

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

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

Also present: *Jim Perry, Building Inspector*
 Joe Barbagallo, Woodard & Curran
 Joseph Eriole, Esq., Counsel
 Karen Taft, Administrator
 Ali Boak, Town Board Liaison
 Carol Sherwood, Conservation Board Liaison

Absent: *Andrew Brodnick*
 Judy Kennedy

The meeting commenced at 7:30 p.m.

Mr. Mlynar began chairing the meeting until the arrival of Mr. Fowler. Absent a quorum at the beginning of the meeting, Mr. Mlynar began the meeting with the Cordiano application. Mr. Fowler arrived to chair the remaining applications that evening.

Adoption of Minutes from the meeting of March 22, 2012

Mr. Efremenko made a motion to adopt the minutes from the meeting of March 22, 2012, and Mr. Mlynar seconded the motion. All Board members present voted in favor.

Adoption of Minutes from the meeting of April 12, 2012

Mr. Mlynar made a motion to adopt the minutes from the meeting of April 12, 2012, as amended, and Mr. Efremenko seconded the motion. All Board members present voted in favor with the exception of Mr. Bria who had recused himself, and was not present at the April 12, 2012 meeting.

Goldblum, 20 Miller Road, Block 9318, Lot 1.33. Review and ratification of Resolution of Approval for residential site plan 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.

Mr. Fowler had previously recused himself from the application, and Mr. Efremenko arrived at the meeting around 8:30 p.m. which provided a quorum for approval of the application.

Mr. Ken Thompson, Bedford Poolscares, and Mr. Goldblum were present at the meeting. Mr. Thompson said that they secured the appropriate stamp on the drawing, and the plan was verified by Mr. Barbagallo. The documents requested by Mr. Barbagallo for the engineering on the wall were also supplied by Mr. Thompson.

Mr. Barbagallo said that all his comments had been addressed. The only item remaining is that there be a condition that prior to issuance of a C of O, that the design engineer for the walls submit a report stating that the walls were built in accordance with the design. Mr. Thompson had submitted a letter to Ms. Taft from Mr. Robert Richardson dated April 19, 2012 stating that he will be performing structural reviews of the walls.

Mr. Efremenko made a motion to approve the resolution of approval, and Mr. Kushner seconded the motion. All Board members present voted in favor with the exception of Mr. Fowler who had recused himself.

US Summit/Eastwoods, LLC (Pound Ridge Golf Club). Request for \$25,000 reduction of construction bond currently held by the Town in the amount of \$50,000, as recommended by the NYS DOT. The Town will continue to hold \$25,000 to insure completion of the drainage work.

Mr. Kushner made a motion to recommend to the Town Board that the bond currently held by the Town in the amount of \$50,000 be reduced to \$25,000. Mr. Bria seconded the motion, and Board members Mr. Kushner, Mr. Bria, Mr. Fowler and Mr. Mlynar voted in favor.

London, 82 Pound Ridge Road, Block 9452, Lot 80. Review and ratification of Resolution of Approval for preliminary and final approval for a two lot subdivision of a 14.053 acre property. Lot 80.2 will consist of 5.078 acres and contain an existing cottage. Lot 80.1 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 hearings: 02/23/12, 03/22/12

Public hearing opened and closed: 03/22/12

Board walked property: 10/01/11

Mr. Barbagallo said that the applicant needs to provide documentation from the County Health Department that they can demonstrate the addition of a septic expansion area. Mr. Bria made a motion to approve the resolution for preliminary and final subdivision approval, and Mr. Kushner seconded the motion. Board members Mr. Bria, Mr. Kushner, Mr. Fowler, and Mr. Mlynar voted in favor.

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: 03/22/12

Board walked property: 04/12/12

Mr. James Best, architect for the applicant, appeared before the Board. He explained that the application was for approval to construct a small pool house consisting of a dressing area, bathroom and an outdoor shower. A small storage area will be below the pool house off of an existing terrace around the swimming pool.

Mr. Best had made some changes on the plans which addressed Mr. Barbagallo's comments. He submitted the revised EAF to the Planning Office and specifications on the pump. Mr. Barbagallo asked if he had coordinated with the County Health Department. Mr. Best said that he hadn't filed an application, but had spoken to Mr. Tony Kunny. Mr. Kunny said that a 2" line from the sump to the tank would be required in order to pump the sewage from the pool house bathroom to the existing septic tank.

Mr. Best said that he had appeared before the Water Control Commission, and has been working with them. Mr. Perry said that they have indicated approval, but are working on details.

Mr. Mlynar asked the size of the proposed structure. Mr. Best said that the proposed building is a 235 sq. ft. footprint.

Mr. Best distributed a revised plan. Mr. Barbagallo said that he had not reviewed the plan that was addressing his comments relative to an excavation stockpile location and some other stormwater details. Mr. Best said that those items are on the new plan.

Mr. Mlynar said that a resolution of approval will be prepared for the next meeting, unless something untoward happens. Mr. Bria questioned what that something untoward would be. Mr. Eriele explained that it was said because nothing is certain until it's done. He said that this is the ordinary practice of the Board to ask for a written resolution that reflects their decision.

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, a proposed pool and driveway improvements. The property consists of 2.353 acres.

Previous meeting dates: 03/22/12

Board walked property: 04/12/12

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

Mr. Keith Simpson, Landscape Architect, and Mr. Michael Rooney were present before the Board. Mr. Barbagallo had issued comments to the applicant including a stormwater requirement indicating the level of disturbance. He asked that the new utilities be identified on the plan. Mr. Barbagallo noted that the proposed tunnel was removed. Mr. Simpson said that the underground storage area and addition to the garage/barn are still proposed. In addition, a new pool is proposed.

Mr. Simpson said there are no new utilities required for the addition since they are existing for the barn. Mr. Barbagallo said that another item that is required are the calculations that support the draw down of the pool. In terms of the underground utilities, the Water Control Commission approved the installation of utilities on the edge of the

driveway. Also, two culverts will be replaced under the driveway. Water Control said that the applicant could commence construction immediately.

A resolution of approval will be prepared for the following meeting. It will be subject to Mr. Barbagallo's requirements. Mr. Fowler did not think it was necessary to delineate the wetlands. Mr. Perry said that they were delineated in the front of the property only.

Mr. Kushner confirmed that the proposed underground tunnel area is removed from the application. Mr. Simpson said that they did testing in the area of the storage room. He said there is broken rock, but no bedrock is in the area. Mr. Perry said that the pool will be where the tunnel was proposed to go.

Vogelstein, 227 Honey Hollow Road, Block 10526, Lots 4.9 and 7. Application for a proposed lot line change of 51.1 acres reconfigured to create Block 10526, Lot 4.9-1 that would consist of 33.8 acres and Lot 4.9-2 that would consist of 17.3 acres located in the R-3A zoning district. The application involves improvement to the existing driveway from Honey Hollow Road and stormwater improvements to provide access to the existing dwelling. The application will not create new building lots.

Previous meeting dates: Informal hearing: 02/23/12

Board walked property: 03/03/12

Mr. David Sessions, Kellard Sessions Consulting, was present before the Board. He reiterated that they had presented a sketch plan in an informal hearing for the proposed two-lot subdivision. They met with Mr. Barbagallo in the field to discuss stormwater. Mr. Sessions said that they proposed subdividing the parcel into two lots. The purpose of the lot line change is for purposes of selling.

Mr. Sessions said that there is an existing residence that is accessed via an existing driveway through Lewisboro. Their intention was to subdivide the property to allow access to the residence on the Pound Ridge side of the property by an existing driveway off of Honey Hollow Road. Mr. Sessions said that the existing driveway is steep in some sections, not paved and is washing out in some sections. They did an analysis as to what sort of slope disturbance would occur if they improved the driveway to Town standards. The analysis indicated that there would be significant disturbance to slopes 35% or greater. Mr. Sessions and Mr. Barbagallo came to a solution whereby they would widen the driveway, pave the steeper sections and conduct some stormwater improvements as well. Mr. Sessions had submitted the SWPPP, along with a grading plan for the driveway and stormwater improvements.

Mr. Sessions said that there is an existing house located close to the driveway. Presently, stormwater is conveyed to the front of that house. Their main objective was to alleviate the drainage condition through cut off swales to collect water draining downhill from about 6 acres. They are proposing to create two cut off swales so that 1½ acres of stormwater would be collected in a grass swale and conveyed in another direction that would be discharged in a diversion swale and then discharged indirectly toward an existing wetland. Mr. Sessions said that this plan will significantly reduce the stormwater that drains in front of the house by the driveway. The driveway will be widened and side swales will be installed.

Mr. Sessions said that the SWPPP was submitted. He said that the important component to the application is the driveway because of the erosion and rutting that is happening on the gravel driveway and the flows to the house.

Mr. Barbagallo said that one item that needs to be addressed is water quality. The quantity aspect is being addressed. Mr. Mlynar said that they had gotten very little insight from their previous walks. He said that the Board needs someone on site for an explanation. Mr. Barbagallo suggested that he walk the property with the Board.

Mr. Perry was concerned with controlling the materials used on the driveway going forward. He said that it should be made clear for the future that if this will be a mixed surface driveway, there should be a better method of control. Mr. Perry mentioned an incident that had occurred on Upper Shad Road. Mr. Barbagallo said in that instance, there was a covenant that was to go with the property that the road was not to be paved. The new homeowner on Upper Shad Road paved the road anyway. Mr. Barbagallo said that one solution would be to require an evaluation as if the driveway were to be fully paved, and the applicant accomplish the stormwater accordingly. He asked Mr. Sessions if he would be agreeable to designing the drainage for the possibility that it would be completely paved in the future.

Mr. Barbagallo and Mr. Sessions will meet at the site as a preliminary meeting, and a site walk with the Board will be scheduled for the week of May 7th.

Mr. Anthony Marcogliese, 231 Honey Hollow Road, said that his basement floods and didn't know where the water comes from. Mr. Sessions said that they are not diverting any existing stormwater in their direction, and it would be directed in the opposite direction. Mr. Sessions told Mr. Marcogliese that the applicant would be re-grading the driveway and there would be less overland water.

Ms. Carrie Delahanty, 238 Honey Hollow Road, was also concerned with the drainage, and reviewed the plans.

Mr. Sessions said that in essence, they are creating a non-conforming lot that will consist of 17.3 acres. The lot will not have frontage in Pound Ridge. He said that the applicant is willing to restrict this lot from any residence in perpetuity. Mr. Sessions said that in the event that the owner of the farm (accessed from Lewisboro) wants to put a structure on the property relative to the agricultural use of the property, this use should not be restricted.

Mr. Eriole said that the code would allow an accessory structure on the lot that is incidental to the existing residential structure, provided that it is not a principal use. He said that there is probably similar language in the Lewisboro code. Mr. Barbagallo asked Mr. Sessions to propose language pertaining to the restriction.

A public hearing will be scheduled for next month.

Informal Hearings:

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

Previous meeting dates: 03/22/12 (informal)

Board walked property: 04/12/12

Mr. Sabri Barisser, Bibbo Associates, was present on behalf of the applicant. The Board had walked the property on April 12th. He asked for clarification as to the Board's evaluation of the proposed pool location. Mr. Barbagallo said that he and Mr. Barisser should meet to discuss the steep slopes that exist in the proposed location. He said that if it abuts the slopes, then the pool should be moved to the location in the wetland buffer.

Mr. Kushner said that it is a difficult location. He noted that it is a 2 acre lot in a 3 acre zone, and over the lot coverage. Mr. Barbagallo said that the size of the pool should also be an item for discussion. Mr. Mlynar also said that it is a difficult area to build a pool. He said that at the time of the walk, he viewed the adjacent houses, construction and development of the back yards. Mr. Mlynar said that he was negative to the proposal, but will weigh the options.

Resnick, 270 Stone Hill Road, Block 9816, Lot 76. Discussion of new plans to construct an attached 3-car garage.

Previous approvals: 2/24/05 for pool cabana & extended porch; 01/23/06 amended to convert 2-car garage into playroom

Ms. Carol Kurth, Architect, was present on behalf of the applicant. She said that they were previously before the Board for approval to convert their 2-car garage into a playroom. The Resnicks asked Ms. Kurth for an alternative approach to the project.

Ms. Kurth said that the property is almost entirely within the wetlands regulated area, and the house is pre-existing nonconforming. Mr. Fowler said that they will walk the property again.

Ms. Kurth said that the garage was turned into a playroom, and they now need a garage. She proposed reclaiming where the garage was, and putting the playroom above the existing one-story structure, setting the second floor back. A staircase would provide access from the garage to the playroom area.

Ms. Kurth presented photographs of the property. She said that they had done mitigation restoration along the pond. Ms. Kurth suggested that the foliage be increased along a certain portion of the pond. She said that they will appear before the Water Control Commission.

Mr. Fowler commented that the plan was a good solution to adding more space on the property. Mr. Perry suggested that the applicant appear before the Water Control Commission prior to filing a formal application for the Planning Board.

Mr. Efremenko mentioned that since there was extensive glass in the rear of the house that lighting could be an issue to a neighbor. Ms. Kurth said that there are no

neighbors close enough to be impacted. Mr. Kushner suggested checking with the neighbors prior to filing an application.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Karen Taft, Administrator
Planning Board