

**DRAFT**  
**TOWN OF POUND RIDGE PLANNING BOARD**  
**MINUTES OF THE MEETING**  
**Thursday, June 24, 2010**

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

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

**Not present:**                    *Judy Kennedy*  
  *Sam Mlynar*

**Adoption of Minutes from the Meeting of May 27, 2010**

Mr. Efremenko made a motion to adopt the minutes from the meeting of May 27, 2010 as submitted. Mr. Brodnick seconded the motion, and all Board members present voted in favor.

**Kensho and Tushita Trust**, 126-128 Old Stone Hill Road, Block 10047, Lots 29 and 28. 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

Board walked property: 11/03/07

Mr. Ed Delaney, Bibbo Associates, was present at the meeting. Mr. Delaney said that the Board had directed the applicant to think about what was to be planted and fenced on the property. He presented a revised fencing and planting plan that was outside the offsite wetlands setback of 150 feet. Mr. Delaney proposed a four foot high double paddock fence.

In addition, the Board had directed the applicant to restrict the horses from within 250 feet of the wetlands in addition to the offsite wetland. Mr. Delaney said that no planting will occur within the 150' setback area. The proposed drainage will remain the same.

Mr. Delaney said that it will not be necessary to return to the Water Control Commission. Mr. Barbagallo said that he is satisfied with the plan. Mr. Fowler reported that the applicant has recognized the violation that occurred on the property in the past, and pending the preparation of a resolution, he saw no reason to not approve the application. He noted that he had spoken to Town Counsel, Mr. James Sullivan.

Mr. Fowler recommended provisional approval pending the resolution of the violation that will be done prior to the next meeting.

Mr. Kushner asked that Mr. Delaney review the planting plan. Mr. Delaney said that approximately 40 new 16-foot Norway spruces will be planted along the perimeter of the property. Mr. Delaney noted that the plans are dated June 8, 2010. A resolution of approval will be prepared for the next meeting.

**Cohen**, Joshua Hobby Lane, Block 9317, Lot 21.9-4. Review and ratification of resolution of approval for residential site plan review for new construction of a single family residence that would exceed the maximum building coverage threshold for an R-3A zoning district. The property consists of 3.08 acres.

Previous meeting dates: 04/22/10 (informal hearing), 05/27/10

A resolution of approval had been prepared. Ms. Taft noted that Health Department approval had been received that day. Mr. Kushner said that the coverage for the current plan is less than the previously approved plan for the Kimmels. He thought that it would be appropriate to point this out as a 'Whereas' in the resolution.

Mr. Efremenko made a motion to approve the resolution of approval, and Mr. Kushner seconded the motion. All Board members present voted in favor.

**O'Neil**, 20 Rock Hill Way, Block 9031, Lots 165. Review and ratification of resolution of approval for residential site plan review to construct additions to the east and west sides of the existing house, alterations to the parking area in front of the house, construction of a three-car detached garage with pool house on the second floor and expansion or replacement of the septic system. The proposed construction will exceed the maximum building and lot coverage thresholds for an R-3A zoning district. The property consists of 8.99 acres

Previous meeting dates: 04/22/10, 05/27/10

Board walked property: 04/24/10

A resolution of approval had been prepared. Mr. Perry said that the Water Control Commission had approved the septic plan the previous evening. Mr. Barbagallo said that he had met with the applicant, and he was satisfied. He advised that the Board move forward subject to submission of the soil erosion control plan.

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

**Casarella**, 264 Salem Road, Block 10047, Lot 67.1. Review and ratification of resolution of approval for residential site plan review for the installation of a hammerhead area tying into the existing driveway that would exceed the maximum lot coverage threshold for an R-2A zoning district. The property consists of 2.073 acres.

Previous meeting dates: 05/27/10

Board walked property: 06/02/10

Mr. Fowler noted that a modified plan had been submitted following the walk of the property. The applicant agreed to install a hammerhead area in lieu of a loop driveway in front of the residence. The new mitigated plan suits the applicant's purposes.

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

**Tenney**, 316 Stone Hill Road, Block 9816, Lot 71.9. Request for extension of previous site plan approval to renovate existing residence, garage and guest house on the property that exceeds the maximum building and lot coverage thresholds for an R-3A zoning district.

Previous meeting dates: 01/24/08, 04/24/08, 04/24/10

Resolution of approval: 05/22/08

Additional 60-day extension granted, expiring 07/30/10: 04/24/10

Board walked property: 01/26/08

Extension of approval (1 yr.) granted: 05/28/09

Ms. Taft had checked with Town Counsel to see if the Board could grant an additional extension of approval. Mr. James Sullivan advised that it is the decision of the Planning Board.

Mr. Efremenko made a motion to approve the extension of site plan approval to May, 2011 meeting, and Mr. Bria seconded. All Board members present voted in favor.

**Walker**, 240 Stone Hill Road, Block 9816, Lot 79. 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

Board walked property: 06/02/10

Mr. Fowler said that the Board had walked the property. Mr. Barbagallo said that he had no issues with the application. The Water Control Commission had approved the application the previous evening.

A resolution of approval will be prepared for next month's meeting.

**Mutino**, 296 Salem Road, Block 10047, Lot 85. Application for a 2-lot subdivision of a 4.78 acre lot that would be divided as follows: Lot 85.2 – 2.0 acres, Lot 85.1 – 2.7771 acres. Lot 85.1 has an existing residence, driveway and barn. The property is located in an R-2A zoning district.

Previous meeting dates: 10/30/08 (Informal hearing)

Landmarks Commission approval: 06/05/09 (with recommendations)

Mr. Peter Mutino, owner of the property, was present before the Board. He noted that he was before the Board informally over one year ago. Mr. Mutino said that he hadn't yet developed plans for building on the new lot. Mr. Fowler noted that a letter had been received from the Landmarks Commission dated June 5, 2009 stating their approval to amend the original Landmark application that would allow the subdivision. The Commission recommended that the style and scale of the house be compatible with the existing Landmark home. Mr. Mutino explained that the house will be built for them, and they will be concerned about the site and appearance of the house.

Mr. Mutino explained that there is an opening in the stone wall that will be used for a driveway to the proposed house. Mr. Fowler said that they should look at the property

and discern whether or not the sight lines are appropriate. He said that the acreage was conforming.

Mr. Fowler directed Mr. Mutino to finish his plans, a public hearing will be scheduled, and depending on the outcome, preliminary and final subdivision approval could be granted. Mr. Perry asked that the applicant contact the Health Department to prove the septic capability on the proposed lot. Mr. Mutino said that they wouldn't be developing the lot for a year. Mr. Perry said that if the Board approved a new building lot that didn't have the septic capability, it would be a nonconforming lot created by the subdivision, and the Planning Board would be liable.

Mr. Fowler directed the applicant to hire an engineer, do a septic analysis and plot an approximate location of the house. Mr. Barbagallo directed the applicant to provide a topographical map, house location and prove out the storm water.

Mr. Fowler told Mr. Mutino to review what has to be done with Mr. Perry. Mr. Barbagallo suggested that a site plan review could be done in conjunction with the subdivision review.

The Board decided to hold off on the walk until a revised plan is developed.

**Spadaro**, for property owned by Gateway Management, 71 Westchester Avenue, Pound Ridge, NY. Commercial site plan review to operate a Wine Bar on the premises. The property is located in a PB-A zoning district.

Previous meeting dates: New application

Mr. Alex Rubeo was present on behalf of the applicant. He said that Ms. Spadaro wanted to create a wine bar in the existing space owned by Ms. Bette Bonne, formerly rented by the Wine Connection. Mr. Rubeo stated that they had received approval from the Board of Health for 20 seats.

Mr. Perry said that the application was a referral from the Town Board because it requires a special use permit. He said that it is not a site plan approval because it is not a change of use or a change in the footprint of the building.

Mr. Fowler noted from Ms. Spadaro's letter dated June 2, 2010 that the 800 sq. ft. space would be used for community oriented activities like wine classes, wine tastings, a wine club and private parties. The applicant will provide limited food preparation. In addition, they will offer coffee, espresso, cappuccino, soft drinks and a small line of baked goods. The proposed hours of operation are Tuesday through Sunday from 12:00 p.m. to approximately 8:00 p.m., possibly later as needed on Friday and Saturday evenings. Mr. Kushner said that the hours of operation would be decided by the Town Board for the special use permit. Mr. Rubeo noted that the upstairs would not be used because of the septic issue.

Mr. Fowler said that he would personally encourage the use and felt it would be a nice addition to the Town. Mr. Rubeo was directed to fill out a special use permit application with the Town Board.

Mr. Fowler questioned the parking. Mr. Bria asked if Ms. Bonne had joined the parking district. This issue could be addressed by the Town Board.

Mr. Efremenko asked if there was a sign. Mr. Perry said that a sign will be erected. Mr. Fowler noted that the parking and septic were sufficient to operate the business. Mr. Kushner questioned the lighting on the sign. Mr. Rubeo said there is lighting in the landscaping in front of the building, but no other lighting is planned.

Mr. Brodnick reiterated making the parking in the back of the building part of the parking district. Mr. Fowler said that they could make that recommendation to the Town Board.

By consensus, Mr. Fowler said that the Planning Board will give the recommendation to the Town Board. Mr. Rubeo said that he will return to the Health Department to present his finished plans, and will obtain a liquor license.

**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: New application

Mr. Ed Delaney, Bibbo Associates, and Mr. Zack McGowan, architect, were present at the hearing. He said that the application was for a new 2-bedroom structure on a 20 acre property. The property is bisected by a stream and a pond, and contains some steep slopes that reduces the usable area on the parcel.

Mr. Delaney said that the applicant is proposing a one-story structure overlooking the pond. Egress will be through an existing driveway. The structure will have its own well and septic. Soil testing had been completed by the Health Department that day and was proven to be successful. Storm water and engineering details will not be provided until the size and location of the building is finalized.

Mr. Delaney said that the code requires a phantom subdivision in order to construct another residence on the property. He had provided the Board with a site plan and phantom subdivision. The proposed residence is conforming within the increased setbacks.

Mr. Fowler asked the driveway count for coverage. Mr. Delaney said it encompasses the area from the existing residence to the proposed residence. He said that the barn will be removed.

The Board will walk the property on Thursday, July 15<sup>th</sup> at 6:30 p.m.

**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: New application

Mr. Val Santos, owner of the property, Mr. John Watson, Insite Engineering, and Mr. Barry Cohen, Project Manager, were present before the Board. Mr. Watson explained that Mr. Cohen is in the process of building a residence for Mr. Santos, and now a pool is proposed for the property. He said that although they were not the engineers for the residence, they were contacted to do the pool and patio.

Mr. Watson said that an issue with the proposal is the pool's draw down water. He said that they are proposing a cartridge filter system. They will deal with the seasonal draw down by siphoning off the top and distributing to the dry well in the back that was previously approved on the site plan. Mr. Barbagallo asked if the excess capacity in the existing storm water system is to accommodate the additional impervious surfaces or just the draw down water. Mr. Watson said that it is just for the drawn down. Mr. Barbagallo asked if they would deal with the impervious surfaces in another way. Mr. Watson didn't believe it would be necessary.

Mr. Barbagallo asked about the square footage of the area of disturbance. Mr. Watson said that the house is 4,200 sq. ft. and the pool area is approximately 4,000 sq. ft. Mr. Barbagallo said that as the 5,000 sq. ft. threshold is approached, it is within full attenuation mode for quantity and quality.

Mr. Fowler said that there is a lot of new impervious surface. He was concerned with the pool equipment within the proximity of the house that was built by Mr. Vandenhoeck, now owned by Mr. and Ms. Fife, 137 Upper Shad Road. Mr. Watson will protect the equipment from the neighbor.

Mr. Barbagallo recommended that the additional storm water from the impervious areas be considered. Mr. Watson asked if additional testing would be necessary. Mr. Barbagallo said that since it is in close proximity to the existing system it wouldn't be necessary. Mr. Kushner said that there is an impact to the Fife's house, not only because of the disturbance, but also the activity. Mr. Kushner asked the applicant to discuss the matter with the homeowner.

Mr. Fowler directed the applicant to address the storm water management, and screening as well as screening for the pool equipment. He asked the distance from the Sorenson's house. Mr. Perry said that Mr. Cohen had pointed out that there is a significant rise between the Sorensens and the pool location and it would not be visible.

The Board will walk the property on Thursday, July 15<sup>th</sup> at 6:30 p.m.

### **Informal Hearing**

**Oceanus Navigation Corp, Ltd**, Lower Trinity Pass Road, Block 9320, Lot 13. Proposed residential subdivision of a 102 acre property.

Present on behalf of the application were Ms. Lucia Chiochio, Attorney, Cuddy & Feder, Mr. Jim Ryan, Engineer, John Meyer Consulting, Mr. Ron Gautreau, Sr.

Environmental Analyst, Evans Associates and Mr. Joe Modafferi, John Meyer Consulting. Ms. Chiocchio said that they were before the Board on behalf of Oceanus Navigation Corp. and its principal, Mr. C. C. Hsu, regarding a proposal to subdivide the property. She gave a brief overview of the proposal. Ms. Chiocchio said that plans had been prepared for an 11-lot conventional and a conservation subdivision. She said that they will be seeking authorization from the Town Board for the Planning Board to review a conservation subdivision.

Ms. Chiocchio explained that of the 102-acre property, 100.8 acres is within the Town of Pound Ridge and approximately 1.2 acres within the City of Stamford to the south. Rolling Meadow Lane is to the east of the property, High Ridge Road is to the west, and land owned by the Nature Conservancy is to the west. Access to the property is via a right of way from Rolling Meadow Lane, from Trinity Pass Road along Sally Ann Lane and a 50' right of way from High Ridge Road. The Mill River bisects the property north to south. A small residence is located in the south central part of the property that is used by Mr. Hsu. The residence is accessed via an unimproved right of way from Trinity Pass Road. Ms. Chiocchio said that the property lies within two zoning districts, with the majority of the property in the R-2A zoning district, and a small piece in the R-1A district. The proposal conforms to the R-2A zone.

Mr. Jim Ryan said that the property is unique in its character. He said that Evans Associates were asked to look at the property regarding the wetlands. The disturbance of the steep slopes areas will be avoided. Mr. Ryan felt that the proposed conservation subdivision offers the most flexibility to allow development of the property with care and sensitivity.

Mr. Ron Gautreau said that their primary task was to delineate and flag the wetlands, which was done last October. In addition, site walks were done with the Army Corps of Engineers to determine characteristics of the wetlands. They agreed that all the wetland boundaries were accurate. They take jurisdiction for all the wetlands except for one to the north which is hydrologically isolated. The NYSDEC also walked the property last fall. Their jurisdiction stops at the point across from Mr. Hsu's house. The remaining wetlands on the site will be regulated by the Town. The 150' regulated setback is indicated on the map. Mr. Gautreau said that the main wetland corridor is associated with the Mill River, draining south off the site into Stamford's Laurel Reservoir. A few other perimeter wetlands consist of a small forested wetland in the northwest corner that drains off the site to the north and a small wetland in the northern tip of the property that drains to the northeast. The isolated forested wetland is considered hydrologically isolated because it does not drain anywhere, which is why the Corps did not give jurisdiction over that one. In addition, another pond on the property ultimately drains to the Mill River. Mr. Gautreau noted that the uplands consist of mature forest, some hemlock dominated and some oak dominated.

Mr. Efremenko asked the location of the bridge. Mr. Gautreau said there is an existing bridge that crosses two sections of the river. Mr. Ryan said that it is in a state of disrepair. Mr. Gautreau said that another jurisdiction of the DEC is the regulation of the water courses. He said that this is classified as AA, and is regulated under the Article 15 protection of water regulations.

Mr. Ryan presented both the conventional and conservation subdivision plans. He said that some of the challenges of the property initially related to access to the property. There is some narrow frontage through an area that is within the City of Stamford on Trinity Pass Road. It is not sufficient to provide full roadway access, although the existing driveway/roadway is suitable for vehicular access, similar to a driveway. Mr. Ryan said there is access to High Ridge Road through a 50' right of way, but it has challenges from a topographic standpoint. There is legal access and frontage on Rolling Meadow Road. Both plans indicate this access. Mr. Ryan said that their approach is to deal with this as an environmentally sensitive property.

Regarding the conventional subdivision plan, they proposed 11 lots on the property. Three lots would be accessed from a driveway over Sally Ann Lane. The lots range from 2.3 to 22.6 acres. Locations for the homes are plotted in areas where there are viable septic areas that meet the slope criteria. Mr. Ryan said that this was not what they are hoping to build on the property. He felt that the cluster subdivision was their preference in terms of developable portions of the property. Mr. Kushner said that the new road could be offered for dedication to the Town, but it needs frontage on a Town road. Mr. Perry said that it should be built to Town standards.

Regarding the conservation subdivision plan, they proposed 11 lots with 2 conservation lots. The access road is longer than what would be permitted under the regulations, but it would reduce the overall disturbance of the property. One of the key components is accessing 9 lots off the road by use of common driveways and accessing 2 lots from Sally Ann Lane. The lots would be smaller ranging from 2 to 3.5 acres, allowing the creation of two conservation lots created on environmentally significant portions of the property. Mr. Ryan said that the importance of the 50-acre conservation lot in the northwest portion of the property is the proximity to the Nature Conservancy land.

Mr. Ryan said that if the conservation subdivision was permitted, it would allow flexibility in terms of unique design for the roadway. Rather than using Town standards, they could create slightly narrower areas to reduce disturbances.

Mr. Efremenko asked how the Connecticut border would affect the two lots to the south. Mr. Ryan said that with the conventional plan, all the frontage is in Pound Ridge. Mr. Fowler said that bifurcating the access from CT is not a problem. If a lot is proven in Pound Ridge through the bulk regulations, it does not have to have the driveway on the frontage. Stamford would have to be involved in the process.

Mr. Efremenko said that the Board had reviewed a couple other projects for cluster zoning, and he wasn't in favor. He said that he may be more inclined to be in favor with this proposal. Mr. Efremenko noted that on the other map, the proposed road goes behind houses that would destroy their backyards. Mr. Perry was concerned that, for the sake of safety, the Town road standards be met for emergency service access.

Comparing the two proposals, Mr. Fowler stated that they could make the conventional subdivision look more like the cluster. Mr. Bria asked the advantage of the cluster. Mr. Ryan said that it allows for 70% open space. Mr. Bria said that he wanted to

see a cluster plan that was a lot more desirable than the conventional plan. Mr. Fowler said that the two plans are not that much different. Mr. Ryan said that when they quantify some of that, the Board would be surprised how much difference there is. There is less disturbance area and the roads equate the need for storm water control.

Mr. Efremenko asked if the houses would be the same size on both plans. Mr. Ryan said that the homes are theoretical, with footprints of 4-5,000 sq. ft. He said these are proposed on the subdivision, and the size of the homes could change. Mr. Fowler said that they should consider the size of the homes during the review. Mr. Fowler questioned if the septic locations had been plotted for both plans. Mr. Ryan said that they had done preliminary, but have not yet done any onsite testing.

Mr. Fowler said that he could see the advantage of permanent dedication of large parcels of open space. Other issues to be discussed include public uses of the property. He said that Mr. Perry's concern with the road should be considered balanced with the preservation of the property. Mr. Brodnick stated that he normally does not like conservation subdivisions. He noted Old Pound Estates who also proposed such a subdivision but the acreage did not make a significant difference. He could see the advantage with this application because of the amount of open space. Mr. Brodnick was also concerned about the location of the road running around the backyard of two proposed residences. Mr. Ryan will look into his concerns.

Mr. Kushner also said that he did not see much of a difference between the two plans. He understood the environmental constraints. Mr. Kushner said that he will be interested in seeing an analysis of the two plans. Mr. Ryan noted that the plans don't include a shaded topography of the various slope categories as they relate to the development. He will submit that map the next time he appears before the Board.

Mr. Fowler said that they did a nice preliminary plan, but more study and analysis must be provided. He asked that calculations should be reviewed by Mr. Barbagallo and Mr. Landler, F.P. Clark. A determination of SEQR will be made, but Mr. Fowler noted that their review will address all the issues that SEQR requires regardless. They will do the same diligence without actually going through the process.

Mr. Kushner asked, concerning the road frontage in Stamford, that if it can be proved out that there is road frontage in a conventional subdivision, does that relieve the applicant of that obligation. Mr. Ryan will get the answer. Mr. Efremenko said that when they review conservation easements, they have dubious value when they don't have public access or are isolated. However, there is a potential with CH State Holdings to connect a piece of land down to the Aquarion property. Mr. Fowler said that Mr. Efremenko had made a good point. He directed the applicant to look at public access and the possibility of a cell tower on the property.

Ms. Elyse Arnow asked if there had been any discussion about having a conservation biologist evaluate the water flow through the property and the wildlife habitat on the property. Mr. Fowler said that whether they do the SEQR process or not, they will scope it as if it were SEQR.

Mr. Fowler directed the applicant to prove the lots and provide data to verify. He said that it is too preliminary to walk the site. A resident said that it was mentioned that if the open space didn't have public access, the value of that land is decreased. She asked if a cell tower is a public use. Mr. Fowler said that it was.

Mr. Brodnick made a motion to adjourn, and Mr. Bria seconded the motion. All Board members present voted in favor. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Karen Taft, Administrator  
Planning Board