

**MINUTES OF THE PLANNING BOARD MEETING
HELD ON JANUARY 26, 2010, AT 7:00 P.M. AT THE MUNICIPAL BUILDING,
1 HEINEMAN PLACE, HARRISON, NY**

MEMBERS PRESENT

*Thomas Heaslip, Chairman
Anthony Spano
Mark Rinaldi
Raymond Kraus
Nonie Reich
Marshall Donat*

MEMBERS ABSENT

Patrick Cleary, Planning Consultant to the Board, Bob FitzSimmons, Building Inspector, Mike Amodeo Engineer, and Frank Balbi Engineer were present tonight.

The Chairman opened the meeting with the Pledge of Allegiance.

COMMITTEE REPORTS

- **PARCEL B OFFICE BUILDING** – 2 Manhattanville Road, Block 631, Lot 17

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Supplemental Final Environmental Impact Statement

The Chairman asked for a motion to go into executive session at 7:00 pm on advice of counsel regarding Parcel B. Motion made by Raymond Kraus, seconded by Nonie Reich. Vote carried 6-0.

Motion to come back from executive session made by Raymond Kraus, Nonie Reich. Vote carried 6-0.

- **OLD OAKS COUNTRY CLUB – MAINTENANCE BUILDING** – 3100 Purchase Street, Block 681, Lot 5, Site Plan Approval Extension

Seth Mandelbaum, Esq. of McCullough Goldberger & Staudt requested an additional extension for the maintenance building.

Patrick Cleary noted to the Board that this will be their last request allowed as per town rules.

Motion made by Anthony Spano, seconded by Marshall Donat. Vote carried 6-0.

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1. **HIGHLAND MEADOWS SUBDIVISION** – Highland Road & Highland Ridge Lane, Block 546, Lots 59 & 44 – Sketch Plan Review, SEQR Review, Wetland Permit Review, Public Hearing

Linda Whitehead, of McCullough Goldberger & Staudt appeared before the Board and noted that this is a Public Hearing. She reviewed the application for the Board.

Motion to open the Public Hearing made by Raymond Kraus, seconded by Marshall Donat. Vote carried 6-0.

David Mooney, Architect who represents Chris Pye of 5 Highland Ridge Lane presented their concerns.

Bill Kenny, Wetland Consultant who represents Chris Pye of 5 Highland Ridge Lane

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presented an alternate entrance from Purchase Street not Highland Ridge Lane.

The Chairman asked Mr. Kenney if the impervious surface was more or less than what the applicant was proposing. He also asked if the driveway is in the wetlands.

Anthony Spano asked about the swale between the two properties and why not pipe it into a drain.

Linda Whitehead noted that the swale is better and will provide more filtration to the wetlands. She went over the access issue and noted that was addressed during the site walk.

Joe Mataferri of John Meyer Consulting noted that the Engineering Department asked for the driveway to be 16 feet for the point that is shirred.

Anthony Spano noted that the best way would be to use the existing road. Not going through the wetland.

The Chairman asked how far to the existing neighbor's house is from the closest proposed new home.

Joe Mataferri stated about 30 feet to their property line.

The Chairman asked if they would be willing to move that house further away from the neighbor.

Raymond Kraus asked where the front door of the house is.

Anthony Spano asked why not give the land to the neighbor to give them more privacy.

Linda Whitehead noted that the applicant does not want to sell the property.

Raymond Kraus asked how the Board feels about the pool in the buffer.

The Chairman asked if Linda Whitehead had seen the engineering memo.

Linda Whitehead responded that she had reviewed it a few moments ago.

Nonie Reich noted that she did appreciate Mr. Mooney alternative plan but prefers the original plan and would like the first new house to be move further away from the neighbor.

The Chairman asked Bob FitzSimmons if he had any comments.

Bob FitzSimmons noted that if it's a road than it's too narrow.

Linda Whitehead stated that the plan calls for a driveway not a road.

Bob FitzSimmons responded that the driveway will need a variance because it's too large.

Linda Whitehead noted that the driveway was made larger because Engineering asked for it to be 16 feet.

Patrick Cleary noted that the currently Highland Ridge Lane cul-de-sac is undersize.

The Chairman asked for the applicant to work with Engineering and showed plans with the house relocated further away from the neighbors.

2. **100 MANHATTANVILLE ROAD GENERATOR/CHILLER** – 100 Manhattanville Road, Block 631, Lot 17 – Site Plan Review, Special Exception Use Permit, SEQR Review, Public Hearing

Jim Ryan of JMC appeared before the Board on behalf of the applicant.

Motion to open the Public Hearing made by Mark Rinaldi, seconded by Raymond Kraus. Vote carried 6-0.

Ann Gould Executive Director of PEPA asked where the generator is going to be placed and if any parking spaces would be lost.

Jim Ryan noted that fifteen parking spaces are affected by this. And sixteen spaces will be relocated.

Patrick Cleary noted that the relocating of the parking is an improvement.

The Chairman asked for a 2 to 1 replacement of trees.

Jim Ryan noted that that will be fine.

Motion to close the Public Hearing made by Nonie Reich, seconded by Raymond Kraus. Vote carried 6-0.

Motion to grant Negative Declaration made by Mark Rinaldi, seconded by Raymond Kraus. Vote carried 6-0.

Motion to grant Site Plan approval made by Raymond Kraus, seconded by Nonie Reich. Vote carried 6-0.

Motion to grant Special Exception Use permit made by Anthony Spano, seconded by Raymond Kraus. Vote carried 6-0.

3. **PEPSICO, INC. AMENDED SITE PLAN** – 700 Anderson Hill Road, Block 651, Lot 1-7, 10, 11, 25, 26 – DEIS, Completeness Review

Frank McCullough of McCullough Goldberger & Staudt appeared before the Board on behalf of the applicant and requested that the Board set a Public Hearing.

Patrick Cleary noted that the revisions have been made and can be adopted for its completeness. A date of February 17, 2010 was chosen for the Public Hearing.

Anthony Spano asked Frank McCullough about the roomers of PepsiCo may be moving.

Frank McCullough noted that the zone is SB-100 and will remain. He noted that the site was completed in 1969 and their needs have changed.

Anthony Spano asked if PepsiCo moves out can the zone change back.

Patrick Cleary noted that the zone is the zone.

Nonie Reich noted that the project will be done in these phases.

In response to questions from the audience, the Chairman noted that there will be a Public Hearing and everyone is welcome to comment.

Patrick Cleary went over the list for the motion made by Raymond Kraus, seconded by Anthony Spano. Vote carried 6-0.

4. **WEI SUBDIVISION** – 242 Sunnyridge Road, Block 444, Lot 35 (PO2) (2 Lot SD) – Sketch Plan Review, SEQR Review

Linda Whitehead, Esq. of McCullough Goldberger & Staudt noted that new plans have been submitted along with a summary to date. She gave an overview of the summary.

The Chairman asked how many homes are on Homestead.

Linda Whitehead noted that three homes.

Nonie Reich asked about the improvements what were proposed in the proposed application.

Linda Whitehead noted that we wanted to widen the road and do some improvements to the entrance.

The Chairman suggested that the Fire Marshal should be asked to comment on the application. He also asked the Engineering Department to comment.

Anthony Spano noted that he was confused. The court said we have to make actual findings for the denial.

Linda Whitehead noted that the court dismissed the Board's denial.

The Chairman noted that the Board needs to review this. Let's review some of the court's comments, the road, and the character of the neighborhood.

Raymond Kraus asked about the existing house and the now non-conforming setbacks of the existing house.

Linda Whitehead noted that a portion of the house could be reduced by about a foot or we could go to the Zoning Board of Appeals for a variance.

5. **CONGREGATION EMANU-EL OF WESTCHESTER** – 2125 Westchester Avenue, Block 601, Lot 1 – Site Plan Review, Special Exception Use Permit, Wetland Permit Review, Steep Slopes Review, SEQR Review

Paul Herrick, Esq. of Rabin, Panero and Herrick appeared before the Board and noted that the noise consultant is here and he will be presenting his findings.

The Chairman asked if any agreements have been reached between the two consultants.

Brook Crossan, Noise Consultant for the Board appeared before the Board and went over his letter with the Board. He went over the low frequency noise levels and the noise attenuation from the glass. The noise attenuation from the property line we are in agreement with the neighbor's consultant. We differ with regards to language of section 117-2E we also disagreed on the L90 noise level. He noted that the neighbor's noise consultant told him tonight, before the meeting, that they had other findings that were not in their December letter.

Nonie Reich pointed out that there is a typo in the first table for the glass. It should read TL (42 STC). She asked if the low frequency would be heard.

Brook Crossan noted that it's based on an average.

Tom Wyatt, Esq. Attorney for Garry Brandt appeared before the Board and noted that Mr. Moiseev is ill and could not review Mr. Crossan's report.

Anthony Bontomase, Mr. Moiseev's colleague, would be representing Mr. Brandt this evening, noted the areas where he disagreed with the applicant's consultant.

The Chairman asked if anybody in the audience had questions.

Mr. Crossan noted that whether the room is a stationary source or not. He also noted that he disagreed that the animals are a noise source. It could be true if the dog were outside it would be. We have a fixed building with special glass and he did not agree with the example. He also went over the peak noise of a band.

Paul Herrick noted that the chart showed this is not representing this application and it shows in seconds. He went over some examples of different decibels.

Mr. Wyatt agreed that voices of attorneys might be 65 decibels but the level of noise coming into the homes of the neighbors from the new room will be found objectionable.

Dr. Murthy of 7 Woods End appeared before the Board regarding the screening.

The Chairman asked if they are on the other side of the street.

Dr. Murthy noted that the parking will be expanded closer to them.

Jim Ryan noted that they will not be providing anything more than what is proposed on the plan.

Dr. Murthy noted that it's not pleasant to see a fence along the property line.

The Chairman noted that the fence is not on your property line.

Jim Ryan noted that the fence is 40 feet from their property line.

The Chairman noted that this applicant has done a lot of mitigation for the neighbors. He pointed out to Dr. Murthy that he requested a fence and plantings.

Dr. Murthy stated that we did not request a fence. We wanted plantings.

The Chairman noted that we asked the applicant to move the parking away from your property. We also asked them to add screening.

Dr. Murthy noted that now we don't see the car lights now.

The Chairman noted that you shouldn't see the lights from the cars now with the berm, plantings and fence. You would prefer not to see the fence.

The Chairman noted that we have a disagreement. We normally go with our consultants. The applicant has worked very very hard to get the neighbors happy.

Mark Rinaldi noted that he agreed with the Chairman.

Marshall Donat noted that if the code is not up to standard they should have the code updated.

Nonie Reich noted that the applicant has done a good job but she is still not comfortable with voting for the special exception use. If the congregation could guarantee to turn down the noise I would be willing to vote

Patrick Cleary noted that the resolutions could be drafted to add the stipulations.

The Chairman noted that the resolutions will be drafted for the next meeting.

6. **JCC CONSTRUCTION CO. SUBDIVISION** – 530 West Street, Block 301, Lot 7 – Preliminary Plat Review, Wetland Permit Review, SEQR Review

Janet Giris, Esq. of DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehr appeared before and noted that the engineers talked and we are ready to for approval.

Patrick Cleary noted he was not informed that it could be approved tonight.

Mike Amodeo, Engineer stated that there are several items that still have to be addressed.

Andrew Rossman a neighbor asked the Chairman to explain where the project is at this point.

The Chairman noted that the Public Hearing was closed in December.

Mr. Rossman asked if the Public Hearing could be reopened. He went over with the Board his previous letters to the Board.

Patrick Cleary suggested that the Board review Mr. Rossmans letter before we consider reopening the Public Hearing.

The Chairman noted that Mr. Rossman statement is correct.

Janet Giris stated that the neighbors had been notified and a sign is posted on the property.

Mr. Rossman noted that the sign has been on the property for eight years. He did note that letters did go out but they were confusing.

7. **LUISO SUBDIVISION** – 33 Bentay Drive, Block 281, Lot 10 – Sketch Plan Review, SEQR Review

Steve Marchesani, Architect for the applicant appeared before the Board.

The Chairman stated that the Board received some engineering comments and suggested the applicants engineer speak with the Town's Engineering Department.

Steve Marchesani noted that he did speak with Mike Amodeo on connecting to the sewer.

Motion to schedule a Public Hearing for February 23, 2010 made by Mark Rinaldi, seconded by Marshall Donat. Vote carried 6-0.

8. **VASI & VAROTTA DELI – SITE PLAN** – 181 Underhill Avenue, Block 824, Lot 12 (12-13-14) – Site Plan Review, SEQR Review

Mark Mustacato, Architect appeared before the Board and noted that they received Zoning Board approval.

Tony Acocella, Landscape Architect appeared before the Board and discussed the landscape plan.

Mark Mustacato was asked about the exit on Beachwood.

Motion to close the Public Hearing made by Mark Rinaldi, seconded by Raymond Kraus. Vote carried 6-0.

Motion to grant Site Plan approval made by Mark Rinaldi, seconded by Nonie Reich. Vote carried 6-0.

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9. **YAU SUBDIVISION** 22 Buckout Road, Block 1001, Lot 7 – Sketch Plan Review, Steep

Slopes Review, SEQR Review, Wetland Permit Review

Steven Silverberg, Esq., of Silverberg & Zalantis LLP appeared before the Board on behalf of the applicants request for lot count.

Anthony Spano noted that we had a good site visit but he is concerned about the steep slopes on the property.

Ralph Peragine, of TRC Engineers, Inc. appeared before the Board on behalf of the applicant. He went over the location of the houses and their attempt to place the homes on the flat portion of the property.

The Chairman noted that the two of the homes will be accessed from a closed road that the plan proposes a very long cul-de-sac.

Patrick Cleary noted that town has standards and Ralph Peragine should document the standards. The loop road should be looked at by the emergency service providers and commented on.

Nonie Reich was concerns about lot fourteen and fifteen and are they flat and can you access it through the slope.

Anthony Spano asked what about the width of the driveway coming off forest lake drive.

Steve Silverberg noted that this plan is just to get a lot count. They will not be built.

Patrick Cleary asked to have the slope addressed lot 11, 14 and 15.

Steve Silverberg asked if he could be on the next meeting.

This Meeting was adjourned at 11:00 pm on a motion by Mark Rinaldi, seconded by Nonie Reich. Vote carried 6-0.

The next regular Board meeting is scheduled for February 23, 2010.

Rosemarie Cusumano, Secretary

Town Clerk's Office