

**TOWN OF BEDFORD  
PLANNING BOARD MEETING**

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

**Tuesday  
September 29, 2015  
8:00 PM**

**Public Hearings:**

**8:00 PM** Special Use Permit – Cottage  
Section 83.13 Block 1 Lot 7, R-4A Zone  
326 South Bedford Road, Bedford Corners  
Owner: **326 South Bedford Road, LLC**  
Applicant: **Carol Kurth Architecture, P.C.**  
(Consider Special Use Permit.)

**8:05 PM** Special Use Permit – Barn  
– Accessory Structure Over 20 Feet in Height  
Section 83.13 Block 1 Lot 7, R-4A Zone  
326 South Bedford Road, Bedford Corners  
Owner: **326 South Bedford Road, LLC**  
Applicant: **Carol Kurth Architecture, P.C.**  
(Consider Special Use Permit.)

**Conferences:**

- 1.** Proposed 23 Lot Subdivision – Bailey Hall  
Section 60.7 Block 2 Lots 8, 8.1, 9, R-1/4A & R-1/2A Zones  
New Street & Harris Road, Katonah  
Owner/Applicant: **Cosimo Tripi**  
(Consider 8/31/15 letter from Jon P. Dahlgren, Tim Miller Associates, Inc.)
- 2.** Waiver of Site Plan Approval – Public Garage  
Section 60.11 Block 3 Lot 4, LI Zone  
332 Adams Street, Bedford Hills  
Owner: **Markland Development Corp.**  
Applicant: **536 Bedford Road, LLC**  
(Consider recommendations to ZBA for Special Permit.)

3. Final Site Plan Approval  
Section 60.7 Block 2 Lot 40, CB Zone  
152 Bedford Road, Katonah  
Owner/Applicant: **Old Stone Hill LLC**  
(Discussion.)
  
4. Antioch Baptist Church – Proposed Subdivision and Site Plan Approval  
Section 60.14 Block 2 Lots 7, 8 & 9, LI Zone  
147, 165 & 175 Railroad Avenue, Bedford Hills  
Owner: **Antioch Baptist Church**  
Applicant: **Town of Bedford**  
(Review Field Trip notes. Review site plan.)
  
5. Waiver of Subdivision Approval  
Section 61.5 Block 1 Lots 16 and 19, R-4A Zone  
176 Beaver Dam Road, Bedford Hills  
Owner/Applicant: **Beaver Dam Sanctuary**  
(Consider merger of two lots.)

**Schedule Field Trip:**

1. Owner/Applicant: **KED Partners**  
36 Hillside Avenue, Katonah
2. Owner: **Northern Westchester Professional Park**  
Applicant: **Merv Blank**  
28 McLain Street, Bedford Corners
3. Owner/Applicant: **The Stepping Stones Foundation**  
62 Oak Road, Bedford Hills

**Approval of Minutes:**

April 14, 2015  
April 28, 2015

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

[www.bedfordny.gov](http://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

APPLICATION FOR A SPECIAL USE PERMIT

Submit to: Bedford Planning Board, Town House, Bedford Hills, N.Y. 10507

1. IDENTIFICATION OF OWNER

Name of owner: 326 South Bedford Rd LLC

Address: 326 South Bedford Rd, Bedford Corners, NY

Phone: 212-492-5661

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: Carol Kurth Architecture

Address: \_\_\_\_\_

Phone: 914-234-2595

3. PROFESSIONAL PERSON PREPARING SUBDIVISION PLAT

Name: N/A

Address \_\_\_\_\_

Phone \_\_\_\_\_

4. IDENTIFICATION OF PROPERTY

a. Subdivision name or identifying title \_\_\_\_\_

b. Roads which property abuts Rte 172

c. Bedford tax map designation: Section 83.13 Block 1 Lot(s) 7

d. Property lies in a (circle one) 4A 2A 1A 1/2A 1/4 A TF VA NB OE PB-R PB-O LI  
Zoning District.

e. Total area of property in acres 10.395

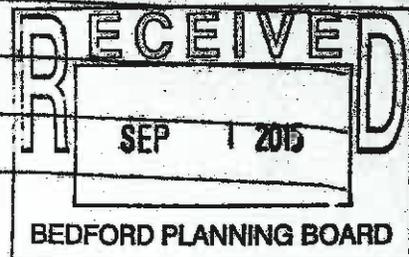
5. REQUEST

The applicant requests that the Planning Board approve the issuance of a Special Use Permit under the following section of the Code of the Town of Bedford:

Article: VIII Section: 125-79.1

The applicant proposes the following Special Permit Use:

2 Bedroom Cottage



6. PUBLIC NOTICE

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit mailing with the Board Secretary prior to the hearing.

7. SITE PLAN

Attach a Preliminary Site Plan Application Form, fee and eleven (11) copies of a Preliminary Site Plan complying with all requirements of Article IX, Section 125-88 of the Bedford Town Code

8. FEES (make checks payable to the Town of Bedford)

Special Use Permit Application: \$ _____	\$ _____
Preliminary Site Plan: \$500 plus \$25 per parking space required by the Bedford Town Code	\$ _____
Total	\$ _____

Permission is hereby given to the Town of Bedford, its agents, servants and employees to enter upon the above described property solely for the purposes incidental to the within application at reasonable times upon reasonable notice to the owner or tenant in possession

All applications shall be signed by the owner of the property affected by this application and by the applicant, if other than the owner

X \_\_\_\_\_  
Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

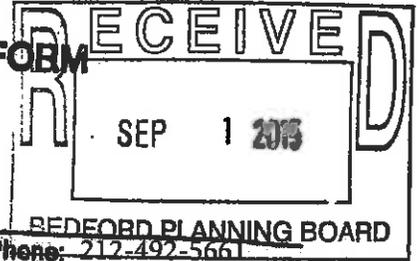
\_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Date 9.1.15

\_\_\_\_\_  
Name of Owner (Please Print) \_\_\_\_\_ Date \_\_\_\_\_

Chris Kurth FIA 9.1.15  
Name of Applicant (Please Print) \_\_\_\_\_ Date \_\_\_\_\_  
Chris Kurth Development PC

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: 326 South Bedford Road LLC  
Address: 326 South Bedford Rd, Bedford Corners, NY 10549

Phone: 212-492-5661

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: Carol Kurth Architecture  
Address: 644 Old Post Rd, Bedford, NY 10506

Phone: 914-234-2595

3. IDENTIFICATION OF SITE INVOLVED, if any

- a. Name or other identification of site 326 South Bedford
- b. Roads which site abuts Rte 172
- c. Bedford tax map designation: Section: 83.13 Block 1 Lot(s) 7
- d. Total site area \_\_\_\_\_
- e. Does the applicant have a whole or partial interest in lands adjoining this site? No

4. IDENTIFICATION OF PROPOSED ACTION

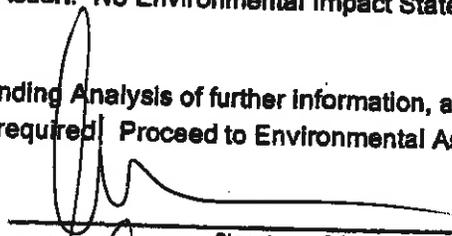
- a. Description of Proposed Action Demo and Rebuild cottage
- b. Relationship to other actions:
  - 1. List any further actions which may be undertaken, of which this proposed action is part or first step, e. g. further subdivision of a large parcel of land: \_\_\_\_\_
  - 2. List any related actions which may be undertaken, of which this proposed action, e.g. highway reconstruction to serve increased traffic: \_\_\_\_\_
  - 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: \_\_\_\_\_

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.

04/05

  
Signature of Applicant  
Carol Kurth, FATA

9.1.15  
Date

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

**1. CLASSIFICATION APPROVED; FURTHER ACTION REQUIRED:**

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

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\_\_\_\_\_  
Town Agency

\_\_\_\_\_  
Agency Signature

\_\_\_\_\_  
Date

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WESTCHESTER COUNTY, NEW YORK

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Address: \_\_\_\_\_

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Zoning District.

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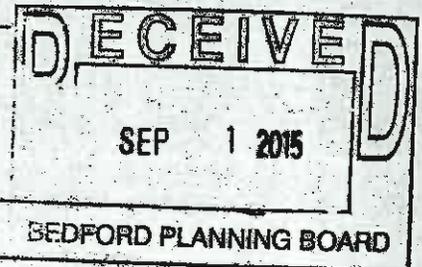
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8. FEES (make checks payable to the Town of Bedford)

Special Use Permit Application. \$ \_\_\_\_\_ \$ \_\_\_\_\_

Preliminary Site Plan:  
\$500 plus \$25 per parking space required by the Bedford Town Code \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_

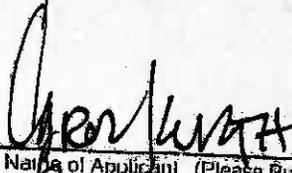
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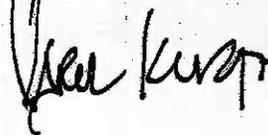
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X \_\_\_\_\_  
Signature of Owner Date

 \_\_\_\_\_  
Signature of Applicant Date 9.1.15

\_\_\_\_\_  
Name of Owner (Please Print) Date

 \_\_\_\_\_  
Name of Applicant (Please Print) Date 9.1.15

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Preliminary Site Plan:  
\$500 plus \$25 per parking space required by  
the Bedford Town Code: \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_

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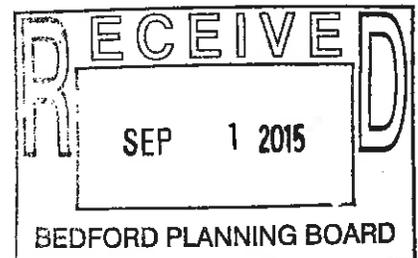
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X [Signature] 8-31-15  
Signature of Owner Date

\_\_\_\_\_  
Signature of Applicant Date

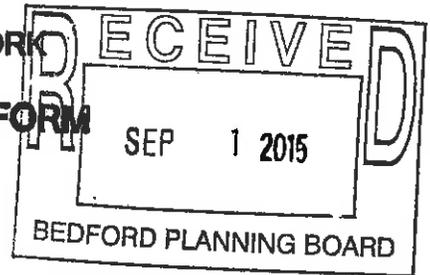
\_\_\_\_\_  
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\_\_\_\_\_  
Name of Applicant (Please Print) Date



PLANNING BOARD  
TOWN OF BEDFORD  
WESTCHESTER COUNTY, NEW YORK

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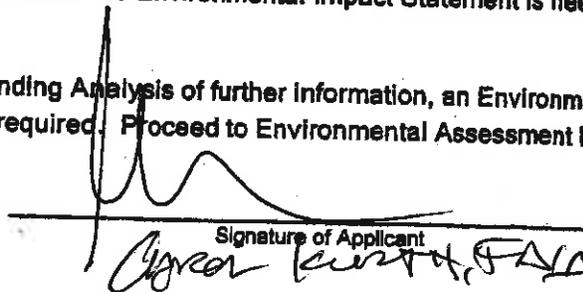
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04/05

  
Signature of Applicant

9.1.15  
Date

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

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**2. COMMENTS:**

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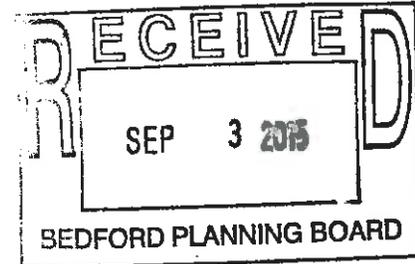
\_\_\_\_\_  
Town Agency

\_\_\_\_\_  
Agency Signature

\_\_\_\_\_  
Date

**TIM  
MILLER  
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 phone 265-4418 fax www.timmillerassociates.com



August 31, 2015

Ms. Deidre Courtney-Batson  
Planning Board Chair  
Town of Bedford  
425 Cherry Street  
Bedford, New York 10507

Dear Ms. Courtney-Batson:

We are writing a follow-up to our letter of July 24, 2015. In that letter we explained that we are seeking input and direction from the Planning Board regarding proposed drainage improvements to New Street and regarding the current design and stormwater management for the project. I have recently discussed the issues of New Street improvements and NYCDEP review with both Mr. Osterman and Mr. Annunziata.

The applicant is now at a critical juncture regarding the design of the project. At present, the previously proposed improvements to New Street have been removed from the project plans, since approval for them by the NYCDEP appears unlikely. If the Town of Bedford chooses to improve New Street in conjunction with the project, the applicant would still consider contributing to the improvements, but this issue has stalled the review of the Tripi subdivision project by the NYCDEP.

According to NYS Environmental Quality Review regulations 6 NYCRR Part 617.3 (h):

*"Agencies must carry out the terms and requirements of this Part with minimum procedural and administrative delay, must avoid unnecessary duplication of reporting and review requirements by providing, where feasible, for combined or consolidated proceedings, and must expedite all SEQRA proceedings in the interest of prompt review".*

The applicant has not appeared before the Planning Board since December 2013. As Lead Agency, it is the responsibility of the Planning Board to provide input on the project's potential impacts and the design alternatives proposed by the applicant. We respectfully request that the Tripi Subdivision be placed on the agenda for the next meeting of the Planning Board. We are interested in meeting with the Board as soon as possible to explain modifications and improvements to the site plan and to resolve the issue of potential New Street improvements.

*To T.O.S. D.C.B. 9/3/15*

Ms. Courtney-Batson  
Page 2 of 2

Please let me know if you have any questions or require additional information.

Sincerely,

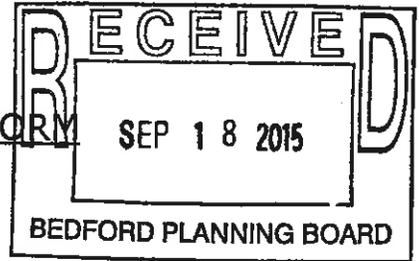
A handwritten signature in black ink, appearing to read 'Jon P. Dahlgren', with a long horizontal flourish extending to the right.

Jon P. Dahlgren  
Senior Geologist  
TIM MILLER ASSOCIATES, INC

- c. F. Annunziata, Hahn Engineering
- R. Petruccelli, Petruccelli Engineering
- C. Tripi



**TOWN OF BEDFORD  
ENVIRONMENTAL CLEARANCE FORM**  
(This Side to be completed by Applicant)



Identification of Applicant

Name 536 Bedford Road LLC Address c/o Vail Buick GMC  
606 North Bedford Road, Bedford Hills, New York 10507  
Phone (914) 666-7537

Identification of Property Owner, if Other than Applicant

Name Markland Development Corp. Address 344 Main St., Mt. Kisco, NY 10549  
Phone (914) 666-7700

Identification of Site Involved, if any

- a) Name or other identification of site 332 Adams St., Bedford Hills, NY 10507
- b) Street which site abuts Adams Street
- c) Tax Map Section 8A; LOT 11-51
- d) Total site area 2.281 acres
- e) Does applicant have a whole or partial interest in lands adjoining this site? No

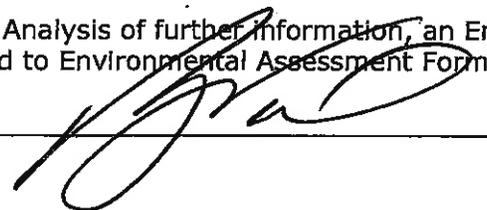
Identification of Proposed Action

- a) Description of Proposed Action Waiver of Site Plan Approval; Special Permit and waiver of APZ restrictions for public garage.
- b) Relationship to other actions:
  - 1. List of further actions which may be undertaken, of which this proposed action is a part or first step, e.g. further subdivision of a large parcel of land: None
  - 2. List any related actions which may be undertaken as a result of this proposed action e.g. highway reconstruction to serve increased traffic: None
  - 3. List any actions which are dependent upon this proposed action and therefore should be reviewed as a part of this action, e.g. house construction in the case of a residential subdivision: None

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

Classification of Proposed Action (see lists of Type I, II, Exempt, Excluded Actions)

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Signature of Applicant:  Date: 9-1-15

# TOWN OF BEDFORD – ENVIRONMENTAL CLEARANCE FORM

(This Side for Official Use Only)

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.
  
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Comments:

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Town Agency

Agency Signature

Date

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*Waiver of Site Plan Approval*

606 North Bedford Road

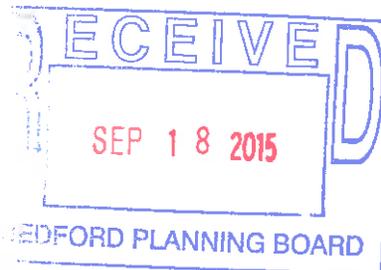
Applicant's Home Address

Date:

Bedford Hills, New York 10507

City, Town, Village

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



Sir or Madam:

contract vendee

I/We am/are the ~~owner~~(s) of property located on 332 Adams Street

Bedford Hills, New York 10507 shown and designated on the Town Tax Maps as:

Section 8A Block      Lot(s) 11-51

It is my/our intention to utilize the previously improved site  
(Describe proposal)  
for a motor vehicle delivery, storage, preparation, detail  
and minor maintenance and repair facility.

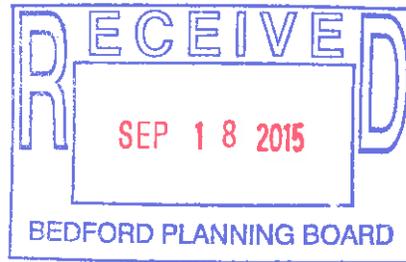
Because of the limited nature of the proposed development or change of use, or to special conditions peculiar to this site, I/we am/are requesting a waiver of the requirement of site plan approval pursuant to Article IX Section 125-93 of the Code of the Town of Bedford.

Very truly yours,

  
\_\_\_\_\_  
Signature of ~~Contractor~~ Applicant

\_\_\_\_\_  
Signature of Owner and/or Applicant

**CHARLES V. MARTABANO**  
Attorney at Law



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

September 17, 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 536 Bedford Road LLC (Vail Buick GMC)  
332 Adams Street, Bedford Hills New York; Section 8 A, Lot 11 – 51  
Property owned by Markland Development Corp.  
Request for Waiver of Site Plan Approval  
Request for Recommendation to the Zoning Board of Appeals in  
Connection with Request for Issuance of Special Permit for Public Garage

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

Please be advised that the undersigned represents the interests of the applicant, 536 Bedford Road LLC, in connection with such applicant's desire to utilize the premises referenced above for the following automotive uses:

- a. delivery and reception of new motor vehicles and motor vehicle lease returns;
- b. motor vehicle preparation;
- c. motor vehicle storage;
- d. motor vehicle detailing;
- e. minor motor vehicle maintenance and repairs.

These automotive related uses/services will be carried on at this location by Vail Buick GMC (hereinafter "Vail"). As this Board is aware, Vail presently operates its sales and service facilities at 606 North Bedford Road Bedford Hills, New York. As the records of your Board will reflect, following the granting of a number of variances by the Zoning Board of Appeals,

your Board issued site plan approval for an amended site plan and redesigned dealership building for Vail at this location in 2013.

During the site plan approval process and during the concurrent and subsequent approval process for the Splash Car Wash facility (hereinafter “Splash”), certain concerns were raised regarding the delivery of motor vehicles to the Vail dealership property and these concerns pertained both to car deliveries on North Bedford Road and on the private road known as Valerio Court. In an effort to address such concerns Vail acquired additional property on North Bedford Road which, although clearly helpful in terms of diverting car carrier deliveries from Valerio Court, still caused car carrier traffic to be generated on North Bedford Road. Car carrier traffic, most especially in connection with this area of North Bedford Road with its multiplicity of new car sales facilities, and continues to be a source of concern for both the Town of Bedford and the Village of Mount Kisco. As will be shown below, this application affirmatively addresses car carrier traffic on North Bedford Road and Valerio Court in a most significant manner. It is respectfully submitted in this regard that this new application, if granted, will have an overwhelmingly positive effect on North Bedford Road by eliminating car carrier deliveries over and on North Bedford Road and Valerio Court to the extent that such car carrier deliveries relate to Vail. Moreover, in most cases, such car carrier traffic will be eliminated From North Bedford Road/Route 117.

As members of this Board are aware, Adams Street is accessible directly via the Katonah Bypass which, through the foresight of the Bedford Town Board and Planning Board, was constructed more than 20 years ago and which facilitated the looping of truck traffic off Route 117 through the Katonah Bypass. Car carriers can therefore have direct access to the Adams Street location from Route 684 without traversing Route 117. To the extent that car carriers utilize the Katonah Bypass to access Adams Street and the proposed facility, car carrier traffic on North Bedford Road will be decreased. To the extent that car carrier traffic on North Bedford Road or Valerio Court was attributable to Vail, such car carrier traffic will simply be eliminated. Further, to the extent that car carrier traffic on Valerio Court attributable to Vail was thought to be a potential concern in connection with the operation of Splash, this concern will also be eliminated.

It is respectfully submitted that separate and apart from the benefits resulting from its accessibility through the Katonah Bypass, the subject property ideally located in suitable for the proposed use. The subject property is located in the LI (Light Industrial) zoning district. The characteristics of the site are described in detail below. The existing site and the improvements constructed thereon have been pre-existing and unchanged for many decades. The applicant does not propose any changes to the existing improvements at this juncture. In a comparative context, traffic on Adams Street is a small fraction of the traffic applicable to North Bedford Road. The chosen location is therefore an ideal location for the Vail vehicle storage, preparation, detail, maintenance and minor repair facility. However, the proposed operations by Vail would

appear to require issuance of a special permit for a public garage. Section 125-3 of the Bedford Town Code (hereinafter "Code") defines a public garage as follows:

"Any garage, other than a private accessory garage, available to the public, operated for gain and which is used for storage, major repair, body work, painting, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles."

According to Code section 125 d and 125 attachment 4, public garages are permitted in the LI zoning district subject, however, to the issuance of a special permit by the Zoning Board of Appeals (hereinafter "ZBA"). Additionally, this property, in like manner to virtually all of the properties in close proximity thereto is located in the Aquifer Protection Zone (hereinafter "APZ") as defined by section 125-29.4 of the Code. Under section 125-29.4 D (3) (I) automotive service stations and public garages are prohibited uses for properties located in the APZ. Due to the significant physical magnitude of the APZ, in like manner to many other applicants as described below, the applicant will require relief from the ZBA in connection with the prohibition set forth in section 125-29.4 D (3) (I).

Notwithstanding the prohibition of public garages for properties located in the APZ, the records of the Town of Bedford indicate conclusively that the ZBA and the Planning Board, working together, have formulated a series of protective measures which, when imposed upon the granting of the special permit by the ZBA in the form of conditions, have permitted the operations of public garages on properties located in the AP'Z. Indeed, as will be shown below, many of these special permits were issued in connection with properties located in very close proximity to the subject site and for uses considered more intense than the uses proposed by the applicant.

Because this information exists within the records of the Town of Bedford, the applicant, in an effort to be proactive, has reviewed the Planning Board recommendations and the ZBA minutes and resolutions of approval so as to discern what protective measures have been required by the Planning Board and ZBA in connection with past applications for public garages in the APZ and the applicant has determined to immediately incorporate such protective measures as part of this application so that there would exist no question as to the applicant's proffer of and compliance with protective measures already determined by the Planning Board and ZBA to be appropriate under the circumstances and wholly protective of the APZ. In this regard, the applicant has reviewed the records pertaining to the approval of the following public garage uses in the APZ, *all of which were issued for operations in the LI zoning district for properties located in the APZ:*

1. December 1987 issuance of special permit to Brian Prato for public garage/auto body facility at 201 Railroad Avenue, Bedford Hills New

York (variance also granted for reconstruction of building in July of 2014);

2. June 1988 issuance of a special permit to Rennsport for public garage/automotive repair shop located at 353 Adams Street, Bedford Hills New York;
3. 1990 (exact date uncertain) issuance of a special permit to RAP Holding Corp. for a motor vehicle preparation and detail facility (Adzam) at 57 Plainfield Avenue, Bedford Hills New York
4. August 1993 issuance of special permit to Kernan for operation of an automotive garage at 364 Adams Street Bedford Hills New York;
5. November 1997 issuance of special permit to Beobide/Perez for operation of an automotive paint and body shop at 341 Adams Street Bedford Hills, New York;
6. February 2008 issuance of special permit to RAP Holding Corp. for operation of a motor vehicle service facility at 57 Plainfield Avenue Bedford Hills, New York;
7. September 2009 issuance of special permit to Nicola A. Soprano for operation of a motor vehicle sale and restoration facility at 350 Adams Street Bedford Hills, New York.

This list is not to be in any way exhaustive or reflective of the total number of special permits issued for public garages in the LI zoning district and in the APZ. This list was instead compiled and utilized by the applicant because the approved special permits listed above allow each and every use proposed by this applicant and, with respect to a number of such special permits, more intensive uses than proposed by this applicant. Indeed, many of the uses referenced above, such as full automobile repair facilities and full auto body paint and repair shops, can readily be seen as uses which might well be considered as presenting more potential for possible adverse consequences to the APZ as a consequence of such use.

However, as you will see below, in an effort to be proactive and to ensure complete protection of the APZ and to therefore promote the approval of this application, the applicant has determined to implement each and every protective measure previously identified by the ZBA and the Planning Board in connection with the review of the issued special permits referenced above. Specifically, the applicant will install/comply with the following protective measures:

1. There will be no floor drains in the building which would discharge to the ground;
2. Despite the size of the building, the applicant will install a 1 inch lip at each doorway to prevent the accidental discharge/spill from the inside of the building to be outside of the building;
3. Additionally, in any area where fluids of any type are installed or exchanged in any vehicle, there will be a secondary containment system to capture any fluids;
4. Other than for heating purposes, there will be no fuel storage in the building, underground or above ground unless contained in NYS DOT certified transport/storage containers;
5. Any and all bulk storage of lubricants and motor oil shall be in above ground containers complying with all applicable local, state and federal regulations and will have independent containment areas located thereunder;
6. Any storage of waste oil shall be in noncorrosive 55 gallon drums;
7. Any and all waste fluids shall be disposed of by a certified hauler/disposal firm (present contractor is Envirowaste) in accordance with all applicable EPA/DEC/DOT/DOH regulations;
8. There will be no body work or painting performed on site;
9. If vehicle washing is to be performed on site, the applicant will install the Hercules Water Treatment System as used by the Town of Bedford and as referenced in the Soprano approval;
10. The applicant will maintain on site spill cleanup kits containing materials suggested/approved by NYSDEC for such purposes.

The Code specifies the procedure by which the ZBA may proceed to grant the requested special permit. Section 125-59 provides for Planning Board review of the application. The Planning Board is required to make the specific findings required to be made pursuant to the Bedford Town Code in connection with the applicant's application to the ZBA for issuance of a special permit for a public garage. In this regard, the Bedford Town Code provides that the

Planning Board shall review Vail’s application and plans in accordance with the standards and requirements set forth in § 125-60 below and other applicable requirements of Article VIII of the Code, if any, and submit its findings and recommendations to the ZBA. 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 the characteristics of the LI zoning district (in terms of permissible uses) and the Adams Street area (in terms of existing uses). It is also respectfully submitted that in making the specific findings referenced above, your Board should take into consideration the fact that the uses in issue and the traffic applicable thereto, including car carrier traffic (although all such traffic will be minor in terms of volume) , will essentially be transferred from North Bedford Road/Valerio Court to Adams Street. 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 the 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. The establishment of this use at this location will, in the applicant's opinion, *promote* the public health safety and general welfare especially in connection with the relocation of car carrier deliveries to this Adams Street location.

Subsections 125-60 B through E all relate to the suitability of the site for the proposed use and the appropriateness of the use at the proposed location. In this regard, as set forth above, 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 in these related respects that I believe that when your Board takes in the consideration the characteristics of the site and the permissible and existing uses in this portion of the Town, your Board should come to the determination that the requirements of each of these subsections have readily been met. With respect to site-specific characteristics, the site consists of approximately 2.3 acres which is a very large site in this zoning district. The pre-existing building is approximately 17,000 square feet, well more than adequate for all business operations planned for the site. The site also has significant pre-existing paved areas, again well adequate for the proposed use. Significantly, and as will be shown at the meeting of your Board, the site can readily accommodate ingress and egress by car carriers.

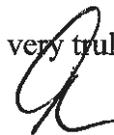
In respect of appropriateness for the area and the absence of a deleterious effect on other uses established on nearby properties or the appropriate and orderly development of the area, initially it should be recognized that in view of the multiplicity of public garage uses already approved for that 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, a point which will be further emphasized and demonstrated by reference to existing uses when the applicant appears before your Board. Recognizing that these uses 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 wholesale business storage or warehouse uses, manufacturing, assembly 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.

As also noted above, as the applicant does not, at this juncture, intend to modify the pre-existing improvements, the applicant is requesting a waiver of site plan approval. As your Board is aware, section 125-93 governs the waiver of site plan approval and the Planning Board is authorized to waive compliance with the requirement to submit a preliminary or final site plan upon a finding that such waiver will not be detrimental to the public health, safety or general welfare because of the particular character or limited nature of a new development or change in use or special conditions peculiar to a site. As set forth above, no changes are proposed to the improvements which have been in place on this site for many decades. Further, as set forth above, the proposed new uses are of such a character as to comport with existing uses and permitted uses in the surrounding area. We therefore believe that this application is appropriate for a waiver of site plan approval.

We look forward to appearing before your Board on September 29, 2015 to provide additional information and exhibits for your review. We would very much like to obtain your Board's recommendation to the ZBA in connection with our application for issuance of a special permit for a public garage. In the interim, should any member of the Board have any question or desire that a specific issue be addressed in connection with our presentation as planned for that evening, please feel free to contact me so that we can be prepared to address any specific issue or concerned that you might have with respect to this application.

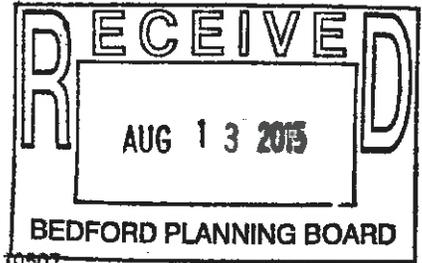
Yours very truly,



Charles V. Martabano

cc: Vail Buick GMC  
Markland Development Corp.  
Frank Veith, Esq.  
Dan Pozin, Esq.

PLANNING BOARD  
TOWN OF BEDFORD  
WESTCHESTER COUNTY, NEW YORK



FINAL SITE PLAN APPLICATION

Submit to: Town of Bedford Planning Board, Bedford Hills, N.Y. 10507

1. IDENTIFICATION OF OWNER

Name of owner: Old Stone Hill LLC Phone: 914-254-9254

Address: 493 Bedford Center Bedford Hills N.Y. 10507

SIGNATURE OF OWNER: [Signature] Date: 8-13-15  
Member Old Stone Hill LLC.

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: Same as Above Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Interest of applicant: \_\_\_\_\_

SIGNATURE OF APPLICANT: \_\_\_\_\_ Date: \_\_\_\_\_

3. PROFESSIONAL PERSON PREPARING SITE PLAN

Name: The Helms Group, LLP Phone: 914-232-4633

Address: 184 Katonah Ave. Katonah, NY 10536

4. IDENTIFICATION OF DEVELOPMENT

Bedford Tax Map Designation: Section: 60.07 Block: 2 Lot(s): 40 Area: \_\_\_\_\_

Zoning District: CB Proposed Use: Retail / Office

Number of parking spaces required by the Bedford Town Code: 18 cars  
16 provided.

5. SUBMISSIONS ACCOMPANYING THIS APPLICATION

- a. Ten (10) copies each of \_\_\_\_\_ sheets showing data required by Article IX, Section 125-89 of the Bedford Town Code for approval of a Final Site Plan.
- b. Any data required by the Planning Board in addition to the above.
- c. Application fee to be computed as follows: \_\_\_\_\_  
\$25 for each parking space required by the Town Code. (Make check payable to the Town of Bedford).

(See other side)

PLANNING BOARD  
TOWN OF BEDFORD  
WESTCHESTER COUNTY, NEW YORK

**FILE**

PRELIMINARY SITE PLAN APPLICATION

Submit to: Town of Bedford Planning Board, Bedford Hills, N.Y. 10507

1. IDENTIFICATION OF OWNER

Name of owner: OLD STONE HILL LLC Phone: 914-234-9234

Address: 493 BEDFORD CENTER, BEDFORD HILLS,

SIGNATURE OF OWNER: [Signature] Date: 1-14-2014  
N.Y. 10507

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: SAME AS ABOVE Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Interest of applicant: \_\_\_\_\_

3. PROFESSIONAL PERSON PREPARING SITE PLAN

Name: THE HOLMES GROUP, LLP Phone: 914-232-4633

Address: 101 KATONAH AVE KATONAH, N.Y. 10536

4. IDENTIFICATION OF DEVELOPMENT

Bedford Tax Map Designation: Section: 60.07 Block: 2 Lot(s): 40 Area: \_\_\_\_\_

Zoning District: CB Proposed Use: RETAIL / OFFICE

Number of parking spaces required by the Bedford Town Code: 18 CARS

5. SUBMISSIONS ACCOMPANYING THIS APPLICATION

- a. Ten (10) copies each of 2 sheets showing data required by Article IX, Section 125-89 of The Bedford Town Code for approval of a Preliminary Site Plan.
- b. One (1) copy of any additional sketches, renderings, or other information which the Applicant may wish to present to the Planning Board.
- c. Fee in amount of \$500, plus \$25 per parking space required by the Bedford Town Code. (make check payable to the Town of Bedford).

(See reverse side of this form for information required with this application)

## DATA REQUIRED WITH THIS APPLICATION

All of the following information shall be indicated shall be indicated on the preliminary site plan drawn at a scale of not less than one (1) inch equals 30 feet:

- a. Title of development, date, north point, scale, name and address of owner of record and applicant, if other than owner; and of engineer, architect, landscape architect or surveyor preparing the plan.
- b. Area and boundaries of the subject property, section and lot numbers of the subject property, adjacent and existing zoning and special district boundaries, building or setback lines as required by the Code, lines of existing streets and adjoining lots as shown on the Town's Official Tax Maps, and reservations, easements, and other areas dedicated to public or special use.
- c. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- d. Outline and elevations of the pavement of abutting streets, and of proposed means of vehicular access to and from the site.
- e. Locations of existing wetlands, watercourse, storm drains, and utility facilities, and proposed modifications or additions thereto.
- f. The proposed use or uses of land and buildings, existing and proposed, and location and finished floor levels of all buildings.
- g. Number of proposed parking and loading spaces, and location and elevation of these areas. (See Article X, Section 125-102)
- h. Location and layout of proposed recreation areas, where proposed.
- i. General plan for buffer screening and other site landscaping.
- j. General plan showing staged development, if intended.

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: BID STONE HILL LLC  
Address: 493 BEDFORD CENTER Phone: 914-234-9834  
BEDFORD HILLS N.Y. 10507

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: SAME AS ABOVE  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_

3. IDENTIFICATION OF SITE INVOLVED, if any

- a. Name or other identification of site 152 BEDFORD ROAD  
b. Roads which site abuts BEDFORD ROAD  
c. Bedford tax map designation: Section 6.07 Block 2 Lot (s) 40  
d. Total site area 0.272 ACRE  
e. Does the applicant have a whole or partial interest in lands adjoining this site? NO

4. IDENTIFICATION OF PROPOSED ACTION

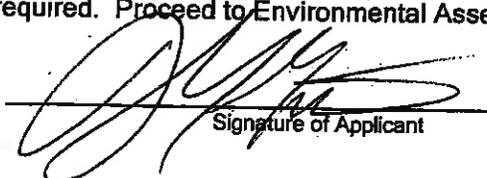
- a. Description of Proposed Action REMOVAL OF TWO LARGE REAR SHEEDS & NEW SECOND FLOOR ADDITION.  
b. Relationship to other actions: NO INCREASE IN BUILDING FOOTPRINT.
1. List any further actions which may be undertaken, of which this proposed action is part or first step, e. g. further subdivision of a large parcel of land: \_\_\_\_\_
2. List any related actions which may be undertaken, of which this proposed action, e.g. highway reconstruction to serve increased traffic: \_\_\_\_\_
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: \_\_\_\_\_

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.

04/05

  
\_\_\_\_\_  
Signature of Applicant

1/24/2014  
\_\_\_\_\_  
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:**

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Town Agency

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Agency Signature

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Date

## Town of Bedford Planning Board

2<sup>nd</sup> Floor Conference Room  
425 Cherry Street  
Bedford Hills, New York 10507

Tuesday, April 14, 2015

### Minutes

A meeting of the Planning Board was held on November 25, 2014, 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.]*

#### Conference:

Proposed Amendment to Final Site Plan  
Section 71.12 Block 2 Lot 1, CB/LI Zones  
711-747 Bedford Road, Bedford Hills  
Owner/Applicant – DP 40 LLC – Bedford Green, LLC  
(Report on site visit and amendment to final site plan approval.)

#### Present:

No representative was present.

The plans submitted by the applicant for the amendment to the final site plan were prepared by Gallin Beeler Design Studio, PLLC, 828 South Broadway, Tarrytown, New York 10591, printed 01-14-15, titled:

Sheet No. PB03	“Detailed Proposed Site Plan”
Sheet No. PB04	“Detailed Proposed Site Plan”
Sheet No. PB05	“Proposed Site Lighting Plan”
Sheet No. PB06	“Proposed Landscape Plan”

Mrs. Courtney-Batson stated that these plans would be revised according to the notes taken on the April 11, 2015 site visit, which were then read by Mr. Colavito.

Mrs. Courtney-Batson stated that she would mark the changes on her plan and date it with tonight’s date and then it would become part of the record. Mrs. Courtney-Batson and Mr. Sullivan discussed the speed bump locations and then amended the plan.

Mrs. Courtney-Batson proposed that the Final Site Plan approved by Planning Board Resolution No. 13/40, be amended by the plan titled “Detailed Proposed Site Plan,” Sheet

No. PB03, with a print date of 01-14-15 [and shown on the sheet marked at this meeting] be approved with the following revisions:

1. Striping shall be added near the pharmacy area and an exit arrow shall be installed.
2. The existing yellow lines shall be refreshed.
3. The northern-most speed bump, near the entrance to Shop Rite, shall be relocated.
4. The Planning Board recommends, but does not require, that the area where the retaining wall has been added should be planted or covered with rip rap.
5. The two signs directing people to the drive-through for the pharmacy shall be removed.
6. One of the signs directing people to the drive-through for the pharmacy shall be relocated to the landscape area by the stop sign.
7. Two trees (Pin Oaks) shall be added to the Chase islands, as per the original plan.
8. A larger tree (Pin Oak) shall be added to the triangular island.
9. Trees (Pin Oaks) shall be added to the islands on the southerly side of the Chase building as per the original plan.
10. One tree (Pin Oak) shall be added to the island in the Shop Rite crosswalk to the south, adjacent to the light pole.
11. The southeast corner of the drive (south exit) shall be marked so it is visible to drivers.
12. The slope area along the rear drive shall be cleaned and the pot holes in the drive shall be repaired.

Motion: A motion was made by Mr. Sullivan to approve the amendment to the final site plan by the plans submitted with the revisions stated.

Motion seconded by Mr. Colavito.

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

Nays: None

**Conference:**

Waiver of Site Plan Approval

Section 71.8 Block 2 Lot 21, Roadside Business Zone

655-665 Bedford Road, Bedford Hills

Owner: **C.R. Wallauer & Co., Inc.**

Applicant: **George Petre**

(Consider Waiver of Site Plan Approval)

**Present:**

Susan Riordan, Architect

James Polinsky [*from the sign company*]

Ms. Riordan gave the Planning Board a quick overview of the project. Mr. Polinsky then described the signs. It was agreed that the lighted sign would be turned off at 10:00 PM.

Mrs. Courtney-Batson stated that the Planning Board would have to deny the application due to:

1. Parking
2. Coverage
3. Sign

Mr. Sullivan made a motion to deny the application. Motion seconded by Mrs. Lewis.

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

**Conference:**

Waiver of Site Plan Approval  
Section 84.10 Block 1 Lot 26, PB-R Zone  
652 Old Post Road, Bedford  
Owner: **Bedford Village Plaza, Inc.**  
Applicant: **Bedford Gourmet**  
(Review revised site plan.)

Present:

Patrick M. Croke, Architect  
Alexandra Walsh, Applicant  
Deborah Franzese, Applicant

Mr. Croke described the project as the expansion of a sidewalk from four (4) feet wide to eight (8) feet wide. He stated that they would also upgrade the two handicapped parking space which currently do not meet the handicapped code. He stated that one of the reasons for widening the sidewalk was to provide some seasonal tables and seating on the outside. Mrs. Courtney-Batson told Ms. Franzese that if they wished to have interior seating, they should come back to the Planning Board. Mrs. Courtney-Batson advised the applicants that the Department of Health regulates outdoor seating as well as indoor seating.

Mr. Sullivan stated that there was not a pedestrian link to the road. Mrs. Courtney-Batson stated that the Planning Board suggests that the addition of a sidewalk in that area would be welcome in that area and, therefore, approves it, but does not require it as part of this application.

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

1. Approval shall be obtained from the Department of Health for the additional seating.
2. The Planning Board approves, but does not require, the potential addition of a sidewalk connecting the new seating area and the sidewalk on Old Post Road.

Motion: A motion was made by Mrs. Lewis to approve this application for a waiver of site plan approval, conditions listed.  
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. Mrs. Lewis seconded.

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

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

**Conference:**

**Site Plan Approval**

Alterations and Improvements to the Upper School Campus

Section 73.13 Block 2 Lot 5, R-2A Zone

425 Cantitoe Street, Bedford

Owner/Applicant **Rippowam Cisqua**

(Consider Final Site Plan Approval.)

**Present:**

Matthew Nespole, Rippowam Cisqua School

Joseph C. Riina, P.E., Site Design Consultants

Kirtley Cameron, Architect, Kirtley Cameron, LLC

Kevney Moses, Landscape Architect, Wesley Stout Associates

Mr. Moses described the revisions made to the plan, which included landscaping and lighting.

Mr. Sullivan stated that there are state code requirements for minimum light levels for public parking lots. He stated, for the record, that the plan may not meet the minimum lighting requirements. Mrs. Courtney-Batson asked that if the lighting was found to be unsafe, the applicant should return to the Planning Board for additional lighting.

Mr. Moses stated that they have been working with Frank Annunziata of Hahn Engineering regarding the technical issues regarding the site engineering. He stated that the site plan issues are substantial. They have also been dealing with Hahn Engineering regarding the stormwater issues.

Mr. Sullivan asked what the status of the project is. Mr. Riina said that they cannot proceed with the New York City Department of Environmental Protection ("NYC DEP") until they have the approval of the Planning Board. Ms. Cameron stated that they plan to start the project in June 2016.

Mrs. Courtney-Batson stated, for the record, the Planning Board, in no way, shape or form, in giving this approval are trying to upstage Mr. Annunziata. His determination on when you are ready, from an engineering point of view, is absolutely necessary to this approval.

Mrs. Courtney-Batson asked if the changes to the buildings with historic significance have been cleared with the Historic Building Preservation Commission. Ms. Cameron stated that she met with John Stockbridge, Chairman of the Commission. She stated that several members of the Commission have visited the site and Mr. Stockbridge has walked the campus. They identified three buildings that were under their purview. The first is the Cushman House which the applicant is looking to restore. The second is the art building where they would like to remove the portion added in the 1950's or 1960's. The third is a storage shed – 6 feet by 10 feet with a fireplace - which Mr. Stockbridge and Ms. Cameron discussed relocating.

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

1. This approval is subject to the approval of the Town Engineer.
2. If there are changes to the parking layout or the building layout, the applicant shall return to the Planning Board.
3. Any revisions to the landscaping plan must be approved by the Director of Planning.
4. Plans for the Cushman House and the art building shall require approval by the Historic Building Preservation Commission.
5. The applicant shall work with the Historic Building Preservation Commission to preserve, and possibly relocate the shed. If the shed is to be relocated, the applicant shall return to the Planning Board.

Motion: A motion was made by Mrs. Lewis to approve this application for a special use permit subject to the conditions listed.

Motion seconded by Mr. Cacciato.

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

**Conference:**

Review of Draft Environmental Impact Statement dated February 2015

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**

(Completeness review of DEIS, Sections I, II, IV and V.)

**Present:**

Richard Williams, Executive Vice President, America Capital Energy Corporation

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

**Discussion:**

Mrs. Courtney-Batson explained to the audience that the Planning Board would be doing a partial review of the Draft Environmental Impact Statement (the “DEIS”) – Sections I,

II, IV and V, tonight. She explained that this is called a “Completeness Review” because the Planning board is looking to see if everything they wanted covered in the DEIS is covered. She stated that Section III would be covered at a second meeting.

She stated that the procedure will be to go through the document, page by page, and make comments as we proceed.

*[Mrs. Courtney-Batson then asked if there were any comments on Section I.]*

*[After comments for Section I, Mrs. Courtney-Batson then proceeded to Section II.]*

At one point in the review of Section II, Mrs. Lewis brought up the question of Affordable Housing and how it applies to this proposal. Mrs. Courtney-Batson stated that the Affordable Housing Ordinance, as interpreted by the Town, differs from that of the applicant and that this must be settled before proceeding with the DEIS. Mr. Sessions stated that their attorney, Mr. Martabano, will need to speak with the Town Attorney, Mr. Sachs. Mrs. Courtney-Batson stated that this matter stays open for discussion. A suggestion was made by the Planning Board that a cottage on one of the lots could count towards the Affordable Housing.

Mrs. Courtney-Batson requested that the record show that there are certain things that deal with the wetland and habitat issues which will be discussed during the review of Section III.

*[After comments for Section II, Mrs. Courtney-Batson stated again that Section III would be reviewed at a separate meeting. The Planning Board then commenced review of Section IV.]*

John Stockbridge, Chairman, Historic Building Preservation Commission, requested that his Commission be permitted to enter comments on Part IV at the next meeting that this proposal appears. This will give his Commission the time to do a site walk of the site. Mrs. Courtney-Batson agreed to this.

*[After comments for Section IV, Mrs. Courtney-Batson then proceeded to Section V.]*

Mrs. Courtney-Batson stated that Section III will probably be reviewed in May.

**Approval of Minutes:**

Mrs. Lewis made a motion to approve the following minutes:

October 14, 2014

October 28, 2014

The motion was seconded by Mr. Colavito.

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

Nays: None

It was decided that the date for the field trip to the Steinhardt property would be set for some time after May 7th. The date will be decided at the next meeting.

The next meeting will be on Tuesday, April 28, 2015.

Mr. Cacciato moved to close the meeting; Mrs. Lewis seconded the motion.

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

Nays: None

The meeting was adjourned at 11:05 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

Court Room  
321 Bedford Road  
Bedford Hills, New York 10507

Tuesday, April 28, 2015

### Minutes

A meeting of the Planning Board was held on April 28, 2015, starting at 8:00 P.M., at 321 Bedford Road, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Vice Chairman John Sullivan, Board Member Diane Lewis, Board Member William Colavito, Planning Director Jeffrey Osterman and Secretary Anne Paglia. Absent was Board Member Felix Cacciato. *[All Planning Board meetings are recorded. A CD copy of this recording may be obtained from the Planning Board Office.]*

#### **Public Hearing:**

Scoping Session

Proposed Conservation Development

Section 84.18 Block 1 Lot 14, R-1A and R-2A Zones

325-361 Old Post Road, Bedford

Section 84.14 Block 1 Lots 6 and 7, R-¼A Zone

307 and 301 Old Post Road, Bedford

8 Section 4.14 Block 1 Lot 8, R-¼A Zone

7 Crusher Road, Bedford

Section 84.14 Block 2 Lot 1, R-¼A Zone

1 Vinton Avenue, Bedford

Owner: **Old Post Holdings, LLC**

Applicant: **Wilder Balter Partners, Inc.**

#### **Present:**

No representative for the Owner or Applicant was present.

Mrs. Courtney-Batson called the meeting to order. She stated that the Planning Board has had a request from the applicant to postpone the meeting. She then read the letter, dated and received on April 28, 2015, from William B. Balter, President, Wilder Balter Partners, Inc., into the record:

*"Dear Chairwoman Courtney Batson:*

*Wilder Balter Partners, Inc., is formally requesting that tonight's public hearing on our proposed conservation development plan DEIS scope be adjourned.*

*Yesterday we received copies of a great deal of additional correspondence relating to our proposed development. In view of the content thereof and other factors, at this point in time we are evaluating whether to continue pursuing approval of our project as proposed. We therefore believe that it would be in everyone's best interests if we adjourn the public hearing scheduled for tonight."*

Mrs. Courtney-Batson stated that since it was at the applicant's request, it makes sense to adjourn the public hearing.

Mrs. Lewis made a motion to adjourn the public hearing which was seconded by Mr. Colavito.

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

Mrs. Courtney requested that the motion be amended to adjournment to a time to be determined.

Mrs. Lewis endorsed the motion, as amended. Mr. Colavito seconded the motion.

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

Mrs. Courtney-Batson stated, for the record, that at which time there is a continuation of the public hearing, it will be fully noticed as a new public hearing. She also stated that if the plan changes, the process will be adjusted accordingly so that there is more than adequate time for public comments on any new plan

The next meeting will be on April 28, 2015.

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

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

The meeting was adjourned at 8:05 PM.

Date these minutes were approved by the Planning Board: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Anne Paglia, Secretary  
Town of Bedford Planning Board

\_\_\_\_\_  
Date