

**MINUTES OF THE PLANNING BOARD MEETING
HELD ON FEBRUARY 27, 2024, AT 7:00 P.M. AT THE MUNICIPAL BUILDING,
1 HEINEMAN PLACE, HARRISON, NY**

MEMBERS PRESENT

*Joseph Stout, Chairman
Marshall Donat
Chip Marrano
Jeffrey Spano
Ryan McAuliffe*

MEMBERS ABSENT

*Kimberly Burkan
David Gelfarb*

Patrick Cleary, Planning Consultant to the Board, Benjamin Heaslip, Assistant Planning Consultant to the Board, and Mitchell Baker, Deputy Village Attorney were present tonight.

The Chairman opened the meeting with the Pledge of Allegiance.

The Chairman noted that we are going to go into executive session for advice of counsel.

Motion to go into executive session for advice of counsel made by Chip Marrano, seconded by Jeffrey Spano. Vote carried 5-0.

Motion to come out of executive session made by Chip Marrano, seconded by Jeffrey Spano. Vote carried 5-0.

COMMITTEE REPORTS

- **WEBB AVENUE – RESIDENTIAL MULTI-FAMILY BUILDING** (19-1446)
– Webb Avenue, Block 603, Lot 1 – Performance Bond and Inspection Fee

Patrick Cleary noted that in your approval resolution indicated the performance bond and inspection fee would be set by the Town Engineer so there was no number in the resolution so he has developed that number, those numbers \$4,375,000.00 performance bond and \$175,000.00 inspection fee. We just need to accept the numbers.

The Chairman asked for a motion to set the performance bond for the Webb Avenue project for \$4,375,000.00 and an inspection fee for \$175,000.00.

Motion to set the bond and inspection fee made by Marshall Donat, seconded by Jeffrey Spano. Vote carried 5-0.

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1. **120 COTTAGE AVENUE RESIDENCE – SITE PLAN REVIEW & WETLAND PERMIT** (PB23-028) – 120 Cottage Avenue, Block 961, Lot 7 – Site Plan Review,

Wetland Permit Review, SEQR Review, **Public Hearing**

Meredith Julliana with Langan Engineering we are here before the Board for two items. We have been here before so I sure you recognize the plan. But were back for the Public Hearing for the wetland permit review and site plan application. As a reminder this proposed project removes all existing structures on site as well as all the impervious area within the wetland buffer and as part of site plan application were subject to the 100-foot buffer along Cottage Ave the proposed project will install a stone wall along Cottage Ave and will relocate one driveway down from two existing driveways down to one driveway which will be more centered as well as proposed planting and bioretention basins that are at the front of the site. If you recall back late 2023, we had a few comments that we were in process of resolving with both engineering and the wetland review. Those have all been resolved so on the engineering side there was a comment about the connection to sanitary sewer which were working out with the adjacent property owner of the Country Club. We have run that connection through Mr. Amodeo office and got his blessing to continue with it, so were in the process of setting up an easement for that. And than with the wetland review we were able to coordinate with Tim Miller's office and resolved all their last comments as well. Any questions.

The Chairman asked for a motion to open the Public Hearing.

Motion to open Public Hearing made by Chip Marrano, seconded by Ryan McAuliffe.
Vote carried 5-0.

The Chairman if anyone would like to speak on this, anyone on the Board. Motion to close the Public Hearing.

Motion to close the Public Hearing made by Jeffrey Spano, seconded by Chip Marrano.
Vote carried 5-0.

The Chairman asked for a motion to approve the wetland permit.

Motion to grant Wetland permit approval made by Marshall Donat, seconded by Chip Marrano. Vote carried 5-0.

The Chairman asked for a motion to approve the site plan approval.

Motion to grant Site Plan approval made by Jeffrey Spano, seconded by Ryan McAuliffe.
Vote carried 5-0.

2. **FERRARO SUBDIVISION (BREFERE SD) – AMENDMENT** (PB23-019) – Old Lake Street and 640 Lake Street, Block 995, Lots 10 & 21 – Amendment to Final Plat, **Public Hearing**

The Chairman noted that we need a motion to open the Public Hearing and then were going to adjourn the Public Hearing.

Motion to open the Public Hearing made by Marshall Donat, seconded by Chip Marrano.
Vote carried 5-0.

Motion to adjourn the Public Hearing made by Marshall Donat, seconded by Chip Marrano. Vote carried 5-0.

3. **DISH WIRELESS – SITE PLAN REVIEW** (PB24-001) – 244 Halstead Avenue, Block 123, Lot 21 – Site Plan Review, SEQR Review, **Public Hearing**

Alac Gladd from the Law Firm of Cuddy & Feder on behalf of the applicant Dish Wireless this is a 409 application to flush mount additional antenna to 244 Halstead Avenue. There are already two carriers on the building, right now as part of the proposal we are proposing to mount three antenna and like the other existing antenna on the building were going to paint them to match the color of the building behind it.

The Chairman asked of a motion to open the Public Hering.

Motion to open the Public Hearing made by Marshall Donat, seconded by Chip Marrano.
Vote carried 5-0.

The Chairmans asked if anybody wanted to speak. He asked for a motion to close the Public Hearing.

Motion to close the Public Hering made by Marshall Donat, seconded by Jeffrey Spano.
Vote carried 5-0.

The Chairman asked for a motion to grant site plan approval.

Motion to grant Site Plan approval made by Chip Marrano, seconded by Marshall Donat.
Vote carried 5-0.

4. **RENATUS HARRISON – SPECIAL EXCEPTION USE PERMIT** (PB24-003) – 70 West Red Oak Lane, Block 621, Lot 7 – Special Exception Use Permit, SEQR Review, **Public Hearing**

Brian Sinsabaugh Attorney with Zarrin & Steinmetz on behalf of the owner 70 West Red Oak Lane Owner LLC. Here before you seeking a Special Use permit with regard to the use of a private parking garage on the property. The parking garage is proposed to be used in conjunction with office space in the existing four-story office building that is on the property. I know we have gone through this previously but just for the public and for the public hearing the property has a four-story office building, three-story parking garage and outdoor parking area. Total number of parking spaces on the site is 354 which includes 89 indoor spaces in the garage as well as 265 outdoor spaces. As the planning board may be aware there was a severe there has been a severe downturn in the

office park in the region and this entire office building and the site has sat vacant for many months so that what brought us here today. The applicant purchased the property in March, 2023 and has search for a long term tenant over a period of nine months there were no offers and significant carrying costs approximately 700,000.00 a year. They did find a temporary tenant in a local large auto group that was willing to use the property. It's based out of White Plains and there looking to lease the space to park vehicles awaiting sales off site. They will be utilizing the first-floor office space so the outdoor parking will be an accessory to that office space and the parking garage is what requires a special permit application before you tonight. There will be no change to the area based on the this, there is no development that's being proposed were using the site as it exists. The office use is permitted in the SB-0 zoning district and the parking will be satisfied, so were proposing to rent approximately 1,000 square feet of the building for administrative offices that requires a total of 5 parking spaces out of the 354, but we will be providing all 354 of a combination of that outdoor parking spaces as well as the parking garage. We believe that this does satisfy the Town Boards special permit criteria. First of all, the use and the continued use of the site in the manor in which it was developed and for a use is permitted in the underlining zoning district will not prevent or substantially impair the reasonable and orderly use of the adjacent properties or the neighborhood. The disadvantages if any, we don't believe that there are, the proposed parking and use of the proposed parking garage for the neighborhood is nonexistent; we feel that's out waive by the advanced gained by the neighborhood and by town as well as the applicant. As I mentioned the applicant been caring cost for this property while it sits vacant. The use of the property that proposed is an office space use and use of the parking area is already existing and it will prevent the building from just sitting vacant. In addition, the granting a special permit will not adversely impact of the health safety welfare comfort and convenience in order of the town. Again, no physical changes to the lot improvements. It's a well screened area and there is ample parking for office space and overall, just lastly the use will be in harmony with and promote the general purposes with the intent of the town code. Give the record before you respectfully we aske the board to close the public hearing, open the public hearing and once you have had a chance to hear the public and vote to approve the application. If you have any questions.

Chip Marrano, I just have one question, so this is just for storage of vehicles and not open to the public.

Brian Sinsabaugh noted it's a private garage use in conjunction with the lease of the first floor.

Chip Marrano, the public will not be there not going to come look at cars, there not going to test drive cars from there. And I think we discussed this last time but parking will be within the spaces and not doubling up like valet parking were your just going to jam cars in there and limit the access to the fire department.

Marshall Donat, not advertisements of any kind.

Brian Sinsabaugh noted no.

The Chairman noted that we will add those condition in the resolution.

Patrick Cleary, just to be clear when this was presented to you last month the issue of the private parking was raised and we had a discussion with the applicant they agreed to modify their plan to rent office space within the building allowing the parking lot and the parking garage to be used as an accessory use to the principal use which would be the office use. We don't believe the special permit is required for the private parking garage because all of that parking is accessory to the principle use so it's our opinion site plan approval is required for this and we have recommended four conditions be imposed on site plan approval to Chip and Marshalls comments, it not be operated as publicly accessible as a vehicle sales lot, all parking occurred in designated in parking spaces, no vehicle sales advertisements including signage, lighting, balloons, streamers, floppy blowup guy. The building department shall inspect the site annually on the date of this approval and report to the planning board that all conditions are being satisfied. If you're not operating and there are blowup guy flopping around in the wind it becomes a violation of your approval so the building department will report back to the planning board annually that your compliant which is a little bit unusual, we normally don't require that. Not that we don't trust you, we don't trust you.

The Chairman asked for a motion to open the Public Hering.

Motion to open the Public Hearing made by Chip Marrano, seconded by Marshall Donat. Vote carried 5-0.

The Chairman asked if anyone here, motion to close the Public Hering.

Motion to close the Public Hering made by Marshall Donat, seconded by Jeffrey Spano. Vote carried 5-0.

The Chairman noted that we have a motion to grant site plan approval with the four conditions added into the resolution.

Motion to grant site plan approval with four conditions made by Chip Marrano, seconded by Ryan McAuliffe. Vote carried 5-0.

5. **GOLF CLUB OF PURCHASE – MASTER PLAN REVIEW** (PB23-031) – 10
Country Club Drive, Block 961, Lot 10 and Block 951, Lot 21 – Steep Slope Permit Review, Wetland Permit Review, SEQR Review, **Public Hearing**

Steve Wrabel with the law firm McCullough Goldberger & Staudt, here on behalf of Golf Club of Purchase just with me tonight is Carl Alexander, Sophie Mond and Aaron Crouse from the Club and Tim Allen our Civil Engineer for Bibbo Associates and Chris Robbins our Wetland Consultant with SLR Consulting. So, as the Board knows were here for a master plan review as well as steep slopes and wetland permit approvals. The club is looking to update all 18 of its existing golf holes as well as its practice area, there trying to do this in conjunction with the update to their existing irrigation system, the idea as

you all know for the benefit of anyone here for the Public Hearing the idea is to make the club and the course more playable and fun as the game of golf has changed fairly significantly since the club has been initially opened in 1996. But the overall layout of the course is essentially the same as it always has been. The holes are just being modified to improve the playability. So, since you last saw us in January, we've been working with Steve Marino your wetland consultant and we have submitted a detailed mitigation plan, if you like Chris Robins can touch on some of the highlights and certainly if you have any questions for us or would like us to go into any greater detail we are happy to do so. So, I don't know if you would like Chris to speak to any of the highlights or if you feel comfortable with your review thus far.

The Chairman asked for highlights.

Chris Robins with SLR Wetlands Consultant for the Golf Club of Purchase, as Steve mentioned since we were last here, we have prepared a full wetland mitigation plan for proposed impact to the wetlands and buffer based on our visits and two visits with Steve Marino. Essentially if you recall impacts to the wetlands are occurring on hole 10, hole 18 and hole 7. The mitigation that is being proposed based on our conversations with Steve, offsets impacts restore function and values that have been lost through the impacts proposed. Overall mitigation proposed the mitigation is in three separate sections, creation mitigation, wetland restoration mitigation and there is what we're calling sporadic wetland restoration in some of the areas where we were proposing restoration and restoration is the center are phragmites in multiple locations. We're proposing so the sporadic wetland restoration the areas are mixed with species and other species so the plan is to eliminate them. In other areas 15, 10 between 12 and 13 those are total wetland restorations. The last piece is the actual wetland creation on 10 area on 18 both within the wetland being directly impacted so we're offsetting the impact of that wetland function, wetland creation the mitigation ratio we have been asked to get 2 to 1 we are right around 2.2, 2.3 to 1 so 2.3 acres of wetland creation to 1 area of impact.

Patrick Cleary asked what is the timing of the mitigation of the work, does it all happen at once, does it happen seasonally.

Chris Robins, the plan is that the initial year once it is approved the wetland creation it's going to require grading and replanting as part of the golf course restoration and that will require monitoring for five years.

Marshall Donat asked when the course was built.

Steve Wrabel stated that the approval was granted in 1992 and it was opened in 1996.

Marshall Donat, was there any restorations or changes made since 1996 before this board.

Patrick Cleary stated, not before this board, probably by maintenance guys doing little thing like we see on all the courses, but nothing came back before you.

Marshall Donat, I remember there was a sewer or the storm drain that passes through the

property, what's the, is that going to be inspected or annually or taken care of what's the, I think it been negated.

The Chairman stated it's an easement, sanitary sewer easement.

Tim Allen, it goes through 1 and through the driving range, those are town systems. As a matter of fact, they were out there a couple weeks ago they were accessing the manholes checking out and doing some work out there. Basically, it's a manhole accessible to the town.

Marshall Donat asked if anything in this plan that will interfere with that easement access.

Tim Allen noted no.

Patrick Cleary, Marshall I'm just recalling there was one other instance a number of years ago where there was some tree removal required near the club house that was handled with Beth Evans off agenda, it was not brought before you just being a corporative partner with the course it was tree removal basically. But that was the only other formal engagement with the club in 20 or 30 years.

Marshall Donat, speaking of tree removal is there any tree removal of any significance, is there a count.

Tim Allen, is just ancillary to some of the shot lines, we have submitted a tree plan previously.

The Chairman noted it's not a lot, motion to open the Public Hering.

Motion to open the Public Hering made by Jeffrey Spano, seconded by Chip Marrano. Vote carried 5-0.

The Chairman, anyone from the public wish to speak on the application, motion to close the Public Hearing.

Motion to close the Public Hearing made by Marshall Donat, seconded by Ryan McAuliffe. Vote carried 5-0.

The Chairman, one thing down, we don't have to do anything else.

Patrick Cleary, so if your inclined, so their review is basically done and completed their work, the overall assessment of the master plan is essentially done and is what is before you. So, if you're in a position and ready to move forward I would recommend that we direct the precreation of approval resolutions, there are a lot of conditions associated with this and you can consider that at your next meeting.

The Chairman asked for a motion to direct resolutions.

Motion to direct staff to prepare resolutions for the next meeting made by Jeffrey Spano, seconded by Chip Marrano. Vote carried 6-0.

6. **MARSH RESIDENCE – WETLAND PERMIT** (PB24-004) – 58 Stonewall Circle, Block 1001, Lot 109 – Wetland Permit Review, SEQR Review

James Sanok with Sanok Design Group, this is for 58 Stonewall Circle and it's a wetland permit. The Marshes have an existing inground pool in the back yard with a patio that ends right around here and they want to expand patio which brings it closer to what's been established as a wetland off the property, but I am within the buffer, the retaining wall that will hold it up won't exceed three feet in height it's stone paving around the pool we adding some drainage and infiltrates that would be placed within the wetland buffer and the wall will have railing around it.

The Chairman, so two things that were going to do tonight, we would like you to come back with a plan that shows it without and encroachment into the wetland buffer if possible or reduced and were going to hire are wetland consultant.

Janes Sanok, I did include a wetland report. We this the wetland buffer is actual this orange line here which goes straight through the swimming pool and that's the way it was built.

The Chairman, so maybe a plan that shows it reduced instead of as big as your clients may want it.

James Sanok, okay, they are expanding it about 12 feet out to put an outdoor kitchen within that space to be able to have functioning space for furniture.

Patrick Cleary, so the issue typically if there is an alternative to an encroachment, we want to explore that. It appears though if you went to the other side and push, it doesn't work great with the pool there is a way to do this a put a kitchen that would not encroach into the wetland buffer. So, you have to come back and tell us why it doesn't work for them and the reasons we should see that alternative.

James Sanok, just for points of reference there is a waterfall and existing tree plantings obviously it couldn't go on that side and the only other expansion could be down to the side where the pool equipment is and we would have to relocate the pool equipment, but I'll bring back and option.

Patrick Cleary, I can give you some background when this was approved it's one of those lots, it was one of those were this is what you're getting you're in a wetland buffer we don't want anything else going on the property. They got a lot and in exchange for the lot you're not going to do anything else. So, now as we seen so many times in the past they come back and aske for something else.

The Chairman, same lot.

Patrick Cleary, no just an example. It's not uncommon for the new owner to come back and ask I want something.

The Chairman asked for a motion to retain Tim Miller Associates please.

Motion to retain Tim Miller Associates made by Marshall Donat, seconded by Jeffrey Spano. Vote carried 5-0.

This Meeting was adjourned at 8 pm on a motion by Chip Marrano, seconded by Ryan McAuliffe. Vote carried 5-0.

The next regular Board meeting is scheduled for March 26, 2024.

Jacqueline Ghaz

Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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