

DRAFT
TOWN OF POUND RIDGE PLANNING BOARD
MINUTES OF THE MEETING
Thursday, January 21, 2010

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

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

The meeting commenced at 7:30 p.m.

Adoption of Minutes from the Meeting of November 19, 2009

Mr. Efremenko made a motion to approve the minutes from the meeting of November 19, 2009, and Mr. Brodnick seconded the motion. All Board members voted in favor.

PUBLIC HEARING:

Brokaw, 43 S. Bedford Road, Block 9452, Lot 12. Application for a 3-lot subdivision of a 56.74± acre property that would be divided as follows: Lot 12.1 – 36.84 acres, Lot 12.2 – 10.05 acres and Lot 12.3 – 9.85 acres. Lot 12.1 has an existing residence and driveway. Lots 12.2 and Lot 12.3 would be accessed via a common driveway from South Bedford Road. Proposed construction associated with the subdivision involves two new residences, a bridge for access, improvements to culvert, improvements to spillway at existing large pond and septic systems. The property is located in an R-3A zoning district. Water Control Commission approval is also required.

Previous meeting dates: 11/20/08, 03/26/09, 04/23/09, 11/19/09

Board walked property: 11/22/08

Mr. Keith Simpson, Landscape Architect, and Ms. Geraldine Tortorella, Attorney, were present before the Board. Mr. Ray Clark was present on behalf of the Fire Department. Mr. Simpson reiterated the details of the application. He said there is a pond on the property and an existing residence. Forty-three acres of the property are woodlands. Mr. Simpson explained there is also a stone bridge on the property. He said that there are about 16 acres of steep slopes of over 15%. Sixty-nine percent of the property is regulated by the Water Control Commission.

Mr. Simpson said that there are three watersheds on the property. In addition to the residence, there is also a pool house, pool and garage with a caretaker apartment above. Mr. Simpson presented an aerial map that indicated the neighboring residences.

Mr. Simpson said there are no buildings or foundations to the north of the property. He said that the Board had requested detailed hydrologic information about the property. The applicant hired Mr. Donald Ballou, Hydrologic Engineer, who found that in a 100-year storm S. Bedford Road would experience a slight amount of flooding. They proposed reconstruction of the crossing and culvert. All the hydrological data has been collected

Mr. Simpson said that the pond's depth is 8 feet in most areas, the greatest depth being 11 feet, and the outer areas 4 feet. He said that the Dam Division of the DEC will be requiring the full quantity of water in the pond.

Mr. Simpson said that the existing dam has some leakage which will be repaired. Septic testing was performed on the two new proposed lots, and the Health Department was satisfied.

Mr. Simpson said that in a 100-year storm, the pond wouldn't have enough cubic volume available to store any additional water. Therefore, the depth of the pond would have to be increased. The driveway had to be relocated because of the septic regulations. The State asked them to provide a passing lane at a portion of the driveway to provide better visibility at the top of the hill. A portion of the driveway was reconfigured to be located outside the 100 foot setback. A single driveway entrance was proposed to avoid additional wetland crossings.

Mr. Simpson said that a form signed by Mr. Barbagallo was submitted to the State for the soil erosion control. He presented a drawing demonstrating the culvert reconstruction of S. Bedford Road. Mr. Simpson said that the State requested that they put substrate in the bottom of the pipe which is more conducive to migration of species. This will result in the level of the pond dropping back from 6" to 1'. Currently the water level in the pond is abnormally high, and some of the trees around the pool are affected.

Mr. Simpson explained the alterations to the dam and construction of the wooden bridge. Regarding the road alignment, he indicated the grades on the driveway. He presented the construction details that included fencing, erosion control, stone wall work and the dam. Mr. Simpson indicated the location of the septic systems that have been approved by the Health Department.

In terms of the other agencies, Mr. Simpson asked that the Board make a referral to the Water Control Commission. In addition, they will check with the Highway Department concerning entering and exiting the property. Mr. Simpson also mentioned approvals by the County Planning Department and the DEC. Mr. Brodnick asked why the applicant was required to go to the County Planning Department. Ms. Tortorella believed it was not necessary, although it was recommended by the Planner. She will follow up on the matter.

Ms. Tortorella said that all neighbors within 1000' of the perimeter of the property had been notified by certified mail, return receipt. She said that this is an unlisted action and wondered if a notice had been circulated declaring the Planning Board as lead agency. Ms. Taft will check to see if it had been done and contact Ms. Tortorella.

Mr. Ray Clark, Pound Ridge Fire District, asked if the level of the lake would be changed from the present level. He was concerned because the existing fire hydrants would be affected. Mr. Simpson said that if it were to be changed, it would only drop 1-2". Mr. Clark said that one hydrant is on South Bedford Road near the gate entrance and one by the barn and pool. He said that the one by the road is critical for the Fire Department.

Mr. Clark asked if the lake would need to be drained in order to do the dam work. Mr. Simpson said that it would be dropped 3-4' during that time. Mr. Clark requested that the Department be notified when construction commences and upon completion.

Mr. Clark was also concerned that the bridges be sufficient to handle the weight of the fire apparatus and that the driveways be sufficient for Fire Department access. Mr. Simpson will submit a memorandum to the Fire Department addressing Mr. Clark's concerns, along with backup data. Mr. Fowler noted that they will be sure that the existing fire hydrant is and will remain operational.

Mr. Barbagallo commented that he is comfortable with the storm water after reviewing the report. Ms. Elyse Arnow had previously commented about protecting the land from any future subdivision, but now understood that the lay of the land prevents this from happening.

Mr. Fowler felt that the public hearing could be closed. Ms. Tortorella asked that it remain open to insure that the SEQR process has been satisfied. The public hearing was adjourned to the next meeting scheduled for February 25, 2010.

OTHER HEARINGS:

U.S. Summit Co. / Eastwoods, LLC (Pound Ridge Golf Club), High Ridge Road, Pound Ridge, NY, Block 9316, Lot 18.9. 1) Revision to monitoring plan sample collection to permit Leggette, Brashears & Graham to do the water sampling required by the special permit. 2) Request for release of \$700,000 construction bond.

Ms. Tortorella was present on behalf of the applicant. She requested release of the construction bond currently held in the amount of \$700,000. Ms. Tortorella said that construction was completed in the fall of 2008. Mr. Barbagallo said that the irrigation piping and connection of the Northeast basin to the catch basin and drainage system on High Ridge Road was missing from the as built. Ms. Tortorella felt that it had been reflected on the as built. Mr. Barbagallo did not agree. The final as built will be submitted.

Mr. Barbagallo referred to the original punchlist that listed Category A (items to be done prior to opening) and Category B (requiring resolution prior to bond release). He said that the larger items concern the offsite wetlands, one concerning restoration of the Marchetti wetland and the other concerning restoration of Mayapple Pond. Ms. Tortorella said there was an agreement to plant trees on the Marchetti property to provide shade to prevent the basins from growing. The 3-4 trees have not yet been planted, but will be done in the spring.

Concerning Mayapple Pond, Ms. Tortorella said that Ms. Beth Evans had developed a protocol of how she would analyze the condition of the pond. Ms. Evans had issued a report in

June, 2009 to Mr. Michael van der Heijden. Ms. Tortorella said that they had met with Mr. Levithon concerning the amount of dredging that needs to be done. They are looking for the information from him that is necessary in order to file the permit. Ms. Tortorella said that they never received any comments on the report. Mr. Barbagallo said that the memo was issued, but he will provide a copy to Ms. Tortorella.

Mr. Fowler said that the bond is not ready to be released. Mr. Barbagallo said that he and Mr. Perry need to get the offsite issues behind them prior to releasing the bond. Mr. Perry said that if a problem exists, it would be associated with Mayapple Pond. He felt that the bond should be in place in case something occurs. Ms. Tortorella said that restoration of the pond was not a \$700,000 item. Mr. Perry asked Ms. Tortorella to present a budget amount on the work. He said that if there is an agreement with the owners of the property and a budget to do the work, it would help with his concerns. Ms. Tortorella was hoping to do the work in the spring, but obtaining a permit for work on someone else's property is difficult. Mr. Barbagallo directed Ms. Tortorella to obtain confirmation that the Water Control Commission is satisfied.

Ms. Tortorella said they were before the Board also to discuss a revision to the monitoring plan to permit Leggette, Brashears & Graham to do the water sampling required by the special permit. She said that Woodard & Curran has currently been doing the sampling. They will still be responsible to do the analysis, serving as third party auditor for the Town. Board members agreed to the revision.

Mr. Efremenko questioned the status of the clubhouse. Ms. Tortorella said that they had made a report last September. The schedule of anticipated construction was 2011. Ms. Tortorella said that the clubhouse will not be as large as previously proposed.

Ms. Tortorella said that she will return to the Board in February.

Ms. Elyse Arnow questioned the exterior lighting along the driveway of the golf club. She said that the lighting was installed along an elevation and is visible driving along High Ridge Road. Ms. Arnow had spoken with Mr. Dick Lyman who suggested that the lighting could be on a timer. She mentioned that the Conservation Board is currently designing a lighting ordinance. Ms. Tortorella said she will report back to the Board on the matter.

Burbank, 225 Westchester Ave., Block 9820, Lot 15. Driveway easement approval associated with a 2-lot subdivision of a 4.7376 acre property.

Previous meeting dates: 09/25/08, 03/26/09, 04/23/09, 11/19/09
Public hearing opened and closed: 04/23/09
Extension of final approval granted: 11/19/09

Board walked property: 10/04/08
Resolution of Approval: 05/28/09

Mr. Barry Naderman, engineer, was present before the Board. He attempted to reconfigure the driveway so that an easement would only be on one lot, but it did not work. Mr. Naderman reconfigured the driveways to provide a single simple 40' wide common driveway access easement to benefit both parcels. Mr. Barbagallo commented that a note should be added to the site plan that only one curb cut is permitted along Westchester Avenue to provide access to the two lots within the subdivision. Board members were in favor of the easement locations.

Plant, 5 Rock Hill Way, Block 9031, Lot 188. Review and ratification of resolution of site plan approval for a proposed inground pool, pool deck, walkways and enhancements to the front driveway that would exceed the maximum lot coverage threshold for an R-3A zoning district.

Previous meeting dates: 10/29/09, 11/19/09

Board walked property: 11/14/09

Mr. Peder Scott, engineer, was present at the meeting. Detailed calculations and designs had been sent to the Town Engineer for review. He said that the system contains all the discharge. In addition, a landscape plan had been submitted.

Mr. Scott made reference to the large tract of open land on the southwest side of the project where his client had been mowing his neighbor's property. He said that his client was willing to curtail the mowing of the land. Mr. Perry said that a 20' buffer must be maintained. He said that the Planning Board can waive that requirement. Mr. Fowler thought that the lawn should continue to be mowed, and the buffer requirement be waived. Mr. Scott reiterated that the owner of the adjacent parcel had granted his client informal rights to mow that portion of his lawn. The size of that portion of the lawn is 7500 sq. ft.

A resolution of approval had been prepared by Mr. Landler. An additional item was added as follows: "Based on the existing use of the abutting 7500 sq. ft. piece of property as a lawn, the Board hereby waives the required vegetated buffer along 150' ± of the applicant's southwest border." Mr. Mlynar made a motion to approve the resolution, and Mr. Bria seconded. All Board members voted in favor.

Sarah Davis Kessler Trust, 152 Honey Hollow Road, Block 10255, Lot 7. Residential site plan review for demolition, removal and reconstruction of fire-damaged residence. The proposed construction exceeds the maximum building and lot coverage thresholds for an R-3A zoning district. The property consists of 6.94 acres. Water Control Commission approval is also required.

Previous meeting dates: New application

Mr. Jeri Barrett, Landscape Architect, Mr. Barry Naderman, Engineer, and Mr. Teo Sigüenza, Architect, were present at the meeting. Mr. Barrett said that the barn structure house on Honey Hollow Road had been destroyed by fire. The application was to demolish the house and reconstruct it in generally the same location. Mr. Barrett said that they had purchased two barns in upstate New York to be moved to the location.

Mr. Barrett said that there is an existing driveway on the property. He indicated a proposed screened porch expansion on the site plan which exceeds the existing footprint. The proposed structure will be slightly over the maximum building threshold, but more greatly exceeds the lot coverage because of the long driveway, tennis court and pool. The increase in footprint of the house will be 1155 sq. ft.

Mr. Barry Naderman said that the Health Department has allowed them to use the existing septic system. He noted that the system has been in place since 1982.

Mr. Teo Sigüenza said that although the footprint is expanding, the gross square footage of the house is only increased by 300 sq. ft. The previous residence was two stories, and the proposed structure will be one story. Mr. Sigüenza said that the gross square footage of the residence was 6300 sq. ft. and the proposed residence is 6600 sq. ft.

Mr. Barbagallo asked if the Health Department approved traveling over the septic. Mr. Naderman said that they hadn't seen it yet, but he will find out. Mr. Perry said that he had received a memo from the Health Department stating that they will approve use of the existing septic providing that the expansion does not exceed 1,000 sq. ft. He also mentioned that the Water Control Commission may have a problem with the screened porch because it would increase the encroachment into the wetlands.

Mr. Sigüenza presented elevations of the proposed one-story structure. Mr. Naderman said that if the area of disturbance was under 5,000 sq. ft. would it be subject to storm water regulations. Mr. Barbagallo said that if it is under 5,000 sq. ft., and with the addition of the extra 1,000 sq. ft. of roof area, a rain garden could be installed to deal with that area. Additionally, a note on the drawing would indicate that the driveway would remain in a gravel state and not paved. Mr. Fowler noted that since it is a new house the property should be brought to today's standards.

Mr. Fowler said that permission would be needed from the Water Control Commission to take the house down. Mr. Perry asked that the Water Control Commission get feedback from the Planning Board on the proposed location of the house. Mr. Efremenko will issue a memo after the site walk. The property will be walked on Saturday, January 23, 2010.

Bedford Associates, Honey Hollow Road, Block 10036, Lot 3. Residential site plan review for new construction of a single family residence and pool to be serviced by a drilled well, subsurface sewage treatment system and individual driveway. The proposed construction exceeds the maximum lot coverage threshold for an R-3A zoning district. The property consists of 16.75 acres. Water Control Commission approval is also required.

Previous meeting dates: New application

Mr. Rich Williams, Insite Engineering, was present before the Board. He said that there is a 100' wide NYSEG easement on the property that runs parallel with the southern property line. There are no structures on it. Mr. Williams had contacted NYSEG about what they can do within the easement. They responded that they did not want components of the septic or structures within the easement. There is a DEC and Town wetland on the property that intersects the property in two locations. On the western portion of the site, there is a stream course and associated wetland and a larger wetland body on the eastern portion. Slopes on the site range from mild to steep. Mr. Mlynar noted that the house is on the highest point of the land. Mr. Williams said they are locked into the proposed layout because of the wetlands and slopes. The only viable area for the septic is in the northwestern portion of the property.

Mr. Perry asked if the applicant had done a calculation to determine if the lot is buildable. He said that the requirement is that $\frac{3}{4}$ of the minimum lot area has to be contiguous dry land. Mr. Fowler noted that 2.25 acres has to be contiguous dry land. Mr. Williams will provide the calculations to the Board.

Mr. Williams said that the project was started in 2005 at which time an initial presentation had been made to the Water Control Commission. Submissions were also made to the DEC and the Health Department. The project was then put on hold. Mr. Williams said that they recently had

several meetings with the DEC and submitted an application with the DEP for storm water pollution prevention plan approval.

Several neighboring property owners were present at the meeting. Mr. Robert Pfeffer, 32 Honey Hollow Road, was concerned about the visual impact that would be caused by the project.

Board members will walk the property on Saturday, January 23, 2010. Mr. Williams will provide the calculations at that time.

S&S Development LLC c/o Norco Corporation, 269 Stone Hill Road, Block 9817, Lot 3

Mr. Rich Williams informally requested the Board's opinion on a previous site plan approval that was granted February 24, 2005 along with the subdivision approval for S&S Development. The approval expired and the applicant was seeking reapproval. Mr. Williams asked if a new application would have to be submitted, or if they could request reapproval by submitting a letter.

Mr. Williams said that the DEP and DEC permits are current. Mr. Barbagallo said that there are new storm water regulations that would have to be reviewed. Mr. Fowler said that a new application would have to be filed.

Mr. Williams said that the storm water plan that was previously approved has been installed. Mr. Barbagallo said that the road has a requirement for associated storm water. He said that there may have been allocations for the individual residences. Mr. Barbagallo said that would have to be demonstrated to determine if there needs to be an increase in the storm water requirement.

Mr. Perry was not comfortable approving a site plan for a residence that may not get built. Site plan approval is specific to a structure that is about to start construction. He was concerned that the applicant would have to reappear before the Board in the future. Mr. Williams said that his client wanted to pursue the reapproval. Mr. Fowler did not believe they should return to the Board until the house is ready to be built. Mr. Williams will advise his client.

Proposed Croton Watershed Plan – referral from Town Board for review and recommendation.

The plan will be discussed at the next meeting. Mr. Barbagallo will review the plan and report back to the Planning Board for next month.

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Karen B. Taft, Administrator
Planning Board