

**DRAFT**  
**TOWN OF POUND RIDGE PLANNING BOARD**  
**MINUTES OF THE MEETING**  
**Thursday, December 9, 2010**

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

**Also present:**                    *Joe Barbagallo, Town Engineer*  
  *James Perry, Building Inspector*  
  *Paul McConville, Town Board Liaison*  
  *Karen Taft, Administrator*

**Minutes from the Meeting of October 21, 2010**

Mr. Fowler made a motion to approve the minutes as submitted from the meeting of October 21, 2010, and Mr. Efremenko seconded the motion. All Board members voted in favor.

**Altman**, 25 Eastwoods Road, Block 9821, Lot 9. Review and ratification of Resolution of Approval for residential site plan review to construct a 2-car garage that would exceed the maximum building threshold for an R-3A zoning district. The property consists of 4.95 acres.

Previous meeting dates: 9/23/10, 10/21/10

Board walked property: 9/27/10

A resolution of approval had been prepared by Mr. Landler. Mr. Brodnick made a motion to approve the resolution, and Mr. Bria seconded the motion. All Board members voted in favor.

**US Summit Co/Eastwoods LLC** (Pound Ridge Golf Club), High Ridge Road. Review and ratification of Resolution of Approval for amended site plan review for construction of a permanent clubhouse on the premises.

Previous meeting dates: 9/23/10, 10/21/10

Board walked property: 9/27/10

Ms. Geraldine Tortorella was present at the meeting. A resolution of approval had been prepared by Mr. Landler. Ms. Tortorella had previously suggested some changes. In addition, she noted several typographical errors that were corrected in the draft resolution. Mr. Fowler noted that a condition of approval was to obtain a building permit and that construction begins within one year from the date of the resolution.

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

**Brokaw**, 43 South Bedford Road, Block 9452, Lot 12. Review and ratification of Resolution of Approval for site plan review to permit the apartment located over the detached three-car garage on the property to be used as an accessory apartment.

Previous meeting dates: 10/21/10

Ms. Tortorella was present before the Board. A resolution of approval had been prepared by Mr. Landler. Ms. Tortorella noted several changes to the resolution.

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

**DiPaola**, for property located at 78 Westchester Avenue, Block 9320, Lot 59 owned by Dail Metzger. Commercial site plan review to operate a delicatessen in the space formerly occupied by "My Goodness Deli".

Previous meeting dates: New application

Mr. Vito DiPaola appeared before the Board. Mr. Mlynar asked the difference between the current application for a deli and the previous deli use. Mr. Perry said that every deli and take out food establishment is required to have a special use permit. Mr. DiPaola said that structurally there will be no changes. Mr. DiPaola said that there will be outdoor seating.

Mr. Perry noted that the Planning Board is required to review signage. The signage will be the same size as the previous sign. Mr. Perry said that the Board is authorized to review aesthetics of the sign. Mr. DiPaola said that the sign would be burgundy with white or gold lettering. Mr. Fowler directed the applicant to return to the Board to present the sign for approval.

Mr. DiPaola said that the two existing lighting fixtures will remain. He said that the lights will be on no later than 9:00 or 10:00 p.m. Hours of operation will be from 7:00 a.m. to 7:00 p.m. seven days a week.

Mr. DiPaola said that he currently operates a deli in Monroe, NY and previously owned a deli in Pleasantville, NY that was sold. He noted that it is a family operation.

Mr. Perry had noticed that a temporary sign was placed on the building without approval. He suggested that the Board legalize the existing sign and give the applicant 30 days to submit a rendering of the permanent sign for approval. Mr. Fowler said that he should appear at the January meeting for approval of the permanent sign or submit a request for extension of the temporary sign.

Mr. Kushner said that this application was a referral from the Town Board, and the Planning Board should make a recommendation to Town Board. The temporary sign is approved, and approval of the permanent sign will be at the next meeting. By consensus, the site plan was approved.

**Plant**, 5 Rock Hill Way, Block 9031, Lot 188. Residential site plan review to construct an inground pool that would exceed the maximum lot coverage threshold for an R-3A zoning district. The property consists of 3.012 acres. Revised design from previous approval on January 21, 2010 to reduce the disturbed area to under 5,000 sq. ft.

Previous meeting dates: 10/21/10

Board walked property: 11/06/10

Mr. Peder Scott, architect, was present before the Board. He had made changes to the size of the perimeter of stone work around the pool, and lowered the wall flush with the pool deck so that the railing is appropriate in terms of restricting access from the exterior. The width of the walls were modified, and the storage volume to the retainage system was increased. Mr. Scott presented some views of the walls. The height will be buffered with grasses.

By incorporating the storm water management into the pool structure, Mr. Scott was able to eliminate all of the disturbance in that portion of the property, approximately ½ acre. Mr. Fowler said that the plan was reasonable in terms of disturbance.

Mr. Perry was in agreement with the location and dimensions of the fence. Mr. Barbagallo said that the applicant had proven that the system is adequate for the draw down. By reducing the area of disturbance to under 5,000 sq. ft., they eliminated the need to do a storm water pollution prevention plan.

A resolution of approval will be prepared for the January meeting.

**Schreier**, 66 High Ridge Road, Block 9316, Lot 50. Residential site plan review for removal of existing residence, terraces, swimming pool and a portion of the driveway and construction of new house, walkway, swimming pool and repair of driveway. New construction exceeds the maximum building and lot coverage thresholds for an R-2A zoning district. The property consists of 5.29 acres.

Previous meeting dates: 10/21/10

Board walked property: 11/06/10

Mr. Glenn Ticehurst and Mr. Seth Ticehurst, Landscape Architects, and Mr. and Ms. Schreier were present at the meeting. Mr. Ticehurst noted that they had appeared before the Board in 2002, had received approval, but never proceeded with the project. The current plan had been revised to include a different style house located farther away from the wetlands. The new septic system was approved by the Board of Health. Mr. Ticehurst said that they are removing some of the impervious surface. The proposed pool is placed closer to the house, and the old pool site will become a rain garden.

Mr. Ticehurst said that the Water Control Commission had approved the plan subject to approval by the Planning Board. A neighboring property owner, Ms. Janet Schloat, 88 Upper Shade Road, had submitted a letter dated November 29, 2010 stating that she had no objection to the proposed plan.

Mr. Barbagallo asked for confirmation that what the Health Department approved be shown on the plan. A resolution of approval will be prepared for the next meeting.

**O'Brien**, 145 High Ridge Road, Block 9453, Lot 52. Residential site plan review for renovation of residence, addition of 3-car garage, deck extension and driveway that exceeds the maximum building and lot coverage thresholds for an R-2A zoning district. The property consists of 2.109 acres.

Previous meeting dates: New application

Mr. Rene Mueller, Architect, was present before the Board. He explained that the proposal consists of three components including renovation of the existing residence and addition of a 3-car garage. Currently there is no garage on the property. In addition, an extension of the existing deck is proposed and a reconfiguration of the driveway. Mr. Mueller said that the 4,000 sq. ft. driveway puts them over the maximum lot coverage threshold.

Mr. Mueller presented the location of the slopes on the property and the elevations of the proposed buildings. He said that the plans are currently with the Health Department. Mr. Fowler asked the number of bedrooms. Mr. Mueller replied that there will be three. He explained that two bedrooms on the main floor were combined into one.

Mr. Mueller demonstrated the path lighting. He said that there is no existing lighting. Mr. Mueller said that they had met with the Water Control Commission who recommended consolidation of the details into one plan.

Mr. Fowler said that the Board will walk the property. Mr. Mueller stated that the existing house has 2,300 sq. ft. of coverage, and the proposed house is 4,100 sq. ft.

Mr. Barbagallo's comments to the applicant included a requirement for testing since they are in close proximity to the wetlands, and a concern about separation of groundwater. The DEC had requested additional information.

The Board will walk the property on Saturday, December 18<sup>th</sup>.

**Check**, Pine Drive, Block 9320, Lot 111. Residential site plan review for new construction of a one-bedroom cottage with associated driveway access, septic system and well. The property is located in an R-2A zoning district and consists of 2.0631 acres.

Previous meeting dates: New application

Mr. Barry Naderman, engineer, and Mr. Check were present at the meeting. Mr. Naderman reiterated that a 20' side yard variance had been granted by the Zoning Board of Appeals on May 21, 2008. A NYS DEC wetlands permit had been issued, and the Health Department is close to signing off on the permit.

Mr. Naderman said that the proposed house is smaller than what was presented by the former owner of the property. In accordance with the ZBA variance, they were mandated not to exceed a footprint of 59' x 31'. The proposed house is 56' x 27 ½'.

Mr. Naderman presented elevations of the house. He said that the garage is on the side and there is no basement or attic. An elevated terrace around the building is proposed instead of the previous plan for a garden area in back of the house. No activity would be beyond the terrace.

Mr. Mlynar recalled that when the previous application in 2008 was reviewed, Aquarion Water Co. had voiced their concern with the potential impact on water quality that might be associated with the proposed development of the site. Mr. Naderman said that they are meeting the setback requirements to the significant watercourses on the property. He also noted that they are limiting the use of the property to a one-bedroom residence. Mr. Naderman said that the septic system is outside of the wetlands, and there are safeguards proposed. He noted that the application will be before the Water Control Commission in January.

Mr. Fowler said that the Health Department does not appear to have a problem with the setbacks for the septic system, but Aquarion was concerned that it was so close. Ms. Taft said that she had not been contacted by Aquarion since the latest mailings were sent. Mr. Perry said that they had no actual jurisdiction.

Mr. Fowler said that if the subdivision was before the Board today, it would not be approved. He felt that the proposed house was respectful of the highly constrained lot. Mr. Perry said that this house, as opposed to the previous plan in 2008, does not have the layout that would allow for a possible second bedroom. Mr. Bria said that Pound Ridge should have some smaller more compact houses.

The Board will walk the property on Saturday, December 18<sup>th</sup>. Mr. O'Sullivan, Pine Drive resident, invited the Board to view the site from his property.

Mr. Peter Avellino said that he owned the property across the street. He was concerned with the two driveways directly opposite each other. He asked for consideration in changing the driveway location. Mr. Naderman responded that it would not be an area that would involve high volume traffic. The Board will view the relationship of the driveways at the time of their walk.

Mr. O'Sullivan said that the lot is in an R-2A district. He wanted the Town to consider that it was not a buildable lot, or that the Town purchase the property.

Mr. Douglas Cooper, adjoining property owner at 106 Westchester Avenue, was concerned with the comments made on granting approval for a septic close to the property line. He said that the system is on his property line as proposed. If the applicant gets Health Department approval, Mr. Cooper said that he wanted to look at the other health implications brought up by Aquarion. Mr. Cooper believed that the storage area above the garage could be turned into a second bedroom.

Mr. Fowler said that the application will be referred to counsel for determination of buildability of the lot.

The applicant will appear before the Water Control Commission

**Hyer**, 440 Long Ridge Road, Block 9031, Lot 166.1. Residential site plan review for construction of a dining room addition to the existing residence, replacement of existing pool and expansion of patio area that would exceed building and lot coverage thresholds for an R-3A zoning district. The property consists of 12.110 acres.

Previous meeting dates: New application

Mr. Roger van Loveren, architect, was present before the Board. He explained that there is a long driveway to a lot in the back of the property. The property contains a 3-car garage, guest house, shed, pool, pool house, studio and tennis court. The plan submitted had not reflected the topographical information.

Mr. van Loveren explained that they are proposing:

- A 312 sq. ft. addition to the main house. They had appeared before the Water Control Commission for the second floor addition the previous week and had obtained provisional approval. Board of Health approval is not required since there are no additional bedrooms proposed.
- Replace existing pool. An existing underground bunker contains the pool equipment. Patio surrounding the pool to be replaced.
- Existing retaining wall to be restored.

Mr. van Loveren mentioned that the area of disturbance is 4,600 sq. ft., which is under the 5,000 sq. ft. that triggers submission of a storm water management plan. He said that the construction is outside the DEC wetlands area.

Board members will walk the property on Saturday, December 18<sup>th</sup>.

**Continued Informal Hearing:**

**Oceanus Navigation Corp.**, High Ridge Road, Block 9320, Lot 13. To discuss the pending acquisition of the adjacent property (Lot 83) and to formalize the compliance of the 12-lot conventional subdivision for lot count purposes in order to review a conservation/cluster subdivision of a 105.68 acre parcel. The property is in an R-2A and R-1A zoning district.

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

Mr. Jim Ryan and Mr. Joe Modafferri, engineers with John Meyer Consulting, and Ms. Ruth Roth, Cuddy & Feder, were present before the Board. Mr. Modafferri said that this was a continuation of the informal hearing that was held on September 23, 2010.

Mr. Ryan said that they are in the process of purchasing an adjacent property (Lot 83) to provide access to the property. Ms. Roth said that they are about 95% complete with the contracts and expect to finalize negotiations with the owner next week. Mr. Ryan reiterated the access concerns with the previous plan and said that this purchase will resolve those issues.

Mr. Ryan presented both the cluster and conventional plans for the subdivision. He explained that when the new lot is purchased, the existing house will be torn down and a new residence built on the property. He noted that there would not be any additional density.

Mr. Ryan said that a walking trail will be constructed on Lot 14, and Lot 13 will be put in preservation. He explained that more engineering needs to be done, and the septic areas need to be proven out. The DEC had walked the Oceanus property as well as the Santa Maria property (Lot 83). Mr. Efremenko asked that consideration be given for placement of the houses on the cluster plan with regard to headlight glare to existing homes on Rolling Meadow Road.

Mr. Ryan said that the owner of the property had spoken with Mr. Tom Andersen, Open Space Committee, concerning the purchase of the property. They are open to further discussions on the possibility.

Mr. Santo Borsellino requested that the Board conduct a full SEQR review because of the adjacent CH State Holdings application and proposed cell tower. Ms. Roth noted that the proposed subdivision was not related to the possible cell tower on the property. She said that a different law firm was dealing with the tower.

Mr. Peter Avellino felt that the cluster subdivision was a good choice, but was concerned with using the open space for public purposes. Mr. Fowler commended the engineer for the design of the cluster, and the new access which eliminates cutting into slopes and shortens the length of the road.

Mr. Bria asked if the applicant complied with the conventional plan. Mr. Fowler said that issue will be reviewed. Ms. Roth said that a full application will be submitted, and a decision will be made on the SEQR evaluation. She will ask for lead agency.

Ms. Rachel Weisman, Rolling Meadow Lane was concerned with the increased runoff into the pond in front of the property. She said that the entire property is submerged in water three times a year. Mr. Borsellino said that his pond rises 3 feet. Mr. Fowler said that they will look at the 100-year storm, and the impacts will be ameliorated.

Mr. Fowler directed the applicant to get the cell tower issue resolved, and requested a full EAF. Mr. Perry asked that the applicant include a fire pond on the property.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,  
Karen B. Taft, Administrator