

**TOWN OF BEDFORD
PLANNING BOARD MEETING**

**425 Cherry Street
Bedford Hills, New York 10507
Tuesday
October 25, 2016
8:00 PM**

Public Hearing:

- 8:00** Special Use Permit – Accessory Apartment
Section 60.10 Block 3 Lot 5, R-½A Zone
29 Nottingham Road, Bedford Hills
Owners: **Christopher and Joanne Norrito**
Applicant: **New Dimensions Remodeling, Inc.**
(Consider approval of Special Use Permit.)

Discussion:

1. Town Comprehensive Plan of 2003
(Continue Review of Chapter 6 – pages 67-74.)
(Review Chapter 7 – pages 75 thru 100.)

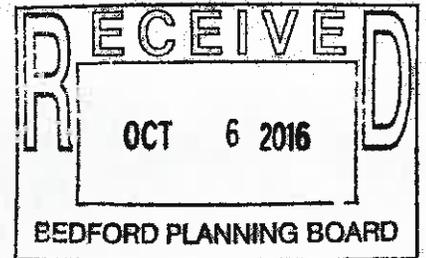
Approval of Minutes:

May 10, 2016
June 29, 2016

Supporting documentation for all items on this agenda is available at the Town of Bedford website.
(www.bedfordny.gov)

Larger documents and plans are available at the office of the Planning Board.
Agenda items subject to change.

PLANNING BOARD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK



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: Christopher Norrito + Joanne Salvo Norrito

Address: 29 Nottingham Rd. Phone: _____

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: New Dimensions Remodeling, Inc. - Frank Branca

Address: 466 Lexington Ave Mt. Kisco, NY Phone: 914 241-1773

3. PROFESSIONAL PERSON PREPARING SUBDIVISION PLAT

Name: _____

Address _____ Phone: _____

4. IDENTIFICATION OF PROPERTY

a. Subdivision name or identifying title 29 Nottingham Rd.

b. Roads which property abuts Nottingham + Friar close

c. Bedford tax map designation: Section 60.10 Block 3 Lot(s) 5

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

e. Total area of property in acres 0.460

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: _____, Section: 125-79

The applicant proposes the following Special Permit Use:

Renovation of existing basement, create
Kitchen area and renovate existing
Bathroom - Accessory Apartment.

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: \$ 200.00 \$ 200.00

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.

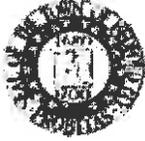
All applications shall be signed by the owner of the property affected by this application and by the applicant, if other than the owner.

Joanne Salvo Norrito 10/4/16
Signature of Owner Date

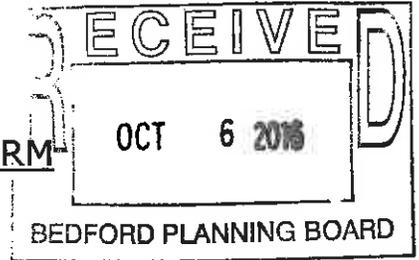
Frank Branca
Signature of Applicant Date

Joanne Salvo Norrito 10/4/16
Name of Owner (Please Print) Date

Frank Branca 10-9-16
Name of Applicant (Please Print) Date



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



Identification of Applicant

Name New Dimensions Remodeling Address 466 Lexington Ave.
Frank Branca Phone 914 241-1773

Identification of Property Owner, if Other than Applicant

Name Christopher Norrito Address 29 Nottingham Rd.
Joanne Salvo Phone _____

Identification of Site Involved, if any

- a) Name or other identification of site 29 Nottingham Rd.
- b) Street which site abuts Nottingham + Friar Close
- c) Tax Map Section 60.10-3-5
- d) Total site area 0.460
- e) Does applicant have a whole or partial interest in lands adjoining this site? no

Identification of Proposed Action

a) Description of Proposed Action Renovation of Existing basement, create Kitchen area and renovate existing bathroom - Accessory Apartment

- 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: _____
 2. List any related actions which may be undertaken as a result of 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 a 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.

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.

Signature of Applicant: Frank Branca Date: 10-4-16

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.

- 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.

Comments:

Town Agency

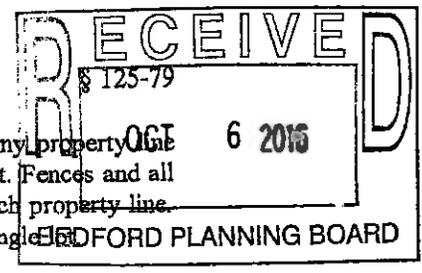
Agency Signature

Date

owner: Christopher Norrito + Joanne Salvo
Address: 29 Nottingham Rd
Parcel: 60.10-3-5

§ 125-78

BEDFORD CODE



- A. Barns and manure storage areas shall be located at least 50 feet from any property line and at least 150 feet from any existing residence other than that on the lot. Fences and all exercise yards or pasture lands shall be located at least five feet from each property line. Abutting lots with common beneficial ownership shall be considered a single lot.
- B. All feed shall be housed in rodentproof containers.
- C. Such use shall comply in all respects with the requirements of the Westchester County Department of Health.
- D. Commercial livery stables are not permitted.
- E. The Planning Board may specify other requirements as applicable to the circumstances of a particular case.

§ 125-79. Accessory apartments in existing single-family residences. [Amended 5-15-1984; 7-25-1989]

A. It is the intention of this section to permit the creation, subject to the standards listed below, of accessory apartments in the Town for the purposes of maintaining a supply of small rental or owner-occupied housing units designed to meet the needs of persons, both young and old, of moderate income and to permit the efficient use of the Town's housing stock by providing economic support for owners of larger structures and incentives for maintenance of these structures. To achieve these goals and to promote the other objectives of the Zoning Ordinance to serve the health and welfare of the Town's people, the regulations below have been created.

B. In all residence districts, the Planning Board may grant a special permit to create an accessory apartment in an existing single-family dwelling, but not in an accessory structure, provided that:

- (1) The residence structure, including all additions, in which the accessory apartment is to be located shall have been in existence prior to the adoption of this chapter. No permit for an accessory apartment shall be granted until five years after the construction of the entire structure, including all additional and all accessory structures. Should alterations be made to a pre-1989 building for which an accessory apartment or cottage is later requested, no permit shall be granted until five years after the construction of the entire structure, including all additions, and all accessory structures. [Amended 8-4-1992] *House was built in 1967*
- (2) The owner of the lot on which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. *Yes*
- (3) No more than five persons shall occupy the lot. *The Apartment will be occupied by 2 people*
- (4) There shall be no more than one accessory apartment per lot. *Yes - only 1*
- (5) The lot must meet the lot area, yard and coverage requirements for the zoning district in which it is located. The Planning Board may reduce these requirements by not more than one-third (1/3) where it determines that this reduction will

conform to the spirit of the regulations and will enable the proper development of the property, including adequate parking areas and accessibility and compliance with health and safety requirements. *Total site area is 0.460 Acres*

- (6) A separate entrance shall be provided for the accessory apartment at the side or rear of the structure. No exterior changes shall be made to the dwelling which, in the opinion of the Planning Board, will alter the single-family character of the dwelling. *Existing Exterior Door access - no changes to exterior*
- (7) No fewer than two off-street parking spaces suitable for year-round use shall be provided on the lot. No new driveway access to the street shall be permitted. The Board may require the installation of screening and/or planting to buffer parking areas from the street or from adjoining residences. *Does not apply*
- (8) The accessory apartment 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. *The apartment is approx. 670 sq. ft.*
- (9) In lieu of the requirements of Article VII, § 125-58, of this chapter requiring the submission of a preliminary site plan, an applicant under this section shall furnish sufficient data to indicate existing building and lot conditions to enable the Planning Board and Building Inspector to review the application and the Building Inspector to inspect the premises. This information shall include an informal, dimensional floor plan of the proposed accessory apartment. No preliminary site plan fee is required. An application fee shall be paid as listed in the fee schedule adopted by the Town Board. *Not applicable*
- (10) The approval of the Westchester County Department of Health must be obtained for water supply and sewage disposal systems prior to the approval of the special use permit. *Not applicable*
- (11) The Building Inspector shall inspect the proposed accessory apartment and report, in writing, any deficiencies to the Planning Board prior to the granting of the special use permit. *Okay - Access is available*
- (12) The duration of the permit shall be limited to five years and may be renewed by application to the Building Inspector. Prior to the renewal of the permit, the Building Inspector shall inspect the building and determine that all of the criteria above and those imposed upon the original special use permit continue to be met. The property owner shall pay to the Town Clerk a fee, in an amount set forth in the Town fee schedule, for all inspections pursuant to this section. [Amended 6-18-2013 by L.L. No. 2-2013] *Okay.*

§ 125-79.1. Cottages. [Added 7-25-1989]

- A. In the R-2A and R-4A Districts, the Planning Board may grant a special permit to create a cottage in an existing accessory building, provided that:

LETTER OF PERMIT DENIAL



Town of Bedford
Building Dept.
425 Cherry St.
914-666-8040

Parcel ID: 60.10-3-5

Application #:

Date: 10/3/2016

Owner Information

Norrito, Christopher & Norrito, Joanne Salvo

Applicant Information

Norrito, Christopher & Norrito, Joann
29 Nottingham Rd

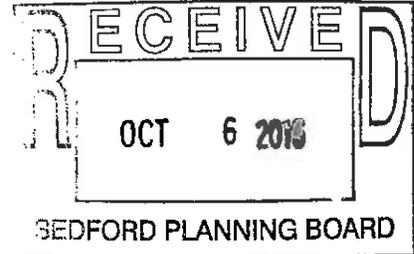
Bedford Hills NY 10507

Location: 29 Nottingham Rd

Parcel ID: 60.10-3-5

Permit Type: Alteration

Work Description: Renovation of existing basement, create kitchen area and renovate existing bathroom.



Dear Resident,

Regarding the application for a Planning Permit on the property referenced above, the following facts are noted. This property is located in R-1/2A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

Application for a permit was submitted to add a kitchen to the existing basement which shows a bedroom to create an accessory apartment.

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

Alberto Ciraco
Building Inspector

Town of Bedford Planning Board

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

Tuesday, May 10, 2016

Minutes

A meeting of the Planning Board was held on May 10, 2016, starting at 8:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Vice Chairman William A. Colavito, Board Member Diane Lewis, Board Member Michael G. Tierney, Board Member Thomas Catoliato, 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.]*

8:00 Public Hearing:

**Special Use Permit – Cottage
Section 51.9 Block 1 Lot 2, R-4A Zone
712 Cross River Road, Katonah
Owner: Clifford A. Diamond
Applicant: Patrick M. Croke, Architect
(Consider Special Use Permit.)**

Present:

Patrick M. Croke, Architect

Mr. Croke described the property and the proposed cottage to the board. He described the cottage as 650 square feet with one bedroom, one bathroom and a small living space. He stated that there was a two-car garage in front of the cottage, with a storage area above the garage. Mr. Croke stated that the bathroom is no longer in the storage area. Mrs. Courtney-Batson requested that the plans be revised to show that the bathroom no longer exists in the storage area.

Mr. Osterman asked Mr. Croke, as far as he is aware, if this meets all the requirements of a cottage. Mr. Croke said it did and Mr. Osterman agreed. Mrs. Courtney-Batson stated that the cottage was a bit over on coverage, but was well within the one-third that can be waived.

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

Mrs. Courtney-Batson asked if there would be any additional lighting. Mr. Croke said that there would not be, it will remain as it is.

Mr. Croke said that the structure is in good condition. Mr. Catoliato asked if anyone had checked the structural integrity of the building. Mr. Croke said no one had.

Mrs. Courtney-Batson suggested that a condition of approval be that if a light fixture is added to the exterior of the building, it shall be a dark-sky compliant, down fixture.

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

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

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

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

1. All the fixtures and plumbing for the bathroom over the garage shall be removed.
2. The plan shall be revised to show that there is no bathroom in the second floor “storage” area.
3. Any light installed by the entrance door shall be a dark-sky compliant down fixture.

Motion: A motion was made by Mrs. Lewis for approval of a Special Use Permit for a cottage, 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. Mr. Tierney seconded.

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

8:05 Public Hearing:

Special Use Permit – Cottage

Section 74.6 Block 1 Lot 5, R-4A Zone

33 Saddle Ridge Road, Bedford

Owner: Fussbudget II, LLC

Applicant: Patrick M. Croke, Architect

(Consider Special Use Permit.)

Present:

Patrick M. Croke, Architect

Mr. Croke described the proposal which is to convert the second floor of a garage into a cottage. He explained that roof dormers would be added to obtain additional light. Mrs. Courtney-Batson asked if the addition of the dormers would add any additional floor space. Mr. Croke said it would not, the dormers are for light. Mrs. Lewis asked what the bottom of the structure would be used for. Mr. Croke responded that it would be a garage. He also stated that the Department of Health has approved the entire new septic system for the property.

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

Mrs. Courtney-Batson stated that there is an obligation that the owner of the property reside on the property, but, in this case, the owner is an LLC. Mr. Croke then referenced the letter he received today from Nazar Massouth, one of the owners of the property. The letter states that the intention is for one of the owners of the LLC to reside on the property.

Mrs. Courtney-Batson said that this is a legal issue which she feels will be occurring more often. However, she stated that she felt that, at the moment, the board should accept the letter, as written.

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

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

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

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

1. Approval of this application is subject to confirmation by the Town Attorney determining that the letter received on 5/10/16 complies with the Town Code.
2. Any light installed by the entrance door shall be a dark-sky compliant down fixture and no other exterior lights shall be added to the structure.

Motion: A motion was made by Mr. Colavito for approval of a Special Use Permit for a cottage, with the conditions specified.

Motion seconded by Mrs. Lewis.

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

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

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

1. Conference:

Waiver of Site Plan Approval

– Additions and Alterations to Commercial Building

Section 60.14 Block 5 Lot 6, LI Zone

25-27 Adams Street, Bedford Hills

Owner/Applicant: Fedele Realty, LLC

(Consider Waiver of Site Plan Approval.)

Present:

Dominick Fedele, Owner

Mrs. Courtney-Batson stated that the Zoning Board of Appeals has given the applicant the required variance for the additions and alteration to the building. In addition, the Historic Building Preservation Commission has determined that the additions meet their criteria for an historic building.

Mr. Fedele said that there are no formal plans yet because Philip Ceradini, the architect, has produced only schematic drawings so far. Mr. Fedele reviewed the drawings with the Planning Board.

Mrs. Courtney-Batson asked what the on-site parking would be. Mr. Fedele stated that the variance received from the Zoning Board of Appeals resolved the parking issue.

Mrs. Courtney-Batson asked that a planting plan using native plants be submitted with the architect's plan. She asked that the planting plan be submitted for review and approval by the Director of Planning.

Mr. Osterman asked that the site plan and the architect's plan be submitted to the Planning Board. Mrs. Courtney Batson then requested a lighting plan be submitted.

The board requested that the applicant return to the Planning Board with a formal plan, which would include the planting plan.

2. Conference:

Preliminary Site Plan Approval

**- Conversion of Service and Gas Station to Convenience Store and Gas Station
Section 84.12 Block 2 Lot 8, R-1A Zone
193 Pound Ridge Road, Bedford
Owner: Clifford W. Sloat Trust
Applicant: Apache Oil Company/Faisal Akram
(Consider Preliminary Site Plan Approval.)**

Present:

Faisal Akram, Chief Operations Officer, Apache Oil Company
Vincent Nesci, Attorney
Lewis C. Roane, Architect, Lewis Roane Design

As a point of order, Mr. Tierney stated that he has been friends with Mr. Roane for about thirty years and that they attended college together. Mr. Tierney stated that he does not feel this compromises anything about his involvement in this application.

Mr. Nesci explained the history of the property to the Planning Board. He explained that part of this application is to remove the existing repair bays and expand the convenience store. They would also like to install two more fuel dispensers. Mrs. Courtney-Batson noted that there was also an addition of a canopy.

Mr. Roane stated that they are looking for site plan approval so they may go to the Zoning Board of Appeals for the variances needed. Mrs. Courtney-Batson asked why the canopy is being added. Mr. Roane said that all similar stations have it, but Mrs. Courtney-Batson stated that this is not the case in Bedford. Mr. Roane then described the canopy on the plan. After some discussion, Mrs. Courtney-Batson asked Mr. Roane to seriously reconsider the canopy, particularly because it is already a pre-existing non-conforming use in a residential neighborhood.

When asked by Mrs. Courtney-Batson, Mr. Akram said he did not know what kind of convenience store would be at the station. She also asked that the applicant provide the operating hours. Mr. Akram said they would probably keep the same hours that they have now which is from 5:00 or 6:00 AM to 10:00 PM. Mrs. Courtney-Batson said that the board would need to see a lighting and sign plan, as well.

Mr. Osterman stated that there would be an additional flow of traffic because of the increase in the number of pumps and the additional convenience store area.

Mrs. Courtney-Batson said that the board will set a date for a site visit.

Mr. Osterman asked if there would be a generator on site. Mr. Akram said it has not been discussed as yet, but it is a good idea. He stated that New York State mandates there be a generator if sales exceed 80,000 gallons per month. Mr. Tierney then asked what the present number of gallons sold is and what they would anticipate with the additional pumps. He was also concerned about the “stacking” of cars waiting to use the pumps and noted what takes place at the applicant’s station on Haines Road.

Mr. Osterman said that the Building Inspector and the Planning Board would like a floor plan of the convenience store. The Building Inspector also asked if there would be a single tenant in the convenience store. Mr. Akram said that there would be one tenancy.

Mr. Osterman asked the applicant to double check his fire lanes before any further designing is done. He also requested they designate a convenient handicapped space.

Mr. Osterman requested the applicant provide a copy of the spill closure letter from the New York State Department of Environmental Conservation.

Mrs. Courtney-Batson said that a site visit date will be set and the applicant advised.

3. 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 latest submission.)

Present:

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

Mr. Delaney explained the revised plan to the Planning Board. There was discussion about the proposed lots 4 and 5.

The board requested a plan of the site showing the areas of disturbance and also trees to be removed.

Mrs. Courtney-Batson said that the board would have to speak with the Town Attorney about the technical issues of lots 4 and 5.

The next meeting will be on Tuesday, May 31, 2016.

Motion:

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

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

The meeting was adjourned at 9:40 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



Wednesday, June 29, 2016

Minutes

A meeting of the Planning Board was held on June 29, 2016, starting at 8:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Vice Chairman William A. Colavito, Board Member Diane Lewis, Board Member Michael G. Tierney, Board Member Thomas Catoliato, 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.]*

1. 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 latest submission:

“Landscape and Lighting Plan” and “Tree Removal Plan”.)

(Consider Final Subdivision Approval and Final Site Plan Approval.)

Present:

Marion Blount, Chairperson of the Trustee Ministry, Antioch Baptist Church

Steven C. Helmes, AIA, The Helmes Group, LLC

Antonio Zaino, Landscape Architect, Westchester County Planning Department

Mr. Zaino reviewed the landscape, lighting and tree removal plans.

Mr. Colavito asked if the invasive species in the back of the property would be removed. Mrs. Courtney-Batson said that the board would like to see them removed, especially the invasive vines. Mr. Zaino said they would do clearing and grubbing to remove the understory of invasives in the back.

Mr. Osterman asked Mr. Zaino about the sufficiency of lighting for the main parking area in the front of the property. There was a discussion of the necessity for another light and the type of light. Mrs. Courtney-Batson expressed her preference for another bollard rather than a taller light which might reflect into bedrooms.

Mr. Zaino then reviewed the fencing that would be used on the property. It was agreed that the black chain link fence which would be used at the back of the property would be six feet tall and would be a one inch grid, to help prevent anyone from climbing it. It was agreed that there should be fencing in front where the septic field is because this might be a play area for children.

Mrs. Lewis discussed the types of trees and plants to be used with Mr. Zaino. They also discussed modifying the plant list to increase the number of native species to be used.

Mr. Colavito asked if there would be any designation on the ground as to where the parking spaces are. Mr. Zaino said that they would be striped on the ground and that they would not be designated per unit. Mr. Colavito asked about guest parking. Mr. Osterman said that there is parking across the street that guests could use. Mr. Colavito then asked about handicapped parking. Mr. Zaino said that there is one handicapped parking space.

Mrs. Lewis asked about the maintenance of the plants after they are installed. She was concerned about the regular watering of the plants for one to two years after they are planted. Mr. Zaino said that they could install drip irrigation for the plants as part of the two-year maintenance plan. Mr. Blount stated that the property will be owned by a non-profit organization and agreed that it was a reasonable condition of approval that the property be maintained free of invasive vines.

Mr. Helmes inquired about the use of solar panels on the backside of some of the units. Mrs. Courtney-Batson and Mrs. Lewis stated that they would be in favor of the solar panels. Mr. Helmes stated that you would not see the solar panels from the road.

Mrs. Courtney-Batson inquired about the Stormwater Pollution Prevention Plan. Mr. Zaino stated that this is being designed by the Town Engineer.

Mrs. Courtney-Batson suggested the following conditions for final Site Plan Approval:

1. The ilex, boxwood and spirea shall be replaced with native plants.
2. The applicant shall consider adding another bollard in the parking lot.
3. The lights by the outside doors shall be dark-sky compliant down lights.
4. There shall be a two-year maintenance plan for all landscaping with a two-year drip irrigation system.
5. There shall be a six-foot high, black, one-inch grid chain link fence in the rear to separate the railroad tracks from the property.
6. There shall be a four-foot high picket fence in the front of the property.
7. Invasive vines shall be removed.
8. Reasonable attempts shall be made by the non-profit organization to maintain the property free of invasive vines.

Motion: A motion was made by Mrs. Lewis for Final Subdivision Approval.

Mr. Colavito seconded the motion.

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

Motion: A motion was made by Mr. Colavito for Final Site Plan Approval, with the conditions specified.

Mr. Tierney seconded the motion.

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

2. Conference:

**Preliminary Site Plan Approval -
Conversion of Service and Gas Station to Convenience Store and Gas Station
Section 84.12 Block 2 Lot 8, R-1A Zone
193 Pound Ridge Road, Bedford
Owner: Clifford W. Sloat Trust
Applicant: Apache Oil Company/Faisal Akram
(Review field trip notes.)
(Review latest submission.)**

Present:

Faisal Akram, Chief Operations Officer, Apache Oil Company
Lewis C. Roane, Architect, Lewis Roane Design
Vincent Nesci, Attorney

Mr. Osterman advised the board that this application is scheduled for the Zoning Board of Appeals meeting on July 13, 2016.

Mr. Nesci reviewed the history of the site and then he described the project for the Planning Board.

Mrs. Courtney-Batson stated that the purview of the Planning Board is the site plan. She expressed her opinion that the concerns are less with the building and more with how the site is going to work with the cars with the extra gas bays.

Mrs. Courtney-Batson asked Mr. Catoliato to read the results of the Planning Board filed trip on June 10, 2016. Mr. Catoliato read the following:

1. We discussed removing the canopy from the project, and that was agreed upon.
2. Consider moving the shed to the west of the building structure.
3. Consider the main entrance on the south side and an auxiliary entrance on the east side of the building.
4. Talk to the Building Inspector, the Fire Inspector and the local Fire Departments for fire lanes and fire access.
5. Pull parking spaces 6, 7 and 8 west a bit, into the planter, to facilitate better traffic flow.
6. Break the continuous planter into two island planters.
7. To clean up the west side of the building: shrubs, trees, vines, etc.

Mr. Roane explained the latest plan (revised on 6/16/16, received by the Planning Board on 6/28/16).

Mr. Osterman asked how many employees there would be. Mr. Roane said it would probably be two employees.

The Planning Board discussed the traffic pattern with Mr. Akram and Mr. Roane.

Mrs. Courtney-Batson asked that the next plan revision include:

1. Add back the thin strip of plantings.
2. Reduce the width of the two bump-outs.

Mrs. Courtney-Batson asked if the applicant was going to apply for a variance to move the small shed. Mr. Akram said that they were. Mrs. Courtney-Batson stated that she thought it was an improvement to the site layout if it is moved. It would improve the traffic circulation on the site.

The board decided to wait until the Zoning Board of Appeals asked for recommendations from the Planning board before writing a memorandum. Mr. Osterman said that the Building Inspector is asking for a traffic study of the site.

Mr. Akram stated that they try always to have deliveries done overnight, after hours.

3. Conference:

**Waiver of Site Plan Approval - Fence
Section 84.14 Block 2 Lot 45, R-¼A Zone
391 Old Post Road, Bedford
Owner: 391 Old Post Road, LLC
Applicants: Richard and Nancy Roper
(Consider Waiver of Site Plan Approval.)**

Present:

Richard Roper, Owner
Nancy Roper, Owner

Ms. Roper stated that she would like to put a fence along the Lake Avenue side of the property to appease the neighbors who are complaining about the headlights. Ms. Roper said that if she got a cedar fence, she would paint it dark green. Mrs. Courtney-Batson asked if the application is now for a six-foot, cedar fence, painted green. Ms. Roper agreed.

Mr. Colavito asked if there would be bumpers on the ground to prevent the cars from hitting the fence. Ms. Roper said that there were no plans for bumpers, but she would consider it.

Mrs. Courtney-Batson told the applicant that the Planning Board needs to turn down the application since it first requires a variance from the Zoning Board of Appeals.

4. Conference:

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

Present:

Charles V. Martabano, Attorney at Law
David Sessions, RLA, AICP, Kellard Sessions Consulting, P.C.
Richard Williams, Executive Vice President, America Capital Energy Corporation

Mr. Martabano stated that the applicant has provided revised language to the Affordable Housing section of the revised DEIS to the Planning Board. Mrs. Courtney-Batson said that this is going in the right direction since the applicant has now provided alternatives which are in line with one of the Planning Board's interpretations of the Town Code.

Mrs. Courtney-Batson stated that Mr. Sachs [*the Town Attorney*] shared with her the letter that Mr. Martabano wrote to him earlier and that she could not let some of what was said in that letter remain on the record without a response. Mrs. Courtney-Batson said that she was a little bit surprised/disappointed to see statements like "as opposed to requiring and embracing the concept of the review of multiple alternatives for compliance as is clearly the intent of SEQR [and she agrees that this is the intent of SEQR] at this juncture in the process, the Planning Board appears to desire limiting alternatives, notwithstanding the environmental impacts associated with same." Mrs. Courtney-Batson said that the Planning Board never said you could not put other alternatives in. In fact, in that same paragraph, the applicant talks about the Planning Board having suggested to you that you do more alternatives. Mrs. Courtney-Batson stated that what the Planning Board was asking for is that one specific alternative be included among those other alternatives. Mrs. Lewis said it was not to remove any alternative. It proceeds to say "that in this regard, it appears as though the Planning Board feels that it can, through the DEIS acceptance process, circumscribe the project's sponsor's legal rights under the AHL by circumscribing the range of alternatives listed in the DEIS, irrespective of the environmental impacts." She said that it seems to her that if that were their intent, the only way the Planning Board could do that would be by telling you to take the alternatives out. The Planning Board did question whether the language making a legal argument for one of the alternatives was appropriate for the DEIS, but did not say the applicant should not have that alternative in there. Mrs. Courtney-Batson stated that she wanted to go on record as saying that the Planning board does not have an objection, and never had an objection, and we have the tapes of the meetings to prove it, to the idea of there being a number of alternatives discussed. The Planning Board did have a strong feeling, which was made clear in the scope that one of those alternatives had to conform to what the board understands as the intent of the Affordable Housing legislation. She said that we could continue to argue about what that is, but Mrs. Courtney-Batson said that she agrees with Mr. Martabano that the DEIS is not the place to have that argument, but it does seem to her, that this is taking an inordinately long amount of time because, despite our asking over and over again for this alternative, the applicant chose not to give it. So, any implication that the delays have been a result of this board's trying to insist on limiting your alternatives, she finds problematical, at best, because she does not think that is fair.

Mr. Martabano then discussed the six Affordable Housing Alternatives which were included in the revised DEIS pages II-1 through II-6, which were e-mailed to the Planning Board Office on June 23, 2016.

Approval of Minutes:

Motion: Mr. Colavito made a motion to approve the minutes of the November 17, 2015 meeting and to approve the minutes of the December 15, 2015 meeting, as amended.

Mr. Tierney seconded the motion.

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliatto

Nays: None

The next meeting will be on Tuesday, July 12, 2016.

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

Vote: Ayes: Courtney-Batson, Colavito, Lewis, Tierney, Catoliato

Nays: None

The meeting was adjourned at 9:50 PM.

Date these minutes were approved by the Planning Board: _____

Respectfully submitted,

Anne Paglia, Secretary
Town of Bedford Planning Board

Date