

Wednesday, August 10, 2011 7:30pm (revised2)

Meeting: Miller team with the neighbors regarding proposed 5 Valhalla Avenue residence.

Location: 4 Valhalla Avenue

**Attendees:**

Jill Greto 17 Rock Cliff Place  
Clare Nassetta 54 Overlook Road North  
Ceil Nassetta 2 and 4 Valhalla Avenue and 19 Rock Cliff Road  
Tony Nassetta 4 Valhalla Avenue  
Greg Pappalardo, Esq 81 Overlook Road North  
Michael Russano, Esq 48 Overlook Road North  
Rob Schlesinger 20 Rock Cliff Road (walk around only)  
John/Dorothy Weyhausen 1 Valhalla Avenue (walk around only)

Richard Miller 5 Valhalla Avenue and Bethpage NY  
Al D'Agostino, Esq Minerva and D'Agostino - Valley Stream NY  
Debra Scalza Minerva and D'Agostino - Valley Stream NY  
Kevin Petruccelli Engineering - Valhalla NY

Facilitator: Nancy Hadley Bridgeport, Connecticut

Absent due to work: Stephanie Cornell 50 Overlook Road North

**AGENDA:**

**Walk around:** Starting at the Rock Cliff side of the development, everyone walked down the drive while Kevin pointed out what each orange tag meant and answered several questions. Issues of water pressure on the Rock Cliff side; water run-off; location and width of the road to minimize removal of mature trees; maximize pervious soil to minimize flooding; and landscaping were discussed. Mr. Weyhausen provided a tape measure and measured what an 18' wide private road would mean in terms of impact. The walk around took about an hour. At this point Mr. Schlesinger and the Weyhausen's left. The balance of the meeting convened in Mrs. Nassetta's dining room.

Mr. Miller explained that the manufactured home would be built in Pennsylvania. Mr. D'Agostino will provide Attorney Pappalardo with the link to the website so that the neighbors would understand how the construction and delivery process would occur. (<http://www.philalab.com>) The design will meet LEED Gold Plus standards with an R-50 energy level. There would be a net zero carbon footprint impact. The house consists of four boxes. Everything is installed in the factory including the appliances. The company that is building the boxes will deliver and install the boxes. There is not to be an intermediary trucking company. Delivery would be within a month carried in on trailers that would not be left overnight. The boxes will not leave the factory unless they can be brought directly to the site and installed. Neighbors will be given ample notice when the delivery will occur so that there will be minimal interruption. Currently there is no back-up plan for storing the boxes overnight on Overlook Road or on-site.

The following items were discussed with summary conclusions:

1. **Expansion of the roadway width** - The neighbors expressed strong desire that the road width should be the least possible in order to minimize impact on the loss of mature trees and the removal of pervious area used for natural drainage. They will support a request to reduce the width to the smallest road standards possible under the code. The Town's Code, Section A215 Subdivision Article 15 A216 - 25 Improvements covers many issues including road width, drainage; underground utilities, fire hydrants and lighting. The smallest width of a private street is 14 feet. Mr. Miller indicated the modular boxes are coming in at 15 feet however that would include the overhang. **The neighbors requested that the engineer consider a 14 – 15 foot road width.**

The location of the road was also an issue. Clare Nassetta's property, 54 Overlook Road North at the junction of North Overlook and Valhalla Avenue is currently not in the proposed roadbed. It is also depicted in the drawings as having remaining roadbed from the existing private drive while new curbs would be installed to the South. That configuration is unacceptable. The engineer was asked to look at whether sliding the road north, preserving pervious groundcover to the south with sufficient landscaping to the north would be a better option. There are easement issues and the loss of square footage from the 54 Overlook Road North property that needs to be carefully analyzed with appropriate compensation. However the first step is to see if the engineering solution would be preferred by all parties.

2. **Landscaping** : Landscaping both sides of the upgraded private road is critical. Landscaping around the property both on the north and west side is also critical. The developer requested the Planning Board and ARB to postpone submission of the landscaping plans until after the grading is completed. It is important to the neighbors that significant landscaping is put into place.
3. **Minimize loss of mature trees** – clearly there was consensus all around that there are many mature trees along the private drive that should be preserved. An 18' road width would cause significant loss of mature trees and is unacceptable.
4. **Drainage issues** – Two drainage concerns were expressed for the entrance off North Overlook Road (Cornell and Russano property impacts) as well as at the Rock Cliff side. The driveways for both properties at the North Overlook entrance are lower than the road. Cornell in particular has a very steep drive. The fear is the water runoff will head into their garages and basements. This is compounded by the recent degradation of the road surface of Overlook Road North. Curbs were put in a few year back and the roadbed is now severely crumbled. It is the belief of the neighbors that the curbs caused the water to take a different path destabilizing the road bed. Careful attention needs to be given to the water condition at the entrance.

It was not clear whether storm drains would be installed in the road which led to future maintenance responsibility issues.

The drainage on the Rock Cliff side of the road was discussed. It is assumed that the Town Engineer will insure that the size of the drainage system will capture that run off as well. The neighbors also expressed concern for the drainage implications for the Nethermont side of the property. Two properties are border the site along Nethermont. Drainage implications for them must be taken into consideration.

5. **Water pressure** – The Nassetta’s paid to have the water line brought up for a limited number of homes. Those homes on the Rock Cliff Place and north Valhalla Avenue side have installed water pumps to provide sufficient water pressure. The neighbors are concerned that their water pressure is not further degraded with the construction of the Miller home. Careful hydro-analysis needs to be conducted to determine the impact of adding additional demand from the Miller home. Mr. Miller needs to bear any and all expense of maintaining the current level of water pressure to the existing homes. If that can’t be done, then Mr. Miller should be responsible for bringing up his own water supply.
6. **Telephone pole relocation** – it is not sure how the telephone pole will be relocated. Kevin indicated that he didn’t know what the telephone company will require. Should the utility wires be put underground?
7. **Light pole relocation** – it was not clear whether the light pole needs to be relocated. However, all of the utilities should be put underground as required by the code.
8. **Chipping rock:** The plans do not contemplate all of the chipping that would be required For example; the rocks along the north side of the current drive in front of 54 North Overlook Road are naturally in place. They are not a manmade rock garden therefore all of that rock removal is not reflected in the plans. That rock will need to be chipped away. Notification in advance of the chipping is requested so the neighbors will be prepared. It must be clear that there will not be any blasting related to this development.
9. **Steep slope interruption-** The neighbors are concerned that the plans do not reflect all of the steep slope interruption that would involve rock removal. It is requested that the Town Engineer walk the site again with the site engineer to insure that the proper steep slope calculations are made. As indicated in item #8 above, the extent of rock chipping has not been properly identified on the current plans.
10. **Removal of roadway in front of Clare Nassetta’s property (54 North Overlook):** The proposed entrance to Valhalla Avenue reflects keeping the old roadbed. This needs further discussion once the width of the roadbed is determined.
11. **Wall in front of Cornell property (50 North Overlook):** The current plans show that the wall remains.
12. **Staging areas during construction; worker parking; clear access:** Considerable discussion was had concerning these issues. Mr. Miller agreed that all of the construction workers would park on his property. They would not park on the drive nor block access at any time. Signage will be posted and enforced. The neighbors want a backup plan for staging the four boxes if in fact an unforeseen circumstance occurs and the box cannot be lifted to the site in the same day.

It was agreed that the easement/right of way agreement would include the items during construction as well as the normal maintenance issues. Cornell and Russano would not be part of the maintenance and snow removal portions of the easement agreement. However all parties should be involved in the final determination of these issues.

13. **Repaving after construction:** Mr. Miller stated that he would take extensive video and pictures before construction began. At a minimum, he would pave up to the start of the Nassetta

driveway. Mrs. Nassetta was very concerned that the workers and trucks would use her driveway and damage would occur.

14. **Maintenance of roadway; infrastructure/utilities:** These issues must be part of the easement/right of way agreement.
15. **Snow Removal:** This issue, an annual and often costly expense needs to be hammered out in the easement/right of way agreement. Who selects the contractor; how the payments will be made; how performance is judged should be included in the agreement language so there is no disagreement. Since Mr. Weyhausen was not in attendance during this part of the discussion, it was put off for the lawyers to address.
16. **Design dissimilarity with neighborhood** – Mr. D’Agostino expressed his position that Mr. Miller has a constitutional right of free expression. In his opinion, there is a very limited scope to which the ARB can rule. Therefore discussing design was inappropriate. It was Mr. D’Agostino’s opinion that there is ample case law that restricts government from imposing requirements on Mr. Miller to modify his design. The neighbors believe that the ARB has jurisdiction over the design when it is so dissimilar from the rest of the neighborhood. They are unanimously opposed to the current design. Mr. Miller requested design change suggestions from the neighbors. The neighbors felt that it was up to the ARB to work that out. They just explained that the house was excessively dissimilar to those houses in the neighborhood, including the five most recently constructed homes. It is up to the Miller’s to present a design that represents harmonious diversity. One neighbor clearly stated that the present design looked more like a commercial office building rather than a home. She expects the building to be harmonious. It should look like a residence not a windowless bunker. All of the neighbors stressed that they support the principle of **harmonious diversity.**

Finally, it was agreed that the communication at this meeting was a good start albeit long overdue. It is critical that there is regular communication so that all parties are aware and comfortable with what is going to happen. It is expected to hear more once the engineer had a chance to look at alternatives for a smaller road width. The details in the Easement Agreement will need to be worked out to everyone’s satisfaction.

We all agreed to disagree on the design and would see each other at the ARB meeting on August 17<sup>th</sup>.

The meeting ended at 9:15pm

Respectfully submitted

Nancy L. Hadley