

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

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

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

Absent: *Andrew Brodnick*

Mr. Kushner chaired the meeting until the arrival of Mr. Fowler.

Minutes from the Meeting of September 23, 2010

Ms. Kennedy made a motion to adopt the minutes from the meeting of September 23, 2010, and Mr. Bria seconded the motion. All Board members present voted in favor.

Payner, 52 Siscowit Road, Block 9828, Lot 3.9. Modification to original site plan approval granted on September 29, 2005 to allow construction of a new 10' x 23' shed addition in lieu of a 30' x 30' three-car garage.

Mr. Keith Simpson, architect, was present before the Board. He explained that the previous site plan had been approved by the Planning Board and Water Control Commission. Construction was completed on the property with the exception of the garage. The DEC had requested additional mitigation. The current plan reflects a small addition to the existing garage of 10' x 23' for storage. The applicant abandoned the originally approved 900 sq. ft. structure.

Mr. Simpson said that the addition is farther from the wetlands than the originally approved garage. The Water Control Commission said that they had seen the plan and were pleased. Mr. Simpson requested that the Planning Board allow the modification of the permit from the 900 sq. ft. structure to the proposed addition.

Mr. Kushner asked the size of the lot. Mr. Simpson responded that it is 8.8187 acres. Mr. Kushner said that the addition is small and the lot is large enough to support the structure. He noted that coverage had been reduced from the previous application.

Ms. Kennedy made a motion to approve the modification subject to final review by F.P. Clark, and Mr. Bria seconded. All Board members present voted in favor.

Levitt, 52 Old Logging Road, Block 9317, Lot 76.20-2. Approval for extension of the resolution of site plan approval granted on September 24, 2009, expired on September 24, 2010, for construction of a swimming pool, spa, deck and walls that exceed the maximum lot coverage threshold for an R-3A zoning district. The property consists of 3.293 acres.

Mr. Simpson, architect, was present on behalf of the applicant. He asked for an extension of exactly what had been previously approved on September 24, 2009. Mr. Efremenko inquired as to the requested length of the extension. Mr. Simpson asked for one year. Mr. Kushner questioned whether or not they can extend an approval that has expired. Ms. Taft noted that on a similar request, Mr. Sullivan, Town Attorney, said that the decision was up to the discretion of the Planning Board.

Ms. Kennedy made a motion to grant a one-year extension of the original approval expiring September 24, 2011, and Mr. Bria seconded the motion. All Board members present voted in favor.

Altman, 25 Eastwoods Road, Block 9821, Lot 9. 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

Board walked property: 9/27/10

Mr. David Dunn, architect, was present at the meeting. He proposed a one-story 2-car garage which is 7% over the maximum 4500 building coverage. Mr. Efremenko said that three Board members had visited the property, and they did not find any disturbing issues.

Mr. Perry said that previously a sizeable addition to the existing structure had been approved. He questioned if the new addition triggered any additional storm water mitigation. Ms. Johnston said that Woodard & Curran did not review the application since they were under the thresholds for storm water. Ms. Taft noted that no comments had been received from F.P. Clark.

Mr. Kushner said that although he is not in favor of approving anything over the maximum thresholds, he had no problem with this application. He noted that the parcel consists of 5 acres. The sense of the Board was that there was no problem. A resolution of approval will be prepared for the next meeting. No neighbors had objected to the proposal. Mr. Kushner said that it will not be necessary for the applicant to attend the next meeting.

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

Previous meeting dates: 9/23/10

Board walked property: 9/27/10

Ms. Geraldine Tortorella, attorney, Mr. Ken Andersen and Mr. Robert Bremer, architects, were present at the meeting. Ms. Tortorella said that they were before the Board for amended approval to the clubhouse site plan. She said that the location is in generally the same location as originally approved. They were also seeking approval to convert the temporary clubhouse to a pro shop, including construction of bathroom facilities in the area of the patio. Ms. Tortorella stated that the footprint would not be increased.

Board members had visited the property on September 27, 2010. Ms. Tortorella said that submissions to the Board included an overlay that compared the prior approved clubhouse with the proposed clubhouse, site line drawings from the Maddocks house to the proposed clubhouse, storm water analysis identifying additional impervious surfaces and how it would be treated. Ms. Tortorella said that they had received an e-mail from Mr. Maddocks stating that he had reviewed the drawings and agreed that the clubhouse will not be visible from his property.

Mr. Ken Andersen presented and explained the site line analysis from the Maddocks house. He said there was no possible way they would be able to see the clubhouse. Mr. Andersen also presented the profile of the previously approved clubhouse design and the new proposed design.

Mr. Fowler said that there was a question as to whether the application should be treated as a modification to the existing approval. He had consulted with Town Counsel who had determined that it was a modification.

Mr. Fowler said that the applicant had addressed the Board's requests. Mr. Barbagallo had commented that the applicant shall obtain approval from the Health Department for the proposed building. Mr. Fowler recommended approval of the amended design.

Mr. Kushner had asked for a note on the plan stating what was to be removed. Mr. Efremenko made a motion to approve the clubhouse as an amendment to the previously approved site plan dated 2005 and amended in 2006 and 2007. Ms. Kennedy seconded the motion, and all Board members present voted in favor. A formal resolution of approval via the minutes will be prepared for the next meeting.

Ms. Tortorella said that timing on the construction of the clubhouse involves the economy, financing and Health Department. Mr. John Maddocks thanked the Board for requiring that the architect do the site line analysis which demonstrated that there is no visual impact from his property. Mr. Perry and Mr. Andersen will meet to discuss internal issues with the clubhouse.

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, 07/22/10

Board walked property: 01/23/10

Ms. Geraldine Tortorella, Mr. Rich Williams, Insite Engineering and Mr. Jay Fain, Fain Wetlands, were present before the Board. Ms. Tortorella noted that the application was before the Board because of new construction and the lot coverage is exceeded because of the length of the driveway. She said that the building coverage is not exceeded. Ms. Tortorella said that construction is within the increased buffers except in two areas. One of those areas is the location of the driveway that would be within the increased vegetated buffer. In the rear, the septic is proposed within the vegetated buffer.

Ms. Tortorella said that they had provided additional information including:

- Modifications to the footprint to reduce steep slopes grading in the rear.
- Elimination of disturbance to steep slopes in the rear of the house.
- The force main from the house to the septic area was re-routed to preserve approximately 35-36 trees.
- Walkways are indicated from the house to the pool, and the recalculation of the coverages.
- Site lighting indicated on project drawings. No lighting proposed along the driveway.
- Gravel trench at bottom of proposed swales for storm water management purposes as required by the Town Engineer.
- Alternative accesses including the shortest, as requested. They did not believe they were viable alternatives.
- Septic testing on the knoll to locate within the house area. There is not adequate area in that location for septic.
- Detailed response provided to all comments from Woodard & Curran and F.P. Clark memos as well as those comments from Zarin & Steinmetz.

Mr. Jay Fain, Soil Scientist, said there are two wetlands on the site. He proposed that the force main be placed deeper than two feet deep, and that two mains be installed for backup. Mr. Fain said that no significant trees would need to be removed.

In terms of the wetland crossing, Mr. Fain explained that the wetland provides wildlife habitat, storm water retention and storm water conveyance. He felt that this was the best area for the crossing, as was described in his report. Mr. Fain contacted the DEC to inquire about animals and habitats that they felt were special in the area. The DEC identified six potential species of interest. The species and habitats were unlikely to be in the area. The information that was collected by Mr. Fain was provided to the DEC. Mr. Fain said that the DEC indicated that they will issue the permit.

Mr. Fain said that F.P. Clark had commented that there are two potential endangered species. He said that the particular species would not inhabit that area.

Mr. Fain said that there are a couple storm water basins that will be enhanced with additional plantings rather than creating additional wetlands on the site. Creating additional wetlands would involve more disturbance to the land. Ms. Tortorella noted that although there would be some filling for the wetland crossing, it would not impact the function of the wetlands. There is a culvert that is crossing in the narrowest point of the wetlands, as directed by the DEC. The flow that will go through the culvert will be the same as the flow that goes through now and can accommodate the larger storm event. Mr. Efremenko asked the size of the culvert. Mr. Fain replied that it is 56”.

Ms. Tortorella said that it had been noted that the area was in the biotic corridor. Mr. Fain said that his report suggested minimizing disturbance as much as possible which they had done.

Ms. Tortorella said that F.P. Clark had made recommendations to modifications to the wetland mitigation plan. With respect to the comment on the maintenance of the grass over the septic and force main areas, Mr. Fain said that in order to prevent trees from growing, it will have to be maintained on an annual basis.

Ms. Tortorella said that a comment made by Zarin & Steinmetz concerned the water supply of the wetland. She said that the issue was covered in Mr. Fain’s report. Mr. Fain said that the drainage will be the same from a water budget point of view.

Ms. Tortorella said they did not agree with the comment by F. P. Clark that recommended submittal of a wetland report to the U.S. Fish and Wildlife. She did not see the benefit in doing so because they don’t have that kind of federal permit that would be triggered. Ms. Tortorella said that they have had a difficult time getting a response from the Army Corps of Engineers. Mr. Fain believed that it is an isolated wetland that is not under their jurisdiction. The matter will be discussed with them.

Mr. Steve Greenbaum, 48 Saddle Ridge Rd., asked about the alternative septic area. Mr. Rich Williams reiterated that the Planning Board asked if there was a feasible septic area in the portion of the property between the two DEC adjacent areas. According to the testing that was performed, it was determined that the soils couldn’t support a septic system.

Mr. Williams presented three alternatives to the plan at the request of the Board:

a) The building coverage is 98%, and the lot coverage is 164% due to the length of the driveway. An alternative was requested that would provide the shortest possible driveway. The shorter driveway still exceeds the coverage threshold and would increase the disturbance to the wetlands. Mr. Williams said that F.P. Clark misinterpreted that there would be a 7800 sq. ft. reduction of disturbance in the buffer with the alternative.

Mr. Williams said that in all three alternatives there is an increase in wetland and wetland buffer disturbance over the proposed site plan. Mr. Fain did not

believe that the DEC would approve the alternatives. Mr. Williams noted that the ideal crossing is as proposed on the site plan.

b) At any location along Honey Hollow Road, there will be a disturbance of steep slopes in excess of 35%. There is a narrow band in the southeastern part of the property where the slope is less than 35%, but 223 sq. ft. would result in increased buffer and wetland disturbance. In addition, it is in the NYSEG easement.

c) This alternative was suggested by Woodard & Curran to avoid disturbing steep slopes in excess of 35%. A significant amount of disturbance would be in the wetlands and would probably not be approvable by the DEC.

Concerning the alignment of the driveway and how it would affect headlight glare to the Greenbaum property, Mr. Williams explained that there is a high point between the house and the driveway crossing. Natural topographic breaks will minimize headlight glare. They proposed a series of evergreen screening and other supplementary plantings along the ridgeline.

Ms. Tortorella said that the most recent submittals included revised drawings, a slope plan, inventory of trees to be removed, testing of the septic areas, a vicinity map, three alternatives for the driveway, storm water pollution prevention plan, an assessment by Mr. Jay Fain, architectural plans and elevations. Ms. Tortorella noted that the turnaround in front of the house was reduced.

Ms. Tortorella reiterated that she believed the application to be a Type II action under SEQR. She said that the Board was to consult with Town Counsel about the issue.

Ms. Helen Mausch, Zarin & Steinmetz, counsel for surrounding homeowners, asked to raise some legal issues and provide some updates on the application.

- SEQR – disagreement on the issue. She believed that impacts should be minimized.
- The new plan adds a sixth bedroom above the garage
- Compliance with bulk regulations – 250' circle should not include wetland areas.
- The lot has no Health Department approval, and will not be considered a buildable lot until approvals are issued.
- Does the Planning Board have the authority to approve an application where they are proposing slopes greater than 35%. She stated that there are no waivers presented in the code.

Ms. Mausch stated that the application is invalid and unlawful.

Following the last meeting, Ms. Mausch said that her client received a call from a party who asked if they would consider a purchase of the land. The call prompted a series of discussions and calls with accountants, tax advisors and bankers as to whether this could be an alternative. Conversations were had with the Westchester Land Trust and the Pound

Ridge Land Conservancy. Ms. Mausch said that her clients are considering meeting with the applicant and presenting a significant six figure offer for the property.

Ms. Mausch said that their wetland consultant was not present that evening, Mr. Bruce Barber. They will present a response with Mr. Fain's comments. Ms. Mausch noted that F.P. Clark stated that the wetland evaluation provided by the applicant does not recognize the high value of the wetlands.

Mr. Kushner asked if the applicant had been before the Water Control Commission. Ms. Tortorella said that they were before the Commission in March, and they were generally in favor of it, but asked that the applicant reappear after site plan approval. They had asked that the applicant be realistic about the area around the house because they did not want to approve construction disturbance lines until all the use of the property was clarified. Mr. Perry agreed with what Ms. Tortorella had said.

Mr. Fowler noted that SEQR is not meant to stop development. Its purpose is to have reasonable review and reasonable alternatives. Mr. Fowler stated that the work that has been done so far is well above the ordinary and is essentially what would have been required if they were doing a SEQR review. His opinion, as supported by Town Counsel, was that it is not a Type I action. A great deal of review has been done due to the sensitivity of the site. Mr. Fowler noted that the proposal is for one house on a 17-acre site with a larger than normal amount of wetlands, but still has a buildable area. He said that the driveway wetland crossing is where it should be. Mr. Perry said that the Health Department will make the decision concerning the amount of bedrooms.

Ms. Mausch asked their decision on the steep slopes. Mr. Fowler will check with Town Counsel.

Mr. Greenbaum felt that it is unlawful to disturb steep slopes in excess of 35%. He believed that that fact should have prevented the applicant from coming before the Board. Mr. Greenbaum said that relocating the driveway would reduce the impact on slopes and improve the visual impact for the neighbors. He believed that the driveway could be seen from his windows. Mr. Greenbaum said that the Planning Board deals with site lines and the Water Control Commission deals with the wetland impact.

Mr. Fowler asked Mr. Greenbaum if his goal was to stop the development or to mitigate it. Mr. Greenbaum said that he wants to stop the development or to mitigate if they can't prevent the development. He was grateful that the Board had urged the applicant to provide a thorough review. Mr. Greenbaum was discouraged that coverage had not been reduced. Mr. Fowler said that they will take his concerns into account and refer them to Town Counsel.

Mr. Bria asked if the Greenbaum's driveway was closer to the property line than the proposed driveway. Mr. Greenbaum believed that the map was not accurate. Mr. Bria asked if the Town had ever denied a property owner the right to build. Mr. Fowler mentioned several difficult lots - one on Long Ridge Road that was in a hollow, another on S. Bedford Road with a very steep driveway and another on Barnegat that was a small lot with a river in the rear. He said that they were not conforming lots, yet were buildable

because they had been deemed lots and taxes had been paid on the property. Mr. Greenbaum said that the steep slopes law is relatively new, and is their primary focus.

Ms. Tortorella asked for a determination from the Board as to whether or not the application is a Type II action. She also asked for some policy decisions concerning the adequacy of the landscaping proposed in the vegetative buffer. The concern about headlight glare is a fair concern, and Ms. Tortorella said that they had mitigated it. Referring to the purchase by the Westchester Land Trust, she did not want to hold up the application until a decision is made.

Mr. Greenbaum asked that their experts have access to the property. Ms. Tortorella said that she would not permit it. Mr. Fowler said that a planting plan could be provided to resolve the site line issue. He said that they will check out the legal issues.

Mr. Fowler recommended a Type II action. Ms. Tortorella noted that F.P. Clark had recommended a Type II action. Mr. Efremenko made a motion to accept the determination that the application is a Type II action. Mr. Kushner seconded the motion, and all Board members present voted in favor.

Ms. Tortorella requested a public hearing. Mr. Fowler responded that first he wanted the issue of the 35% steep slopes answered. They will be on the next agenda for discussion of this issue. Mr. Fowler said that one of the two critical issues is the driveway location. He asked for a denial from the DEC for the alternative driveway location.

Mr. Fowler said that a public hearing could potentially be scheduled at the next meeting. Ms. Mausch questioned if the applicant should appear before the Zoning Board of Appeals for determination of the 250' circle.

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: New application

Mr. Peder Scott, architect, was present before the Board. He said that an approval was granted on January 21, 2010 for a pool and other improvements requiring storm water management which is a requirement when more than 5,000 sq. ft. of land is disturbed. Prior to construction, they found that the expanse of the project exceeded the budget of the client due to storm water discharge structures and filling requirements. Consequently, the project was tightened up in order to reduce the disturbance area to under 5,000 sq. ft. They integrated the activities in a localized area to reduce the cost.

Mr. Scott asked for a waiver for the erosion control devices to be excluded from the coverage analysis. He explained the erosion control devices that he was referring to included a construction entrance to clean the grit from the trucks as they drive in and out of the site. In addition, there would be piles of dirt. Mr. Scott noted that both the entrance

and piles of dirt would both be temporary. If the Board would not grant a waiver, he proposed that the deck be reduced from 20 to 15 feet.

Mr. Perry said that the Planning Board cannot waive storm water management requirements. The Storm Water Management Officer or the Town Engineer are the only ones qualified to grant a waiver. Ms. Johnston asked Mr. Peder to demonstrate how much storm water the units and retaining walls can handle in addition to pool draw down. Mr. Perry said that the application could be approved subject to the Town Engineer's sign off.

Mr. Bria asked for the reduction of disturbance with the new plan. Mr. Scott said that the previous disturbed areas were approximately ½ acre. Mr. Efremenko asked the height of the retaining wall from the ground level. Mr. Scott replied that it would be 4' from ground level. Mr. Efremenko said that it would be accentuated at the top of the hill. Mr. Scott proposed plantings where the structure is located. Mr. Scott proposed a 2' elevation of wall above the deck with an 18" high railing above the wall. Mr. Efremenko questioned the proposed fence around the pool. Mr. Scott said that it would be 2' above the wall. Mr. Perry noted that there is a step on top of the wall, and the requirement for a fence is 4' high above any standing surface. Mr. Scott said that he will coordinate with the Building Department.

Mr. Kushner said that the Board should walk the property. The walk was scheduled for Saturday, November 6th.

Brokaw, 43 South Bedford Road, Block 9452, Lot 12. Application for site plan approval to permit the apartment located over the detached three-car garage on the property to be used as an accessory apartment.

Previous meeting dates: New application

Ms. Geraldine Tortorella, attorney, and Mr. Keith Simpson, Landscape Architect, were present at the meeting. Ms. Tortorella said that the accessory structure was issued a CO in 2001 that allows for habitable space and a bathroom, but no kitchen facilities. There is a 3-car garage underneath. Ms. Tortorella requested approval to allow the space to become an accessory apartment. Mr. Keith Simpson presented the floor plan that includes one bedroom, one bath, an open area, a kitchen and a living room. Ms. Tortorella said that there is no modification to the footprint.

Ms. Tortorella noted that the application is a Type II action under SEQR, and should be included in the resolution.

Ms. Kennedy made a motion to approve the accessory apartment, and Mr. Bria seconded the motion. All Board members present voted in favor.

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

Request for a 6-month extension of Preliminary Subdivision Approval to May 27, 2011. Original approval for three lots was granted May 27, 2010 which will expire November 29, 2010.

Ms. Tortorella said that preliminary approval for the 3-lot subdivision expires November 29, 2010. She said that they are in the process of working with the DEC. Mr. Fowler asked the reason for the delay. Mr. Simpson explained that the Dam Division has been involved and has lengthened the process.

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

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: New application

Mr. Glenn Ticehurst and Mr. Seth Ticehurst, Landscape Architects, were present at the meeting. Mr. Glenn Ticehurst explained that he had been before the Board in 2002 for a similar project involving replacement of the existing house and pool that exceeded the maximum lot coverage threshold. The application was approved in November, 2002.

Mr. Ticehurst proposed removal of the existing residence and a new residence and pool constructed further from the wetlands area. An application had been filed with the Board of Health for a new septic system. Mr. Ticehurst explained that the existing house is 2,960 sq. ft., and the proposed house is approximately 4,524 sq. ft. The existing lot coverage is 11,912 sq. ft., and the proposed lot coverage with a reduction in driveway is 10,300 sq. ft. Mr. Ticehurst proposed construction of a rain garden in the area of the existing pool.

Mr. Kushner said that the property will be walked on November 6th. Mr. Ticehurst will stake the property.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Karen B. Taft, Administrator
Planning Board