

**TOWN OF BEDFORD
PLANNING BOARD MEETING**

**425 Cherry Street
Bedford Hills, New York 10507**

**Tuesday
December 15, 2015
8:00 PM**

Conferences:

- 1. Waiver of Site Plan Approval – Hair Salon**
Section 49.19 Block 2 Lot 15, CB Zone
186-252 Katonah Avenue, Katonah
Owner: **UB Katonah, LLC**
Applicant: **Jovan Zeolla, Jovan Nicole Salon, LLC**
(Consider Waiver of Site Plan Approval.)

- 2. Waiver of Site Plan Approval**
Section 71.8 Block 2 Lot 16, LI Zone
125 Plainfield Avenue, Bedford Hills
Owner: **Annie K. Harper**
Applicant: **Goodfellas Auto Body, Inc. – Contract Vendee**
(Consider recommendations to ZBA for Special Permit.)

- 3. Proposed 10-Lot Subdivision**
Section 62.9 Block 1 Lot 13, R-4A Zone
Upper Hook Road, Katonah
Section 62.13 Block 1 Lot 1, R-4A Zone
131 Upper Hook Road, Katonah
Owner: **New York Bedford Castle Co.**
Applicant: **America Capital Energy Corporation**
(Review revised DEIS.)

Discussion:

2016 Planning Board Schedule

Approval of Minutes:

June 23, 2015
June 30, 2015

Supporting documentation for all items on this agenda is available at the Town of Bedford website.

www.bedfordny.gov

Larger documents and plans are available at the office of the Planning Board.

Agenda items subject to change.

PLANNING BOARD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK

ENVIRONMENTAL CLEARANCE FORM
(This Side to be Completed by Applicant)

1. IDENTIFICATION OF OWNER

Name of owner: UB Katonah LLC
Address: 321 Railroad Ave., Greenwich CT 06830 Phone: 203-863-8200

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: Jovan Nicole Salon, LLC
Address: _____ Phone: _____

3. IDENTIFICATION OF SITE INVOLVED, if any

- a. Name or other identification of site 196 Katonah Ave. Village Commons, Katonah, NY
b. Roads which site abuts Katonah Avenue
c. Bedford tax map designation: Section: 49.19 Block 2 Lot(s) 15
d. Total site area 919 sq. ft.
e. Does the applicant have a whole or partial interest in lands adjoining this site? NO

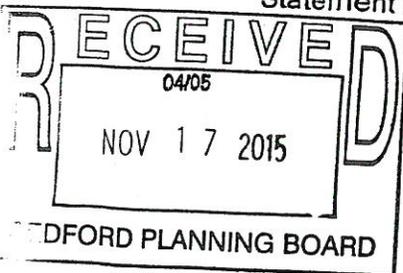
4. IDENTIFICATION OF PROPOSED ACTION

- a. Description of Proposed Action I am looking to open a full service hair salon
b. Relationship to other actions:
1. List any further actions which may be undertaken, of which this proposed action is part or first step, e. g. further subdivision of a large parcel of land: N/A
2. List any related actions which may be undertaken, of which this proposed action, e.g. highway reconstruction to serve increased traffic: N/A
3. List any actions which are dependent upon this proposed action, and therefore should be reviewed as part of this action, e.g. house construction in the case of a residential subdivision: N/A

All such actions must be reviewed in conjunction with the action proposed.

5. CLASSIFICATION OF PROPOSED ACTION (see lists of Type I, II, Exempt, Excluded Actions)

- Type I. An Environmental Impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.
- Type II or Exempt Action. No Environmental Impact Statement is needed. Submit this form only.
- Unlisted Action. Pending Analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form.



Jovan Nicole Salon
Signature of Applicant

11/9/15
Date

**TOWN OF BEDFORD
ENVIRONMENTAL CLEARANCE FORM**
(This side only for Official Use Only)

1. CLASSIFICATION APPROVED; FURTHER ACTION REQUIRED:

- Type I Action.** The proposed action will have a significant effect on the environment. An Environmental Impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.

- Type II or Exempt or Excluded Action.** No Environmental Impact Statement is needed. No further action required.

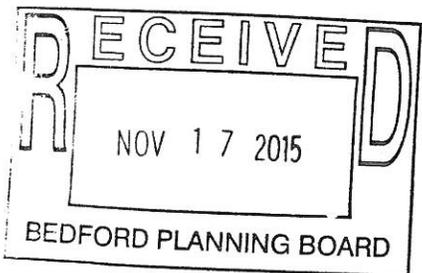
- Unlisted Action.** The proposed project may have a significant effect on the environment. Pending analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form.

2. COMMENTS:

_____ Town Agency

_____ Agency Signature

_____ Date



Waiver of Site Plan Approval

Date:

912C Heritage Hills
Applicant's Home Address

Somers, NY 10589
City, Town, Village

Town of Bedford Planning Board
Town House
Bedford Hills, New York 10507

Sir or Madam:

I/We am/are the owner (s) of property located on 196 Katonah Ave,
Katonah, NY shown and designated on the Town Tax Maps as:
Section 49.19 Block 2 Lot(s) 15

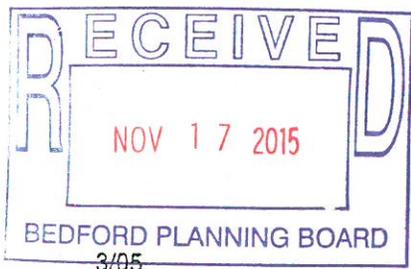
It is my/our intention to Open an eight (8) chair hair
salon using two (2) shampooing sinks.
(Describe proposal)

Because of the limited nature of the proposed development or change of use, or to special conditions peculiar to this site, I/we am/are requesting a waiver of the requirement of site plan approval pursuant to Article IX Section 125-93 of the Code of the Town of Bedford.

Very truly yours,

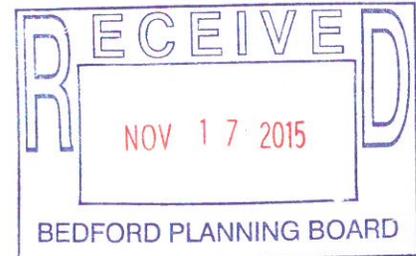
Juan Zalla, sole member.
Signature of Owner and/or Applicant

UB Katonah, LLC
By: Urstadt Biddle Properties Inc, its sole member
[Signature] V.P. Director of Management + C.S.T.
Signature of Owner and/or Applicant U.B.P.



10/12/15

Town of Bedford
Planning, Building & Related Services
ATTN: Mr. Jeffrey Osterman, Director of Planning
425 Cherry Street
Bedford Hills, NY 10507



Dear Mr. Osterman and Town Planning Board:

I am seeking approval to open a full service hair salon at 196 Katonah Avenue. My business name is **Jack & Jill Hair Lounge**.

Jack & Jill Hair Lounge will offer a variety of styling services for men, women and children. We specialize in an exceptional quality of cutting and styling. In addition, we provide special occasion hair styling for events that include but are not limited to weddings, sweet sixteens, mitzvahs and communions. The other core element of my business is hair extensions and a full hair coloring bar. We provide clients with the newest methods of hair extensions which is non-damaging and glue free. At our coloring bar men and women can receive services such as single process color to cover grey hair, highlighting and more. We also offer services which complete the cycle of our full service salon. These services are makeup application and waxing/hair removal.

As an additional revenue stream, Jack & Jill Hair Lounge will have a small retail section. Our clients can purchase the professional hair products we use at the salon to take home for personal use. Our retail section will offer hair products as well as grooming and beauty tools (ie. Hair Dryers and curling irons).

The beauty industry is rapidly changing and trends come and go. Our staff will be involved in a hands on continued education program. The salon will host classes on the first Monday of every month to keep our stylists up to date on the latest coloring, cutting, and styling techniques and trends. In a competitive market, we need to stay ahead of our competition by being educated and prepared to service any guest who walks through the door, no matter what style they are looking for.

Jack & Jill Hair Lounge will build upon it's already large customer e-mail database and reward our clients with referral benefits, free tutorials & classes, and loyalty rewards to help with our expansion. Our biggest competitive advantage is our dedication to service. Customer service is one element, but also standing by or work and providing a superior product to our

clients. We hold ourselves accountable for exceeding our clients' high expectations and recognize that positive word of mouth is the beauty industry's best marketing tool.

Our values and beliefs define us as a salon. We believe in the strong impact of positive energy and creating a positive atmosphere for both our clients and our team. As a business owner you must set an example for your team to withhold to this image and environment. We can touch one person's life at a time by inspiring them through the craft that we love and dedicate ourselves to. Clients come to a salon not only for the trade expertise, but for a feeling. They want to walk out the door feeling better about themselves and their lives than they did when they walked in. We want to ensure that every guest leaves feeling as amazing and special as they will look. We aim to make every experience a positive one and to continually strive to be better for ourselves, our craft, and our guests.

I am looking to install four (4) back-to-back stations, having a total of eight (8) chairs. In my financial documents, I budgeted out & plan on hiring six (6) full time hairstylists. I have met with contractors, engineers and architects to maximize the efficiency of the floor plan. The additional two (2) chairs are allocated for doubling up appointments (a stylist can service client B while client A waits the necessary thirty minutes for the hair color to process).

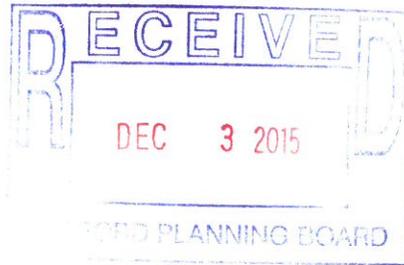
I did my due diligence to accurately estimate the water usage. My water usage estimates are based on a typical salon operating hours, with a built up clientele and comparable full time stylists. A basic shampoo uses anywhere from 1/2-1 gallon of water. The estimation I used included six (6) working stylists, each stylist servicing an average of 6-8 guests per day, which on estimation would consume approximately 48 gallons of water a day (excluding bathroom and other water usage).

I thank you for your time. Should you have any other questions regarding my business, you may contact me at the below phone number and I will be glad to provide any further information needed.

Regards,

Jovan Zeolla
(845) 476-1211

CHARLES V. MARTABANO
Attorney at Law



9 Mekeel Street
Katonah, New York 10536
cmartabano@gmail.com
(914) 242-6200 Telephone
(914) 242-3291 Facsimile
(914) 760-9241 Cell

December 2, 2015

VIA HAND DELIVERY

Chairwoman Deirdre Courtney-Batson and
Members of the Planning Board
Town of Bedford
425 Cherry Street
Bedford Hills, New York 10507

Re: Application of Goodfellas Auto Body, Inc., (contract
vendee/applicant) and Annie K Harper (owner) for Special Permit and
Waiver of Aquifer Protection Zone Regulations

Premises – Lower Level of building located at 125 Plainfield Avenue,
Bedford Hills, New York; Light Industrial (LI) zoning district

Property ID number 71.8- 2-16

Dear Chairwoman Courtney-Batson and
Members of the Planning Board:

The undersigned has been retained to represent the interests of the above referenced applicants in connection with obtaining a special permit for a public garage and a waiver of Section 125-29.4 D (3) (l) of the Bedford Town Code (hereinafter “Code ”) which prohibits public garages and automotive service stations in connection with properties located in the Aquifer Protection Zone (hereinafter “APZ”). In connection with this application, it is to be noted, as set forth in detail below, that the specific use proposed by this applicant (public garage for auto body use) and the specific location on the property (lower level of building located at 125 Plainfield Avenue) has already been the subject matter of a waiver of site plan approval by your Board. In point of fact, this location was previously utilized for an auto body use from 2004 through 2013. Accordingly, as these applicants are not modifying the previously approved (through waiver) site plan, it is respectfully submitted that no further waiver of site plan approval is required. Notwithstanding the foregoing, as it appears as though the prior applicant/user of the property did not obtain a special permit and/or waiver of Section 125-29.4 D (3) (l) of the Code precluding public garages in the Aquifer Protection Zone, the current applicant desires to obtain

same and will therefore require a recommendation by your Board in connection with its request for a special permit pursuant to Section 125-59 of the Code.

In terms of relevant history, Planning Board records indicate that on June 7, 2004 then owner Anthony J. Monteiro applied for a waiver of site plan approval for a proposed mechanical and collision repair use to be established in the lower area of the building located at 125 Plainfield Avenue, Bedford Hills New York. A plan was submitted entitled "IFM Auto Body, 125 Plainfield Avenue, Bedford Hills New York", copies of which are being submitted to your Board for your convenience of review. At a meeting held subsequent to the submission of the site plan with the aforementioned request for a waiver, discussion was had whereby a history of the use of the property was reviewed. A copy of those minutes is attached hereto for your review. As can be seen from the content thereof, the then applicant indicated that the property had always been utilized for mechanical and frame straightening in the past. It was further indicated that the applicant represented that there would be no changing of fluids at the location except in connection with what was necessary during auto-body repair. It was further indicated that previously existing floor drains had been cemented in to prevent escape of fluids. The minutes also reveal that then Planning Board Chairman Donald Coe suggested that a lip be installed at the doorway to the premises in the event of any spills because the property is located over the aquifer.

As also confirmed by the minutes, the application for a waiver of site plan approval was unanimously approved provided that the following conditions were met:

1. there were to be no changes in the plan dated 06/17/04 as a result of the approval;
2. a lip was to be added to the garage door to keep any accidental spillage inside the building;
3. the sealed drains in the floor were to remain;
4. the executrix of the will (co-applicant Annie K. Harper) was to be named in the application and all backup documentation was to be supplied to the Planning Board;
5. there was to be no changing of fluids at the location with the exception of what is necessary during auto-body repair.

accomplished?

These conditions were incorporated in the resolution adopted by the Planning Board on June 22, 2004 (Resolution No. 04/23), a copy of which is attached hereto for your review. Subsequently, co-applicant Annie K. Harper became the owner of the property and therefore assumed the rights applicable to the owner under the aforementioned resolution. The then co-applicant (Robert

Dellantesh/ IFM Auto Body) thereafter occupied the premises pursuant to the aforementioned waiver of site plan approval from 2004 through 2013.

While the waiver of site plan approval remains in full force and effect for the reasons set forth above, as also forth above a recent search of the records of the Zoning Board of Appeals indicates that it does not appear as though the prior applicant ever applied for or received a special permit for a public garage use or a waiver of the APZ regulations prohibiting the public garage use. By reason of the foregoing, and in an effort to achieve conformity with the Code, the current applicants will be seeking issuance of the necessary special permit and waiver of the APZ regulations.

As this Board is aware, Section 125-59 of the Code requires prior Planning Board review of the application so as to make a recommendation in connection with any special permit application for a public garage. The applicable standards include the following:

§ 125-60. General standards.

- A. The proposed use will serve a community need or convenience and will not adversely affect the public health, safety and general welfare.
- B. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.
- C. The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- D. Operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, light or other characteristics than might be the operations of any permitted use not requiring a special use permit.
- E. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses; and the entrance and exit drives shall be laid out so as to achieve adequate safety.

It is respectfully submitted that, in making the specific findings referenced above, your Board should take into consideration (1) the prior long-term and uneventful use of this particular location both prior to and as subsequently approved by your Board; (2) the characteristics of the

LI zoning district (in terms of permissible uses) and the current development pattern and existing uses in the Plainfield Avenue /Edna Street/Green Lane. Taking all of these factors into consideration, I believe that your Board has before it sufficient facts to support a determination to the effect that all of the standards applicable to issuance of the requested special permit have been met.

Initially, in connection with a requirement set forth in Section 125-60 A, there is no doubt that the proposed use at this location will serve a community need or convenience and will not adversely affect the public health, safety and general welfare. The community need or convenience is self-evident. In terms of the impact on public health, safety and general welfare, the protective measures already required by your Board in connection with its prior waiver of site plan approval and the additional measures referenced below will continue to assure, as in the past, that this use at this location will not adversely impact the public health safety or general welfare.

Subsections 125-60 B through E all relate to the suitability of the site for the proposed use and the appropriateness of the proposed use at the proposed location. In this regard, Subsection 125-60 B requires a determination by your Board that “[t]he location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located”. Subsection 125-60 C requires a determination that “[t]he location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings”. Subsection 125-60 D requires a determination that “[o]perations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, light or other characteristics than might be the operations of any permitted use not requiring a special use permit”. Finally, Subsection 125-60 E requires a determination that “[p]arking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses; and the entrance and exit drives shall be laid out so as to achieve adequate safety”.

It is respectfully submitted that your Board has already rendered a determination to the effect that all of the requirements of Section 125-60 have already been met through the granting of a waiver of site plan approval subject to compliance with the conditions set forth in your resolution. However, for the sake of completeness of the record, the specific factors and the compliance of this application with such factors will be reviewed in detail below.

In respect of appropriateness for the area and the absence of a deleterious effect on other uses established on nearby properties or the appropriate and orderly development of the area, initially it should be recognized that in view of the multiplicity of public garage uses already existing or approved for that area as referenced above, it is clear that establishment of this use at

this location will be in harmony with the appropriate and orderly development of the area in which it is located. The co-applicant's existing body shop is located on Edna Street, a short distance away from the proposed location. Additionally, in the immediate area, in terms of auto body uses alone, there exists Bedford Hills Glass and Auto Body, Northern Westchester Auto Body (two locations), North State Custom Auto Body, IFM Collision Center, and other auto repair related and collision related (towing services) uses.

Recognizing that public garages are special permit uses and the standards make reference to the appropriateness of the proposed use and its impacts (such as noise, fumes, vibration, light etc) as compared to uses not requiring a special permit, it is to be noted that the schedule of principal permitted uses for the LI zoning district allows as principal permitted uses wholesale business storage or warehouse uses, manufacturing and fabrication uses and outdoor storage of commercial and industrial vehicles and construction equipment as well as printing plants. Accordingly, I believe that it is clear that this use will be in harmony with the appropriate and orderly development of the area in which it is located and that operations in connection with this proposed use will clearly not be more objectionable to nearby properties by reason of noise, fumes, vibration, light or other characteristics than might be the operations of any permitted use not requiring a special use permit.

On a site specific basis, as set forth above, your Board has already reviewed this particular site and approved it for this specific use subject to the conditions referenced above. This applicant will comply with all of the aforementioned conditions and, in addition thereto, this applicant will, in connection with business operations, also comply with relevant other conditions that have been discussed with your Board in connection with other recent applications including the condition that any waste fluids shall be stored in noncorrosive 55 gallon drums and be disposed of by a certified hauler/disposal firm in accordance with all applicable EPA/DEC/DOT regulations.

We look forward to appearing before your Board to review this application and to secure your recommendation to the Zoning Board of Appeals for issuance of the required special permit and waiver of the APZ regulations. At that time we hope to respond to any questions that members of the Board may have in connection with the specifics of this application.

Yours very truly,



Charles V. Martabano

cc: Goodfellas Auto Body, Inc.
Annie K. Harper

Minutes

Bedford Hills shown and designated on Town Tax Maps as Section 71.08 Block 2 Lot 16, LI Zone

Present was Robert Dellentash, applicant

Mr. Dellentash gave some history of the property. This property has always been utilized for mechanical and frame straightening. There are no changes proposed to the property. The area will be utilized for mechanical and body work on vehicles. There are times were suspension and starters will be changed, but there is no changing of fluids at the location. Generally when a vehicle is brought to the location the fluids have already drained out during the accident or the transportation. If there is a radiator that needs to be removed, the antifreeze is taken out and captured. The drains in the building have been cemented.

Mr. Coe suggested that a lip be installed on the door in case of any spills because the property is located over the aquifer.

Mr. Dellentash stated that there are to be no physical changes to the site. The upstairs portion of the building will remain as is, there is a pool supply store presently at the location. His current location is to the right of the proposal.

The Board reviewed the Environmental Clearance Form and determined that this proposal is a "Type II Action" under SEQR. Mr. Coe endorsed the Board's determination on the ECF.

Mr. Cacciato made a motion to grant the applicant's request for a waiver of site plan approval subject to the usual procedures and following conditions: there are to be no changes in the plan dated 06/17/04 as a result of the approval; a lip is to be added to the garage door to keep any accidental spillage inside the building; the sealed drains in the floor are to remain; the executrix of the will is to be named in the application and all backup documentation is to be supplied to the Planning Board; there is to be no changing of fluids at the location with the exception of what is necessary during the auto-body repair. Mr. Cacciato seconded the motion. The vote in favor of the motion was unanimous. A resolution entitled, "Resolution No. ??? - ????????????", is incorporated as part of these minutes.

**Proposed Revision to Subdivision Lot 1 - Braewold Subdivision
Section 71.8 Block 1 Lot 4.2, R-2A Zone
Wood Road, Mount Kisco
Owner/Applicant - Wood Road 1, LLC
(Review request to modify driveway location)**

**PLANNING BOARD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK**

RESOLUTION NO. 04/23

**PROPOSED MECHANICAL & COLLISION REPAIR
IN LOWER AREA OF BUILDING
IFM SYSTEMS, INC
WAIVER OF SITE PLAN APPROVAL**

WHEREAS, an application dated June 7, 2004 from Anthony J. Monteiro, 4 Foxwood Circle, Mt. Kisco, New York 10549, for approval of a waiver of site plan for the proposed mechanical & collision repair in lower area of the building located at 125 Plainfield Avenue, Bedford Hills, shown and designated on Town Tax Maps as Section 71.8 Block 2 Lot 16, in the Light Industrial District, was received by the Planning Board on June 7, 2004 and

WHEREAS, the Planning Board received a plan consisting of one (1) sheet entitled "IFM Auto Body, 125 Plainfield Avenue, Bedford Hills, New York," prepared by Martin Kravitt, Architect, dated June 4, 2004.

WHEREAS, the Planning Board determined the proposed site plan will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, on June 22, 2004 the Planning Board reviewed said site plan, and

WHEREAS, the above-described final site plan meets all requirements of the Code of the Town of Bedford, except as noted.

WHEREAS, a copy of the Power of Attorney dated November 12, 1999 was received by the Planning Department, June 17, 2004 designating Annie K. Harper, 61 Croton Avenue, Mount Kisco "Power of Attorney" for Anthony J. Monteiro.

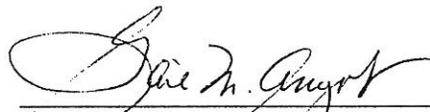
NOW THEREFORE BE IT RESOLVED, that due to the fact that there will be no physical changes to the site shown on the above-described site plan, the requirement of preliminary and final site plan approval is hereby waived pursuant to Article IX Section 125-93 of the Code of the Town of Bedford with the following conditions:

1. There shall be no changes to the plan dated June 4, 2004.
2. A lip shall be added to the garage door to keep any accidental spills in the building.
3. The sealed drains in the floor are to remain.
4. There shall be no changing of fluids at the location with the exception of what is necessary during the body repair.

**Proposed Mechanical & Collision in Lower Area of Building
IFM Auto – Waiver of Site Plan**

APPROVED: June 22, 2004
DATED: November 3, 2004

The foregoing resolution is certified to be a true copy of the resolution, which was approved on June 22, 2004 by the Planning Board of the Town of Bedford.



*Gail M. Amyot, Planning Board Secretary
Town of Bedford Planning Board*

Town of Bedford Planning Board

**2nd Floor Conference Room
425 Cherry Street
Bedford Hills, New York 10507**

Tuesday, June 23, 2015

Minutes

A meeting of the Planning Board was held on June 23, 2015, starting at 8:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Vice Chairman John Sullivan, Board Members: William Colavito, Felix Cacciato and Diane Lewis, Planning Director Jeff Osterman, and Secretary Anne Paglia. *[All Planning Board meetings are recorded. A CD copy of this recording may be obtained from the Planning Board Office.]*

Public Hearing:

Special Use Permit – Accessory Structure Over 20 Feet in Height

- Installation of Bamboo Sculpture

Section 59.11 Block 1 Lot 11, R- 4A Zone

443 Haines Road, Bedford Corners

Owners/Applicants: Michael and Judith Steinhardt

(Consider application for Special Use Permit.)

Present:

Michael Fuller Sirignano, Esq., Attorney & Counselor at Law

Jason Hayes, Estate Manager (Michael and Judith Steinhardt)

Doug Starn, American Artist, *Big Bambu*

Mike Starn, American Artist, *Big Bambu*

Cathy Deutsch, Head Gardener

Mr. Sirignano described the project to the Planning Board.

Mrs. Courtney-Batson asked if there was a planting plan. Ms. Deutsch presented a planting plan to the Planning Board.

Mrs. Courtney-Batson asked if there were any comments or questions from members of the audience.

Leigh Isaacs, owner of 461 Haines Road – one lot away, introduced himself and addressed his concerns to the Planning Board.

Doug and Mike Starn responded to some of the statements made by Mr. Isaacs.

The Planning board discussed possible conditions of approval with the applicants.

Patty Isaacs, wife of Leigh Isaacs, then addressed the Planning Board with her concerns about the engineer's report.

Mrs. Courtney-Batson asked if there were any further comments or questions from members of the audience.

Mr. Sirignano asked Mrs. Courtney-Batson to describe what the renewal process would be. Mrs. Courtney-Batson stated what the process would be. She also stated, for the record, that she wanted to be clear that the Planning Board maintains that this would not be an automatic renewal and the Planning Board could decide not to renew this Special Use Permit.

Mrs. Courtney-Batson proposed the following conditions of approval:

1. The portion of the ramp that is in the setback shall be removed and repositioned.
2. The installation shall not be open to the public and there will be no public access to the lot at 443 Haines Road.
3. The driveway to 443 Haines Road shall never be used for public access during any time that the rest of the property is open to the public.
4. There shall be monthly inspections by in-house staff. A log shall be kept of each monthly inspection to be presented to the Planning Board at the time of the renewal of the permit.
5. There shall be annual structural inspections by an engineer and a report by the engineer shall be filed with the Building Inspector.
6. The Special Permit will expire two years from the date of this approval.
7. A planting plan showing additional plantings to mitigate the winter views along the westerly border shall be presented to the Director of Planning for his review and approval.

Mrs. Isaacs expressed her concerns about noise made during the plantings. Mr. Hayes stated that the planting would not take place until the fall and it would only take two weeks.

Mrs. Courtney-Batson asked if there were any other questions or comments from the audience.
[There was no response.]

Mr. Sullivan made a motion to close the public hearing. Mr. Colavito seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

Motion: A motion was made by Mr. Colavito to approve this application for a Special Use Permit for an accessory structure over 20 feet in height (the installation of a bamboo sculpture) with the conditions specified.

Motion seconded by Mr. Sullivan.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a "Type II or Exempt Action" under SEQR.

Mr. Sullivan endorsed the Board's determination on the ECF. Mr. Colavito seconded.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

Public Hearing:

**Special Use Permit - Accessory Structure Over 20 Feet in Height
- Three-Car Garage**

Section 74.14 Block 1 Lot 1, R-4A Zone

121 Stone Hill Road, Bedford

Owners/Applicants: Martin Gubernick and Robin Ashley

(Consider application for Special Use Permit.)

Present:

Martin Gubernick, Owner

Robin Ashley, Owner

Ms. Ashley described the plan to the Planning Board.

Mr. Sullivan had some questions about the accuracy of the drawings presented as to the design and pitch. Ms. Ashley suggested she call her architect to ascertain the correct measurements.

Mrs. Courtney-Batson asked if there were any members of the public who wished to be heard.
[No one responded.]

Mr. Cacciato made a motion to close the public hearing. Ms. Lewis seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

[The Planning Board then adjourned this item so Ms. Ashley could call her architect. Meanwhile, the next item on the agenda (Landmark Preschool-Ridgefield Academy) was heard.]

[This item was resumed. Ms. Ashley was not able to contact her architect.]

Motion: A motion was made by Mr. Sullivan to approve this application for a special use permit for an accessory structure over 20 feet in height for a three-car garage with the following conditions:

1. The design and pitch of the roof (which is a 12 on 12 pitch) shall remain as shown on the plans submitted.
2. The request for the height of the building was for 22 feet six inches. The Planning Board grants the approval for a height not to exceed 24 feet six inches.

Motion seconded by Mr. Colavito.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a "Type II or Exempt Action" under SEQR.

Mr. Colavito endorsed the Board's determination on the ECF. Ms. Lewis seconded.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

Public Hearing:

Special Use Permit –Preschool Program

Section 84.7 Block 2 Lot 33, R-2A Zone

44-48 Village Green, Bedford

Owner: Bedford Presbyterian Church

Applicant: Landmark Preschool - Ridgefield Academy

(Consider application for Special Use Permit.)

Present:

David Suter, Ridgefield Academy

Mr. Suter gave the background of Ridgefield Academy and Landmark Preschool which have been in existence for forty years. They currently have operations in Ridgefield, Westport and Redding Connecticut.

Mrs. Courtney-Batson asked if there were any members of the public who wished to be heard. *[No one responded.]*

The Planning Board then asked Mr. Suter questions about the school, including the screening of visitors, playing fields

Mrs. Courtney-Batson referenced the Safe Child Playing Field Act of New York of 2011 which states that no pesticides used on the field. Ms. Lewis stated that the New York act is more comprehensive than the Connecticut act.

A member of the audience who is a neighbor of the school, requested Mr. Suter describe the door-locking routine of the school.

Mr. Cacciato suggested the children be educated about the fire house alarms which they will be hearing because of the proximity of the school to the fire house.

Mrs. Courtney-Batson asked again if there were any members of the public who wished to be heard. *[No one responded.]*

Ms. Lewis made a motion to close the public hearing. Mr. Colavito seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

Motion: A motion was made by Ms. Lewis to approve this application for a special use permit for a preschool program with the following conditions:

1. There shall be compliance with the Safe Child Playing Fields Act – there shall be no use of pesticides on the playing areas.
2. The permit shall expire after five years. The applicant must then apply for renewal of the permit.

Motion seconded by Mr. Colavito.

DRAFT – DRAFT - DRAFT

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a “Type II or Exempt Action” under SEQR.

Mr. Colavito endorsed the Board’s determination on the ECF. Ms. Lewis seconded.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

Conference:

Preliminary Site Plan Approval

Section 60.7 Block 2 Lot 40, CB Zone

152 Bedford Road, Katonah

Owner/Applicant: Old Stone Hill LLC

(Consider revised preliminary site plan.)

Present:

Thomas McCrossan

Kevin P. Helmes, The Helmes Group, LLP

Mr. McCrossan reviewed the project for the Planning Board. He stated that they have received the Board of Health approval, relocated the handicapped space as requested and the plan was reviewed by the Katonah Fire Department. Mr. McCrossan will provide copies of the letter from the Katonah Fire Department as well as copies of the Easement Agreement.

Mr. Osterman asked how many square feet the space would be. Mr. McCrossan stated that the first floor would be 2200 square feet and the second floor would be 2,000 square feet; the attic space would be storage.

The Planning Board asked that the revised plans show where the cars would be in the basement as well as where the utilities would be located.

Mrs. Courtney-Batson proposed the following conditions for Preliminary Site Plan Approval.

1. Two plans shall be presented for Final Site Plan Approval: the first plan should show changes to the property owned only by the applicant; the second plan should show changes to the applicant’s and the Town properties.
2. Landscaping shall be shown in detail on the plan.
3. The walkway shall be extended across the front of the building.
4. The layout of the basement shall be shown on the plan.
5. The Planning Board recommends that the applicant continue to pursue discussions with the Town about the use of the adjacent Town property.

Motion: A motion was made by Mrs. Lewis to approve this application for a special use permit for the home occupation with the conditions specified.

Motion seconded by Mr. Colavito.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a “Type II or Exempt Action” under SEQR.

Mr. Sullivan endorsed the Board’s determination on the ECF. Mrs. Lewis seconded.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

Conference:

**Waiver of Site Plan Approval –
Addition to Existing Commercial Building
Section 60.11 Block 3 Lot 8, LI Zone
350 Adams Street, Bedford Hills
Owner: Sunrise Management Systems (Nick Soprano, Owner)
Applicant: RC Torre Construction Corp., Inc.
(Consider Waiver of Site Plan Approval.)**

Present:

No representative present.

Mrs. Courtney-Batson stated that the Zoning Board of Appeals has granted the variance for coverage.

Motion: A motion was made by Mr. Sullivan to approve this application for a Waiver of Site Plan Approval for an addition to the existing commercial building.

Motion seconded by Mr. Colavito.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato
Nays: None

Conference:

**Waiver of Site Plan Approval –
Alterations and Additions to the Lower School Campus
Section 83.9 Block 1 Lot 2, R-4A Zone
325 West Patent Road, Bedford
Owner/Applicant: Rippowam Cisqua School
(Consider amendment to approved final site plan.)**

Present:

Kevin Daley, Director of Facilities, Rippowam Cisqua School

Mr. Daley discussed the plantings with the Planning Board.

Mrs. Courtney-Batson suggested the following conditions for approval:

1. Additional plantings for the corner of the property shall be added as directed by the Planning Board Planting Committee and the Director of Planning.
2. Care shall be taken during the installation of the fence to protect the root systems of the large trees

Motion: A motion was made by Mr. Sullivan to approve this application for an amendment to the Waiver of Site Plan Approval for alterations and additions to the lower school campus with the conditions specified.

Motion seconded by Mrs. Lewis.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a “Type II or Exempt Action” under SEQR.

Mr. Sullivan endorsed the Board’s determination on the ECF. Mr. Colavito seconded.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

Conference:

Sketch Plan Review - Two Lot Subdivision

Section 84.8 Block 1 Lot 31, R-2A Zone

9 Indian Hill Road, Bedford

Owner: Edward Musal

Applicant: Kellard Sessions Consulting, P.C.

(Review sketch plan.)

Present:

David Sessions, RLA, AICP, Kellard Sessions Consulting, P.C.

Edward Musal, Owner

David Sessions described the property and the structures and presented the plan to the Planning Board. He stated that the Musal family has owned the property since 1942. He stated that in 1957, Mr. Musal’s grandparents applied for a variance – it is a two acre parcel in a two acre zone – to subdivide and get an additional house. The variance was granted by the Zoning Board of Appeals and nothing has been done since 1957. The Musals are now pursuing the subdivision. There were two conditions of the variance granted. One was that the existing chicken coop be removed and the other is that the proposed property line be located along the existing driveway easement line which basically follows the edge of the existing driveway. Mr. Sessions said that the proposal is for lot one to be about 0.63 acres and lot two which would be about 1.37 acres. They would remove the old chicken coop, per the variance, and they would remove the garage, if need be. There is adequate area for a septic for a four bedroom house. The existing septic system for the existing house will be abandoned and a new system built. Mrs. Courtney-Batson said that they would check with the Town Attorney to verify the original variance.

Mrs. Courtney-Batson asked about the two wells shown on the plan. Mr. Sessions pointed to one of them and stated that it was to be abandoned and said that they propose two new wells.

Mr. Colavito had questions about the chain of title. He said that one of the earlier deeds talks about parties hereto agree that neither the reservoir nor pipes or mains leading therefrom are to be in anyway altered or interfered with by the party of the second part without the consent of the party of the first part. Mr. Colavito asked what this was about and if it was still relevant today. Neither Mr. Sessions nor Mr. Musal was familiar with it. Mr. Musal stated that when his grandfather owned the house they were getting water from that same reservoir and they drilled

the one well that is to be abandoned. To his [Mr. Musal's] knowledge, he stated that it is not relevant. Mrs. Courtney-Batson asked if there was any possibility that this is an easement that favors the lots to the right. She asked if they had any kind of water rights and where they were getting their water from. Mr. Sessions said that these lots have their own wells. Mr. Colavito said that they may need the consent of some parties, adjoining owners. Mr. Colavito said that it is not that clear because these are old instruments.

Mrs. Courtney-Batson asked about the common driveway and asked if the lots to the right have an easement and what kind of maintenance agreement there is. She asked who maintains the driveway. Mr. Musal stated that the driveway has been maintained by the people in the back who had it repaved several years ago. Mr. Osterman asked if there was a written easement that describes all of that. Mr. Musal stated that the only easement is the right of passage and there is nothing in the deeds stating who is to maintain the driveway.

Mrs. Courtney-Batson stated that the Planning Board should do a site visit to familiarize themselves with the area and what the issues might be. Mr. Osterman said he would discuss this with the Town Attorney.

Conference:

**Special Use Permit – Cottage
Section 84.12 Block 2 Lot 7, R-1A Zone
189 Pound Ridge Road, Bedford
Owner/Applicant: Elizabeth Messinger
(Consider application for Special Use Permit.)**

Present:

Elizabeth Messinger, Owner

Mrs. Courtney-Batson stated that the Zoning Board of Appeals granted two variances to the applicant. She stated that the permit granted by the Planning Board would be for a period of five years.

Motion: A motion was made by Mr. Sullivan to approve this application for a special use permit for the cottage for a period of five years with the conditions specified by the Zoning Board of Appeals.

Motion seconded by Mr. Colavito.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a "Type II or Exempt Action" under SEQR.

Mr. Colavito endorsed the Board's determination on the ECF. Mr. Sullivan seconded.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

Conference:

**Waiver of Site Plan Approval – Outdoor Walk-In Cooler
Section 49.19 Block 2 Lot 21.1, CB Zone**

84 Bedford Road, Katonah

Owner: City of New York – Department of Environmental Protection

Applicant: Community Center of Northern Westchester

(Consider Waiver of Site Plan Approval.)

Present:

Sherry Wolf, Director of Community Center of Northern Westchester

Ms. Wolf described the cooler and the use of the cooler. She stated that the cooler would be 9 feet by 11 feet – or smaller. The Planning Board discussed awnings, siding, landscaping and requirement for an inside panic bar for the cooler.

Mrs. Courtney-Batson suggested the following conditions for approval:

1. There shall be no storage on top of the walk-in cooler.
2. The walk-in cooler shall have a panic bar on the inside of the door.
3. The existing awning, or a replacement for it, shall be raised up higher and extended to cover the walk-in cooler.

Motion: A motion was made by Mr. Cacciato to approve this application for a special use permit for the home occupation with the conditions specified.

Motion seconded by Mr. Sullivan.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a “Type II or Exempt Action” under SEQR.

Mr. Colavito endorsed the Board’s determination on the ECF. Mrs. Lewis seconded.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato4

Nays: None

The next meeting will be on Tuesday, June 30, 2015 at 7:00 PM.

Mr. Colavito moved to close the meeting. Mrs. Lewis seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito, Cacciato

Nays: None

The meeting was adjourned at 10:20 PM.

Date these minutes were approved by the Planning Board: _____

Respectfully submitted,

Anne Paglia, Secretary
Town of Bedford Planning Board

Date

Town of Bedford Planning Board

2nd Floor Conference Room
425 Cherry Street
Bedford Hills, New York 10507

Tuesday, June 30, 2015

Minutes

A meeting of the Planning Board was held on June 30, 2015, starting at 7:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Vice Chairman John Sullivan, Board Member William Colavito, Board Member Felix Cacciato and Board Member Diane Lewis, Town Counsel Joel Sachs, Planning Director Jeffrey Osterman and Secretary Anne Paglia. *[All Planning Board meetings are recorded. A CD copy of this recording may be obtained from the Planning Board Office.]*

Review Proposed CB (Central Business) and NB (Neighborhood Business) Zoning Amendment

Present:

Frank Fish, FAICP, BFJ Planning

Mrs. Courtney-Batson stated that there was only one item on the agenda and that is to write a memorandum to the Town Board about a proposed amendment to Chapter 125 of the Town Code of the Town of Bedford. This is an amendment to 125-29.7 Section B. It involves the change of limiting a single permitted use to a space of 4,000 square feet in area on the first floor rather than 7,500 square feet in area on the first floor. She then asked Mr. Fish from BFJ Planning to present his memorandum of June 29, 2015.

Mr. Fish then presented the memorandum of June 29, 2015.

At one point, Mr. Osterman stated that there are currently seven different commercial zones in the Town of Bedford and five of them permit retail uses. He said that they are now talking about two of those five: Central Business and Neighborhood Business. He stated that there are different standards for each of the areas. Mr. Fish stated that the two zones being discussed exist in hamlet areas.

Mr. Colavito stated that it was interesting that the businesses in these two areas have, over the years, adopted a limited use, both in their leased properties and in their own properties, which is significant. He stated that the proposed amendment will just confirm what people have done by themselves.

Mrs. Courtney-Batson brought up the example of the Country Willow store which started in the hamlet of Katonah and became a very successful furniture store. When they needed a larger store, they did not try to locate in one of the hamlet centers, but rather moved to a location on the Bypass. Mrs. Courtney-Batson said that the store they have now would not have fit into the character of the hamlet center, but it does fit into the character of Bedford.

Mrs. Lewis brought up the fact that these zones are adjacent to residential areas, without a buffer.

Mr. Sullivan stated that he thought the zoning works well and does not need to be tinkered with.

Mrs. Courtney-Batson asked Mr. Fish if there has been any detrimental effect on the businesses in the towns he used as examples in his memorandum. Mr. Fish stated that there was no discernible effect.

Mrs. Courtney-Batson then brought up the concern from some of the correspondence received about formula stores. She stated that it is clear from the history of Bedford and what they now propose that this is not about limiting the type of stores. She brought up the example of Dunkin Donuts which was just approved next door [to 425 Cherry Street]. She said that according to this amendment, as long as you are a small store, who owns you is irrelevant.

Mrs. Courtney-Batson stated that a letter was received from Firestein Management Inc. letter [dated June 29, 2015]. The Planning Board discussed the letter. Mrs. Courtney-Batson stated that the purpose of this amendment is to protect the community character, not the individual merchants. Mr. Colavito stated that the general comments already made have addressed the comments in Mr. Firestein's letter.

If there is a conflict between the character of the community and a particular store's corporate character, Mrs. Courtney-Batson stated that she feels that the store should go along with the town's community character and that any large chain that was willing to do so has been accepted in this town.

Mr. Sachs stated that he did not get an opportunity to fully review all the claims made by Mr. Alexander [in the letter dated June 30, 2015]. Mr. Sachs stated that the letter raises mostly legal issues and he will need to review the letter and the cases mentioned in the letter. Mr. Sachs said that the letter contained only one non-legal heading which is "The Site and CVS's Pending Application Is Consistent with the Character of Katonah," which is a planning issue. Mrs. Courtney-Batson then discussed changes in the hamlet of Katonah and how the Central Business Zone was expanded into an area which was once a Light Industrial Zone. She also related that the road going through Katonah was once Route 117, but has since been re-routed so that it does not go through Katonah.

Mr. Neil J. Alexander and Mr. Anthony F. Morando of Cuddy & Feder discussed their letter dated June 30, 2015 and presented their opinions of the effects the amendment would make on the town.

Mrs. Courtney-Batson said that the Planning Board is not planning for one store. The Planning Board is looking at a size limitation because they have looked at what the current character of the hamlets is, done the study of different sizes and realized if stores started coming in at 7500 square feet it would significantly change the character of the community.

Mrs. Courtney-Batson stated that the parts of the letter from Mr. Alexander and Mr. Morando that the Planning Board has not had time to review are the legal parts. The Planning Board has looked at the planning issues raised in this document and have reviewed them.

Mr. Sachs stated that the amendment was referred to Westchester County and Mr. Osterman, Director of Planning, has received a letter back from them saying that this amendment is a matter of local determination and the County has no objection.

Mr. Sullivan made a motion that the Planning Board should prepare a memo to the Town Board to support the reduction in size from 7,500 square feet to 4,000 square feet. Mrs. Lewis seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito
Nays: None

Mrs. Courtney-Batson suggested the following points to be included in the memo to the Town Board:

1. The Planning Board should state that they agree with the conclusions made by Frank Fish, FAICP, of BFJ Planning, dated June 29, 2015.
2. State that 98 per cent of the businesses within these districts in Katonah, Bedford Hills and Bedford Village fall under this amendment.
3. When compared to Mamaroneck, Sag Harbor and Bronxville, that this is actually fairly conservative. Their square footage limitations are actually tighter than ours.
4. The current economic vitality of the three hamlets and that we have a diversity of businesses should be stated.
5. In more than half of the business districts in the town there are no size restrictions.
6. Conformance with the Master Plan.
7. There has not been a demand for larger space.

Mrs. Courtney-Batson that recommended that the Planning Board write a memo to the Town Board that they propose the amendments to Sign Regulation of the Town Code as stated in the memorandum to the Town Board from Jeffrey Osterman, Director of Planning dated June 11, 2015.

Mr. Colavito made a motion to write the memo. Mrs. Lewis seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito

Nays: None

The next meeting of the Planning Board will be on July 14, 2015.

Mr. Colavito moved to close the meeting; Mr. Cacciato seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Sullivan, Colavito

Nays: None

The meeting was adjourned at 9:20 PM.

Date these minutes were approved by the Planning Board: _____

Respectfully submitted,

Anne Paglia, Secretary
Town of Bedford Planning Board

Date