

**MINUTES OF THE PLANNING BOARD MEETING
HELD ON MAY 25, 2010, AT 7:30 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
Kate Barnwell*

MEMBERS ABSENT

Patrick Cleary, Planning Consultant to the Board, Mike Amodeo, Town Engineer and Frank Balbi, Assistant Engineer were present tonight.

The Chairman opened the meeting with the Pledge of Allegiance.

COMMITTEE REPORTS

- **FRENCH SUBDIVISION** – Sunnyridge Road, Block 444, Lot 5 (6 Lot SD) – Preliminary Subdivision Plat Review, 180 Day Extension

Linda Whitehead, Esq. of McCullough Goldberger & Staudt, appeared before the Board on behalf of the 180 day extension.

Motion to grant extension made by Anthony Spano, seconded by Nonie Reich. Vote carried 5-0.

- **KONIGSBERG/DRAZKA SUBDIVISION** – 46 Lincoln Avenue, Block 611, Lot 23, 69 – 180 Day Extension

Demetrios Adamis, Esq. of Gioffre & Gioffre appeared before the Board on behalf of the 180 day extension.

Motion to grant extension made by Raymond Kraus, seconded by Marshall Donat. Vote carried 5-0.

-
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, Esq. of McCullough Goldberger & Staudt appeared before the Board. She noted that they have an alternative plan and since then the neighbor has hired an engineer and has come up with another alternative plan. She submitted that plan. She also went over the planting plan with the Board.

The Chairman asked Engineering if they were ok with the new plan.

Mike Amodeo noted that based on the information of the new plan they are in favor of the layout.

Nonie Reich asked if widening of the cul-de-sac is for this application.

Dale Schreiber a neighbor asked for some assurance from the town that they will not get any more runoff on to his property.

Tom Murphy, of 260 Highland Ridge Road appeared before the Board and noted that he would not be in favor of this application if any more runoff will be coming off the property and review of the access over a wetland which would be setting a precedent.

Nonie Reich noted that a larger and deeper swale will be better, but is concerned with water retention on the cul-de-sac.

The Chairman asked Mr. Cleary if any bonding can be imposed for the cul-de-sac.

Patrick Cleary stated that a bond can be established to make sure the work is done correctly.

Linda Whitehead noted that when you submit for a building permit the engineering department reviews the drainage.

Holly Wilson, of 1 Polly Road stated that the cul-de-sac is her backyard and is concerned with the water problem.

Nonie Reich noted that she did go over on a rainy day to Polly Road and did not see any problem, but maybe it did not rain enough.

David Moony, Architect who represents Chris Pie asked for a copy of the new plan and asked about the rezoning of the piece of property.

The Chairman asked if the Board had any questions.

Nonie Reich stated that what was discussed at the last meeting we discussed if the existing house has to hold to the existing lot coverage.

The Chairman asked if the applicant could come back with preliminary plat.

Nonie Reich asked if Beth Evans has seen the plan.

Patrick Cleary stated that Beth Evans has seen the plan.

2. **MINI MART ADDITION SITE PLAN** – 235 Halstead Avenue, Block 131, Lot 13 – Site Plan Approval, SEQR Review

Linda Whitehead, Esq. appeared before the Board on behalf of the new plan showing a fence and the removal of the addition on the right. She submitted two plans for new landscaping or a fence to the Board.

Anthony Spano asked what kind of wall it will be.

Chuck Utschig said it will be a pre-cast wall.

Anthony Spano was concerned with headlights from Halstead Avenue shining into Fremont Street also the hours of operation because it is a residential area and does not want this to be a hangout.

Chuck Utschig said the best shield for the headlights will be a fence and screening.

Anthony Spano said he was concerned with a car going between the building and over into the neighbor's property.

Chuck Utschig said we are putting a guardrail at the property line to stop the cars.

The Chairman noted that the Board is concerned with the hours of operation because it's a residential area.

Patrick Cleary noted that he did find the letter from Chief Hall and he said the hours of operations are acceptable.

Raymond Kraus asked if more security could be added so a small car can't go between the buildings to get to Fremont Street.

Mark Rinaldi asked if the hours being proposed are 5:30 to 12:00.

Linda Whitehead noted that legally the Board can't regulate the hours if liquor is being sold and it is not a residential area it is zoned as central business district.

Patrick Cleary said if it has an impact on the neighborhood the Board could put a restriction on the hours of operations.

Emil Tusso of Fremont Street stated that we have a right to our privacy and the applicant has many stop work orders on the property.

The Chairman asked Mr. Tusso what you would like to see happen in the rear of the property.

Mr. Tusso went over his requests for the property. The tree that was taken down the stump still exists and would like to have it removed. Between Hallstead Avenue and Fremont Street there is a 12 foot drop and asked for a concrete wall and the grade be put back to its original state. Put a masonry wall on the applicant's side to the neighboring building on both sides and gate that is not see through and for it to be locked during operation hours. He would like the back of the building to be brick or stucco. Move the ac unit closer to the front of the building. And last trees planted in the rear of the building.

Mark Rinaldi asked Patrick Cleary if the air-condition unit is an encroachment into the 20 foot buffer.

Linda Whitehead noted that the applicant received a variance for the structure and it includes anything on the structure.

Anthony Spano asked if you did not have a permit for the work being done in the back.

Chuck Utschig said the fill was moved from the outlets being put in. He stated that part of the plan is to direct the runoff to the front of the property and not the neighbors.

The Chairman asked Ms. Whitehead to address the back of the building. He suggested more of a planting area.

Linda Whitehead noted that we have agreed to guardrails and bollards so no cars can get to the back of the building but would not agree to a masonry wall which will not allow the applicant to use his property.

The Chairman stated that if you put bollards and guardrail and plantings you won't have any headlights getting through to the neighbors in the rear.

3. **WOODFORD SUBDIVISION** – 7 East Harrison Street, Block 821, Lot 35 – Sketch Plan Review, SEQR Review, Steep Slopes Review

Antonio Capicatto, Engineer for the applicant appeared before the Board and went over the color rendition of the plan that was given to the Board.

Mark Rinaldi asked about the issue of the steep slope.

Antonio Capicatto stated that we did speak about this last month.

The Chairman noted that he looked at the steep slope law and went over it with Mr. Capicatto.

Mr. Capicatto stated that we are addressing the concerns of the law and stated that all of West Harrison is built on steep slope.

Nonie Reich stated that Mr. Capicatto is correct most of West Harrison is steep. The Board has approved other sites that have steep slopes and is not sure what the issue is with this lot. This is not a pristine piece of property; it does not have wetlands or any other issues.

Mark Rinaldi said that laws have changed. It violates the law.

Nonie Reich noted that it does not violate the law.

Patrick Cleary went over with the Board the steep slope law.

Nonie Reich noted that we have granted many steep slope permits in the past.

Ken Woodford noted that his existing house has been built on the same slope as the vacant lot.

The Chairman asked Mr. Capicatto to do some research and show the Board how this site could work.

4. **MANHATTANVILLE COLLEGE – NEW DORMITORY** – 2900 Purchase Street, Block 631, Lot 5 – Site Plan Review, Special Exception Use Permit, Wetland Permit Review, SEQR Review

Seth Mandelbaum, Esq. of McCullough Goldberger & Staudt appeared before the Board and went over the previous approval. He stated that the college now has a new president and the need for student housing is greater.

Anthony Spano asked if this is a change in the master plan.

Seth Mandelbaum said it is a change of the campus.

Jerry Schwalbe of Divney Tung & Schwalbe went over the details of the site plan changes.

Paul Pizzo of Landmark Architects appeared before the Board on behalf of the renovation of some existing buildings for students that are currently housed in a hotel and went over the new dormitory.

Nonie Reich asked is the location because of the existing foundation and will the basement is used.

Paul Pizzo stated that the basement will be used for mechanicals.

Raymond Kraus asked if this is the area where the green house is.

Jerry Schwalbe said the green house is very far away.

Nonie Reich said it is wooded but not neatly wooded and asked for more buffering.

Paul Pizzo said that there is an 80 foot tree which is stopping us from coming closer to Anderson Hill Road.

PBM 5/25/10

Kate Barnwell asked about the parking and she wondered about the drop off and the students walking to their cars.

Nonie Reich asked what that road is going to be, will it be dirt or pavement.

Marshall Donat asked about the residence to the top of the property.

Paul Pizzo noted that no outside changes are made and only 8 students will be housed there.

Greg Palmer, Director of Operations appeared before the Board.

Nonie Reich said that she would like to see the site again.

The Chairman asked Seth Mandelbaum to contact Rosemarie to schedule a site visit.

Motion to retain Evans Associates made by Raymond Kraus, seconded by Nonie Reich. Vote carried 7-0.

Motion to declare the Board Lead Agency made by Raymond Kraus, seconded by Mark Rinaldi. Vote carried 7-0.

Motion to schedule a Public Hearing for June 22nd made by Raymond Kraus, seconded by Marshall Donat. Vote carried 7-0.

5. **WESTMED MEDICAL GROUP – PARKING GARAGE** – 210 Westchester Avenue, Block 692, Lots 1 & 2 – Site Plan Review, Special Exception Use Permit, Wetland Permit Review, Steep Slopes Review, SEQR Review

Tony Gioffre, Esq. of Cuddy & Feder appeared before the Board on behalf of the application for a new parking garage. He went over the need for more parking.

Dr. Simeon Schwartz the president of WestMed Medical Group appeared before the Board and stated the need for the parking garage.

Jerry Schwalbe of Divney Tung & Schwalbe went over the existing conditions of the site and the proposal for the parking garage.

The Chairman asked Mr. Gioffre if they reached out to the neighbors.

Tony Gioffre noted that we did to some of the neighbors but will to all.

Kate Barnwell asked if you park under the garage how you would access the building.

Jerry Schwalbe showed the Board how it will be accessed. He also noted that the water retention will be much better. He went over the entry addition and the new canopy with the Board.

The Chairman asked if WestMed is on the blue line route.

Dr. Schwartz said yes, the bus drops off under the canopy.

Raymond Kraus asked about the rear of the lot and is it remaining as is.

Jerry Schwalbe noted that we are leaving it and we are going to provide more spaces.

Dr. Schwartz said staff parks beyond the blue line in the rear of the property.

Tony Gioffre asked for the Board to schedule a Public Hearing and declare themselves Lead Agency.

PBM 5/25/10

Motion to declare the Board Lead Agency made by Mark Rinaldi, seconded by Marshall Donat. Vote carried 7-0.

Motion to retain Evans Associates made by Nonie Reich, seconded by Marshall Donat.
Vote carried 7-0.

Motion to schedule a Public Hearing for June 22nd made by Raymond Kraus, seconded
by Nonie Reich. Vote carried 7-0.

6. **TOWN BARBER SHOP, INC. – CHANGE OF USE** – 211-223 Harrison Avenue,
Block 133, Lot 31 – Site Plan Review, SEQR Review

Fred Grippi of RMG Associates appeared before the Board on behalf of the change of use
from retail to retail service use and asked the Board to wave the Public Hearing.

The Chairman asked Patrick Cleary if any issues on the property.

Patrick Cleary said no issues on the property.

Mike Amodeo from Engineering had no issues as well.

The Chairman said no issues but is not in favor of waving the Public Hearing.

Patrick Cleary said the Town Attorney has ruled that the Public Hearing cannot be
waived.

Motion to schedule a Public Hearing for June 22nd made by Raymond Kraus, seconded
by Nonie Reich. Vote carried 7-0.

7. **HOCHBERG SUBDIVISION** – 25 Highfield Road, Block 545, Lot 18 – Sketch Plan
Review, SEQR Review

Application not heard.

This Meeting was adjourned at 10:30 pm on a motion by Kate Barnwell, seconded by Mark Rinaldi.
Vote carried 7-0.

The next regular Board meeting is scheduled for June 22, 2010.

Rosemarie Cusumano, Secretary

Town Clerk's Office