

**Town of Pound Ridge  
Planning Board Meeting Minutes  
Thursday, March 25, 2021 at 7pm**

**Attendees:**

**Board Members:** Michele Rudolph, AIA, Chairperson  
John Bria  
David Dow  
Gail Jankus  
Robert Knorr  
Steve Kushner  
Rebecca Wing

**Advisors:** Carla Brand, Town Board Liaison  
Joe Eriole, Counsel  
Ellen Grogan, Conservation Board Liaison  
Kelly Morehead, Town Engineer Assistant  
Jim Perry, Building Inspector  
Jason Pitingaro, Town Engineer

**Staff:** Christeen CB Dür, Administrator

**Called to Order:**

Ms. Rudolph called the meeting to order at 7:02pm, noted that the meeting is being recorded and asked Mrs. Dür to confirm that a public notice had been published. Mrs. Dür confirmed that the notice was posted on the Town's website and published in The Record Review. Mrs. Dür also confirmed that the Subdivision applicant sent the notice out to those listed on its abutters list.

**Adoption of Minutes from the Meeting of February 25, 2021:**

Ms. Jankus made a motion to adopt the Minutes, Mr. Knorr seconded. All members voted in favor.

**Public Hearing:**

**Abby Simpson, Simpson Subdivision, 115 Barnegat Road, Block 9457, Lot 5**

Public hearing for Preliminary and Final subdivision approval splitting 6.739 acres into 2 lots; lot 1 consisting of 3.23 acres and existing 1 story frame residence and lot 2 consisting of 3.509 acres. The applicant is also applying to the Water Control Commission.

**Zoning District: R-3A, Acres 6.739**

**Previous Meeting: 02/25/21**

Ms. Rudolph asked for a motion to call the Public Hearing to order. Mr. Kushner made a motion to open the Public Hearing, Ms. Jankus seconded, all members voted in favor.

Ms. Rudolph acknowledged there are neighbors to 115 Barnegat Road attending the Public Hearing, noted that letters of concern have been received and read by the Planning Board and asked that all who speak to be respectful. She also noted that the Public Hearing and remaining part of the Public Meeting is being recorded.

Ms. Rudolph asked Dave Sessions, engineer, to provide a fresh overview of the application and review the changes that were made to the plans since the last meeting. Mr. Sessions noted that Abby Simpson's attorney Frank Veith was also in attendance and will speak after his overview to address the neighbors' concerns. Mr. Eriole, Counsel, noted that Mr. Sessions should begin with an introduction of this application and its respective plans as a response to the Planning Board. Mr. Sessions explained the application is to subdivide 1 lot into 2 lots using the existing stone wall line. The development of a home, driveway and septic is theoretical in order to obtain Board of Health approval. He reviewed the theoretical proposed home, the septic location and wetland survey. Mr. Sessions reviewed the setbacks and slopes. He corrected the setback and frontage notations based on Mr. Perry's recommendation at the last meeting. He reviewed the theoretical driveway profile. Mr. Sessions noted that all theoretical plans are subject to change by any future owner of the proposed lot 2. The theoretical plans outline the removal of 44 trees in which 15 are within the wetland buffer.

Mr. Sessions noted that he has presented to the Planning Board on February 25, met with the Town's engineer and cut back on the theoretical plans for the proposed lot 2 based on their comments. He removed the pool and motor court. He expanded the width of the driveway based on the Town's engineer recommendation, updated the notations and modified the EAF to coincide with the changes made. Mr. Sessions acknowledged receipt of the new memo by the Town's engineer and will respond as needed. He explained that this application is under review by the Water Control Commission ("WCC") as well. He presented to the WCC on March 10, they had a site walk on March 12 and this updated application and plan will be at the next WCC meeting on April 14. Mr. Sessions noted that he attended the Planning Board's site walk on March 20. He added that an intent for the Planning Board to be the lead agency was circulated to the WCC and the Westchester County Health Department on March 9. Mrs. Dür acknowledged that the WCC received the letter of intent for the Planning Board to be lead agency and accepted it. At the next Planning Board meeting on April 14, the Planning Board will be the lead agency on this application.

Ms. Rudolph acknowledged that Mr. Veith, the attorney on behalf of the applicant, Ms. Abby Simpson, owner of 115 Barnegat Road, would like to speak. Mr. Veith explained he would like to review general points raised in all of the letters of concern received and then some specifics raised by the neighbor at 119 Barnegat Road. He began, 1st the hypothetical driveway is not in the wetlands and the lot was given to Abby Simpson by Bayswater to give her access. Second, he said, the heavy construction noted in the letters is not an issue for this subdivision application. The Planning Board and Water Control Commission will have to consider this issue and determine regulations for any future proposals of development on the proposed lot 2. He noted that the land is 100% code compliant in regards to zoning. Mr. Veith went on to address concerns that are unique to the owner of 119 Barnegat Road, formerly the O'Neill's, now the Dorgan's. Based on his research, Mr. Veith addressed the Dorgan's letter stating that the restrictions were self-created. Mr. Veith said that this is not a self-created issue because the lot was created by the Planning Board in 1997 as part of the Dann Farm Subdivision application and approval. Mr. Veith referenced his research that found Abby Simpson was deeded segment A from Bayswater and the deed to her O'Neill's, now Dorgan, for segment B was never finalized. Mr. Veith went on to read from the resolution dated March 20, 1997 regarding "a common driveway access easement shall be required to be established over the property to be dedicated and transferred to adjacent lots identified as Now or Formerly Kevin B. and Margaret O'Neill and Abby R. Simpson, otherwise known as tax Block 9457, Lots 6 and 5. The option of exercising the easement shall be that of the Planning Board as part of the site plan approval for any proposed use of the said land for a new driveway."

Mr. Veith said it is premature to use this issue to deny the subdivision but if they must, any common driveway would cause more disturbance. He stated that it is factually impossible to require a common driveway on segment B when actual ownership on Segment B was not conveyed. He suggested that the owner of 119 Barnegat Road does not actually own Segment B since the conveyance was not completed. Mr. Veith stated the conveyance for Segment A was completed by Abby Simpson. Mr. Veith went on to read from the Planning Board Resolution dated February 27, 1996, page 12 and 13, section cc and section dd that also described a common driveway access easement shall be required and the option of exercising the easement shall be that of the Planning Board as part of the site plan approval for any proposed use of said land for a new driveway. A note to this effect shall be placed on the plat." He finished by stating he his happy to answer questions and address other concerns by the neighbors and the Board.

Ms. Rudolph thanked him for speaking and that all the information shared would be taken under advisement. Mr. Eriole reiterated that the purpose of this Public Hearing is to gather information. Mr. Eriole explained that he will review and consider all information presented with Mr. Pitingaro. Ms. Rudolph added that the application was also under the review by the Water Control Commission and that both the WCC and Planning Board have done site walks. Ms. Rudolph reminded everyone that this Public Hearing is a listening meeting. She asked the neighbors to introduce themselves and say their address before speaking. Mr. Gus Felix, at 117 Dann Farm Road, expressed his concerns about the driveway being in the wetlands. Mr. Shawn Regan, 114 Dann Farm Road, expressed his concerns about any future development since he believes approving a right to have access is approving any future driveway. He referenced the resolution from 1997 about the option of a common driveway easement. Mr. Regan believes the big issue is the wetland issue so he requested a new survey to be done by an independent 3<sup>rd</sup> party. Mr. Regan implied that the Board was having meetings without the public. Ms. Rudolph explained that the Board speaking with staff and the Town Engineer is necessary and how the Board prepares for public meetings to serve the community. Ms. Emily Konrad, 103 Dann Farm Road, discussed the markings that were on the proposed lot. She agreed with Mr. Regan and requested an independent 3<sup>rd</sup> party conduct a new survey.

Mr. Eriole acknowledged the neighbors' letters and the concerns expressed during this Public Hearing. He said all concerns will be considered by the Planning Board and the Town Engineer. Ms. Darcie Peck, 10 Samuel Dann Way, questioned if the wetland map shown with the application is correct and that the Board consider a second opinion. She also asked the Board to consider a shared driveway. Ms. Rudolph thanked all the neighbors for submitting their letters and for attending the Public Hearing. Mr. Kushner asked about a shared driveway option and if it could be off of Barnegat Road. Mr. Sessions said the details of any development were premature since that is not part of this application. Mr. Kushner acknowledged that it was premature. Ms. Rudolph expressed that 1 curb cut is always better than 2 but the development was not relevant. Ms. Konrad said she does think it is relevant since a subdivision approval is giving access rights. Mr. Eriole agreed that it is relevant but not the question before us in this application. Ms. Peck asked if a second scenario for shared driveway could be presented as a viable option. Mr. Felix expressed that more time is needed. Ms. Rudolph said no one is rushing this process. She explained that the Water Control Commission will continue with their process and will send the Planning Board their recommendation. The Planning Board will also consider all the information shared and consult with the Town Engineer. Mr. Eriole explained that it's the applicant's job to present a proposal that demonstrates that access is possible. He added that he needs to review all concerns that have been raised by the applicant's attorney Mr. Veith and the neighbors. Ms. Rudolph explained that the application is not being decided upon today. Mr. Eriole and Ms. Rudolph explained the Public Hearing and SEQR process. Ms. Rudolph explained that even once the Public Hearing is closed

that the Planning Board is open to the public's comments at every public meeting. She added that the Planning Board will await the recommendation by the Water Control Commission, no draft resolution will be done at this time. Mr. Sessions reiterated that the application will go before the Water Control Commission again on April 14 and that the WCC has received the request for the Planning Board to be the lead agency in this application.

Ms. Rebecca Wing made a motion to close the Public Hearing, Mr. Kushner seconded. All members voted in favor.

**Old Business:**

**Simon and Kim Krinsky, 66 Eastwoods Road, Block 9824, Lot 5**

Application to construct an open screened pavilion on the site of an existing stone terrace. The pavilion will have a roof and fireplace. A new retaining wall and steps will replace the existing crumbling ones. The pavilion will be set on a 6" stone floor and be surrounded by a grassy sod lawn. The pavilion can not be seen from the neighboring properties.

**Zoning District: R-3A, Acres: 7.589**

**Previous Meetings: 01/28/21, 2/25/21**

**Site Walk: 2/6/21**

Ms. Rudolph reviewed the prepared resolution and said that lighting plans had been submitted since the last meeting. Ms. Rudolph asked that Ms. Cioppa respond to any outstanding issues in the Town Engineer's memo and resolution but the proposed project can move forward.

Ms. Jankus made a motion to approval the resolution Mr. Dow seconded the motion. All members voted in favor.

**Hilary and Ja Kao, 155 Eastwoods Road, Block 9822, Lot 41**

Application for Residential Site Plan approval to construct an exterior stairwell to the existing house deck and the addition of a garage bay and coverage storage to the existing garage that would exceed the maximum lot coverage threshold for an R-3A zoning district.

**Zoning District: R-3A, Acres: 12.075**

**Previous meetings: 12/17/20, 1/28/21**

**Site Walk: 01/09/21**

Ms. Rudolph reviewed the prepared resolution and the final survey dimensions submitted by the applicant. Mr. Kushner made a motion to approve the resolution, Ms. Wing seconded the motion. All members voted in favor.

**New Business:**

**Bruce Kramer and Ellen Grogan, 45 Donbrook Road**

**Block 10051, Lot 13.1 & 2**

Application for the construction of an accessory building to consist of a two- car garage, with attached greenhouse and lounging room. The footprint of the accessory building is 975 square feet. The accessory building will be located approximately 50 feet from the existing single-family dwelling on the lot.

**Zoning District: R-3A, Acres: 9.45**

**New Application**

**Site Walk: TBD**

Ms. Rudolph asked Mr. Alan Pilch, engineer, to present the proposed worked. Mr. Pilch reviewed the house, the gravel driveway and proposed accessory building. He noted that the owner, Mr. Kramer is a voice actor and will use the building to record voiceovers but it will only be used privately. Mr. Pilch explained that half of the proposed building will be over the current driveway. He acknowledged receipt of the Town Engineer's memo. Mr. Teo Siguenza, architect, reviewed

the current floor plan and proposed floor plan for the new proposed garage and accessory building/recording studio. Mr. Perry explained that all proposed work is compliant with zoning and the Town Code and this application does not have any red flags. Ms. Rudolph asked that the area of proposed work be staked for a site walk and the applicant will be notified when the date is determined. Mr. Pilch confirmed that he will plan on being in attendance for the site walk.

**Nicholas Haines, 141 Old Church Lane  
Block 9827, Lot 31**

Application for a permit for a 2nd floor family room addition, a stairwell addition, a front door roof and terrace expansion.

**Zoning District: R-3A, Acres: 5.394          New Application          Site Walk: TBD**

Ms. Rudolph asked Mr. Jeri Barrett, landscape architect, to review the application. Mr. Barrett reviewed the layout of the property, the 2 septic tanks and the 1950's home that is all located within the wetland buffer. The proposed renovations are to improve the flow and function of the home for the owner. The renovations will add 179sf to the property. Mr. Teo Siguenza, architect, showed pictures of how the proposed renovations overlay the current home. He reviewed the windows and new roof line. The home will be reduced from 7 bedrooms to 6 bedrooms. The 2nd floor family room addition will link the wings of the house with a new stairwell. Mr. Barrett and Mr. Siguenza acknowledged receiving the Town engineer's memo and reviewed the setbacks. Mr. Pitingaro noted that all of his questions were answered through their presentation. He added that one of their neighbors is the Town of Lewisboro so Mrs. Dür will send the application with a circulation notice to the Town of Lewisboro. Mr. Eriele, agreed a circulation needs to be done to the Town of Lewisboro. Ms. Rudolph asked that the area of the terrace expansion be staked for the site walk and the applicant be notified when the date is determined.

**Ellen Warner and Santo Curro, 221 Salem Road  
Block 10263-14, Lot 14**

Application to demolish an existing single-family residence and the construction of a 4-bedroom residence on 2 acres of land. The driveway curb cut will remain unchanged, the internal driveway configuration will be modified to provide access to the lower and upper levels of the home. The project includes installation of a new septic system and private potable well and other ancillary residential improvements; the existing pool will remain.

**Zoning District: R-2A, Acres: 2          New Application          Site Walk: TBD**

Ms. Rudolph asked Mr. Jan Johannessen, engineer, to review the application. Mr. Johannessen reviewed the narrow property and the proposal to demolish the current 3-bedroom home to build a 4-bedroom home. He reviewed the proposed expansion of a blue stone terrace, a gravel parking court and paved driveway that will keep the current curb cut. Mr. Johannessen reviewed the grading plan, drainage and erosion control. He explained that the proposed work would increase the square footage approximately 1400sf with limited disturbance and removal of 11 trees. Ms. Cynthia Filkoff, architect, reviewed the house plans, the plan to create an upper and lower level for the home and driveway, the limited external lighting and a new garage. The proposed new home fits within the landscape and they will maintain the existing pool. Ms. Rudolph explained that a site walk will be needed for an overall review but also to understand the layout to determine any coverage issues. Mr. Perry confirmed that to date anything man made including driveways is included in coverage calculations and that our Town Code does not distinguish between impervious or pervious surfaces.

Mr. Johannessen confirmed that a new septic and a new well is proposed and they will be keeping the same pool. Mr. Perry noted that storm water and pool water runoff plans are needed especially as this property is on a state road. Mr. Pitingaro explained that this application needs to be circulated to the NY State Department of Transportation and the Westchester County Dept. of Planning. Mr. Perry confirmed that storm water plans need to be submitted for any new residence even if under 1 acre. Ms. Rudolph asked about the proposed parking courts. Ms. Filkoff explained that the living spaces for the home will be on the upper level so an upper parking court is also needed. Mr. Kushner expressed concern over the 4-car garage, the pool, 2 parking courts and patio adds up to a lot of coverage. Ms. Filkoff explained that a lot can be explained once you see the property. Ms. Rudolph asked the applicant to have the area staked, including the areas for the 2 parking courts, for a site walk and they will be notified when the date for the site walk is determined.

**The Board discussed dates for the site walk. The site walk for the 3 new applications will be Thursday, April 1 at 5pm.**

**Other Business:**

**Water & Wastewater Task Force Short Presentation & Discussion  
Ellen Ivens, Co-Chair, Ted Dowey, Mark Mosolino, Phil Sears**

Ms. Ellen Ivens provided an update from the Water/Wastewater Task Force (“W/WWTF”) which was created as an ad-hoc Committee of the Town Board in 2015. The Mission of the W/WWTF is to assist the Town of Pound Ridge in developing potential long-term water and wastewater treatment and disposal solutions for the Scotts Corners Business District. Ms. Ivens discussed the completion of an engineering report that is required when applying for State funding, the completion of additional testing and ground water monitoring is underway. The W/WWTF hired Norton, Rose, Fulbright to advise on district information. She described the Westchester Co DOH regulations and NYS DEC regulations for wells and septic systems. Ms. Ivens described the locations of evaluated properties. The goals for the W/WWTF for 2021 are the following:

1. To finalize a parcel selection after the final testing on Old Pound Road,
2. Map and plan preparation for Sewer District Formation,
3. Conduct public outreach/education campaign,
4. Finalize an engineering design. A request for proposals has been distributed.
5. Regulatory: continue dialogue with DOH/DEC, continue work on SEQRA review, SPDES permit application, DOH approval,
6. Dialogue with Aquarion,
7. Fundraising/Grant Writing.

The members of the W/WWTF answered questions from the Board about the budget and process. Ms. Rudolph thanked Ms. Ivens for providing the update on their work and looked forward to hearing more after the request for proposals is done.

Mr. Knorr made a motion to close the meeting, Ms. Jankus seconded the motion. All members voted in favor.

Meeting adjourned at 10:34pm.

Respectfully submitted,

Christeen CB Dur

