

**TOWN OF BEDFORD
PLANNING BOARD MEETING**

**425 Cherry Street
Bedford Hills, New York 10507
Tuesday
August 23, 2016
8:00 PM**

Conferences:

1. Waiver of Site Plan Approval – Request for Sign Permit in CB Zone
Section 49.15 Block 4 Lot 14, CB Zone
33 Katonah Avenue, Katonah
Owner: **33 Katonah Avenue**
Applicant: **Old New House, LLC (Melissa Dilmaghani)**
(Consider Waiver of Site Plan Approval.)

2. 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.)

Discussion:

Town Comprehensive Plan of 2003
(Review Chapter 6 and discussion of procedures going forward.)

Approval of Minutes:

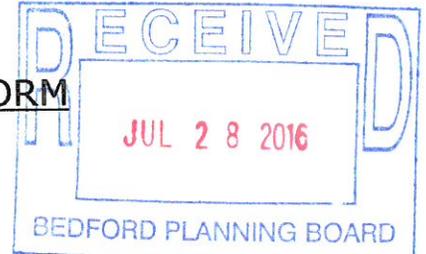
January 12, 2016
January 26, 2016

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.



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



Identification of Applicant

Name Melissa Dilmaghani, Address 33 Katonah Ave. Katonah NY
Old New House LLC Phone 914-401-9060

Identification of Property Owner, if Other than Applicant

Name Jonathan Rose & Co. Address Katonah NY
33 Katonah Ave #1 Phone 914-232-1396

Identification of Site Involved, if any

- a) Name or other identification of site 33 Katonah Avenue
- b) Street which site abuts _____
- c) Tax Map Section _____
- d) Total site area _____
- e) Does applicant have a whole or partial interest in lands adjoining this site? _____

Identification of Proposed Action

a) Description of Proposed Action hanging a sign in front of retail space

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: Melissa Dilmaghani Date: 07/26/2016

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

X

Waiver of Site Plan Approval

Applicant's Home Address 63 Ganen Rd (Location regarding: 33 Katonah Ave)

Date:

City, Town, Village Katonah NY

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



Sir or Madam:

I/We am/are the owner (s) of property located on 33 Katonah Avenue
(Jonathan Rose & Co) shown and designated on the Town Tax Maps as:
Section _____ Block _____ Lot(s) _____

It is my/our intention to hang a sign from pre-existing pole and chains
(Describe proposal)

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

Very truly yours,

Melusi Dilmaghain
Signature of Owner and/or Applicant

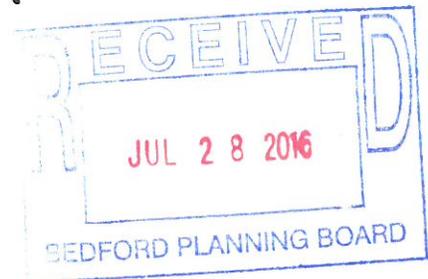
(Jonathan Rose) President
Signature of Owner and/or Applicant

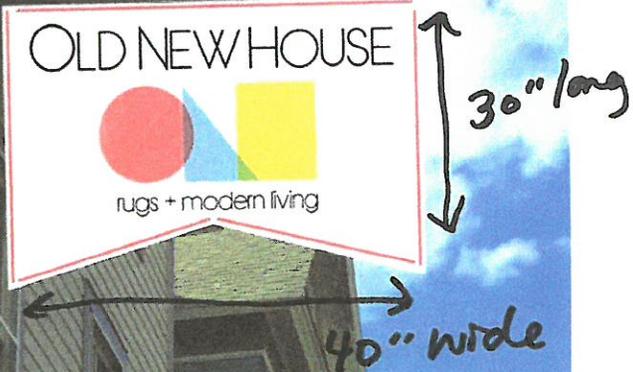
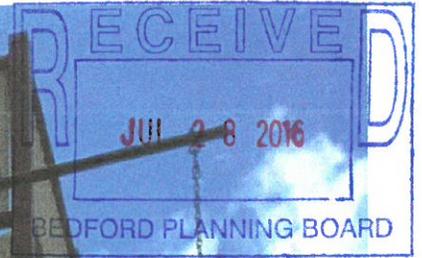


33 Katonah Ave.

FIG.1

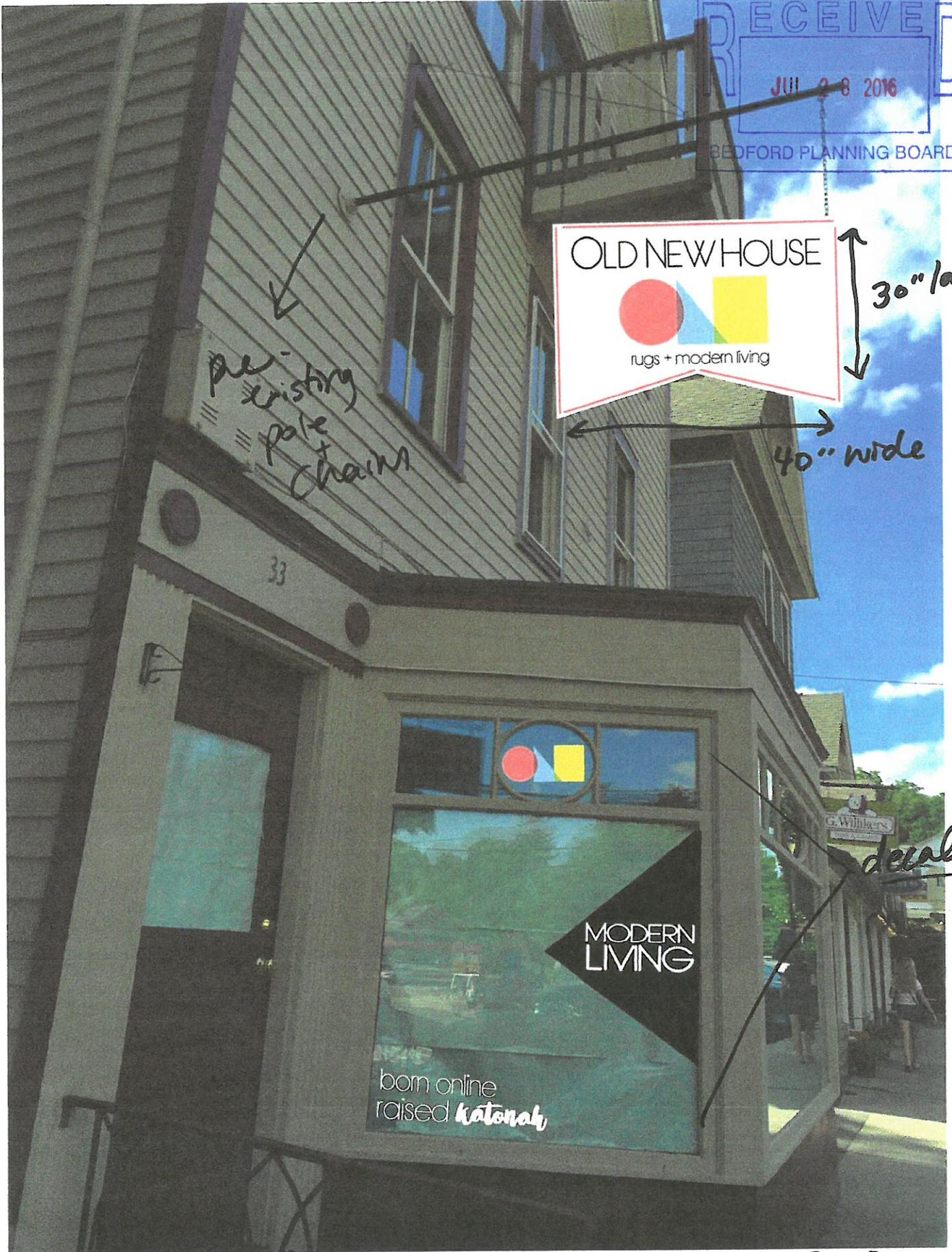
-pre-existing pole + chains





pre-existing pole + chain

details.



33 Katonah Ave

Fig.2



33 Katanah Ave

FIG.3

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 BEDFORD PLANNING BOARD

#500

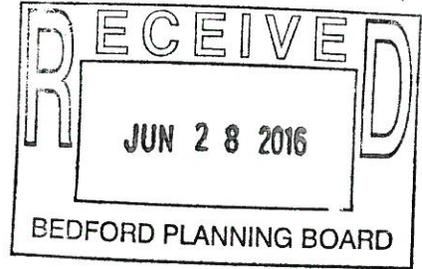
Waiver of Site Plan Approval

343 South Ave.
Applicant's Home Address

Date:

New Canaan, CT. 06840
City, Town, Village

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



Sir or Madam:

I/We am/are the owner (s) of property located on 391 Old Post Rd.

Bedford

shown and designated on the Town Tax Maps as:

Section 84-14 Block 2 Lot(s) 45

It is my/our intention to Fence along property line & take over
(Describe proposal)

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

Very truly yours,

Nancy Allen

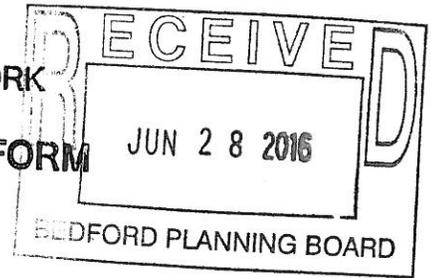
Signature of Owner and/or Applicant

Signature of Owner and/or Applicant

FILE

PLANNING BOARD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK

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



1. IDENTIFICATION OF OWNER

Name of owner: Nancy Roper
Address: 343 South Ave. New Canaan, CT. Phone: 203-966-5887

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: Nancy Roper
Address: _____ Phone: 203-966-5887

3. IDENTIFICATION OF SITE INVOLVED, if any

- a. Name or other identification of site _____
- b. Roads which site abuts Lake ave + Route 22
- c. Bedford tax map designation: Section: 89.19 Block 2 Lot(s) 45
- d. Total site area 0.74
- e. Does the applicant have a whole or partial interest in lands adjoining this site? NO

4. IDENTIFICATION OF PROPOSED ACTION

- a. Description of Proposed Action put a 6 ft fence along lake ave side of property.
- b. Relationship to other actions:
 - 1. List any further actions which may be undertaken, of which this proposed action is part or first step, e. g. further subdivision of a large parcel of land: _____
 - 2. List any related actions which may be undertaken, of which this proposed action, e.g. highway reconstruction to serve increased traffic: _____
 - 3. List any actions which are dependent upon this proposed action, and therefore should be reviewed as part of this action, e.g. house construction in the case of a residential subdivision: _____

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

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

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

04/05

Nancy Roper
Signature of Applicant

Date

Town of Bedford Planning Board

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

Tuesday, January 12, 2016

Minutes

A meeting of the Planning Board was held on January 12, 2016, 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 Michael Tierney, Planning Director Jeff Osterman, and Secretary Anne Paglia. Absent was Board Member Felix Cacciato. *[All Planning Board meetings are recorded. A CD copy of this recording may be obtained from the Planning Board Office.]*

Public Hearing:

**Preliminary Subdivision Approval – Two-Lot Subdivision
Section 84.8 Block 1 Lot 31, R-2A Zone**

9 Indian Hill Road, Bedford

Owner: Edward Musal

Applicant: Kellard Sessions Consulting, P.C.

(Review field trip notes.)

(Consider Preliminary Subdivision Approval.)

Present:

Edward Musal, Owner

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

Mrs. Courtney-Batson stated that this is a continuation of a public hearing which began on October 27, 2015.

Mr. Sessions stated that they have made a submission to the Planning Board dated December 23, 2015, which addresses the concerns brought up at the October 27, 2015 meeting. He then reviewed the letter dated December 23, 2015 and the plans last revised December 18, 2015, with the Planning Board.

1. Alternate Driveway Location: The neighbor to the east had some issues with the previously proposed driveway. A request was made to shift the driveway further to the west. This involved redesigning the septic expansion field and ended up shifting the driveway about eighty feet to the west.
2. Visual Impacts to Off-Site Neighbors: Mr. Sessions stated that there was limited room to shift the house. He stated that the neighbor to the northeast would have views of the house in the winter months. These views will be significantly muted during the growing

- season. Mrs. Courtney-Batson stated that the board may put some conditions on the location of the driveway. Mr. Sessions said that they did not have an issue with that.
3. Proposed Well Location for Lot 2: Mr. Sessions told the Board about the neighbor's concern that his septic is too close to the proposed well. The neighbor was present and said that he did not have the exact location of his septic. Mr. Sessions stated that the well has been shifted 80 feet to the west of the originally-proposed location, which is approximately 200 feet away from that septic.
 4. Impervious surface calculations were requested by the board at the last meeting. These calculations were already on the plans. He listed all the impervious surfaces which will be removed. He stated that the new impervious surface, which consists of the driveway and the house. The proposed new impervious surface will be 1,751 square feet less than the existing.
 5. On 11/13/15 when the Planning Board walked the site the possible access to the house from Indian Hill Road was suggested. Because of the very limited sight line, it would not be reasonable, from a safety standpoint, to do another curb cut on Indian Hill Road.
 6. Mr. Sessions said that the Town Engineer stated that as long as they stay under the one acre area of disturbance, they are not obligated to provide any post construction stormwater management. The Town Engineer did ask that the silt fence be put inside the area of disturbance.
 7. The Town Engineer did have a concern that in larger storm events the proposed discharge from the roof would sheet-flow and, possibly go across the driveway and, possibly, impact the house on lot 1. Since there is no way swales can be put in because of septic regulations, the Musals have agreed to design a rain garden which will catch all of the stormwater from the driveway. Anything above and beyond a certain storm event would go through a spillway and filter through the existing stone wall and down into an existing drainage swale that's within Indian Hill Road. This would mitigate, not necessarily the hundred year storm, but certainly the water quality volume and anything a little above that. For the roof itself, they are proposing some infiltrators to the east of the house. Anything overflowing from the infiltrators would then go to a level spreader.

Mrs. Courtney-Batson asked Mr. Colavito to read the Field Trip notes of November 13, 2015. Mr. Colavito read the following notes:

1. Invasive vines and species to be removed during construction.
2. A relocated driveway would be preferable if the *[location of the]* septic system will work. *If not, explore the possibility of moving the septic further into the slope area to facilitate the relocated driveway.
3. Discuss possible planting plans with the uphill owner/neighbor.
4. The easement issue to be addressed.

Mrs. Courtney-Batson said that the planting would have to be on the neighbor's property and the board did not know if there would be any interest in this.

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

Joe Palumbo, speaking for Tom Wilson, the uphill neighbor, asked if the septic relationship was based on Westchester County's 'keyhole' design. *[Mr. Sessions then discussed the direct line of*

drainage while pointing to the plan.] Mr. Sessions stated that the county health department has already witnessed the testing, they will evaluate the well location and they will sign off on the well location.

Mr. Palumbo then brought up the matter of screening on Mr. Wilson's property. Mrs. Courtney-Batson said that, in practicable terms, there would be nothing that could be put on the site to screen it from Mr. Wilson's property. She stated that the only hope of doing some screening would be the possibility of planting on the slope.

Thomas Wilson, owner of 17 Indian Hill Road, stated that he did not know of the possible subdivision when he purchased his house. He stated that he would be affected from early fall through late spring. He said that from late spring through the summer he does have some screening.

Joan Phares, owner of 11 Indian Hill Road, asked why she was not made aware of the subdivision when she purchased her house. Mrs. Courtney-Batson said that the subdivision was not on the books, but rather a variance to allow a subdivision.

Mr. Osterman stated that he has been doing this for a long time and has never seen this circumstance before. It is extremely unusual.

Mr. Colavito stated that a title company would not normally turn up something like this, on an adjoining property, which is a zoning issue and not a real property related issue.

Mr. Sessions stated that the town records are available and are open to the public.

Mrs. Courtney-Batson stated that the Planning Board received an e-mail from Joan Phares, dated January 12, 2016, in which she asked a number of questions. Mrs. Courtney-Batson asked Mr. Osterman if he would answer them.

“1. There are several construction items listed on the plans to create the two building lost. Samples of the items listed include removal of fallen barn and chicken coop foundations; two-car garage demolition; black top removal; drainage infrastructure installed; creation of new parking spaces; and shed demolition on Lot 1. At what point in the process would these take place? Is Mr. Musal responsible to hire his own contractor to perform these items prior to receiving the official subdivision? Or, are these items to be performed after the subdivision is official by Mr. Musal? Or, would these items be performed after the lots are sold by the future purchaser?”

Mr. Osterman stated that these are the key options that the board has. The board can make things requirement of the subdivision approval that they occur very soon or they can let it go until the end before a building permit is issued for that lot. Mrs. Courtney-Batson stated that it was her inclination to make it part of the subdivision approval. Mr. Osterman said he assumed that the neighbors would rather have the structures come down immediately. Mrs. Courtney-Batson asked Ms. Phares what her preference would be. Ms. Phares did not answer. Mrs. Courtney-Batson said that, at the very least, the garage should come down because it is deteriorating. Ms. Phares said that if everything was demolished and cleaned up it would be wonderful. If it turned

into a construction site for a year before anyone even purchased it, then that would be undesirable.

“2. What, if any, repairs and maintenance items are to be made to the existing dilapidated house on Lot 1? Proposed plan indicates removal of prior septic system and replacement in a new location. It also indicates a new well location and water lines, along with removal of an outbuilding, and creation of parking spaces. Will a Certificate of Occupancy on the house be required if the newly defined Lot 1 is created? Is it classified as a lot with a house or potential building lot?”

Mr. Osterman stated that this is a little more difficult. The Town Board has the authority to do various things with a building like this. He stated that at this point, he is not sure the Town would make the decision to have the building torn down. Mr. Osterman said that he would ask the building inspector what his preference would be. The building inspector has the authority to require the owners to repair the building or, if not, the Town can repair it and back charge the owner. This is a program the Town has been using for the last six months. The Planning Board has the authority to request the building be brought up to a certain standard before you approve it or to have the building taken down. Mrs. Courtney-Batson stated that she would like input from the building inspector.

Mr. Sessions stated that the house was not in danger of falling down. Mrs. Courtney-Batson stated that the code is no longer addressing just is the house a potential danger but is the house causing disruption for the neighborhood. She suggested that Mr. Sessions look at the new piece of legislation that has just passed.

Mrs. Courtney-Batson said that the third issue in the e-mail which has to do with the easement, would have to be referred to the Town Attorney. She then read the third issue:

“3. I also have questions concerning the driveway/easement which runs through 9, 11, 13 and ends at 15 Indian Hill Road. The proposed subdivision plan calls for widening this easement at the Indian Hill entrance. When would this be performed and who would pay for the widening? In addition, potential driveway/easement damage due to heavy construction equipment when building or modifying Lots 1 and 2 is likely. How would that be repaired and by whom? It has been noted that there needs to be a new agreement created to cover the maintenance, snow removal and usage of the easement/driveway. Currently Mr. Musal has no responsibilities for the easement based on the premise that no one on his lot uses it...” *[The entire item 3 was not read.]*

Mr. Colavito said that there is an easement agreement of record but it is not clearly spelled out what the rights of the respective parties are. He said that it probably would be in the best interest of everybody to have a new agreement. Whether or not we can condition our approval on that new agreement being entered into, since you already have existing rights out, over the property, is the question we *[the Planning Board]* wants to explore with the Town Attorney. Mrs. Phares said that the easement on record was unsigned, it was entered into by previous owners and it was never really validated. She said that it was proposed but never executed. Mr. Colavito said that it goes back to 1922 and is not very clear. He said it should be updated and all the affected parties should join in a new agreement. Ms. Phares asked if she would have to pay for the

widening of the easement on Mr. Musal’s property. Mrs. Courtney-Batson said she could not see that being the case since that is a condition of the subdivision. Ms. Phares also stated that the demolition phase would also wreak havoc on the easement. Mrs. Courtney-Batson reiterated that the Planning Board must consult with the Town Attorney about the easement and what the Town’s rights are and what her rights are. Mrs. Courtney-Batson said that the board may be able to come up with some kind of agreement for repair of any damage to the easement during construction.

“4. On one of the documents included in the application for subdivision, there was a form with a question about whether there was Historic Designation on the property being subdivided. If “yes,” there was to be a description of the Historic Designation. The “yes” box on the form was checked, but no information describing the designation in place was included. What kind of Historic Designation exists on the property? What effect would this have on future development of the lots?”

Mr. Osterman stated that there was no Town historic designation on the property and that the box was incorrectly checked. Mrs. Courtney-Batson said that the barn, which has fallen down, was designated as being of interest to the Historic Building Preservation Commission.

Mr. Wilson asked about the uniqueness of this application. Mrs. Courtney-Batson stated that the variance which was given over 60 years ago was granted by the Zoning Board of Appeals, not the Planning Board. This variance for a subdivision was never acted upon. There was no time limit on the variance. Mr. Wilson asked if the Town Attorney has written anything about this because he will need it. Mrs. Courtney-Batson said that the Town Attorney has given his answer verbally, but if Mr. Wilson needs something in writing, the board will get something in writing.

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

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

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

Nays: None

Mrs. Courtney-Batson stated that there are a number of outstanding issues at this point. She would like some of these things clarified before preliminary approval. Mr. Osterman said the board should identify them:

1. Clarification from the Town Attorney about the easement and the treatment of the easement.
2. Clarification from the Town Attorney about the variance issue.
3. A suggestion from the applicant about how he would approach the demolition of the foundations and the garage. The neighbors’ request that it not stay in a dilapidated state is a reasonable request. At the very least, the garage should come down.
4. Mrs. Courtney-Batson said she would like to discuss the implications of the new ordinance with the Building Department in regard to this property.

Mr. Sessions said that the board is also looking for a time line from the applicant. Mrs. Courtney-Batson said they would like to know how much would happen before approval (prior to the filing of a plat), or if some work would get bonded.

Mr. Musal said he wanted to be clear and that, based upon the plan, the following structures would be demolished:

1. Garage.
2. Foundation of the garage.
3. Foundation of the barn.
4. Foundation of the old chicken house.

Mr. Musal agreed with Mrs. Courtney Batson that the garage has to come down. He said he would discuss the approach for the demolitions with Mr. Sessions. Mr. Musal stated that his intention, upon receiving subdivision approval, is to put the front property on the market with the intention that someone demolish the house and put something nice up.

[It was agreed that the next time this is on the agenda, the agenda will be mailed to neighbors within 500 feet of the property and to the e-mail list in the file.]

Mr. Sessions asked that the next meeting do SEQR and consider Preliminary and Final Site Plan approval. Mrs. Courtney-Batson said that they could do SEQR and Preliminary, but not necessarily Final Site Plan approval at the next meeting this is on.

Public Hearing:

**Preliminary Site Plan Approval – Three Theaters and a Café and Bar/Lounge
Section 84.7 Block 2 Lot 5, Neighborhood Business Zone
633-647 Old Post Road, Bedford
Owner: Alchemy Bedford, LLC
Applicant: Bedford Playhouse, Inc.
(Consider Preliminary Site Plan Approval.)**

Present:

John Farr, Bedford Playhouse, Inc.
Ray Wobbe, Architect

Mr. Farr stated that a letter was sent to the Planning Board in response to the concern about parking. *[The letter is dated 1/8/2016 and is from Whitney Singleton, Singleton, Davis & Singleton, PLLC, Attorneys at Law.]*

Mr. Wobbe gave a brief history of the playhouse and a description of the plans for the playhouse for the benefit of the audience. He described the effect of the plans on the wastewater treatment system for the site and that the applicant's engineer stated that they would have excess capacity on the site after the café is in full operation along with the movie theaters. Mrs. Courtney-Batson also stated that the information given to the board indicates that the water usage would not be exceeding the water usage of the building when the previous theater was in operation.

Mr. Osterman stated that the two main questions were water/sewage and parking.

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

Evelyne Ryan, Bedford Historical Society, asked questions about the kitchen in the café and Mr. Wobbe answered them. He stated that food service will be prepared off-site and brought in and that there will be Westchester County Health Department approval of the food service facility, but it will not be a full service kitchen where food is prepared.

Mrs. Courtney-Batson then read the letter dated 1/8/2016 from Whitney Singleton, Singleton, Davis & Singleton, PLLC, Attorneys at Law. Mrs. Courtney-Batson said she would suggest, as a condition of approval, that the Court Road lot would remain available to the playhouse and the building's commercial tenants. She would also like to add wording that the Planning Board does not object to the lot being open to the general public, as well, but the theater and its clients have to come first.

Ms. Ryan stated that there already are parking spots reserved for tenants of the building. She asked how many spots were currently reserved for these tenants. Mr. Osterman stated that there are currently three reserved spots for the physical therapy tenant, which are the only reserved spots.

Mrs. Courtney-Batson stated that the calculations made by the Planning board is that the parking requirements for the theater and the café will be less than the requirements of the movie theater were.

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

Mr. Colavito asked if there had been any discussion with the Town about extending the sidewalk along the side of the parking area. Mr. Osterman stated that there has been a discussion about extending the parking on Court Road and moving the sidewalk back, but there have been no commitments yet.

Mrs. Lewis asked about lighting in the parking lot. Mr. Osterman stated that there is lighting in the parking lot. He stated that there is currently sufficient lighting. Mr. Wobbe said that there were no plans to change the lighting as part of this application. Mrs. Courtney-Batson stated that if, at some point, they choose to change the lighting, they must come back to the Planning Board for approval and the lighting would have to be dark skies compliant.

Mrs. Courtney-Batson asked what changes were proposed for the exterior of the building. Mr. Farr stated that they have met with the Bedford Historic Review Commission to discuss signs. Mrs. Courtney-Batson stated that the Bedford Village Historic District has jurisdiction over signs and stated that a condition of the Planning Board's approval would be the approval of the Bedford Village Historic District of any signage.

Mrs. Courtney-Batson asked if there were any exterior physical changes to the building. Mr. Farr stated there would be none.

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

Mrs. Courtney-Batson proposed Preliminary and Final Site Plan Approval, with the following conditions:

1. Only prepared meals shall be served in the café. There shall not be a full kitchen on the premises.
2. The Court Road Parking Lot shall be available for use by patrons of the playhouse, as stated in the letter from Whitney Singleton, dated 1/8/2016. There shall be no gates on the parking lot. If, in the future, the applicant proposes to install a gate, they shall return to the Planning Board for this approval.
3. The Bedford Village Historic District shall approve any changes to the signage or to the exterior of the building.

Motion: A motion was made by Mrs. Lewis for Preliminary and Final Site Plan Approval for three theaters and a cage and bar/lounge, 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.

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

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

Nays: None

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

Nays: None

1. Conference:

Preliminary Site Plan Approval

Section 71.12 Block 2 Lot 31 and 32, RB and LI Zones

793 Bedford Road, Bedford Corners

Owner: John Nohilly

Section 71.12 Block 2 Lot 36, LI Zone

799 Bedford Road, Bedford Hills

Owner: DP 21, LLC

Applicant: John N. Galanin, Estate Motors

(Review latest submission.)

Present:

Jim Diamond, Owner

Anthony J. Monteleone, Attorney at Law, Monteleone and Monteleone

Peter A. Catizone, P.E., Catizone Engineering, P.C.

Neil J. Alexander, Attorney at Law, Cuddy & Feder, LLP

Ronald P. Rieman, Assistant Project Manager, Maser Consulting, P.A.

Mr. Monteleone stated that Estate Motors is now the owner of the Nohilly property, 793 Bedford Road, Bedford Corners. He then proceeded to bring the Planning Board up to date on the status of the application with the Village of Mount Kisco.

Mr. Catizone stated that the project involves 3 parcels, two owners, in two different townships and 4 zoning districts. He then reviewed the project for the board.

Mrs. Courtney-Batson asked the applicant if they been before the Bedford Wetlands Control Commission [“BWCC”], yet, or at least spoken with them? Mr. Catizone answered that they have not. Mrs. Courtney-Batson said that she did not see how they could proceed with SEQRA without input from the BWCC. She said that, for the record, the Planning Board has told you to contact the BWCC several times prior to tonight’s meeting. Mr. Monteleone said they would contact the BWCC. Mr. Alexander said that they hear what the Planning Board has said.

Mr. Catizone explained the parking on the site plan.

Mr. Rieman then discussed the traffic study with the Planning Board.

Mrs. Courtney-Batson suggested that the Planning Board send a letter to the Village of Mount Kisco, stating the following:

1. The Planning Board has reviewed the traffic issues and have noticed a minor discrepancy.
2. Suggest that alternative formulas be considered in order to do away with the cap.
3. The Bedford Wetlands Control Commission has not, as yet, see the plan.
4. The Planning Board would like to see the elevations.

Approval of Minutes:

Motion:

Mr. Colavito made a motion to approve the minutes of the June 23, 2015 and the June 30, 2015 meetings. Mr. Tierney seconded the motion.

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

The next meeting will be on Tuesday, January 26, 2016.

Motion:

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

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

The meeting was adjourned at 10:50 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, January 26, 2016

Minutes

A meeting of the Planning Board was held on January 26, 2016, 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 Michael Tierney, Planning Director Jeff Osterman, and Secretary Anne Paglia. Absent was Board Member Felix Cacciato. *[All Planning Board meetings are recorded. A CD copy of this recording may be obtained from the Planning Board Office.]*

1. Conference:

Steep Slope Permit – Pool

Section 72.10 Block 1 Lot 4, R-4A Zone

40-44 Broad Brook Road, Bedford Hills

Owner/Applicant: Broad Brook Realty, LLC

(Review steep slope permit application.)

Mrs. Courtney-Batson announced that this item on the agenda has been postponed.

2. 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

(Continuation of review of the revised DEIS.)

Present:

Richard Williams, Executive Vice President, America Capital Energy Corporation

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

Charles V. Martabano, Attorney at Law

Stephen W. Coleman, Environmental Consulting, L.L.C.

Mrs. Courtney-Batson stated that this is a continuation of the review of the revised Draft Environmental Impact Statement [*“DEIS”*]. [*Andrew Messinger, Chairman, Bedford Wetlands Control Commission, John Stockbridge, Chairman, Historic Building Preservation Commission*]

and Simon Skolnik, Chairman, Conservation Board, were present and made comments during the meeting.]

Mrs. Courtney-Batson announced that the Planning Board will proceed by going through the revised DEIS page by page, beginning on page 35 of Section III.

Mr. Skolnik quoted from Page III-44 “...the applicant, owner or future owner will not apply any lawn fertilizer on the subject property that is labeled as containing phosphorus or other compound containing phosphorous.” He asked who would enforce this. Mr. Messinger stated it was a DEC regulation. Mr. Martabano stated that it was also a Westchester County regulation. Mrs. Lewis said that this is an issue which may be considered for the entire property. Mrs. Courtney-Batson said that she thought this would be an FEIS issue and asked if she had the applicant’s agreement that this is an FEIS issue. It was agreed, on the record, that this is a legitimate question for the FEIS.

[Sections III and V of the DEIS were completed. It was decided to complete Section IV at one of the February, 2016, Planning Board meetings.]

Approval of Minutes:

Motion:

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

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

Nays: None

The next meeting will be on Tuesday, February 9, 2016.

Motion:

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

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

Nays: None

The meeting was adjourned at 11:00 PM.

Date these minutes were approved by the Planning Board: _____

Respectfully submitted,

Anne Paglia, Secretary
Town of Bedford Planning Board

Date