

TOWN OF BEDFORD
PLANNING BOARD MEETING

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

**Tuesday
February 23, 2016
8:00 PM**

Conferences:

- 1. 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**
(Continuation of review of the revised DEIS.)

Approval of Minutes:

September 29, 2015

October 13, 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.

Town of Bedford Planning Board

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

Tuesday, September 29, 2015

Minutes

A meeting of the Planning Board was held on September 29, 2015, starting at 8:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Board Member William Colavito, Board Member Diane Lewis and Board Member Felix Cacciato, and Secretary Anne Paglia. Absent was Planning Director Jeff Osterman. *[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 – 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.)**

Present:

Carol J.W. Kurth, FAIA, Carol Kurth Architecture, P.C
Barry G. Naderman, P.E., Naderman Land Planning & Engineering, P.C.

Ms. Kurth described the application to the Planning Board and the audience. She explained that the Zoning Board of Appeals has asked her to do a composite site plan of all the projects proposed on the property because of the coverage issues.

Mrs. Courtney-Batson asked if there were any comments or questions from the audience. *[There were none.]*

Mrs. Courtney-Batson stated that there are two issues with the cottage in regard to the Planning Board's Special Use Permit. The first is the fact that they would be demolishing the cottage and the code says that a space used for an accessory cottage has to have been in existence for five years. When the cottage is torn down, destroying more than fifty per cent of it, is Bedford's cutoff for vacating a pre-existing, non-conforming use. She stated that a practicable way of getting around this would be to go to the Zoning Board of Appeals for a variance. Mrs. Courtney-Batson also stated that the Planning Board cannot give a variance.

Ms. Kurth stated that she was told she only had to go to the Zoning Board of Appeals because of the totality of the coverage and for habitable square footage because the existing cottage is larger than the amount allowed.

Mrs. Courtney-Batson stated then in the case of an existing building being renovated, the bigger size of a cottage would be understandable since making it smaller could sometimes involve doing strange or peculiar things to the building. Mrs. Courtney-Batson questioned why Ms. Kurth couldn't make the size of the cottage compliant since she is tearing it down anyway. Ms. Kurth stated that they were trying to use the current footprint and use the foundation. Mrs. Courtney-Batson said this is something Ms. Kurth should consider when speaking with the Zoning Board of Appeals.

Ms. Kurth asked if the Planning Board would be in favor of this application if the Zoning Board of Appeals granted the variance for the five years. All four members of the Planning Board stated that they would look at this application favorably if the variance, or a favorable interpretation of the five year requirement, is granted. Mrs. Courtney-Batson stated that this is a non-binding sense of the Planning Board's opinion.

Mrs. Courtney-Batson asked if there were any further comments or questions from the audience. *[There were none.]*

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

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

Nays: None

Mrs. Courtney-Batson stated that the Planning Board will have to deny the application because the proposal does not meet the standards for approval as specified in the Town Code as follows:

1. The proposal does not meet the requirements of Article V Section 125-50 – Table of Dimensional Requirements – Maximum Coverage.
2. The proposal does not meet the requirement of Article VIII Section 125-79.1.A (1) – ... No permit for a cottage shall be granted until five years after the construction of the accessory building, including all additions.
3. The proposal does not meet the requirement of Article VIII Section 125-79.1.A (7) – The cottage shall contain at least 400 square feet and not more than 800 square feet of gross floor area, but shall not exceed 25% of the total floor area of the principal residence structure unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building.

Mr. Colavito made a motion to deny the Special Use Permit for the cottage, based upon the three issues listed. Mrs. Lewis seconded the motion.

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

Nays: None

Public Hearing:

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.)**

Present:

Carol J.W. Kurth, FAIA, Carol Kurth Architecture, P.C
Barry G. Naderman, P.E., Naderman Land Planning & Engineering, P.C.

Ms. Kurth stated that the barn would be used for recreation. The owner would like to tear the existing structure down because of its condition. They would like the new structure to be twenty-three feet in height (to the ridge). The height of the existing building is seventeen feet.

Ms. Kurth then described the plan to the Planning Board. This will be a one level structure with a mechanical area underneath. Ms. Kurth stated that they would be going to the Zoning Board of Appeals to get a variance to permit the kitchenette and powder room shown on the barn.

Mrs. Courtney-Batson stated that the Planning Board could not approve the Special Permit because you do not meet all the criteria of the Zoning Code.

Mrs. Courtney-Batson stated that the Planning Board will have to deny the application because the proposal does not meet the standard for approval as specified in the Town Code as follows:

1. The proposal does not meet the requirements of Article V Section 125-50 – Table of Dimensional Requirements – Maximum Coverage.
2. The proposal does not meet the requirements of Article V Section 125-50 – Table of Dimensional Requirements – Maximum Height.

Mrs. Courtney-Batson asked if there were any comments or questions from the audience. *[There were none.]*

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

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

Mr. Cacciato made a motion to deny the Special Use Permit for the barn, based upon the issue listed. Mr. Colavito seconded the motion.

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

Conference:

**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.)**

Present:

Cosimo Tripi, Owner
Rudolph C. Petruccelli, P.E., Petruccelli Engineering
Jon P. Dahlgren, Senior Geologist, Tim Miller Associates, Inc.

Mr. Dahlgren stated that this project has been before the board for a long time and the last time they were in front of the Planning Board was in December, 2012. During that interval, they spent a lot of time consulting with Frank Annunziata, Town Engineer and the DEP regarding stormwater issues of which they have made considerable progress.

Mr. Dahlgren described the project as a 23-lot subdivision on 25.6 acres between Harris Road and New Street. Work started on this proposal in 2007 with a DEIS for a conventional subdivision of 19 lots. There is an existing house, the Murphy residence, so it would have been 18 new homes, each with their own septic systems. Because of various concerns, the Planning Board asked the applicant to consider a conservation subdivision, for which they produced the current plan. The DEIS was accepted in June, 2011, which considered both the cluster plan and the conventional plan. The current plan is for 23 homes – 22 new and 1 existing. Twenty-one of these homes would be connected to a community septic system and two homes would have individual septic systems.

He described the current plan and stated that the Home Owners Association would be responsible for the green open space, the road and the emergency access road to Harris Road (which will be gated so there will not be any thru traffic).

Mr. Dahlgren stated that the big issue with the site has consistently been how to manage stormwater. He stated that the applicant has offered to widen New Street and put curbs and stormwater management in New Street. He stated that the DEP insisted upon water quality management in the street, but there is really no room for the basins and the 100 foot buffer from septic systems, so it is not practicable.

Mr. Colavito asked Mr. Dahlgren if he has received an official denial from the DEP. Mr. Dahlgren stated that they applied for a variance and was told that the application was deemed incomplete. Mrs. Courtney-Batson asked if it was denied and Mr. Dahlgren agreed that it was not.

Mr. Dahlgren stated that the DEP could not do a formal review until they received final plans. He stated that he could not do the final plans until they have gone through the SEQRA process.

Mrs. Courtney-Batson said that a major change they are suggesting in their August letter *[dated August 31, 2015 from Jon P. Dahlgren, Tim Miller Associates, Inc.]* is that the applicant wants the Planning Board to relieve them of the obligation to do any improvements on New Street because DEP is causing problems on this. Mrs. Courtney-Batson stated that the issues on New Street were not just about the drainage. She said that there would be quite a few new homes at the end of a street that is only 16 to 20 feet in width at one end, with poor to fair pavement conditions with no curbing or drainage structures for approximately 1,000 feet and no sidewalks. Mrs. Courtney-Batson stated that the main reason the Planning Board was talking about improvements to New Street was for health and safety and traffic issues, not just drainage. She also stated that the Town Engineer agrees with the Planning Board that there is a safety issue

involved with putting this many houses at the end of a road in the condition that New Street is in. It is not in condition to handle this kind of traffic, particularly construction traffic.

Mrs. Courtney-Batson stated that the DEP has not denied the application but has stated that it is incomplete. The Town Engineer does not agree with the applicant's conclusion that the DEP application will be denied. Mr. Petruccelli stated that during the 2 ½ years he has been on the project, the issue has been New Street. He stated that because they are widening it by four feet to put a sidewalk in, they would be increasing the impervious surface by more than twenty per cent. He stated that the DEC requires infiltrators but they must be at least 200 feet away from septic systems and that cannot happen on New Street. Mr. Petruccelli suggested the Town make the improvements without going to DEP and the applicant will pay for it. He suggested that the DEP may waive requirements if the Town does the improvements for safety.

Mrs. Courtney-Batson stated that New Street must be addressed before the project can be approved. She also stated that she and the Town Engineer do not know why the applicant will not complete the variance application. Mr. Petruccelli stated that he was told it would almost be impossible to get the variance. Mrs. Courtney-Batson stated that that is not the impression Mr. Annunziata, the Town Engineer, has gotten. She asked Mr. Petruccelli to get in writing the statement that they would not be granted the variance.

Mr. Colavito asked Mr. Petruccelli why he thought the Town would get a waiver that he cannot get. Mrs. Courtney-Batson stated that the Department of Public Works has to meet all the DEP stormwater regulations. She stated that the Town cannot override the DEP.

Mrs. Courtney-Batson said that if the applicant completed the variance application she could speak to the Town Engineer and the Town Attorney. She would also ask if the Town Engineer could speak to the DEP about New Street.

Mrs. Courtney-Batson stated that this development cannot go in at the end of New Street, as New Street exists today; it is not safe. She also stated that the Planning Board cannot approve an FEIS unless the DEP approves the variance.

Mr. Petruccelli asked what it would mean if the variance was denied. Mrs. Courtney-Batson said that it might mean a change in the project because that many houses could not be put at the end of a sixteen-foot wide road that is in bad shape and has poor drainage.

Mr. Petruccelli requested that the revised drawings be sent to the Town Engineer. Mrs. Courtney-Batson agreed. Mr. Petruccelli also requested that the Town Engineer send a letter to the DEP stating that the Town would be in agreement with the DEP granting the variance.

Conference:

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.)

Present:

Charles V. Martabano, Attorney at Law
Greg Vail, Vail Buick GMC

Mr. Martabano described the existing building and site to the Planning Board. He stated that the situation with car carriers would be uniquely addressed by this project. Vail proposes to use this property for delivery and reception of new motor vehicles and motor vehicle lease returns which would mean car carriers would not be coming to North Bedford Road. The Vail car carriers would access this property. There would be motor vehicle preparation (mostly new car but there could be some used car preparation as well), vehicle storage (both inside and outside), motor vehicle detailing and minor motor vehicle maintenance repairs. He stated that this property is accessed by the Katonah Bypass. This application will enable truck traffic, as it relates to Vail, to be removed from North Bedford Road and Valerio Court. The applicant has actually run tests to determine whether this site can accommodate the truck traffic. It was found that this site is appropriate for this type of use. They did the testing with both the small car carriers and the large car carriers. Mr. Martabano stated that they have photos of this testing and when asked by Mrs. Courtney-Batson, said that he would send them to her.

Mr. Martabano stated that the property is located in the Light Industrial Zone and, also, in the Aquifer Protection Zone (the APZ). He stated that they have put every protective measure in the plan that has been used for the Aquifer Protection Zone applications in front of the Zoning Board of Appeals and the Planning Board. He stated that there will be no floor drains in the building and that they would use the Hercules Water System; in every doorway they will install a lip so fluid cannot escape the building; any above-ground storage of motor oil would be in DEC DOT approved containers.

Mr. Martabano stated that they would be doing some clearing of the invasive species that have taken over the site. They would also like to hear suggestions *[for planting]* from the Planning Board.

Mrs. Courtney-Batson suggested that they provide a planting and lighting plan, including security lighting. Mr. Martabano said that they would be bringing in an arborist to look at the site and make recommendations.

Mrs. Lewis asked if the servicing of the vehicles would only be inside the building. Mr. Martabano said that is what they are applying for. Mrs. Lewis said she just wanted that on the record. Mrs. Lewis asked if the exterior property would be paved or would it be pervious. Mr. Martabano said that they are at 69.15 % and the standard is 75%, so they might look to increase some of the impervious surface.

Mr. Martabano *[pointing to the plan]* stated that there was part of a drainage system which he thinks is owned by the Town, which he thinks, over time, has disintegrated. He suggested that at one time Adams Street was a private road because the easement appears to be to a private party. Mr. Martabano said that he would speak with Kevin Winn, Commissioner of Public Works, about completing the piping system and paving over it.

Mr. Colavito asked about the issue of possible parking on Adams Street, in front of the property. Mr. Martabano did not think it was a concern because they have 2.3 acres. Mr. Vail said that the therapy center across the street has parking on the street. Mr. Colavito expressed concern because there is not much room for parking on the street. Mr. Martabano said that the Town Board should consider putting no parking signs there. Mr. Colavito said that the applicant should address this issue. Mrs. Courtney-Batson said she does not believe that that area is currently a no parking zone and that this would have to be approved by the Town Board. Mrs. Courtney-Batson suggested that Mr. Martabano discuss the issue of on-street parking with Jeff Osterman, Director of Planning.

Mrs. Courtney-Batson read one of the protective measures listed in Mr. Martabano's letter of September 17, 2015: "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." Mrs. Courtney-Batson asked that the applicant provide a size for the containers.

Mrs. Courtney-Batson asked if there would be any objection to a condition saying that there would be no work on client cars – this would no become a dealer garage. Mr. Vail stated that GM would not permit him to bring a customer to a building not approved by them and he would have to almost rebuild the building to get that approval, so there is no plan on working on client cars there and he would have no problem with this condition. Mrs. Courtney-Batson said a condition that the Planning board would suggest to the Zoning Board of Appeals would be that the site shall not be used as a service center for Vail customers.

Mr. Colavito asked about the exhaust system to be used. Mr. Martabano said he did not have the specifications now, but will get back to the Planning board with them.

Mr. Colavito asked when the hours of use would be. Mr. Vail said it would be general business hours from 7:00 Am to 5:00 PM. Mrs. Courtney-Batson stated that they would have to comply with the Town of Bedford's noise ordinance which applies to the Light Industrial Zone. She also asked that the lighting used use the Dark Sky standards with consideration of the use of motion sensors where applicable.

Mr. Martabano said that they will not be on the Zoning Board of Appeals until November. This will give him time to revise the plans and get back to the Planning Board before the November meeting of the Zoning Board of Appeals.

Mrs. Courtney-Batson requested a plan showing where vehicles will be stored, the number of vehicles, more specifics about where the work would be done, a list of what kind of work will be done, a list of what kind of work will not be done, a statement on the plan that all washing of vehicles will take place inside the building, and specifications of the water-recapturing system.

Mrs. Courtney-Batson said that as soon as Mr. Martabano submits all the information and plans requested, he would be put on a Planning Board agenda.

Conference:

Final Site Plan Approval

Section 60.7 Block 2 Lot 40, CB Zone

152 Bedford Road, Katonah
Owner/Applicant: Old Stone Hill LLC
(Discussion.)

Present:

Thomas McCrossan
Kevin P. Helmes, The Helmes Group, LLP

Mr. McCrossan stated that he had met with Mr. Winn and Mr. Osterman at the site. He stated that the applicant was willing to sign whatever Mr. Sachs, the Town Attorney, proposed agreeing to whatever would be necessary for any future improvements by the Town on the Town's property. Mrs. Courtney-Batson said that she had spoken to Mr. Osterman who stated that the idea of widening the road and possibly putting an island in the middle is still a possibility, but it would not involve the applicant's side of the road because of the topography of the road. She stated that, therefore, the use of the Town property from that perspective would not be a problem. However, Mrs. Courtney-Batson said that Mr. Osterman felt that a sign-off from the Town for the use of the Town's property would still be necessary.

Mr. Helmes stated that the sidewalk on the previous plan was 3 ½ feet, but they would prefer a wider sidewalk. Mrs. Courtney-Batson stated that Mr. Winn and Mr. Osterman agreed that there was room to make the sidewalk wider. Therefore, the applicant should do a plan showing the original narrow sidewalk and a wider sidewalk. Mrs. Courtney-Batson said that the Planning Board would approve the narrower sidewalk if the Town Board denied the wider one. She also stated that a wider sidewalk would be the preference of the Planning Board. Option A would be a sidewalk of 3 ½ feet and option B would be a sidewalk of up to 7 feet. The parking would remain at a 60 degree angle.

Mrs. Lewis requested that native shrubs and pollinator plants be used in the landscape. The applicant should submit a landscape plan for review and approval by the Landscape Committee of the Planning Board and the Director of Planning before the building permit is obtained.

The lighting plan was also discussed. Mrs. Courtney-Batson reminded the applicant that the property is across from a residential area and that all lighting should be downward.

Mrs. Courtney-Batson spoke of the possibility of a conditional approval, but it was later decided that the Planning Board should send a memo to the Town Board. The Planning Board requested they see a planting plan and a lighting (photometric) plan at the next Planning Board meeting.

Mrs. Courtney-Batson proposed that the Planning Board write a memorandum to the Town Board recommending that they grant permission for the applicant to use town property for the parking and that the Planning board's preference is for the plan that would provide for a sidewalk width of up to seven feet.

Motion: Mrs. Lewis made a motion to send the memo as suggested to the Town Board. Mr. Colavito seconded the motion.

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

Nays: None

Conference:

**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.)**

Present:

Steven C. Helmes, AIA, The Helmes Group, LLC
Marion Blount, Chairperson of the Trustee Ministry, Antioch Baptist Church

Mr. Colavito read the notes from the September 18, 2015 field trip into the record:

1. Discuss the additional parking possibilities on School Street.
2. Move parking from the center of the building to the rear of the building.
3. Move four spaces at the north end of School Street to the end of School Street.
4. Landscape plans shall be developed.
5. Consider whether the trees in front of the property should be deciduous or street trees or a combination.

Mr. Helmes stated that the chain-link fence on the rear of the town property by the railroad tracks, for the entire length of that property, will be a six-foot chain-link fence. [Mr. Helmes indicated this on the displayed plan.] Mrs. Courtney-Batson asked if Metro North had been contacted and Mr. Helmes said they were not. She said Metro North may have guidelines for this fence. When Mr. Colavito expressed concern about the safety of children, Mr. Helmes indicated on the plan where the fence may be extended down the sides of the property for a short length. Mrs. Courtney-Batson also suggested some plantings near the fences which would make it more difficult to get through.

Mrs. Courtney-Batson stated, for the record, that something needs to be done about the parking spaces in the front, on School Street.

Ann Kronenberg from the Conservation Board, asked if thought was given to using gravel or a pervious surface for the parking areas. Mr. Helmes said that they would consider it. He brought up the products made by Flexi Pave, which were discussed with the Board. Mr. Helmes stated that this product was used behind the Katonah Fire House. Mr. Helmes was asked to speak with Jeff Osterman, Director of Planning, about this since this company had given a demonstration to him.

Mrs. Courtney-Batson asked the members of the Planning Board if they agree to send a memo to the Town Board stating that the Planning Board gives conceptual approval to the proposal.

Motion: A motion was made by Mr. Cacciato to write the memo to the Town Board. Mr. Colavito seconded the motion.

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

Nays: None

Conference:

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.)

Present:

[No representative present.]

Mrs. Courtney-Batson explained that this is being done primarily for the sake of the town. She explained that the Beaver Dam Sanctuary which owns both lots would like to merge the two lots. Because the Beaver Dam Sanctuary is granting the town a drainage easement which actually sits partly on one lot and partly on the other lot, it is the opinion of the Town Attorney that this should be turned into one lot and a plat is filed with the County making that clear. However, the only way a plat can be filed with the county is if the Planning Board grants a Waiver of Subdivision Approval. *[Mrs. Courtney-Batson indicated on the survey which line was to be removed.]* She stated that the properties are owned by the Beaver Dam Sanctuary and is protected land so there are no development implications.

Motion: A motion was made by Mr. Colavito for a Waiver of Subdivision Approval for the merging of the two lots.

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

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

Nays: None

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

Nays: None

Schedule Field Trips:

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

The Planning Board agreed upon doing a field trip on Friday, October 9, 2015, 17 9:00 AM.

There was a discussion of the Planning Board meeting dates for November. It was decided to eliminate the November 10, 2015 meeting and to keep the November 17, 2015 and November 24, 2015 meetings.

Approval of Minutes:

Motion:

Mr. Colavito made a motion to approve the minutes of the April 14, 2015 and the April 28, 2015 meetings. Mrs. Lewis seconded the motion.

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

The next meeting will be on Tuesday, October 13, 2015.

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

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

Nays: None

The meeting was adjourned at 9:55 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, October 13, 2015

Minutes

A meeting of the Planning Board was held on October 13, 2015, starting at 8:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Board Member Diane Lewis, Board Member William Colavito and Board Member Felix Cacciato, 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:

**Preliminary Subdivision Approval – Two Lot Subdivision
Section 94.9 Block 1 Lot 7, R-4A Zone
385 Byram Lake Road, Bedford Corners
Owners/Applicants: Timothy and Lisa Ghriskey
(Consider Waiver of Subdivision Approval.)**

Present:

Peter Gregory, P.E., Keane Coppelman Gregory Engineers, P.C.
Timothy and Lisa Ghriskey, Owners

Mr. Gregory described the subdivision to the Planning Board. He stated that the current residence is served by Mount Kisco water and that the new lot would have a well. He stated that for the second lot they have proposed a development envelope which would limit the amount of disturbance to the property. Mrs. Courtney-Batson asked if there was any objection to the adherence to the development envelope being a condition of approval. Mr. Gregory said there was not.

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

Mr. Colavito asked about the large trees along the roadway. Mr. Gregory stated that the plan locates where these trees are and the driveway will come through where the dead/dying trees are. Mrs. Courtney-Batson stated that there is no impact on steep slopes or on wetlands. Mr. Gregory agreed.

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

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

Nays: None

Mrs. Courtney-Batson suggested that a condition of approval would be that all development of lot two shall take place within the disturbance limit line.

Motion: A motion was made by Mrs. Lewis for Preliminary Subdivision Approval for the two-lot subdivision with the condition 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. Colavito endorsed the Board’s determination on the ECF. Mr. Cacciato seconded.

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

Nays: None

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

Nays: None

Motion: A motion was made by Mr. Cacciato to Waive Final Subdivision approval.

Motion seconded by Mr. Colavito.

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

Nays: None

1. Conference:

Waiver of Site Plan Approval – Outdoor Dining Canopy

Section 49.15 Block 4 Lot 52, CB Zone

175 Katonah Avenue, Katonah

Owner: Bgig Realty, Inc.

Applicant: Blue Dolphin Diner

(Consider Waiver of Site Plan Approval)

Present:

Kevin P. Helmes, The Helmes Group, LLP

Alfredo Abbate, Owner, Blue Dolphin Diner

Mr. Helmes stated that they were in front of the Town Board the previous Tuesday and received their approval to use the town property. They do, however, have to return to the Town Board on October 20, 2015 to receive a renewal of the outdoor dining permit from the Town Board. Mrs. Courtney-Batson stated that this would be a condition of approval from the Planning Board.

Mr. Helmes stated that the original design of the canopy roof was a hip style. Mr. Abbate has since decided to use two outdoor heaters which are 94 inches in height and would require a two-foot minimum headroom above each one. To accommodate these, the canopy would now be an A-Frame Gable, with each heater centered under the ridge in the canopy. Mrs. Courtney-Batson asked for the specifications of the heater to be used, which Mr. Helmes gave to her. Mrs. Courtney-Batson questioned whether two feet from the canopy ridge to the heater would be enough room and suggested that two feet from the widest part of the top of the heater would be better. Mr. Helmes suggested that the top of the heater be three feet from the center of the ridge.

Mr. Colavito asked if the exterior light on the building, which will be facing the canopy, will be kept. Mr. Helmes said it would stay.

Mr. Colavito then asked if the canopy could be taken down before a storm or hurricane. Mrs. Courtney-Batson asked how difficult it would be to dismantle the canopy. Mr. Helmes said he would have to speak with Durkin Awnings. Mr. Cacciato asked if the awning company had wind tolerance specifications and Mr. Helmes said he would ask for them. He also said that this requires a building permit from the Building Department and will have to meet any requirements the Building Inspector requested. The owner was asked if they would agree to take down the canopy when the expected wind speed exceeds the manufacturer's specifications. The owner agreed.

Mrs. Courtney-Batson said that when the outdoor dining was originally approved in 2005, there was a tree on the site. The owner said that he had obtained a tree permit to take down the tree.

Conditions:

1. The applicant shall obtain a renewal of the outdoor dining permit from the Town Board.
2. A copy of the manufacturer's wind specifications shall be filed with the town.
3. When predicted wind speed exceeds the manufacturer's wind specifications, the canopy shall be taken down.
4. The applicant shall submit confirmation that a tree permit was obtained to remove the tree.

Motion: A motion was made by Mr. Cacciato for the Waiver of Site Plan Approval for an outdoor dining canopy, 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. Colavito endorsed the Board's determination on the ECF. Mrs. Lewis seconded.

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

Nays: None

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

Nays: None

2. Conference:

Special Use Permit – Tennis Court

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.)

Present:

Barry G. Naderman, P.E., Naderman Land Planning & Engineering, P.C.

Christine Lent, AIA, Carol Kurth Architecture, P.C.

Mrs. Courtney-Batson introduced conferences 2, 3 and 4 which are Special Use Permit applications for the same property, owner and applicant. Conference 2 is for a tennis court, conference 3 is for a barn, which is an accessory structure over 20 feet in height and conference 4 is for a cottage.

Mr. Naderman reported to the Planning Board that variances for all three of the applications were granted by the Zoning Board of Appeals. Mrs. Courtney-Batson stated that a draft of the minutes from the Zoning Board of Appeals minutes were given to the Planning Board confirming their approvals.

Mrs. Courtney-Batson said that, originally, the tennis court would have needed a steep slopes permit, but because it has been re-sited, it no longer needs one. *[Mr. Osterman confirmed this with Mr. Naderman by studying the plan.]*

Mrs. Courtney-Batson suggested one condition for the approval of the tennis court: If blasting is required, the Town of Bedford Blasting Protocol shall be followed.

Motion: A motion was made by Mr. Colavito to approve the Special Use Permit for a tennis court with the condition 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 SEQRA.

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

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

Nays: None

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

Nays: None

3. Conference:

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.)

Present:

Barry G. Naderman, P.E., Naderman Land Planning & Engineering, P.C.

Christine Lent, AIA, Carol Kurth Architecture, P.C.

Mr. Osterman asked Ms. Lent what materials would be used on the exterior of the structure. She responded that it would be a wood-clad structure. Ms. Lent agreed to this being a condition of approval. Mrs. Courtney-Batson also asked if there was any objection to a condition that there be no lights in the peaks of the barn roof. Ms. Lent agreed to this.

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

1. The barn shall be wood-sided
2. There shall be no lighting in the peaks of the barn roof.
3. The highest point of the barn structure shall be 23 feet.

Motion: A motion was made by Mrs. Lewis to approve the Special Use Permit for a barn – an accessory structure over 20 feet in height - with the three conditions specified.

Motion seconded by Mr. Cacciato.

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

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

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

Nays: None

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

Nays: None

4. Conference:

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.)

Present:

Barry G. Naderman, P.E., Naderman Land Planning & Engineering, P.C.

Christine Lent, AIA, Carol Kurth Architecture, P.C.

Motion: A motion was made by Mr. Colavito to approve the Special Use Permit for a cottage with the condition specified. .

Motion seconded by Mr. Cacciato.

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

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

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

Nays: None

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

Nays: None

5. Conference:

~~Special Use Permit~~ [corrected to “Site Plan Approval”]

Section 60.6 Block 3 Lots 63, 65 & 66, R-½A Zone

62, 60 and 64-68 Oak Road, Bedford Hills

Section 60.9 Block 2 Lots 23 & 24, R-½A Zone

Roosevelt Drive and Woodfield Road, Bedford Hills

Owner/Applicant: The Stepping Stones Foundation

(Review field trip notes.)

(Review latest submission dated September 21, 2015.)

Present:

Whitney Singleton, Esq., Singleton, Davis & Singleton PLLC
Sally A. Corbett, Executive Director, The Stepping Stones Foundation
David DeLucia, Landscape Architect, David DeLucia Designs, LLC

Mrs. Courtney-Batson corrected the wording on the agenda. She stated that this is not for a Special Use Permit but for a Site Plan Approval for a parking lot for Stepping Stones. She also stated that it was her understanding that the Special Permit has already been granted by the Town Board, therefore, issues involving the Special Permit are not before this board tonight. What is being discussed tonight is the parking lot and questions about the site plan for the parking lot.

Mr. Singleton stated that the applicant was here to finalize the last step in the application and that they have received a variance from the Zoning Board of Appeals for the road frontage requirement. Mr. Singleton then described the plan submitted to the Planning Board.

For the record, Mrs. Courtney-Batson specified that the layout and planting plan that is being reviewed is the one with a revision date of July 27, 2012. She also stated that the board looks to avoid all invasive species and to use native plants wherever possible. Mr. DeLucia said that they would revise the plant list to go with all native plants. The board agreed and told him to select whatever ones he likes.

Mr. Singleton described the placement of the signs on the plan. Ms. Corbett stated that the plan now reflected the revisions requested by the Planning Board on their October 9, 2015 site visit. Mr. Singleton showed an example of the type of sign material to be used on the site. He asked if there was a preference for the material used. Mr. Osterman said that the preference would be for a more rural looking sign. Mr. Singleton then continued the review of the plan, including the swing gate.

Mrs. Lewis then read the Field Trip Notes from October 9, 2015:

1. The number 66 sign is to be relocated as per field discussion.
2. The number 62 sign is to be pushed back and put inside the property line.
3. The upper and lower signs need to match.
4. The overflow parking on Woodfield Road is to be beyond the stone wall- beyond meaning interior of the stone wall.
5. Engineering review of the parking is required prior to receiving final approval.
6. The invasive plants are to be removed in any disturbed areas plus a 100-foot radius beyond any disturbed areas of work.
7. Native plants are to be used in landscaping.

Mrs. Courtney-Batson then asked Mrs. Lewis to list the specific invasive species to be removed. Mrs. Lewis listed barberry, porcelain berry, multiflora rose, bittersweet and burning bush.

Mrs. Courtney-Batson stated that although this is not a public hearing, the board will hear comments from the audience on this part of the application.

Mr. Richard Timme [69 Oak Road, Katonah] stated that he lives across from Stepping Stones. He was concerned that the size of the parking spaces and the width of the aisle were less than the minimum required. He was also concerned about the widths and radii of the entrance and exit to the parking. Mr. Timme was also concerned about the size and the height of the signs. He felt that they were not in keeping with the neighborhood.

Mrs. Courtney-Batson stated that the parking lot design still has to be reviewed by the Town Engineer. She requested a copy of the information Mr. Timme has so that she may pass it on to the Town Engineer.

Ms. Leslie Timme [69 Oak Road, Katonah] then addressed the board about the signs. She requested that the existing sign be lowered. She also requested that the Planning Board be very specific about its recommendations.

Ms. Diane Briganti [61 Oak Road, Katonah] brought up the issue of SEQRA. She stated that the area at the bottom of Oak Road, where you turn on to Woodfield Road, floods from water running down from the Stepping Stones property. She was concerned about the removal of trees and installation of gravel on the property.

Mrs. Courtney-Batson stated that the Town Engineer also has to look at the stormwater runoff to see if this will conform to the New York State Stormwater regulations. She stated that she would pass on the information that Ms. Briganti provided.

Mr. Osterman stated that the Town is well aware of the flooding on the road.

Mr. DeLucia stated that there is no real grade change in the proposed parking lot.

Mr. Singleton said that the applicant will provide:

- A revised plan.
- The legend for the planting plan will reflect only native species.
- Invasive species will be removed from disturbed areas and from 100 feet of the disturbed areas.
- Everything shown on one plan.
- Revisions to the signs.

6. Conference:

Four Lot Subdivision

- Preliminary Subdivision Approval
- Steep Slopes Permit

Section 49.19 Block 2 Lots 31, 32, 33, 41 & 42, R-¼A Zone

36 Hillside Avenue, Katonah

Owner/Applicant: KED Partners

(Review field trip notes.)

Present:

Edward J. Delaney, Jr., Project Manager, Bibbo Associates, L.L.P., Consulting Engineers

Mr. Colavito read the Field Trip Notes from October 9, 2015:

1. Consider ways of preserving the barn on lot 1.
2. Reconsider retaining wall and entrance to lot 4.
3. Consider terracing for lot 4.
4. More details to be provided for lot 4.
5. Existing tree survey to be provided in stormwater treatment area.
6. Consider alternative location for stormwater run-off to the east.

Mr. Delaney stated that the tree survey is included in the plans given to the Board. He then gave a brief description of the letter he received from the town Engineer dated 10/13/2015. Mr. Delaney then related the comments from the Westchester County Department of Health.

Mrs. Courtney-Batson then asked Mr. Delaney to describe the plans for the barn which she believed was to be preserved and is on the Town's Historic Buildings List. She mentioned the possibility of converting the barn to a residence. Mr. Delaney said that it is a matter of the septic system plans. Mrs. Courtney-Batson asked that there be two alternative plans: the current plan and one which moves the driveway should the plan to turn the barn into a house be pursued.

Mrs. Courtney-Batson stated that she would like to put on the record Mrs. Lewis' suggestion for lot 4. The suggestion was to use the house itself as a retaining wall, so that from the second floor of the house you would walk out onto level ground. Mr. Osterman stated that it would be very hard to put parameters on this.

Mrs. Courtney-Batson then read the Planning Board memo of 6/24/13. Mr. Delaney responded to each of the ten items listed in the memo.

Mrs. Courtney-Batson stated that the Planning Board would like to see this application another time before scheduling a public hearing.

7. Conference:

Preliminary Subdivision Approval – Four Lot Subdivision

Section 82.12 Block 1 Lot 3, R-2A Zone

28 McLain Street, Bedford Corners

Owner: Northern Westchester Professional Park

Applicant: Merv Blank

(Review field trip notes.)

Present:

Edward J. Delaney, Jr., Project Manager, Bibbo Associates, L.L.P., Consulting Engineers
Merv Blank, Owner

Mrs. Courtney-Batson stated that after discussion with Mr. Delaney, it was decided to forego the field trip at this time.

Mr. Delaney discussed the common driveway. The Town Engineer advised that the applicant is not meeting minimum standards for roads. Mrs. Courtney-Batson stated that the applicant could then seek a waiver from the Planning Board from these standards, which Mr. Delaney said they

would seek for the width and the diameter. Mr. Osterman stated that this was a private road, not a common driveway. Mrs. Courtney-Batson took the consensus of the Board that the waiver would be granted.

Mrs. Courtney-Batson also stated that the Bedford Hills Fire Department give their opinion of the smaller cul-de-sac and that the Board would not give a waiver on the cul-de-sac until it has the opinion of the fire department. Mr. Osterman said that he would ask the fire department for a response.

Mr. Delaney then said that the Town Engineer asked if a Wetland application would be necessary. Mr. Osterman said that he would get an answer on this.

Mr. Osterman confirmed that a public hearing will be necessary, but it cannot be scheduled, yet. Mr. Delaney said that he knows he must get DEP approval.

8. Conference:

**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.)
(Review latest submission dated October 8, 2015.)**

Present:

Charles V. Martabano, Attorney at Law
Scott Blakely, R.L.A., Insite Engineering, Surveying & Landscape Architecture, P.C.
Greg Vail, Vail Buick GMC
Robert Vail, Vail Buick GMC

Mrs. Courtney-Batson stated that what the Planning Board is considering now is their recommendation to the Zoning Board of Appeals for a Special Permit. Mr. Martabano listed the items accomplished by the applicant since the last meeting which were included in his letter dated October 8, 2015. He handed out some copies of a site plan *[dated 10/13/15]*. Mr. Martabano then read an e-mail by Michael Leonard, ISA Certified Arborist, SavATree and SavaLawn *[dated 10/8/15]*, about the trees on the property.

Mr. Martabano spoke with Mr. Winn, Commissioner of Public Works, about the condition of an area of the property which includes a broken pipe. Mr. Winn agreed with the property owners that they would repair the pipe and the Department of Public Works would repair the catch basin. The applicant will prepare a draft of a plan for the repairs and submit to Mr. Winn for approval.

Mr. Blakely reported to the Planning Board about his site walk of the property with Mr. Winn and described the existing, broken pipe and details of how it would be repaired.

Mr. Blakey then spoke about the landscaping. He stated that the consultant from SavATree recommended using native species. They would like to use smaller, native, flowering trees

because of the overhead wires on the property. Mrs. Lewis made some recommendations for other trees so there would be more variety. The Planning Board asked for an increase in the number of trees planted. Mrs. Courtney-Batson asked for a landscaping plan showing what will be removed as well as what will be planted. Mrs. Lewis also recommended they consider some understory planting of shrubs.

Mr. Blakely described the “Concept Lighting Plan,” prepared by Insite Engineering, Surveying and Landscape Architecture, P.C., dated 10/13/15. He stated that there would be 14 lights mounted on the building, 2 on each end and 5 along each side. Mrs. Courtney-Batson asked that the applicant submit the timing of the lights to the Planning Board, which should include the security lighting.

Mr. Martabano referred back to his letter of October 8, 2015 and continued reading the information requested by the Planning Board. He stated that while they are currently thinking of using the Hercules Water Reclamation System, because these technologies do change, he suggests that any condition refer to this system, “or equivalent.”

Mr. Martabano then described the testing which took place at the site using the company’s two largest car carriers.

Mr. Osterman asked if there would be signs at the site. Mr. Martabano said they would work on that.

Mrs. Courtney-Batson suggested making a positive recommendation to the Zoning Board of Appeals, with the following conditions:

1. There shall be no floor drains in the building.
2. The applicant shall install a one-inch lip at each doorway to prevent the accidental discharge/spill from the inside of the building to the outside of the building.
3. In any area where fluids of any type are installed or exchanged in any vehicle, there shall be a secondary containment system to capture any fluids.
4. Other than for heating purposes, there shall be no fuel storage in the building, underground or above ground unless contained in NYS DOT certified transport/storage containers, not exceeding ten gallons in size.
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 shall have independent containment areas located thereunder, such containment areas to be approved as a part of the site plan review.
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 in accordance with all applicable EPA/DEC/DOT/DOH regulations.
8. There shall be no body work or painting performed on the site. There shall be no engine or transmission overhaul/rebuilding/replacement on site. The area shall not be used for private servicing of customer cars.
9. If vehicle washing is to be performed on site, the applicant shall install the Hercules Water Treatment System, or an equivalent system.
10. The applicant shall maintain on site spill cleanup kits containing materials suggested/approved by NYS DEC for such purposes.

11. The town drainage system shall be repaired by the applicant.
12. The easement agreement shall be clarified.
13. Final site plan approval shall be obtained from the Planning Board.

Motion:

Mr. Colavito made a motion to approve Planning Board write a memo recommending approval by the Zoning Board of Appeals with the conditions specified. Mrs. Lewis seconded the motion.

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

Nays: None

Approval of Minutes:

Motion:

Mr. Cacciato made a motion to approve the minutes of the May 12, 2015 meeting. Mr. Colavito seconded the motion.

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

Nays: None

The next meeting will be on Tuesday, October 27, 2015.

Motion:

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

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

Nays: None

The meeting was adjourned at 10:25 PM.

Date these minutes were approved by the Planning Board: _____

Respectfully submitted,

Anne Paglia, Secretary
Town of Bedford Planning Board

Date