. Barbagallo suggested that the alternative location be staked as well.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Karen B. Taft, Administrator
Planning Board