

**DRAFT**  
**TOWN OF POUND RIDGE PLANNING BOARD**  
**MINUTES OF THE MEETING**  
**Thursday, July 22, 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*  
  *Karen Taft, Administrator*

**Adoption of Minutes from the Meeting of June 24, 2010**

Mr. Brodnick made a motion to adopt the minutes from the meeting of June 24, 2010, with revisions from Mr. Efremenko. Mr. Efremenko seconded the motion, and all Board members voted in favor.

**Kensho and Tushita Trust**, 126-128 Old Stone Hill Road, Block 10047, Lots 29 and 28. Review and ratification of resolution of approval for site plan review to construct new horse paddock, screening/landscaping and fencing.

Previous meeting dates: 10/30/07, 11/29/07, 11/19/09, 05/27/10, 06/24/10

Board walked property: 11/03/07

Mr. Ed Delaney, Bibbo Associates, was present on behalf of the applicant. A resolution of approval had been prepared that required a correction noting that 40 Norway spruces 6-8' high would be planted as per the site plan dated June 8, 2010, (rather than the same number of trees that were removed).

Mr. Fowler said that they still need to resolve the resolution of restitution. Mr. Kushner did not believe that there should be a vote on the resolution until the whole matter is resolved. Mr. Fowler agreed and said that the resolution would be tabled until the resolution for the violation is resolved. Mr. Delaney asked the next step. Mr. Fowler said that he, Mr. Kushner and Mr. Jim Sullivan, Town Attorney will work out an agreement and provide a document in writing stating the terms of the violation.

**Walker**, 240 Stone Hill Road, Block 9816, Lot 79. Review and ratification of resolution of approval for residential site plan review for a new accessory structure on the property to be used as a dining and entertaining pavilion that would exceed the maximum lot and building coverage thresholds for an R-3A zoning district. The property consists of 11.648 acres.

Previous meeting dates: 05/27/10, 06/24/10

Board walked property: 06/02/10

A Resolution of Approval had been prepared by Mr. Landler. Mr. Fowler noted that the Board had walked the property and they did not find any problems with the proposal. Mr. Brodnick made a motion to approve the resolution, and Mr. Kushner seconded. All Board members voted in favor.

**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: 01/21/10, 02/25/10

Board walked property: 01/23/10

Present on behalf of the applicant were Ms. Geraldine Tortorella, attorney, and Mr. Rich Williams, Insite Engineering. Present on behalf of the neighboring property owners was Ms. Helen Mauch, attorney with the firm Zarin & Steinmetz. Mr. Fowler noted that there would not be any action that evening. He said that it will be referred out to the consultants.

Ms. Tortorella asked that the Board allow Mr. Williams to summarize the changes that occurred as a consequence of their site walk. She noted that other agencies are reviewing the project including the DEC, DEP and the Army Corps of Engineers. Comments were received from the DEC and DEP, and changes were made in response to their comments. In addition, Ms. Tortorella said they had appeared before the Water Control Commission. She asked that counsel be consulted as well.

Mr. Williams noted that most of the changes referred to the Storm Water Pollution Prevention Plan. Details were added for both water and wetland crossing associated with the driveway. Landscaping was added to provide additional screening, and the driveway was shifted in accordance with comments provided at the site walk.

Regarding the SWPPP, the dry extended detention basin south of the driveway was eliminated. Regarding shifting the driveway location, the Board noted on the site walk that the optimum driveway entrance location would be at the low point of Honey Hollow Road. There had been discussion that shifting the driveway location to the low point would increase adjacent areas of disturbance as well as wetland disturbance. Mr. Williams noted that the driveway was shifted 16' to the south to improve sight lines.

Mr. Williams said that revisions had been made to landscaping. Previously a row of evergreen trees was proposed between the bio retention filter and the Greenbaum/Matteo residence. Additional screening had been provided.

Regarding the wetlands crossings, the site plan was updated to include additional details. Construction sequences were added, as well as maintenance procedures and guidelines for re-establishing wetlands and watercourse after construction is complete.

Ms. Tortorella clarified that they were before the Board for new construction and because the lot coverage threshold is exceeded - not the building coverage. She noted that the zoning requirements for coverage are not exceeded. The setbacks were increased as well as the vegetated buffers in most areas. Due to the need to cross the narrowest point of the wetlands, Ms. Tortorella said that portions of the driveway are not completely out of the 35' vegetated buffer.

Ms. Tortorella said that a vicinity map was provided indicating the nearby properties and their distance between those properties and the proposed improvements on Bedford Associates' property. She noted that they will require a steep slopes permit. Mr. Fowler noted that a voluminous amount of materials had been submitted.

Mr. Barbagallo said that he had issued comments to the applicant. He requested additional information relative to storm water, crossings, and the flow and size of pipes. Mr. Barbagallo said that he is mainly focused on the storm water and crossings. Mr. Fowler asked if those issues could be engineered to be minimally or 0% impacted after construction. Mr. Barbagallo said that they are not the first applicant to install a driveway across a wetland of this nature, and he believed that construction methods will be in place for a minimum level of disturbance. Mr. Williams said that they can accommodate those requests.

Ms. Tortorella said that they had provided a wetland report from Jay Fain & Associates. She noted that Mr. Landler hadn't received the report and has, since receipt, updated his comments. Mr. Fowler said they will refer to Town Counsel.

Ms. Helen Mauch, attorney for Zarin & Steinmetz, representing four homeowners with property surrounding the Bedford Associates lot spoke to the Board. She said they had submitted a letter dated July 20, 2010 that highlighted the concerns of her clients with the project.

Ms. Mauch said that the lot is severely environmentally constrained. She did not believe that the proposed house and pool is the minimum disturbance necessary to allow a reasonable use of the property. Ms. Mauch said there is a significant amount of missing information. She asked for alternatives to the design layout that would work on the property and reduce the impacts. One alternative, Ms. Mauch said, would involve the Westchester Land Trust with whom they had recent discussions. Board members were confused about these discussions since the neighbors do not own the lot. Ms. Mauch said that the Land Trust will be reaching out to the applicant.

Ms. Mauch said that the application should include a visual impact study, lighting plan, tree removal mitigation plan, long form EAF, field survey for threatened and endangered species, biodiversity study, and identification of the rock outcroppings. Mr. Fowler agreed that the lot deserves superior scrutiny for the reasons mentioned. He asked the size of the house. Mr. Williams said that the footprint of the house and garage is 4300 sq. ft. The second floor is reduced to approximately 3000 sq. ft. Plans for the house had not yet been submitted. Mr. Fowler directed the applicant to submit the plans and elevations. Mr. Fowler said that they had, in the past, limited bedroom counts on sensitive lots.

Ms. Mauch noted that a letter had been submitted to the Board from Mr. Steven Greenbaum dated July 20, 2010 stating his concerns with the development.

Ms. Tortorella asked for guidance from the Board as to what additional information is needed. She said that any suggested alternatives should be reasonable. Mr. Fowler said that the buildable area is in the middle of the property. He said that the applicant explained that there is no septic capacity in the center mound because of rock. On the site walk in January, Board members looked at other locations for the septic. Mr. Fowler said that the site for the house and septic are disconnected and should be connected. He said that the locations could be explored further.

Mr. Efremenko questioned the status of the application with the Water Control Commission. Mr. Perry said that it was reviewed preliminarily. The Commission is looking for more specifics with the DEC and DEP. Mr. Perry asked if feedback had been received. Ms. Tortorella said that feedback had been received from the agencies. She said that the DEC indicated that there are five potential rare endangered species in the area. An analysis was provided from Insite Engineering that was based on field work by Jay Fain and Associates.

Mr. Fowler asked if the information provided to the Board had been shared with the neighbors. Ms. Tortorella said the neighbor's attorney had been supplied with the latest submissions. She said that the DEC had provided comments on the wetland permit. Comments were received from DEP through DEC on the watercourse activities and storm water pollution plan.

Ms. Tortorella said that they had appeared before the Water Control Commission. The Commission had suggested installing two culverts, but the DEC only wanted one with the crossing at the narrowest point. The Commission also commented on a conservation easement. Mr. Perry said that when the DEP and DEC give the go ahead, the applicant will reappear before the Commission for specifics. Ms. Tortorella said that the DEC issued a notice of complete application on the wetland permit.

Mr. Efremenko asked that if the driveway went directly across the property, would the lot coverage be reduced to so as to conform with an R-3A district. Ms. Tortorella said that they will look at it.

Mr. Bob Romano, adjoining neighbor, said that they have been denied access to the Bedford Associates' property. They would like the access to make their own measurements. Mr. Romano said that Mr. Greenbaum noted in his letter that representations were made about the relationship of the distances that are inconsistent with his visual of the property. The neighbors had retained an expert who cannot verify those measurements. Mr. Romano requested access to the property. Ms. Tortorella said that they will not allow access. She said that the wetland delineation was confirmed by the DEC and the watercourse was confirmed by the DEP. Ms. Tortorella offered to recertify the calculations by their professionals if the Board desired.

Ms. Mauch noted that in their letter (7/20/10) they had asked some questions about measurements on the property. She asked if there would be an impervious surface since it was not indicated on the plan. Mr. Bria asked the course of procedure. Mr. Fowler said that they need to finish the plans and refer them to the consultants for mitigated actions on the proposal. He was not totally convinced that they can't put a reasonably sized house on the lot as well as the septic system without crossing the wetlands. Mr. Williams reiterated that the soil conditions on that side of the property are not conducive for a septic. In addition there is a shallow depth to ledge rock. Mr. Barbagallo will verify.

Concerning the driveway location, Mr. Fowler was not totally convinced that it could be made better. He said that Mr. Efremenko had suggested that it could be moved further south that would be farther away from the Greenbaum property.

Mr. Romano asked the time it would take from this point to the finished project. Ms. Tortorella estimated that the construction process would take 1 ½ yrs. Mr. Fowler said that it could be 3 years for a hand crafted house. The application will be referred to Town Counsel. Mr. Kushner asked if it could be determined that there could be more than one lot on the parcel. Ms. Tortorella said that she will discuss with her client.

Mr. Mlynar said that they are putting the same focus on this application as if it were a SEQR project. He said that the review appeared to be overkill. Mr. Fowler said that the applicant is treating it as though it were SEQR. He said that the review is appropriate because of the sensitivity on the lot.

Ms. Tortorella will make arrangements for Mr. Mlynar to visit the property.

**Natori**, 65 Old Mill River Road, Block 9824, Lot 35. Application for a phantom subdivision of a 20.154 acre parcel to permit construction of a second 2-bedroom residence on the property that will be served by a separate septic system, well and storm water treatment system. The property is in an R-3A zoning district.

Previous meeting dates: 06/24/10

Board walked property: 07/15/10

Mr. Ed Delaney, Bibbo Associates, was present before the Board. Board members had walked the property, and Mr. Delaney wondered if the Board was comfortable with the proposed location of the house. Mr. Fowler mentioned that the property is beautiful, but the existing house is not compatible with the immediate surroundings.

Mr. Delaney explained that the driveway will be extended from the existing driveway to the proposed structure. Drainage falls into a catch basin by the garage, underneath into a rock filled channel, dissipates into the woods and ends up into a grass line channel to where it crosses underneath the road. They will provide a storm water pollution prevention plan. Mr. Delaney noted that all activity is outside the 150' wetland setback.

Board members were in agreement with the location of the house.

**Santos**, 3 Joshua Hobby Lane, Block 9317, Lot 21.9-3. Residential site plan review for a proposed pool and patio that would exceed the maximum lot coverage threshold for an R-3A zoning district. The property consists of 4.593 acres.

Previous meeting dates: 06/24/10

Board walked property: 07/15/10

Mr. Val Santos, owner of the property, and Mr. Rich Williams, Bibbo Associates, were present before the Board. Mr. Fowler said that the only issue with the proposal was the relocation of the pool equipment to the other side of the pool. Mr. Williams had proposed landscape screening around the equipment pad. He said there is 300-400 feet distance to the neighboring residence. Mr. Bria suggested additional materials to soften the sound. Mr. Kushner said that there is a grade change at that location, and the retaining wall would amplify the sound. Mr. Santos did not have an objection to enclosing the equipment with a wall and screening.

Mr. Williams said that they have addressed all the consultants' comments and wanted to wrap up the review. He had believed that landscaping would be enough to provide a buffer. Mr. Bria said that the Board had no business engineering the enclosure. Mr. Barbagallo said that there are general guidelines concerning sound measurements. He said that despite the walls, there will still be noise that goes up. Mr. Bria said that they should not be designing a sound barrier. Mr. Barbagallo suggested getting the decibel level from the manufacturer, the distance and how far away it is. Mr. Fowler stated his concern of the noise impacting the neighbors. He liked the idea of constructing a wall around the equipment lined with sound absorbing material like wood. Mr. Barbagallo noted that flexi pave could be used as a sound barrier.

Mr. Fowler suggested that the wall, with an insulation board or other material to absorb the sound, be 12" higher than the equipment and that bushes be planted around the wall. Mr. Kushner asked them to submit a design that will be reviewed by our consultants. Mr. Fowler said that the applicant can begin work on the pool after submission of the plan for the enclosure and approval from Mr. Barbagallo. A resolution of approval will be prepared for the next meeting in September. There will not be a meeting in August.

### **Other Business**

#### **U.S. Summit Co. / Eastwoods LLC (Pound Ridge Golf Club), High Ridge Road.**

At the April 22, 2010 meeting, the applicant had requested a reduction of the \$500,000 bond currently held by the Town. It was recommended that \$50,000 be released that was associated with the NYSDOT sign off provided that the "sign-off" be delivered to the Town within 60 days or the Planning Board would require that an addition bond be posted to secure completion. A letter dated July 20, 2010 had been sent to the DOT from Ms. Tortorella encouraging sign off without the need for the disputed additional work. Ms. Tortorella said that a letter of completion had been previously received which was later revoked because it hadn't been signed by the proper authority.

Since the 60-day sign-off period had expired, the Board discussed the matter. Mr. Perry suggested extending the agreement. Mr. Fowler agreed with Mr. Perry's suggestion. By consensus the Board extended another 60 days to obtain the sign off.

**Community Center Resolution**

A resolution of approval for the Community Center had been prepared by Mr. Landler. The Board had previously approved the site plan on July 23, 2009, but a formal resolution had not been prepared at that time. Mr. Barbagallo explained the need for a formal resolution. He said that the septic system requires a SPEDS permit from the DEC. As part of their application process, documentation of approval of the site plan is required. Mr. Barbagallo said that he had submitted meeting minutes where the approval was discussed. In the event that the DEC comes back with a requirement for the resolution, it would be wise to have it prepared.

Board members reiterated the previous approval in 2004 that involved the redesigned parking area near the pond and the driveway. Originally, the paved surfaces were to be completed prior to the construction of the building. Mr. Fowler said that the 2004 approval was not pertinent to the site plan approval in 2009.

Mr. Fowler asked for a motion to approve the resolution. Mr. Brodnick made the motion to approve the resolution, and Mr. Efremenko seconded.

Voting on the motion was as follows:

Mr. Brodnick	-	aye	Mr. Efremenko	-	aye
Mr. Fowler	-	aye	Ms. Kennedy	-	aye
Mr. Kushner	-	abstained	Mr. Mlynar	-	abstained
Mr. Bria	-	nay			

The motion passed, and the resolution was signed by Mr. Fowler.

**Michael and Olga Kagan – informal introduction to the Board**

Mr. Kagan appeared before the Board for the sole purpose of introducing himself. He said that they had just purchased a property on 39 Old Stone Hill Road previously owned by the Sands. Mr. Kagan explained that it is a 33 acre property with an existing residence. The Kagans will be proposing a subdivision of the property into two parcels – one 3-acre and one 30-acre parcel. The 30-acre parcel will have the primary residence and a proposed guest house, requiring a phantom subdivision.

Mr. Kagan presented a plan. He said that he is working with Mr. David Sessions, Kellard Sessions Engineering.

**Recommendation to the Town Board on the Draft Comprehensive Plan**

Board members discussed the matter of adopting the Comprehensive Plan. Mr. Bria said that the plan included every concern in Town that ultimately must be solved by the Town Board. He felt that it is too encumbering for a small town. Mr. Kushner said that the plan is so overreaching that it places a burden on the Town. Mr. Efremenko said

that it was not a binding document. Mr. Kushner said that if it becomes an adopted plan it will have the force of law, and any applicant can hold the Town responsible. Mr. Efremenko said that the plan uses the phrase 'the Board shall consider'. Mr. Kushner said that the applicant's attorney would take a different view of wording.

Mr. Perry suggested that it be used as a guideline. Adoption would give it a lot more teeth. Discussion ensued regarding the meaning of 'accepting' or 'adopting' the plan. 'Adopting' was regarded as a term of art denoting formal installation of a document with binding effect whereas 'accepting' a plan denotes that it is a non-binding set of guidelines.

Mr. Fowler said that the Board should make a recommendation as to whether or not the plan should be adopted. He said that he would like to say that the plan is a good guidance, but that it should not be adopted. Mr. Fowler said that they should endorse the work that had been done on the plan. He said that the wording should state that there are inconsistencies between zoning and the plan. Mr. Mlynar reminded the Board that no other Comprehensive Plans had been adopted. The Board was unanimous in that the plan should not be adopted.

The public hearing for the Comprehensive Plan Committee members had been scheduled for Thursday, July 29, 2010. Ms. Taft said that it was a requirement to hold this hearing prior to the public hearing.

Mr. Fowler will draft a recommendation memo to the Town Board.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Karen B. Taft, Administrator