

**MINUTES OF THE PLANNING BOARD MEETING
HELD ON JANUARY 23, 2024, AT 7:00 P.M. AT THE MUNICIPAL BUILDING,
1 HEINEMAN PLACE, HARRISON, NY**

MEMBERS PRESENT

*Joseph Stout
Marshall Donat
Chip Marrano
Jeffrey Spano
Kimberly Burkan
David Gelfarb
Ryan McAuliffe*

MEMBERS ABSENT

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

The Chairman opened the meeting with the Pledge of Allegiance and announced that item number 2 and number 3 are adjourned from tonight's meeting.

COMMITTEE REPORTS

- Adopt minutes from December 19, 2023

Motion to accept the December 19, 2023 minutes made by Marshall Donat, seconded by Chip Marrano. Vote carried 7-0.

- **3 WESTCHESTER PARK DRIVE – NEW MULTI-FAMILY BUILDINGS**
(18-1434) – 3 Westchester Park Drive, Block 631, Lot 18 – Steep Slope Permit 4th 1 Year Extension, Wetland Permit 3rd 1 Year Extension

Steve Wrabel with the law firm of McCullough Goldberger & Staudt appeared and noted that the buildings are underway but will not be completed by January 20th and are asking for one-year extensions on steep slope and wetland permits.

The Chairman asked if your close enough to make January 20th than we would rather not grant one year.

Patrick Cleary noted that a six-month is find and the applicant can always come back and ask for another extension.

Motion a six-month Steep Slope extension made by Jeffrey Spano, seconded by Marshall Donat. Vote carried 7-0.

Motion to grant a six-month Wetland extension made by Jeffrey Spano, seconded by Marshall Donat. Vote carried 7-0.

- **SUMMERHILL KEMPNER SUBDIVISION** (PB21-033) – 12 & 16 Kempner Lane, Block 981, Lots 20 & 48 and Lake Street, Block 981, Lot 13 – Final Plat 3rd 180 Day Extension

George Alissandratos with Keane & Beane on behalf of Summerhill Realty LLC requesting a third extension of the final subdivision approval that was granted at the January 2023 meeting, were still trying to work through the conditions of the approval. We are requesting a 3rd 180-day extension.

Motion to grant a 3 180-day extension made by Marshall Donat, seconded by Ryan McAuliffe. Vote carried 7-0.

- **526-530 ANDERSON HILL ROAD SUBDIVISION** (PB23-001) – 526-530 Anderson Hill Road, Block 643, Lots 7, 44 & 49 – Final Plat 180 Day Extension

Steve Wrabel, Esq. with McCullough Goldberger & Staudt we are here seeking an extension of the time to file the final plat still waiting for the department of health so we are requesting a 180-day extension.

Patrick Cleary asked if this is the first request.

Steve Wrebel noted that it is the first request.

Motion to grant a 180-day extension made by Marshall Donat, seconded by Jeffrey Spano. Vote carried 7-0.

- **WEBB AVENUE – RESIDENTIAL MULTI-FAMILY BUILDING** (19-1446) – Webb Avenue, Block 603, Lot 1 – Site Plan Permit 1 Year Extension, Special Exception Use Permit 1 Year Extension, Steep Slope Permit 1 Year Extension, Wetland Permit 1 Year Extension

David Cooper, Esq. with Zarin & Steinmetz seeking a one-year extension on Site Plan, Special Exception Use, Steep Slope and Wetland permits for a year extension for all approvals. They are still working on the connection with the sidewalks as well as with the DOT.

Patrick Cleary noted that the sidewalk connection has become more challenging.

Motion to grant a one-year site plan extension made by Marshall Donat, seconded

by Chip Marrano. Vote carried 7-0.

Motion to grant a one-year special exception use extension made by Marshall Donat, seconded by Chip Marrano. Vote carried 7-0.

Motion to grant a one-year steep slope extension made by Marshall Donat, seconded by Chip Marrano. Vote carried 7-0.

Motion to grant a one-year wetland extension made by Marshall Donat, seconded by Chip Marrano. Vote carried 7-0.

- **BRIGHTVIEW SENIOR LIVING – BOND REDUCTION** (15-698) – 600 Lake Street, Block 995, Lot 11 – Bond Reduction

The Chairman noted that we received a memo to reduce the bond because they substantially completed the work from the Town Engineer and he is requesting the bond be reduced.

Motion to reduce the bond made by Chip Marrano, seconded by Jeffrey Spano. Vote carried 7-0.

1. **27 CENTURY RIDGE ROAD RESIDENCE** (PB23-030) 27 Century Ridge Road, Block 691, Lot 84, Steep Slope Permit, **Public Hearing**

Maximillian Mahalek, Esq. with Cuddy & Feder, I and jointed tonight with our project team Michael Stein of Hudson Engineering also Tony Gioffre my colleague from Cuddy & Feder and Pat Grasso with Grasso Brothers Contracting. I do understand there is a public hearing to be opened and ideally closed but this is a matter that we've all seen before. It's a single-family home at 27 Century Ridge Road; now in May of 2022 this Board did grant a steep slope permit approval that was then extended in the early summer of 2023 for the 180-day period as permitted under chapter 199 of the Town Code. Following that first extension there was litigation that is continuing and as a part of that there is a temporary restraining order preventing development on the site that is not preventing the Board from considering extension to the special permit, excuse me extension of the steep slope permit. So, we ask that the steep slope permit be keep active while the litigation is ongoing. Again, no construction is starting tomorrow litigation is ongoing. This steep slope permit there were a couple of revisions made as part of the requests of the renewal or reissuance. Now these are minor changes to minimize further impact of the project to make sure there is no impact on surrounding properties in addition just to make sure that any comments that have been seen in the record there responded to again these are minor changes they are not material changes but I will just go through them quickly for the Board so mainly the cultec system was turned into a

storm water basin system. This has a lesser footprint and the moved further to the south away from neighboring properties additionally a soil stockpile that was moved further to the south and also the construction entrance was moved from the north of the property to the south of the property. These are all pretty straightforward changes. No significant changes no changes to the plants of a home all just furthering the benefit of this project again, all the requirements of chapter 199 the steep slope code. All those are all complied with all the different mitigation tactics utilize in the plan as presented with that. We are happy to answer any questions and we would ask for a one-year recertification and that is because 199 section F that gave us that 180-day extension of a now we are here for the renewal in light of the ongoing litigation of the TRO, so we would ask for a one-year extension because knowing the courts it'll take a while for there to be movement, and I'm sure you guys want to see me and a few months asking the same thing while waiting for decisions happy to answer any questions, thank you.

David Gelfarb asked what is going on in court obviously, it can take a long time but what are the parties doing to move the case along, what are you doing? Since you're one with the interest in the matter.

Maximillian Mahalek, understood so there were there were claims filed responses all that has been addressed there has been ongoing correspondence with the court because the court is aware of the changes going on with the plans. I can't speak for the courtroom obviously and I can't speak for the judge or their Clerks. My gut is telling me that they're probably looking at these updates and that's helping to inform the steps are going to be taking in terms of decisions conferencing schedules etc. But we do continue to follow up and push as expediently as we can and I have a feeling there's waiting to see the outcome of this consideration as well.

David Gelfarb, okay so what's the impact of that letter that the judge wrote or is Clerk or Clark wrote to you saying that you know, there was nothing for them to do with the moment.

Maximillian Mahalek, yes when we file for this extension request an opposing party wrote a letter I believe to this board and also reached out to the court to see if there could be some type of injunctive effort apply to prevent the board from considering this steep slope permit, but in that letter and I believe it was email format that was forwarded to this board that letter stated the court can't stop this board from considering the steep slope extension because a steep slope permit doesn't allow me to go out there and start digging. I still have to go to the billing department to get building permits and the temporary restraining order that's in place that applies to the building permitting. So the point of the communication from the court was to say planning board can consider this and we'll see what the planning board does but we can't stop the planning board from considering this and if there is an objection that a party has what the planning board did they can bring that as they can with any planning board decision, but the court is not a position according to the communication that we were cc'ed on the Court is not a position to stop the board from considering the steep slope extension.

David Gelfarb, I believe the court said something to the effect that there's nothing for us to do with this time.

Maximillian Mahalek, I believe that's the exact quote or very close to it towards the end there.

The Chairman asked if anybody else has any questions. This is not about the wetland there's no wetland impact on this plan, everything that was previously potentially in the wetland has been moved.

Maximillian Mahalek all new improvements all the activities were moved, we ensure that there was going to be no improvements in that wetland buffer that's why that storm water basin used to be a culvec system that stormwater basement to the south everything went to the south that's all been highlighted in the plans submitted to this board and we understand that the board's experts and consultants are also writing a determination on that point to show that there is no impact on a wetland buffer and therefore that is not the focus of tonight's review tonight's review is solely the steep slope recertification.

The Chairman, okay so the Board knows typically we do not do public hearings for steep slope permits because of the contentiousness we of this particular application felt it was important to let them neighboring homes have a have a say to the board. So, we're here for public hearing can I have a motion to open the public hearing, please.

Motion to open the Public Hearing made by Jeffrey Spano, seconded by Kimberly Burkan. Vote carried 7-0.

The Chairman asked anyone here wishes to speak on this.

Peter Skyler with Kitsen and Skyler PC. I represent the neighbors at 33 Century Ridge Road, and I'm going to clarify some of your previous questions about what's going on with the court and its impact on this application. I'd first like to note that this the issues with the wetlands permit or not moot here. The applicant has done work in the wetlands buffer fact, they provided the to the board a plan for 2020 to where they showed where the outline of the wetlands buffer was so they're been aware of that for quite as quite some time as the

believe it was the town lawyer Mr. Philip Grimaldi had emailed the board that the prior application which had shown that cutlets within this wetlands buffer that everybody appreciated was in a wetland buffer required a consideration of a wetlands permit, which was not done. I don't know it's not really clear why that was not considered before when the applicant knew that this was within the wetlands buffer and they were digging within the wetlands buffer as noted by the even the town's lawyer that that's a requirement the applicant here has done significant work on the north side of the property which is why a lawsuit was filed they remove the driveway which was an asphalt driveway and they didn't actually cart the asphalt away they simply buried in the ground. So that's asphalt that's in the ground in wetlands buffer a potential leaching will all go towards my client's property which is to the north and downhill from it. They also removed a number

of trees from that area again in the wetlands buffer they brought in fill also in the wetlands buffer so he had significant work and that was all contrary to your town code. And if you're considering granting this application today in any way shape or form there should be some consideration and so response from the applicant what is the applicant going to do to remediate that prior work which was done illegally as recognized by the town itself.

Chip Marrano noted but I believe that's for the court to decide not for this board to decide. So that's why you're able to court.

Peter well, this board has the power to require that this remediation be done there. They've made an application of wetlands.

The Chairman noted not they have not made a wetlands application.

Peter Skyler I'm sorry.

The Chairman noted they've not made a wetlands application this is a steep slope application.

Peter Skyler okay, so they withdraw it then because I have is it has been withdrawn.

The Chairman noted yes.

Peter Skyler okay, so previously without the benefit of a wetlands permit. They did extensive work within the wetlands buffer that's all within this site. This board should require them to answer for that and to at least do a testing or a remediation for that because that's going to cause significant damage to my client's property. That's still within the purview of even the steep slope permit because it encompasses the entire the entire plan as far as the storm water basins as they were described. Those are an area where there's very tall pine trees. I didn't hear the applicant address how that's going to impact those trees which are standing right adjacent to where they're digging that could cause that and they're also right next to the power line. So, if those trees are damaged and they fall down that could cause a significant impact to the to the local community. There's also no testing that was done in that area.

The Chairman noted this is on the steep slope permit.

Peter Skyler I'm speaking now about where they're putting in these storm water. this is part of their application.

The Chairman noted, I understand this is part of the application it's not part of the steep slope permit.

Chip Marrano and that's the only thing we were doing tonight.

The Chairman stated please contain your comments to the steep slope permit. Okay.

Peter Skyler, I'll let my client I mean my client has submitted his objections to this this application in letter form if the board has any questions about the litigation, I'm happy to answer that. I represent the neighbors in the litigation.

David Gelfarb asked when you say the neighbors do you represent one neighbor or the neighbor singular correcting?

Peter Skyler, singular the neighbor at 33 Century right now.

David Gelfarb, I'm sorry I forgot his name is it Mr. Ted. What's his last name? Is that the gentleman?

The Chairman asked what the address is 20 or 33?

David Gelfarb so since you mentioned litigation if the if this board were to grant the steep slope permit what do you then see is the next involvement of the Court depending of course, on what you and the applicant do where do you think this is going next since the court is my understanding is that a recently issued a letter not an opinion an order a letter saying well, there's nothing for us to do until the planning board does something so what do you see is the next.

Peter Skyler, I see as if the court excuse me if the board grants this application, I see us going back to the court explaining that in the paperwork that we submitted to the board, even for the steep slope permit that they describe doing work within the wetlands buffer. And that they previously have done work within that well and proper that this board has never addressed that work which was completely illegal and the misinformation that was provided by the prior applicant previously when they at when they sought the same steep slope permit with plans that show that they were doing worker had planned to do work within the wetlands buffer, which was completely illegal that we're going to go back to the court and say that there should be some relief afforded to my client that the applicant here at a minimum should be required to remediate that area where they illegally perform work without any permit from this board or the town. Again, they did they did fill they put fill in they cut trees down they buried in asphalt driveway and nobody on this town seems to be concerned about that. So, our only recourse is to go to court and ask the court to grant in order to fix those things that have happened and I anticipate that to go on for you know, at least until we have a final decision from the court.

David Gelfarb, why wouldn't you have done that already? I mean, whether or not a steep slope permit is granted I mean your contention is that the harm that has, you know, it's there's already been harmed. Why weren't you doing whatever even not in front of this board taking some sort of action to get to get in order to remediate this problem, which you said is as an ongoing basis is harming your clients.

Peter Skyler so we did go originally another Law Firm was representing my clients first initial article 78 which is several years ago now and in the court decision, the court said,

you know, if you're going to do work within this town is going to approve any permit that shows work within a wetlands buffer that they have to do a wetlands permit and they have to go through that analysis and understand that the town had a meeting very recently back in the believe the beginning of December and they basically came to the understanding I guess that if they remove the storm water drains from the area where there's a wetlands buffer that maybe the wetlands buffer no excuse me the wetlands permit was not required. That's something that's a new development that we just learned. In fact, I was under the assumption looking at the papers that were submitted to the board or submitted to the town that that there would be a request today to for a wetlands permit. In fact, there were signs up saying that there was going to be a wetland permit application. So that's new to us obviously will respond to that in court, but we went to court to stop illegal work from being done in the wetlands buffer and it was done in the wetlands buffer and at some point, you know, if Mr. Grasso would just acknowledge that and fix what they've done, you know, for instance that the fill it I believe it's in the building code that if you bring in fill you're supposed to make some sort of a representation that the fill you bring in is clean and not contaminated anyway, and we know in the for the court. I don't know I think we may have even submitted them to the board. We showed photos of this is not clean fill. This is looks like construction debris. I mean there's rebar and there's metal and stuff in it it's broken up concrete. How do we know there's an asbestos in there, again if there was the proper paperwork submitted and there probably would be no issue, but it could be simply taking care of by just doing some testing. In fact, we asked I reached out to Mr. Grasso's attorneys and say why don't you guys just do some testing to show that you know, the tons of fill that you brought in here was not contaminate. How much would that cost? You know for the asphalt that you buried why would you agree to just go in there and take out the asphalt? I mean, would anybody want their neighbor to bury asphalt on the perimeter of their property? I mean, you don't have to be a soil engineer to understand that's just wrong, I mean, we don't bury petroleum products and the ground especially when we're talking about, you know water runoff and there's a pond next to that and there's a stream which goes down to other people in the area, and again, we've reached out to Mr. Grasso attorneys just fix what you did and they don't want to do anything which is why we're in court. I would urge the court to reject the application and again to go back and ask them why won't they acknowledge the work that they've done the illegal work that they've done in the wetlands buffer and take care of that and if it takes having to bring the town into it then maybe we'll do that as well. But at this point, I don't know if that's what's going to happen. Thanks, any further questions. Thank the Board, thank you.

Good evening, Mr. Chairman, members. my name is Mr. Ted Demirjian I live next door. That was my attorney so the first question I have for this board it's really simple one I've sent in letters documentation has the board even looked at it. I'm just asking that as with all sincerity. I say that because in the March and April 20-21 planning board meeting caught on a hot mic. Mr. Cleary who's supposed to be the town planner objectively said at the result of the planning board secretary. He's sending all these letters. He said he's sending volume is information ignore him. He's just an angry neighbor just ignore him. He just wants to be heard. I'm not an angry neighbor. I'm a resident with just the same consideration and everyone else and if you don't believe me, I've sent multiple copies of

the DVD it's online where I was mocked as you Mr. Chairman said, oh he needs a hobby. I don't need a hobby. I live there as one of you our colleagues at the time Nonie Reich said, oh, I don't even bother reading any of this stuff again. Mr. Cleary injected, oh ignore him he just wants attention. But let me get to the point to the point please I say that because in this letter that I sent one of many I specifically pointed to town code regarding the steep slope. The reason we're in litigation is because all of these town code issues were just simply ignored if they had been addressed and followed to the letter I wouldn't be standing here today. I would not when my wife's been tens of thousands of dollars on litigation twice. At least now, they're saying oh it's in significant changes to the cultec by putting into drinking basins here from a letter from your own town engineer. Mr. Michael Amodeo said this is right by the tree lines of very high 150-foot pine trees, not one but eight of them and it's right going to disturb it and bring the trees down potentially now has that been a consideration? No, did they even get an arborist to say no, Mr. Demirjian is not right in that steep slope. And by the way, the steep slope should have expired because it was a six-month extension and that was granted in June now, we're in January 7 months later. So, I don't know why they're not getting those facts straight. But in consideration of the steep slope, let's just get some facts fill was brought in illegally 10 Mac trucks for which I submitted pictures and the Mr. Grasso himself senior said to me I brought this fill in from the current project for which he was listed as the contractor at the DeCicco's. He said I rip that stuff out and I'm dumping it there and then the question comes in. Why didn't he go through this and go through the proper channels if it was clean fill again, I don't want to die from asbestos if that's there; once you disturb that ground once that stuff gets Airborne, it's not just me downhill. It's everybody in the area including the golfers at Century Country Club, which they're here for another consideration and if the golfers don't want to die from that asbestos because they clear the entire path out in the many photos, I submit it Google map shows the entire place completely covered with trees mature trees that required permits know. No permits were granted. I continuously and repeatedly filed permit request of what the town building department granted. Mr. Grasso and his company they don't have any tree permits for everything. If you look at it now, it looks like it's been decimated by a nuclear bomb. There is zero vegetation of the trees that are in the steep slope. Did he also mention to you that in the pipeline and the drainage that drainage is going to seep out into the street since the change in grading has happened my wife and I we've been living at our property for nearly three decades never experienced water from the north side excuse me south side coming into our property going here. We have now a running river as a result of that. He changed the imperviousness of the soil; he changed the characteristics of the soil now everything from this area in this steep slope is now pouring into our driveway and is iced up and just created a slip-and-fall. The reason we have litigation again as my attorney stated is that because the town didn't do his job and following code and in terms of litigation this man over here in August served us with a frivolous lawsuit for which he still said. Mr. Grasso Senior and Junior and his son that oh, we're going to sue you because you're giving me consternation, you're giving me high blood pressure. I'm the one going through all this suffering and not just harassment terrorizing people have been sent over to terrorize me about my wife about oh about this property litigation. Why is this not going to go away? It's going to go on for years. It's not going to happen overnight. We didn't file a suit against Mr. Grasso we took the high road. Mr. Grasso

took the low dirty road and filed against us and he still hasn't dismissed that case. Although his attorney said we know nothing about it. We're just doing this to follow course. I itemize all the issues about the steep slope, the trees about how he contaminated the soil in the steep slope application it asked is there a storm water basin within 500 feet the answer is yes, there is it's right over here less than 50 feet away. Why is this application even being accepted or considered given all the grievance of inconsistencies and just have no other way of saying it lies you just lied in the application hoping to fly under the radar and go to the judge and say oh we just moved things I'm sorry, give us a pass. That's not the case here. We live here and in terms of flooding with the regrading that's been done on this entire area, or if you have a new survey come in the survey will tell you this entire area, which was the topology of graded areas in the steep slope area you'll see that it's now a flat area filled with all the fill he brought that fill directly brought all the water down and to my neighbors you ask this at me. I'm the one who's funding this one and this case. Everything from Glen Park to Scott Circle, Scott Circle Lane is a swimming pool the rains that we have last week has completely decimated. I saw one of my neighbors on the corner of Century and Glen Park the water came into his house in the many years he's been living there never experienced that because all this water is now being redirected to us instead of being absorbed in their ground, which was the original intent of the town code absorb the water in terms of percolation test in the steep slope no percolation test was done. How do I know that conclusively because when he submitted his papers in 2022, there was no TRO in effect. He did it in the wetlands buffer and there's a TRO in effect magically he changed his direction; he said, oh we're going to improve it by moving the catch basins culvert to drain basins over there no percolation test. He submitted a 50 60-page report and reminds me oh this thing is really heavy like that movie back to school by Rodney Dangerfield this feels like it's going to pass because it's really lots of information. But within that report itself on the steep slope, he failed to say about the wetlands buffer. He lied the engineers from Hudson Engineering good or bad they didn't tell the truth about what they already did. So now they're asking for that free pass to say. Oh, let me just go ahead and say let bygones be bygones. Mr. Grasso sitting here, he's not speaking to that litigation and the ongoing courses which is going to take years and years probably till we're old and gray. But he doesn't want to solve this problem my attorney reached out to him to come to some resolution and he said oh grass will grow it will fix it. No grass growing. Why because it's a contaminated area every other places we have weeds growing 6, 7, 8 feet all summer long. This place barely has some grass this tall when he talks about, I'm going to remediate how all of this flooding is going to happen he has many options in the steep slope mind you I'm not talking wetlands; he can move the septic for the back he refuses. This is a spec house Mr. Grasso senior told me this is my spec house from New Rochelle I'm fitting this house to the property not the property to the house. He's taking it and saying this is what I want to have and to damn him to hell with you with this.

Kimberly Burkan, excuse me.

Ted Demirjian, pardon me, pardon my language. But that's what he said to me. I was quoting him. So, in this effort that he's looking to do. He said I'm not going to work with the neighbor. I'm not going to work with the neighbors to move what he has over here in

the steep slope mind you he's putting catch basins here that are in the steep slope where he can easily move over here outside the steep slope to prevent the moving and flooding continuous flooding on my property over here. We're not going away; this is not within the guidelines of what the steep slope permit regulations and according to town code has stated. Any questions thus far. So, in terms of what my wife is saying about what the applicant failed to include in the application by leaving it out according to code 149. Let me give you the town code if you lie on this you cannot be considered there's town code 133-9 fill and regrade. He says there is no fill or regrade to be performed. He's performed regrading town code 131-7 prohibiting discharge of dangerous illegal items that's what he's discharged. He refuses to have the property be tested in terms of 149-6 wetlands area, which I won't mention there's multiple, multiple egregious about what he's done illegally in town code to 220-5 tree removal permit require the applicant did not get tree removal and application code 199-12 false or misleading statements applicant submitted report from Kenny Associates and misleading statements it says if an applicant is Agents representative or anyone acting on behalf of the applicant makes any false or misleading statement or presents any false or misleading information in connection with an approval sought under this chapter the approval granted to them in this chapter will be null and void any activity connected with invalidated report will be subject to the penalties contained in code 199-3 13. This is something Mr. Cleary as the town planner should say, excuse me members of the planning board for your consideration these are the code egregious violations that we have on here that should be civilly addressed but they're not being addressed which is why we have litigation in terms of what is considered the steep slope wetland buffer, well, I submitted multiple people from number 1 to 8 Westchester County GIS website map. It doesn't mention anything about a manmade pond the report from a wetlands consultant Mr. Steve Coleman we acknowledged he is a well-known expert in this field the town wetlands consulting Beth Evans said I go completely agree with everything that Mr. Coleman wrote. Westchester County Health Department did an on-site visit they came and they measure its I'm just pointing out the authoritativeness when I appreciate the wetlands and that even the folks from Century Country Club and Cuddy Feder, they've been here in front of the applicant with the applications multiple, multiple times saying wetlands with their master plans, they're steep slope, which is right behind my property over here. They brought all of his stuff in and now they're playing with the sense of amnesia, I don't know what you're talking about. What is it, we're concerned. Why is he making his so much of an issue over here? The other thing that he failed to do was in the SEQRA form will the proposed action connect to an existing wastewater utility, you failed to mention that in his application that you want filed currently filed never been amended in the four years that he is submitted that he still shows a driveway going on the south side and the north side here. He still shows that culvert buried in here so he can easily go back to the Health Department and say I don't know what the planning board is talking about. I have other information which is why we have litigation. They made zero effort with this now in terms of an eyesore of a problem. The real eyesore is that the applicants here have done zero to correct or make anything amenable to the community they have bales of hay they put in 2000 October 2022 about four and a half feet high with the stick holding a place right now those bales of hay are about a pancake thick with these spikes sticking up right by where school children get picked up literally at the corner right here that they can easily be hurt. They've done

nothing there the tree that came down during Hurricane Sandy, which my applicant my attorney referred to came down brought the power line not just from my house, but everybody on Century on Pinehurst, Glen Park, Scott Circle and Scott Lane. I'm not the only one who's affected and not speaking on their behalf, but that tree the remnants the garbage the bottle cans the destructiveness of people throwing debris that even the leaves that he just at least, clean up in this area in the front he's done nothing. So why am I saying all this not to be quote voluminous and angry I'm saying that the applicant has done so many clear and distinct cases of not being trustworthy and what he says what he says in writing is not what happens in action, that's it.

The Chairman asked have you called the building department.

Ted Demirjian absolutely included in the packet, which is why I asked you did you look at this here. I sent a very long letter back in May to the building department saying exactly the same thing with photos color photos of all of this certified mail illegal dumping building department and its right here legal department May 18 2023, and I have all the color photos and specify and I'll share this with you if you haven't received it, you should have received it in your printout of all; would you like to see it?

The Chairman noted no, I got that.

Ted Demirjian this is the work that he's done that he's just doesn't take ownership of it doesn't want to have a conversation to resolve.

The Chairman, that's several years ago that work was incorrect.

Ted Demirjian that was in 2022. But again, that part of the application of the renewal that he's came in which is why we brought that up as well. Here, this is what it looks like from Google Maps, not me before. And with no permits in the steep slope, this is what it looks like today. Steep slope I'm not referring back to wetlands all of these activities. And if Mr. Grasso says and here, here's a photo of a drone this gentleman here Mr. Grasso Jr. took flying illegally in airspace, which I have police report because he flew it in a restricted airspace by Westchester County Airport. I filed that report notified the authorities are still investigating why he flew a drone putting passenger airlines in harm's way and just for he can sell the property he had this property on the market and if he claims that oh, I'm trying to make a profit there's no other solution, he forgot to mention he bought this at auction. He bought this at auction and he bought it.

The Chairman this is not part of our purview.

Ted Demirjian yeah. well, it's part of it because part of the steep slope consideration is there another any other alternative economic harm that would be done if it's not done correctly. Well, he forgot to mention he went to went to the casino rolled the dice now wants me and my wife and family to pay for it. Last time I checked I don't bail people out for their bad business decisions. Any questions, please. Mr. Gelfarb you asked about litigation. I hope I abundantly made it clear that the litigation they have no desire to put

an end to they went and filed suits against us for no reason no information provided six months passing we ask for a claim tell us what the claim is nothing. Thank you.

The Chairman, thank you anyone else wish to speak.

Rosita Demirjian I'm the 33 Century Ridge Road. I know you all volunteers but I'm really ashamed on your behalf that my husband sent. My God hundreds of hundreds of papers and none of you look that, color pictures.

Chip Marrano, that's not true so let's end that.

Rosita Demirjian, that's not true. Did you see the asbestos that we're living with my husband lost three members of his family to cancer and we are breeding, they buried the damn asbestos building materials. I mean shame on you if anything with the conscious do would have looked in it and not giving them the permit. I know you're going to give him the permit because he's a builder and you favor that but, in all consciousness, I have to live with it because when they come to stir all that garbage, we're going to eat the asbestos. I can't walk down my driveway because it's an icicle and it's an ice-skating rink. And I can't believe that you guys didn't even spend one minute to look at it, we send you color pictures. We send you everything I mean you have kids.

The Chairman, that's not true.

Rosetta Demirjian, it's not true then did you know about the asbestos they're saying might, did you know that they spread all that and buried everything. Did you see the pictures?

The Chairman, yes.

Rositta Demirjian, you did and you didn't feel like you had to be had to give them a permit that they going to stir it up and they're going to poison us. Really you look that it did you see them burying the.

The Chairman, did we take an action and your what you're talking about is Building Department issues not planning board issues

Chip Marrano, and that's why you're in court.

Rositta Demirjian, oh, I see okay board. So, you're going to give him a permit. He lied on his application. I mean, Mr. Cleary, do you know the codes they lied on the applications and then you still letting them get the building permit.

Chip Marrano, were not issuing a building permit.

The Chairman, we don't issue building permits.

Rositta Demirjian, a steep slope permit. It's the same thing.

Chip Marrano, no two different things.

Rositta Demirjian, how?

Chip Marrano, we don't issue building permits.

Rositta Demirjian, it's a steep slope permit right.

Chip Marrano, it's not a building permit.

Rositta Demirjian, but they have a building permit and that didn't expire.

Chip Marrano, that's through the building department. If you want to speak, come up to the microphone?

Ted Demirjian, according to town code in the town code a steep slope permit is a prerequisite for the building permit.

Chip Marrano, but I'm not a building permit.

Ted Demirjian, it is I said.

Chip Marrano, it's prerequisite, we're not disputing that, your wife said it was a building permit. I corrected her saying this not a building permit.

Ted Demirjian, in order to get a building permit in a steep slope area you need a steep slope permit first and foremost if it's wetlands, you need wetlands permit as well. Correct?

Chip Marrano, were not talking about wetlands.

Ted Demirjian, I didn't say that.

The Chairman, your correct but their separate actions. One which we have no control over.

Ted Demirjian, but in terms of did you read my notes, do you read my letters? I'm not making this up in the April 2021 meeting every mostly everybody who was here at that point. I didn't read it. Don't bother reading it again. Mr. Cleary saying.

The Chairman, that's not true.

Ted Demirjian, it is true, it's on the video. It's I have the transcript and up in the court documents.

The Chairman, you're saying most everybody said didn't read it. That's not true.

Ted Demirjian, you said I should put on a funny nose.

The Chairman, I did not.

Ted Demirjian, and get a hobby. I didn't appreciate that, I'm a minority.

The Chairman, I didn't say that.

Ted Demirjian, I'm a minority and you're treating me as if I'm garbage because my voice my concerns are to be put to the side for a builder to be pro-development and whatever happens. And you know what go to court spend your money and keep finding you said to me here and the May 20 in the June 23rd meeting you approached me. I was sitting here with my wife and said oh, you know what I said, if you don't consider this then we're going to have to go to court. You said go ahead sue us know you said sue us.

The Chairman, I did not.

Ted Demirjian, because lawyers made the big bucks.

The Chairman, do not put words in my mouth. I said to you I spoke to the town attorneys. They said that we can act on this that it's not and I said so that you didn't have the expectation that this was just going to be that we don't listen to you. I said we I went through this and went to the town attorney and you said well that I'm going to have to bring the town into it. That's your option to do I just gave you a heads up that this is.

Ted Demirjian, you did say to me go sue us.

The Chairman, I did not use the terminology. You said if I have to bring the town into it, then I will and I said that is your right to do the town attorneys have said have given us their advice. Don't put words in my mouth. I've let you excuse me. I'm talking. Excuse me. Giving you more time at public hearings than most any other.

Ted Demirjian, I appreciate it, thank you

The Chairman, and you know nobody's got it out for you. You know, we're trying to be fair to everybody here. This is a very complicated issue. This court case goes back several years before it was a designated wetland a lot of this stuff happened before you went to court and the judge say that yes, this is a wetland because the people who we rely on who are the experts said there was no regulated wetland that they could find so I can't undo what's happening. What we can do is go forward here, right? And I don't know what the end result is going to be we didn't vote on anything yet. Maybe the board of grant the permit maybe they won't but nobody's here to try and screw you or be pro-developing or be pro-resident. My bias is we try to be pro-resident first before we do pro-developer, but that's me, but I just you know. Nobody's here trying to screw anybody.

Ted Demirjian, well, I hate to say this; tens of thousands of dollars in legal fees, nobody from the board responding to my letters being stonewalled by the planning board secretary not being told in facts by the planning board planner and having the town suddenly have this epiphany saying, oh guess what when we go into wetlands, you do need a permit, you know having all that could have been preempted. All of this could have been nice. We are very nice people. We have no reason to be so litigious against the town, no reason to go in the course and waste money and litigation. And nor did we take the low road by trying to sue Mr. Grasso Junior and his family and trying to make it personal we kept it to the facts. He decided otherwise the treatment that we've been receiving the stone wall that we've been getting something as simple as I requested to view the file. You have to file a FOIL I said that's not true. It's open to the public. It says it in town code. I literally had to go to the town attorneys to say this is the case. Yes, you can come view it. I've been stonewalled every step of the way and am unfortunate that's what the facts are. So, thank you.

The Chairman, is there anyone else who wishes to speak on this anyone on the Board.

Ryan McAuliffe, I just had a question because just hearing facts. I've read through the hundreds of pieces of paper. I didn't see anything mentioning there is accusations of asbestos. I didn't see any test report reports. Is there proof that there's asbestos there or is it alligators?

Ted Demirjian, thank you for your question in the photos that I submitted they came from the applicant. They came from DiCicco's which is a building pre-1970 asbestos was a common building component along with lead paint along with other carcinogenic substances. Those substances were brought and I hope I'm wrong. I hope my wife is wrong. We simply asked get three independent lab tests come in do some soil samples and prove us wrong, and you know, we'll be done with that. Nobody will absolutely not the applicant said the attorneys absolutely not we will not do it. There's nothing there but rocks, but I beg to differ because in the pictures that we submitted we pointed out rebar we pointed out not just rocks. We pointed out fibrous materials that look like asbestos again proved us wrong by simply saying at this point, why do you want to not be amendable to work with us to put an end to all of this? We would love nothing more than to have an amicable solution to this but everything that we're offering and everything we're saying absolutely not absolutely not we're not going to do it. So, I would ask the applicant. Why did he the applicant doesn't want to do that with thank you for your question and reading the documents.

Marshall Donat, I'm looking at the pictures where's this rebar what picture?

Ted Demirjian, if you kindly turn to the document that I sent in the letter to the building department.

Marshall Donat, right, there's one, two, three, four, five, six, seven, eight, nine pictures 10 pictures which of those pictures because I don't see it. I don't see asbestos.

Ted Demirjian, this is the document here I sent in part of the application, may I show it to you.

Marshall Donat, where's the rebar?

Ted Demirjian, right here, this is cinder block and there is rebars right her.

Marshall Donat, is one piece of metal and cinder block. Okay.

Ted Demirjian, this is just one sample of 10. Mac trucks.

Kimberly Burkan, are there other pictures that show the same thing? Do you have other pictures?

Ted Demirjian, yeah, I submitted all these pictures here.

The Chairman, you were only able to take pictures from the street.

Ted Demirjian, I was only able to take pictures from the street without trespassing. But there is a huge mountain and I showed you perspectives of it from the street view. That was about 25, 35 feet high from the street view and with a telephoto lens this is the street view starting and it goes to the next page, but I do not enter the property to take it. That would be trespassing. I would not do that without permission. There's also pictures that show more of that and that again a picture of the excavator they brought in to entirely take that material where they had and claimed in the planning board meetings. Oh, there's a really big hole here and Mr. Cleary even admitted that hole is your remnants of the building that was here previously that the town of Harrison demolished. There is no hole. Why because all of that construction debris and materials were used as burial to cover that hole and make this no longer a topological map, but one big flat area and there I have pictures from the applicant who took a drone picture and said, this is what I'm trying to do good by the way who posted my house my property and everything on the internet for the whole world to see. Excuse me. If there's something comment. Please come up to the mike. Thank you. Any other questions, please did I answer your question sir?

Marshall Donat, yest you did.

The Chairman is there anyone else who would like to speak?

Maximillian Mahalek, despite the species and hyperbolic claims made just back to basics here. These are all items of enforcement. The planning board is the sole role here is consideration of the renewal of the steep slope permit again, there's no work happening. There's a TRO in place and obviously as this board is already noted is not issuing any type of building permits. We don't want to litigate the specious claims made tonight in front of the planning board. They're already in front of the courts. I would note that when work had started after the issue into building permit. All that work has been completed to the extent. It could be before the TRO was issued in the relevant sections were made by

the billing department there were no violations issued. Then the TRO was issued and it's been seven, eight months now and now we're here just asking for the simply a renewal of the permit that this board has previously granted the legal standard here as this board knows is just looking at what was what was approved previously and what is now proposed. Are there any material differences, it's pretty much the same proposal. You've seen since 2022 slight variations to better make it even better. There is you know bigger variations in the past actually done after comments received from neighbors for example, relocating the driveway to the south of the property away from the neighbor to the north since then just some minor updates. And we're here for simply for that renewal. I am happy to answer any questions and I would just note that again. No regulated activities under other parts of the town code near that northern property owner everything to the south and happy to answer any questions that might come up from tonight. And Mr. Chairman may also respectfully request that the board closely hearing if possible, considering that the record is pretty full and there's nothing new to be expected and looking for in front of the courts on these claims.

The Chairman, so what happens if we don't grant the steep slope permit.

Maximillian Mahalek, if you don't grant the new steep slope permit all the rights are undermined in terms of what has already been granted by this board in terms of being able to say that they're steep slope permit is granted. So once the courts have made decision going one way or the other but it is made in favor of the applicant here. Then the applicant returns to the billing department and obtain the appropriate building permits versus having to go through this entire review process again. So, it's fundamental they preserve the rights that they have already received and just to note again the legal standard is looking at what is proposed what has been approved and what is before you again materially the same thing. And so that is the center of the board of here's to as with all the renewal requested had earlier tonight and we simply ask for the same consideration standard be applied here.

The Chairman, earlier tonight we're extensions not renewals.

Maximillian Mahalek, well, there's a fine, we actually cautiously applied for a what we're calling it reissuance just because of reading the code, there's the 180-day extension and wasn't clear what happens after the 180-day. We understand past steep slope permits have had multiple 180-day extensions, but in light of the litigious history of this matter, we wanted to cross our T's dot our I's and file full package. That's why you have the public hearing. The Chairman, listen, we don't do public hearings for steep slopes, this is a unique scenario. So, okay the motion to close the public hearing.

Motion to close the Public Hearing made by David Gelfarb, seconded by So moved second by Marshall Donat. Vote carried 7-0.

The Chairman asked what's your pleasure on the steep slope permit.

Chip Marrano, I just have a question for Pat. Is this steep slope but permit expired or is it an effect?

Patrick Cleary, so it's being that's part of the litigation.

The Chairman, what does that mean?

Patrick Cleary, so I don't know the answer that the court has to answer that.

Maximillian Mahalek, Mr. Chairman, if I may answer address that question.

David Gelfarb, why is that in front of the court? Is it an issue that's been briefed. I mean or is it just an open question that you know hasn't really gotten there yet.

Maximillian Mahalek, so there's this question has come up tonight, but just lay out the history here at the reissuance request was filed back in November long before the 180-day limit and at the end of December 2023 was hit we like to apply early, we like to come to meetings. Once that request is filed is considered timely but boards can take as long as they want to consider an application to the extent reasonable want to say that for other matters, but then the board considers that scheduled it for matters schedules it for meetings and then makes a decision but that renewal request was filed timely within that 180-day period.

Patrick Cleary, that's our typical standard of it's filed within that the permit period it's acceptable.

Maximillian Mahalek, Mr. Chairman to hearing is closed. I would say no for the record. But I defer to you.

Peter Skyler, I would request the board, I just stay the consideration of the steep slope probate court still considering the last issuance of the steep slope permit that were sitting we're seeking to annul it as I described in the application papers itself it mentioned doing some work with in the wetlands buffer Court said you needed a wetlands permit. You guys have pointed on that. You're not going to issue the wetlands permit there clearly has been some prior work done. That's all going to be addressed by the court. And the court going to give us a decision one way or the other about the propriety of the of the past application for the steep slope permit. If that's annulled then I agree with my colleague here. Then the process would have to start probably have to start from the beginning but it doesn't really make any sense to extend the steep slope when the steep slope itself is being considered by the court its validity is being considered by the court.

David Gelfarb, so I have a question and it's a little seems a little circular to me. The court said, well there's nothing for us to do yet until you do, the board does something okay, but if you're saying the steep slope permit should be should have been annulled or should be annulled. I mean, that's something that seemed like they can consider because if there's an alive permit at least according to what he's saying as long as you got the application

and within six months, it seems a little odd to say, well, you know, there's nothing for them to do given however that you have a permit that you are saying should be annulled that would seem to be an active issue.

Peter Skyler, well, the court was responding to my question of whether or not this board that whether the TRO should extend to this board and further permitting applications. I'd sent a letter to the court and they responded with an email back to the Board, which I think was your attorney opined on but the court is still considering whether or not to anole and vacate the prior steep slope permit, which is what they're asking for an extension of right now

David Gelfarb which you filed an article 78 to do that. Is that what you did?

Peter Skyler, I mean, yeah, it's in the context of the article 78. We went back to the article 78 the court had originally said that if there's further violations to come back and address them with the court we did. They of course, you know Cuddy & Feder they objected to that and those arguments are all in front of the court right now.

David Gelfarb, in other words, there was no decisions, shall we say in the usual speed of an article 78 to annul this steep slope permit. Did you seek to annul it right off the bat.

Peter Skyler, yah we did, no he did and you're correct. Normally an article 78 so usually pretty much.

The Chairman, I'm unaware that there is an article 78 proceeding against the direction of the board. I thought that litigation was between the neighbor and the developer.

Peter Skyler, no it's an article 78 against the against the Town. Yeah, planning board you guys are respondents. That's why your yeah Mr. Grimaldi is posing that so there were arguments on both sides. We're waiting for the court to issue a decision on the article 78 again, that letter was in the context of me just asking the court should the TRO which the court had previously issued. Should that extend to them applying for another application and the board considering that application and the judge said no, we're not going to enjoin the planning board. Let's see what they do and you know it basically inviting me to make an application back to the court based on whatever you decide and I'm suggesting right now an alternative course for this board because that TRO is still in place that the applicant can't do anything until the court to the judge decides. This is to adjourn or stay your consideration of the steep slope permit. They made the application its pending.

David Gelfarb, on the other hand the judge sort of said well if they don't do anything I'm not doing anything. So well, so then what's the judge's motivation to rule on under application to vacate the steep slope.

Peter Skyler, well, I think the court has an obligation to rule on the application. I can't speak for why it's taking them so long. All I can say is these types of delays are not unheard of in Westchester County I do.

Marshall Donat, it seems to me that since you have a pending matter about the steep slope in front of the court. It's almost immaterial whether we approve it an extension of this or not.

Peter Skyler, well, if you approve an extension, I may have to go back to the court and say well now I want you to know this extension we would have more lawyer time. You're the planning board's lawyers would have to respond to that may be there may be some new facts in front of the court and all again given that there's a TRO and place given that there's a pending litigation with not only the neighbor but the planning board that Town of Harrison the applicant why not just stay this this renewal until there's a decision by the court. And again, if you don't want to do that, if you want to approve it at this point again, I'm going to have to review given what we said already whether or not we have to make further applications to the court which could then actually delayed even more.

Maximillan Mahalek, Mr. Chairman, just one quick note as his has been repeated many times as you know, there's a TRO in place. So even as the if the steep slope permit is renewed, we can't do any work might be immaterial to some it is material to the applicant here in a preserving the rights that they have long worked towards obtaining ensuring that the town code is complied with and secondly, it is important for the applicant in terms of planning financing supplies next steps because once the court does it make a decision if the decision is made in the favor of the applicant. Then the applicant would be prepared to go back to the building department obtain the correct building permit. So, this decision is material for the applicant in that regard. I just wanted to note.

Marshall Donat, so it seems to me, we should extend the steep slope and let the courts decide whether you know, the asbestos and all the other issues that were properly raised we decide we're not investigative agency, right? You know, we have no way of knowing what's in these pictures and what they really mean and whether there's danger and all that that's the court and its enforcement, you know divisions to take care of so I see.

Ryan McAuliffe, the applicant would ask and concur that it be extended.

David Gelfarb, well, it's not expired. I thought you got your application in on time. So, I thought even if we if we were to hypothetically wait.

Marshall Donat, when does it expire.

Maximillian Mahalek, so if I may extension request is filed in November, the cut-off dates end of December for when that 6-month clock happen. So, our request here is her for a one-year reassurance. So then that one year would end from December run from December 2023 to December of 2024.

The Chairman, to David's point is correct as you stated earlier, we don't act on it, but there's no there's no time clock on you know, you got your application on time. So, if we act on it in February or acted on in September, you got it in on time.

Maximillian Mahalek, except in the town code if matters are adjourned out multiple meetings, for example in that scenario there become very expensive notice requirements that apply to an applicant if they don't appear before certain means as a matter continues to be adjourned and adjourned and that really adds up from a cost perspective.

The Chairman, so I'm going to rely on town attorney to let me know about that one at some point, but you know, listen, there's lots of this isn't interesting case. So, what's your pleasure somebody anybody?

Marshall Donat, well, I put it to a vote. So, I make a motion to extend the steep slope.

The Chairman, ss there a second.

Chip Marrano, I'll second.

Motion to grant steep slope made by Marshall Donat, seconded by Chip Marrano. Roll call vote, Marshall Donat yes, Chip Marrano yes, Kimberly Burkan yes, David Gelfarb no, Ryan McAuliffe no, Jeffrey Spano no and Joseph Stout no. Motion does not carry.

2. **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**

Motion to open the Public Hearing made by Chip Marrano, seconded by Ryan McAuliffe. Vote carried 7-0.

Tony Geoffrey Managing Partner with Cuddy & Feder on behalf of 120 Cottage Avenue, we submitted a letter today requesting that the matter be considered the public hearing be considered at your meeting next month.

Motion to adjourn the Public Hearing to February 27, 2024 made by Jeffrey Spano, seconded by Chip Marrano. Vote carried 7-0.

3. **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**

Motion to open the Public Hearing made by Ryan McAuliffe, seconded by Marshall Donat. Vote carried 7-0.

Motion to adjourn the Public Hearing to February 27, 2024 made by Marshall Donat, seconded by Chip Marrano. Vote carried 7-0.

4. **100 CALVERT STREET – NEW MULTI-FAMILY BUILDING** (PB23-033) – 100 Calvert Street, Block 263, Lot 17 – Site Plan Review, SEQR Review

Tony Geoffrey, Managing Partner with Cuddy & Feder 445 Hamilton Avenue White Plains, New York. I'm here this evening on the application for 100 Calvert. I'm joined this evening by on behalf of ownership Mr. Frank Lombardi and John Fiorino Architects and Frank Spyder from Gallin Beeler Design Studio and Pete Catizone and Diana Gomez from Catizone Engineering.

The project that's before you this evening is classified in the professional business zoning district consists of a 10,000 square foot lot at the corner of Calvert Street and Post Place. The Proposal that's before you seeks to replace the existing building on the premises with a new four-story mixed-use building. The building is proposed to include 14 apartments on the second through fourth floors.

Those apartment units will be broken down into 11 two-bedroom units and 3 one-bedroom units. Those units are proposed over a ground level of 271 square foot business office and a residential lobby area and 17 parking spaces to serve the proposal. It's important to note and Mr. Beeler is going to walk you through the proposal and the plans shortly, but the fourth floor is also set back in order to mitigate some potential visual impact from the building for the surrounding area.

The garage access is proposed off of Post Place and the rear yard importantly proposes new open space which does not exist today which provides a buffer to the residential property adjacent to the premises and the project also proposes new utilities and stormwater management something I know that's important to the consideration of this Board.

The project location as I mentioned is in the PB district and is in the in area along Calvert Street, which is predominately PB which is comprised largely of office retail and service-related uses more recently larger mixed-use family projects have been approved and are under construction in the town, which I think we have a go to the next slide. Yes at 56 Calvert and yes, 56 Calvert and 36 Calvert.

This proposal is consistent with some of the newer projects in the area. So along Calvert Street, you have the PB district with these types of uses which is adjacent and the premises to the north is situated next to a two-family zoning district. Importantly the project is compliant with front side and rear yard setbacks and we are proposing additional amount of open space which currently doesn't exist on the property and Mr. Beeler will walk you through that in a moment.

The project does need some variances. So, once we're get a little bit further along with this board, we'd be asking for your referral to the zoning board of appeals for consideration of a lot coverage variance as well as a height variance for stories as well as feet above grade and an off-street parking space variance. We believe this project is a benefit to the area will we've had submitted some reports to you. Although we did receive

some recent memoranda from staff which we intend on addressing. We just received those recently yesterday and we see received a letter from a neighbor just today we are not prepared to address those in great detail, but we are going to try to give you a good overview of what this proposal is and I'd like to hand the mic over to Mr. Beeler who will be walking through the plans.

Ray Beeler, okay, thank you Tony. Good evening, everybody. I'm Ray Beeler with Beeler Design Studio. So yeah, as Tony said I'll walk you through the plans and give you an overview of the project.

So, the properties located at the intersection of Calvert Street and Post Place as Tony mentioned starting at the back of the site, we're leaving the 20-foot required rear yard that's being left open and that will be a green open space.

Moving towards Calvert Street then the building is only one story for 15 feet that's on top of the parking garage and that'll be a landscape terrace. So, the first 35-feet at the ground level and one level up will be landscaped open space and then the rest of the rest of the property fills out right to the right to the property lines as is allowed by zoning and it's four stories for the remainder of the property, so Frank, you can go to the next one. So, this is a let's go to the let's go to the floor plan. Yep. So, walking through the plan starting at the first floor, which is in the lower right-hand corner the parking garage runs across the back of the site. That's a that's an enclosed parking garage the apartment entry and lobby is that the lower left-hand corner. We have a small commercial space 271 square feet that Frank is pointing to right now and the parking garage has 17 spaces. Across the back of the site and that's access from Post Place which is on the left-hand side. So then moving up to the second and third floors each of these floors contains five apartments. There's for two-bedroom units and one one-bedroom unit on the second and third floors and then the fourth floor is a penthouse which is set back. There are four apartments and those are three two-bedrooms and one one-bedroom and let's go to the section.

So, this is a cross section this this shows the way we have cut back the building were intentionally stepping it back as the front and the back of the site. So, at the front on Calvert the front facade goes up 35 feet and then there's then there's a setback to the to the penthouse level and at the rear of the of the property you can see what I was discussing before the 20-foot open rear yard, then a 15-foot terrace on top of the parking garage. And then the levels of apartments above that we can go to the next one. Now, this is a section through our building is that as the second one there that Frank is pointing to this is cut through the neighborhood and this just illustrates the scale of what we're proposing in relationship to the scale of the houses in the neighborhood.

The Chairman asked if you can orient this. No. No, I got that part.

Ray Beeler, go back to the go back to the section. Frank's going to point the.

The Chairman, all the way on the right is a cross is about the Calvert Street

Ray Beeler, all the way across is it the one on the right is all the way across the street then there's Calvert are building and then the single-family residential structures behind but this illustrates that in this case in this in this area, the hill is sloping up a bit from Calvert as you go north it slopes up-hill. So, it's slopes within the same block of slopes up about 10 feet. So roughly the ridge line of the house is behind this similar height to what were what we're proposing and then in the elevations the ground level will all be stone above that the second and third levels are primarily Hardie Plank, the windows are grouped in twos with integrated the p-tech louvers and then the penthouse is a different material stucco to differentiate it from the building below and I think that's it. If you have any questions, I can answer them now, or we could move on to have Catizone Engineering and have them make present to you.

The Chairman, the visuals, we actually put the thank you.

Ray Beeler, so we could loop back to questions maybe I'll turn it over to Catizone Engineering right now if that's all right.

Diana Gomez, hi, good evening my name is Diana Gomez I'm with Catizone Engineering. I will be going over the site civil portion of the project starting with the layout plan. So, the proposed building will have an entrance to the commercial space and to the lobby on Calvert Street. We also have another door entrance on Post Place and a two-way driveway also on Post Place. We are proposing a five-foot sidewalk along Calvert Street and Post Place with the exception of two tree grate locations, which will narrow the sidewalk to a 4-foot minimum width new curbing will also be installed along Post Place and Calvert Street including drop curbing.

We've included an ADA ramp with a detectable warning strip on the corner of Calvert Street and Post Place as well. In the rear of the property, we have about 2,000 square feet of open space grassed area, and we're also providing a six-foot privacy fence on the northern property line.

Now moving on to the grading and utility plan. So, the entire site is currently 100% impervious and the proposed improvements will result in a decrease in a 20% decrease in impervious cover and accordingly a reduced run off rate. All the runoff from the proposed building is conveyed through roof leaders into our underground detention system including the grassed area rear of the site. We're proposing five four-foot-deep storm capture units for our underground detention system, which meet the town of Harrison Tier 1 requirements.

The site is also located in the 100-year flood zone. However, the site is the existing site. It is raised above the 100-year flood elevation and under post-development conditions the great at the lobby and the commercial space will be lowered for access to Calvert Street same as the grade for the driveway and the entrance on Post Place. Accordingly, the project will not result in loss of flood storage. The project will also generate 2,750 gallons per day of sanitary flow which will be conveyed to the existing sanitary sewer on Calvert Street, and this will need an approval from Westchester County DOH because the

flows are greater than 2,500 gallons per day. Water services provided by Westchester Joint Waterworks, and we will provide a separate fire and domestic water service from Calvert Street at the site next the landscape plan. So, we're proposing to Redbud trees eastern Redbud trees on Calvert Street. Also alternating Delaware White Azalea's with Formosa Azalea flowers along Calvert Street and Post Place in the rear of the property we have sweet pepper brush winterberry and boxwood shrubs.

Yeah, that's pretty much it the next slide we have the lighting plan. So, we analyze the lighting on each level of the building we're utilizing four light fixtures from whack lighting and which include canopy lighting for the entrances to the commercial space and to the lobby.

We have up down lighting along the front of the building on Calvert Street and Post Place we have a large cube down light for the rear of the building and small cube lighting for the residential doorways to the terraces.

The foot-candle levels will not exceed .1FC along the northern property line and as mentioned before we are also proposing a six-foot fence along the northern property line.

I think that concludes our presentation. We would like to invite the board to ask any questions if you guys have any. Thank you.

The Chairman, thank you for action tonight is going to be lead agency.

Patrick Cleary, the SEQR process designate your intent.

The Chairman, so just to be forewarned, I know you got Mr. Clear pretty comprehensive memo. I'm going to be looking at parking and flooding and the setback on the street because this is a 5-foot you talked about a 5-foot sidewalk the other two existing structures on the on the street or set back farther than that. So that's going to make a you know, a bit of a difference and so I didn't find it. If is if this is in a flood zone just not making this me just not making it worse is not good enough. You have to make it better.

So just you know, when we look at and this is with all of them the ones that got extensions tonight the ones that just got previously built, we moved in asking folks if they can on their property to go anywhere from 25 to 3 times better on flood storage and waste stormwater mitigations.

Patrick Cleary, question. did I miss here? Are you using portions of the building for flood storage? You mentioned lower elevations of the lobby.

Peter Catizone, yeah, so right now the entire site is above the flood elevation. In order to have the access at grade level with Calvert were lowering at the lobby and the commercial space is designed to flood so that increases the flood storage. So, as well as the Post Place entrance is above the flood elevation, but the parking garage will slope down also providing additional increase in flooding.

The Chairman, what would year storm are you using.

Peter Catizone, well with the flood elevation, we're looking at the flood surface and the volume which we could get you that number that were increasing right now. There is zero flood storage because our site is above it.

The Chairman, I got it.

Peter Catizone, so we could give you the number of how many cubic feet were improving. The significant improvement is the 20% reduction in impervious surface if you just go by the New York State DEC manual, you know just talking about stormwater separately from flood mitigation, but a 25% reduction in impervious surface means you don't have to do any water quality, you know any storm water mitigation at all. So, our goal was to try and achieve as close to that as possible.

The Chairman, yes in DC, you know.

Peter Catizone, but it's less.

Patrick Cleary, were confusing stormwater and flood mitigation.

Peter Catizone, the point is its less runoff. So, there's a 20% reduction in the runoff from the site which would contribute to the flooding.

Patrick Cleary, but I just want to bring a point. So, the Webb Avenue project where we learned about flood mitigation. There was an alternative that created flood storage below the building. They created a pool right of the building. This is an instance where they're using a portion of the building to accommodate that if you remember one of our new standards was the building needs to be accessible during the largest threats with the lobby is under water that could create an accessibility problem. So, we may have to think about that.

The Chairman, right and I'm sure you saw the Fire Marshals memo about not having parking in the street which will exacerbate, I live in the Brownwood. There's really no place to park so parking an issue.

Tony Geoffrey, so we again we just received the memorandum we obviously we wanted to make sure that any supplemental submission we file with you is going to be filed timely. We do intend on addressing the comments were receiving this evening as well as in the memoranda in great detail. I think one of the things that would be helpful is if we do in certain respects comparison of the existing building to what's being proposed. I think that will put some of the analysis in perspective for you, which would be helpful for your consideration.

The Chairman, okay, it's something we're right out of my mind.

Patrick Cleary, designate lead agency.

The Chairman, no, no, that wasn't it. I don't know the question. Okay.

Patrick Cleary, it had to do with flooding.

The Chairman, no, it did not.

Tony Geoffrey, just a point the as Mr. Catizone mentioned do the reduction of the lot coverage is over 1,900 square feet that's being reduced which I think is pretty significant.

The Chairman, okay, so let's designate lead agency here motion.

Motion to designate lead agency made by Marshall Donat, seconded by Chip Marrano.
Vote carried 7-0.

The Chairman, okay, if I remember what it is, I'll get we'll get it, we'll get it to you.

Tony Geoffrey, I'm confident of that. Thank you very much.

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

The Chairman, Dish Wireless.

Maximillian Mahalek, good evening Mr. Chairman members of the Board staff
Maximally Mahalek with the law firm of Cuddy and Fader. I am joined here this evening
with our project engineer Tectonic Engineering Drew.

This is a request for an eligible facilities request that is a term under a federal law and regulations regards to adding three antennas by Dish Wireless at 244 Halstead. This is when I say eligible facilities request. What does that mean? That means that there are existing Telecom providers manly Verizon on this site. So, the three antennas they would be located in the orient myself. They're going to be located in the east north and south perspectives. So, these are three antennas are going to provide service for a new Telecom provider that was mandated by the federal government to come into the market and increase competition there were efforts at one point with the merger of Sprint and T-Mobile and there was a suit involving that merger and the federal government said there needs to be more competition in the marketplace. Currently you can access to Dish Wireless through accessing Boost Mobile. So, with these three antennas, they're going to be flush mounted against the walls. So that's right up on the walls and they're not going to be any higher than the existing roof lines. So, in the plans you'll see where we have marked the height of the roof lines. So, one antenna at the bulkhead, so it's below the top of the bulkhead and then into other locations it's behind the or below the height of the

parapet walls. Now these antennas on top of the in flush-mounted. They're going to be painted to match the existing building. That is currently what is happening with Verizon's antennas on the site and Dish would reflect that to make sure they blend in avoid any potential visual impact now this rollout this has been presented to this board before I understand with 275 North Street there's an application and then previously the consideration at 244 Westchester Avenue. So as a part of this roll out, there is certain metrics have to be met in market areas provide coverage to a certain part of the New York market by a certain time line 2025. And so that rollout is key to meeting that deadline. So, I do understand that this board requires a public hearing and we would ask that that be scheduled but our project engineer who is here. We are happy to answer any questions. I do understand that the board will be retaining a consultant to review the application including the RF exposure limits. I will know of for the board the RF compliance report so that's a radio frequency exposure reports and compliance to make sure that all safety standards are here with it's in the works and that will be filed with the board briefly the board currently has the plans that show where the proposal is what it looks like and the board also has the structural analysis showing that this it can be safely installed and with that happy to answer any questions.

Patrick Cleary, no issues, we have two tasks. We typically address so your simple responsibilities in these aesthetic impacts. Yeah, so the details of the paint and so forth. We should see that and but we always retain our EF consultant just to make sure the material that's been submitted in the cumulative impact of all the antennas is compliant. You have no control over that that's it. You're Exempted from that from the FCC, but it's always a task we do just to make sure it's compliant to feel good about it.

The Chairman, okay.

Patrick Cleary, Ron Graiff who we work with many times is our guy. So, we would send it to Ron. I think we've given them a heads up it's on the way.

David Gelfarb, we'll just have to let them know that we have a new Chairman. I don't think he's aware.

The Chairman, yes, can I get a motion, please.

Motion to retain Ron Graiff made by Chip Marrano, seconded by Marshall Donat. Vote carried 7-0.

Maximillian Mahalek, Mr. Chairman point of clarification the motion was for the referral or the public hearing or something else.

The Chairman, it was to hire. Motion for a Public Hearing for February 27th.

Motion to schedule a Public Hearing for the February 27, 2024 meeting made by Marshall Donat, seconded by Jeffrey Spano. Vote carried 7-0.

Patrick Cleary, and Max that's is assuming you get the materials to us.

Maximillian Mahalek, yep it that's inbound and those lines up with the federally mandated shot clock, so I thank the board for scheduling the hearing and looking forward to appearing before the board. Great. Thanks.

Patrick Cleary, yeah, Max reference the shot clock we have 90 days to I think it's 90 days, right? 60 days to grant approval of these organized automatically do so.

The Chairman, well that's presuming that they give us the stuff, presuming to give us the stuff, right?

Patrick Cleary, exactly. they can grant extensions. That's not uncommon for them to do that while we're making progress, but that's so we don't either delay applications unnecessarily. The FCC doesn't like that.

6. **CENTURY COUNTRY CLUB SOLAR PROJECT** (PB24-002) – 233 Anderson Hill Road, Block Lots 1, 7 and 8 – Site Plan Review, Special Exception Use Permit Review, Steep Slope Permit Review, Wetland Permit Review, SEQR Review

The Chairman, Century Country.

Neil Alexander, good evening, Chairman Members of the Board my name is Neil Alexander I'm a partner at the law firm of Cuddy and Fader, which is a little bit of a theme tonight I'm noticing

The Chairman, I was going to say did you guys move in tonight.

Neil Alexander, So I'm here on behalf of Century Country Club and would Woodfield Renewables relative to site plan special permit and other related approvals for a solar energy facility with me tonight is Mr. Burt Ward many of you all know. He was the club manager for 25 years. He's now a senior consultant and he's joined tonight with John Tieng who's the new general manager for the club and I'm also joined by obviously Zach Pearson from Inside Engineering and Peyton Boswell from Woodfield Renewables.

We know that this is one of your first Community Solar projects that you've seen since the law was enacted. The good news is the project is actually fully compliant with that law. We did receive Pat's memo and we took a look at it did quickly hand you Pat the issue that you did bring up and then I'm going to have Zach sort of run you through the community solar aspect is so it seems like Westchester County GIS is lagging which is not unfamiliar. But on we took a look at there's an issue as to whether our size was appropriate that some of you have read Pat's memo. So, Century acquired this property in 1923. It had previously been located where actually Metropolis Country Club is now and through all the years you know, including the building along Interstate 680 for and so forth the club had a large size and in the past couple of years it took in on two additional

properties from Ambassador Loeb across the street, which were lot 7 and 8 in this block in addition to block 1. So as per year 2023 towns final assessor tax assessors roll.

Your assessors actually did what they should have done which is they merged all three lots because all three properties are owned by Century and they're all contiguous. So, if you look at the tax roll on page eight twenty, which you'll see is that for Century Country Club, there's an acreage of 197.96 acres comprised of three lots 1, 7 and 8 and if we need to do more along the way so it'll be our pleasure, you know, whether it's a consolidation deed or filed map Alta. It's our pleasure.

Patrick Cleary, and I think that's solves the problem, but the question still was the tax map shows two parcels, which apparently is one parcel but it says 197 and 14. So you're showing us to merge parcel as 197 still missing 14 acres, which is the size of your parcel. So, I'm there's it needs.

Neil Alexander, we'll work through it. I just for the purposes of being able to move forward tonight. I wanted to make it clear that we have plenty of acreage and we can figure out the right mechanism to do that.

Patrick Cleary, merging the property solves the problem so next it's not it's just a clarification.

Neil Alexander, and then I'm going to get out of your way and so we can get into the meat of potatoes of explaining it and Zack. I just wanted I didn't want to have us for stalled from a new Chair and Members of boards.

Zac Pearson, good evening, Mr. Chairman and members of the Board Zac Pearson with Inside Engineering good to see you guys again. So just as you can see on the board there the proposed project area is located in the southwest corner of the property roughly 14 acres of disturbance associated with a tier three solar about to ground mounted solar array probably located in southwest corner. There is an existing wetland in this area here. Existing wetland here wetland buffer runs through part of the property.

So, the project area is bordered on the east by the Country Club north by the Country Club. South is Anderson Hill Road. And then the west is Century Ridge. The properties are front along Century Ridge Road. The closest solar panel to the property line is roughly 180 feet closest residence to a panel believe was like 260 feet roughly plus or minus

The Chairman, are they higher or lower. Is the is the property the residents higher or lower,

Zac Pearson, they'd be lower the property generally high point you can see the facility here that we have generally a high point in this area here watersheds kind of north to south and also to the east off of the ridge line into the west. So, stormwater we have designed in accordance with its state standards for solar and town tier 3, we have to

infiltration basins. We've tested those areas. We have swales to move the water again proposed disturbance underneath the panels. We're proposing a pollinator seed mix which is you know, good to bring the wildlife back into the area after the disturbance access is proposed off of the existing driveway to the club that used to be the that was the old main facility.

Screening we're proposing screening on all four sides of the proposed project then there's 100-foot setback to Anderson Hill Road per code. We're proposing to leave obviously leave the trees in that area install under proposed to implement and install low screening, you know in amongst the trees that are staying along Anderson Hill Road. You'll clean up the existing trees in that area. Also, there's this big system stone walls are there we're going to clean up at some point.

Marshall Donat, do evergreen.

Zac Pearson, yeah, ever green screening low. So, we required by code also have a seven-foot-high fence with screening, so you've got 100 feet existing trees to stay in that hundred feet long Anderson Hill Road with that planting interface in between the existing trees to stay.

The Chairman, so if you did it, I didn't see I'm sorry. The last time you were here I think you did somebody did photo.

Zac Pearson, yeah, so we are working on that now I.

The Chairman, its a perfect time of the year to do that, right?

Zac Pearson, yeah, we taught. I got a sample of one that were working on their field is working with a consultant to you know, provide the visuals from a number of locations along Anderson Hill Road.

The Chairman, and the residents to yeah. When you can get the property.

Zac Pearson, so that's kind of a sample of what we're going to be providing.

The Chairman, but you got to come up a little bit. Joe made it stand up.

Marshall Donat, I see a green fence.

Zac Pearson, yeah so Anderson Hill Road green fence, you know we're going to work existing trees, you can see that are just a few of the vines and invasives removed. You can see the evergreens place to get this is in progress. We're working with the consultant to get you guys some more visuals between are going to be important for this project.

Kimberly Burkan, is the fence required to be green.

Zac Pearson, I don't think there's a color requirement. There is a height requirement though it's 7 feet tall.

The Chairman, no requirement.

Kimberly Burkan, because it's so I mean so wintertime it sure comes at you sticking out as opposed to say a brown.

Zac Pearson, well what discretion there's no need to have privacy slots. But if you do typically brown or green, that's literally what you can't see fact are what you'll see when we provide if you up there are evergreens in here, which it's hard. I mean I can, you'll see it in future solution. But if there's trees there that are ahead of that as well and they propose to be Evergreen.

Marshall Donat, they planted yet, though.

Zac Pearson, no, no nothing has been planted.

Marshall Donat, how tall is the solar panels above 7 foot or.

Zac Pearson, no, so this this case we're going with a lower profile rack.

Peyton Boswell, good evening. I'm Peyton Boswell from Woodfield Renewables in this case we're going with a lower profile ground mount rack. So, the rack itself peaks out at six and a half feet which means the modules will extend maybe a half foot above that. So typically, or not typically the maximum height of any module would be seven feet above grade.

Zac Pearson, that's kind of it, just going over the overall benefits, you know one there's no traffic, there's no lighting associated with this. There's no water, sewer. There are no additional residences, its environmental benefit which Payton will talk to about community solar project, you know, also great resiliency is part of that. So, turn it over to Peyton to give you guys a little bit overview of what the what the project is a tale of the solar site.

Payton Boswell, Yeah, one other just back to note the site were on was back in the 1920s a single-family residence and cleared. So, we have today is not native forest by any means but rather succession growth that came in subsequent to the site being abandoned. So, this is an aerial photo showing our location about a hundred years ago. So just as an aside and as we get into our tree study, you'll get a good sense of exactly what type of growth is in there, but it's very much a majority of which is secondary non-native invasive growth in terms of the solar system itself. This is what's called a community solar project. It's a 3.75-megawatt AC ground mounted solar project when we talk about community solar. It's also what we call a front of the meter project which may be different than other projects that the board seen over the years by front of the meter. We mean all of the clean energy generated by the system is exported back to the grid

simultaneously. There are really two interesting benefits to a front of the meteor community solar project one is you're creating clean non-polluting electricity on the distribution side of the grid which has a great benefit in terms of congestion both for today's grid and for where we're going with increased electrocution of both electric vehicle's homes through heat pumps, etcetera. So, the congestion benefits of having distribution level generation of this size or quite significant. Secondly a community solar project allows folks in the community to participate. So, if you're a homeowner, for example, or some of that rebs apartment that doesn't have a roof that's suitable for solar or you just don't want to go through the hassle of doing that you can subscribe to community solar projects and get a savings benefit as if you had a system of your own so that community solar benefit typically allows subscribers to save about 10 percent on their monthly bill. Other key attribute to community solar of which this project will be a community solar project in terms of the equipment. We mentioned the racking system. That's a steel racking system. Again, we're going with a lower profile height in this case. So maximum panel would be less than 7 feet the panels themselves, we would anticipate having over 10,000 individual what are called bifacial solar modules and bifacial that means the panel is capable of generating electricity not just from sunlight hitting the top of the module but also from reflected light on the ground which enhances yield. So again about 10,000 individual bifacial solar panels in addition the other major component of the system or what's called the inverters, they convert the DC energy generated by the panel into AC electricity that can be exported back to the grid in this case. We anticipate having about 25 individual inverters interesting fact inverters are the only component of a solar system that have any moving parts in this case a fan but from a sound and noise standpoint. It's about akin to or refrigerator so very very quiet. But again, we did anticipate having about 25 of those inverters arrayed throughout the solar project. Installation overall we anticipate about a six to nine-month installation window, although most of the physical activity would be condensed into about a two-month period in addition, once the system is operating the operations and maintenance required for solar systems is quite lite typically, we would anticipate two or three site visits a year. That's it. We're not talking about incremental traffic. We're not stationing folks in a full-time capacity. It's a very passive simple system once installed and then finally end of life the town ordinance, I think wisely has a decommissioning plan requirement, which is submitted as part of the building permit application. But we will have a very fulsome plan in terms of what happens with the system at the end of life, in this case 25 to 30 years is a typical expectation of what a system would be all of the major components would either be reused or recycled.

I would also say as we get into this certainly would invite planning board members to the extent, they have interest in availability to come out to the site to take a look around in addition Woodfield we have a very similar system that's a bit ahead of this one a little bit larger, but also a ground mount community solar project. This is in the Town of Yorktown that is almost complete. We anticipate that will be fully complete and operational by mid-April at the extent that any member wants to go see a project site in construction. It's got a very similar equipment package very similar, new plantings etc. It's on East Main Street, if you know where Club Fit is, it's actually A neighboring parcel to Club Fit.

Marshall Donat, is the is the grade level for the entire.

Payton Boswell, no we really won't I mean differing schools of thought but nor in our approach. We typically do not do extensive grading. So, we live with the Topography of the site. The racking system is able.

The Chairman, that wasn't his question is it basically a flat piece of property, right?

Payton Boswell, no, in Yorktown no, actually Yorktown has more grade than this one.

Marshall Donat, I meant this one the 7-foot fence you know now when the grade is higher than you see from the road.

Payton Boswell, it certainly for that matter. Yeah, I think I think when we come back with visual impact will have exact angles. I would say as sites go. This is a terrific site in that we have the ability to be set back very far. We're retaining the existing vegetation that really is the entire perimeter of the fence. So, it's not as if we're clear cutting and all you have is the fence. You've got 100 plus feet on worst case on Anderson Hill Road.

Marshall Donat, where the neighbors and connection to this to the left.

The Chairman, okay, so our action is to declare lead agency.

Patrick Cleary, So, this is actually a type 1 action Mr. Chairman. So, there is a presumption that there will be a significant adverse impact associate with it. So, it is a type one action we have to do a coordinated review designate lead agency. I'm glad Steve's here one of the primary, there's two issues with respect to this application. The primary issue is the benefit of the forest compared to the solar panel. So, carbon sequestration analysis and the ecological impacts of the consequences of the project or something we need to have delivered to us. The new law that Neil referenced was created, this uses a special permit. There's a series of standards that apply to that not a lot but a few one of them relates to visual impacts, which you heard Zac discussing but all of the general standards for a special permit also applied right to community character and so forth. So, it's not just the special permit standards for the solar panel. It's the general community character special permit criteria that you also have to into consideration, so I put that in a memo so you have those to consider. So, there's a lot to chew on with respect to this application, but we can get it started.

The Chairman, yeah, that would think that you know, the less the public can see this.

Patrick Cleary, which is what the code basically mandated.

The Chairman, yeah that, you know the better from a community character standpoint. It would be.

Patrick Cleary, yeah and that's inherent in the challenge which is if you plant tall trees the sun can't get to the panel. So how do you screen things appropriately so there's a there's an art to getting it done properly. And hopefully the applicant can address that okay.

The Chairman, so two actions have a motion to designate lead agency, please

Motion to declare the Board Lead Agency made by Chip Marrano, seconded by Kimberly Burkan. Vote carried 7-0.

The Chairman, retain to Miller Associates Steve Marino.

Motion to retain Tim Miller Associates made by Jeffrey Spano, seconded by Ryan McAuliffe. Vote carried 7-0.

The Chairman, that's it right Pat, see yah.

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

David Cooper, good evening, Mr. Chairman. Sorry, that was number two when now number seven, it's good to see you again.

The Chairman, better than being number eight.

David Cooper, It's true for the record. My name is David Cooper. I'm a partner with the law firm of Zarin and Steinmetz here representing the applicant 70 West Red Oak Lane Owner LLC. They are the owner of the five and a half give or take acre lot in the SB-0 district at 70 West Red Oak Lane. They're seeking approval to be able to rent space to the Premiere Auto Group for office and also parking of cars on site with me tonight is Steve Matri one of the principles from the applicant and owner group as well as my colleague Brian Sinsabaugh. Quick background on the site the planning board may be familiar with the site. This is the former USTA office complex. It's improved with a four-story building which is the office building a three-story parking garage and then outdoor parking the total number of spaces is 347 parking spaces. That's 89 endure and the rest are outdoor at the planning board is also probably pretty where office buildings in this market or major downturn. Yes, exactly. Exactly thumbs down downturn in the region and this this property is one of those unfortunately that are suffering from it the office building the entire site of essentially been vacant for quite some time the applicant purchased the property in March of 2023 it's been on the market for nine months looking for a permanent tenant and still no nobody's been looking at it. They found a temporary tenant that was willing to use the property which is Premiere Autos, which is a sales in White Plains. They were looking to use the parking lot to start the car to park their cars until they're sold off site as well as now use some of the office building for administrative purposes, but I would say Is its creative way for the for the applicant the owner to kind of weather the storm as it's unfortunately has to carry the building and about, you know, the

building a property about it seven hundred thousand dollar cost per year without a very vibrant market at all. So, what the proposal would be is to rent about 1,000 square feet of space in the building to Premier Auto Group for as administrative space and security for the cars as well as to allow them to park their cars on the property. Admittedly the applicant got a little ahead of itself and there were cars parked on the site for a little bit not realizing that that new approvals will be required for that violations were issued in December the board may know all of the cars have been moved off Premiere Autos is not on the site right now. It's just empty again. And so now we have submitted an application to your board for approval. Essentially, we met with Pat and also with Rocco because there was some sort of question as to where we'll what's the actual provable that that's needed here. What we believe is being proposed is so the office space obviously is a permitted use under the zoning as is an accessory outdoor parking the only item that we're actually before your board for is a special permit to use the parking structure as if you.

The Chairman, What I'm saying is if you want to just use the parking structure have a nice day. It's the it's the it's the outdoor.

Patrick Cleary, So, it's now been clarified. So, being nimble attorney has resolved the issue. So, the special permit is still necessary to use the parking structure. The fact that they are leasing office space in the building allows the surface lot to be accessory to the office use that was not the case until this afternoon.

The Chairman, A lot of employees with that 4,000 square feet.

David Cooper, well for there are the good news is that the five parking spaces that we're going to be required to provide for the thousand square feet of office can be provided and they'll be used more they'll be used more,

Patrick Cleary, and the take away with this now that we've been able to sort out the use issue is completely opposed to stuffing lots of White Plains cars. Not a good thing for us using a parking lot the way the parking lot was designed in the parking stalls as approved no problem with that. It's the same appearance as if the building were occupied or tenanted and that's what this is proposed as it isn't it is in tandem parking it isn't stuffing in their cars. There's no floppy for sale signs or anything like that. It's it will operate as a parking lot. So, we have no objection to that portion of it now that we've sorted out the use component.

Marshall Donat, how many cars?

Kimberly Burkan, So how long, so it's not like a 10-year lease.

Stephen Matri No, it's really just short terms. Hi, I'm Stephen Matri. How are you guys? It's essentially like month to month until such time that I can generate like find a tenant that wants to take most of if not all the office space. The problem I'm having with office space is it's not Class A. Everybody wants Class A and this is Class B best and it needs a

lot of upgrades and most of the tenants are looking for office space want stuff that's almost Turn Key and this is not that so we're just kind of trying to figure out a way to put a band aid on it for a little bit while our brokers over at Colliers are trying to lease the space and anything we've had one showing in nine months.

Kimberly Burkan, so does this give you an opportunity to upgrade the property.

Stephen Matin, we can only upgrade the property internally once we have a tenant has to put a lot of tens of millions of dollars into an office building that might not be occupied for extremely long time. I don't know and I don't know how long they're going to be here for it because they want permanent parking so they understand that this is only temporary as well. And the reason they got all their cars out so quickly as they cut a deal Walmart, I think over in Elmsford where they rented 100 spaces and they just signed a deal in another office building on Mamaroneck Avenue, but they have a need for like 600 cars. So, we handle a little bit of it for them and they find other spots elsewhere.

Patrick Cleary, can they sell all those cars of the weekend.

David Cooper, yeah because I do tell Pat that's what happened.

Stephen Matin, so if you want a Mazda let me know.

David Cooper, that statement is withdrawn.

David Gelfarb, are you goanna have a time limit, your saying that you want to do this temporarily but I mean.

David Cooper, if it makes it the board more comfortable to put a time limit on this special permit that that's fine with us, but we're not looking to you know, keep on coming back in and say hey, give us more time give us more time.

The Chairman, so let's put it, what do you hope to do with what a time? When do we need to do.

Patrick Cleary, why don't you come back one year and tell us the story.

David Cooper, that's fine.

The Chairman, all right so what's the action set a public hearing.

We need some public hearing for February 27th can I have a motion.

Motion to schedule a Public Hearing for February 27, 2024 made by Jeffrey Spano, seconded by Marshall Donat. Vote carried 7-0.

David Burkan, one question there seems to be unwanted offices all over Harrison becoming residential is there any concept of turning USDA building residential you getting a lot of residential right nearby has you know.

Stephen Martin, I'm or not in the next 12 or 24 months. I'm not sure yet what the ultimate plan right now. It's just trying to find an office ternate. I know there's a lot of Apartments going next door. So, it's going to take some time to absorb, but we'll see not right now. It's just, you know, kind of least it does. I assume that I could get it off as tenant in there at some point. So hopefully we can.

David Burkan, many square feet are you.

Stephen Martin it's about 120,000 square feet thirty thousand square feet per floor.

The Chairman, you will need to put 110 David to move there is no yeah.

David Cooper, Okay. Thank you very much for listening. Thank you.

8. **LIEKEFETT RESIDENCE – AMENDED WETLAND PERMIT** (PB23-032) – 9
Highland Ridge Lane, Block 546, Lot 59 – Wetland Permit Review, SEQR Review

The Chairman, Highland Ridge Road because I don't want to miss pronounce the name.

Steve Wrabel, good evening, nice to see you all again for the record Steven Wrabel with McCullough Goldberger and Stoudt on behalf of Chi and Indira Liekefett who are the owners of 9 Highland Ridge Lane previously 7 and 9. We were here last month. So, I'll try to be brief in my comments, but just a little bit of a refresher the property was previously granted subdivision and wetland permit approval to create two compliant development lots for 2 single family homes and that included significant necessary work within the wetland buffer. But since my clients purchased the property, it's been remerged and they're now proposing one single family house on the site, which is intended to be their family home. Last month the board retained its wetland consultant Mr. Marino and we are here tonight. I suppose to get your feedback, Mr. Marino feedback and hopefully move this application forward. If you have any questions about.

The Chairman, we got Mr. Marino's feedback.

Steve Wrabel, we have his memo as well yes.

The Chairman, I just want to make sure you got it. Did you get his memo?

Steve Wrabel, yes, we did get his memo, so I have with me Joe Modafferi from JMC our civil engineer. If you like us to go into any of the details again that you've already seen on the mitigation plans. We're happy to if you'd like us to get into any of Steve's individual

comments from his memo. We're happy to do that as well. I don't know if there's any concerns that popped out to you the board.

The Chairman, not to me and not me so Steve come on up.

Steve Marino, Joe what I think would be helpful to just to show that the original or approved plan one more time. Just I know the board seen it but yeah that one.

I have been out to the site. So, I've walked the property and know what's going on out there and I've also reviewed both the submission regarding previously approved plan as well as the current plan with the with the proposed mitigation.

I do agree with the conclusion that the new proposal for a single building as opposed to the two residences is less of an impact on the wetland is more environmentally friendly to the site overall. I did have two comments in my comment letter one was the area shown here

which is within the buffer area, but it's currently maintained as lawn right down to what's currently being shown as wetland. They are proposing a well-developed mitigation plan a planting plan switch that back to that one again. That one as you can see, it's a comprehensive plan covering a significant portion of the site including the site wetland will result in the restoration of the wetland to an actual functioning wetland compared to the mode wetland that it is now. They are planting significant size trees and shrubs on the site. So not only will do a nice job of restoring the site, but it also happened relatively quickly just based on the size of materials that they're proposing. So, my two comments related to one that lawn area there to the guessing that north is up. Okay, that that right there which was pointing. It is currently maintained as lawn they're showing it on the plans is continuing to be maintained as lawn and I would recommend that we look into the possibility of having some kind of a buffer to the new wetland. It doesn't to me it doesn't seem to make sense to invest in restoring that wetland didn't having lawn mowed right up to the edge of it. So, I would suggest something in terms of a 25-foot buffer. Some kind of a no mow ozone; post rail fence boulders placed along the edges so that the mower can't get in there. I don't expect that the entire 100 feet of lawn will all have to be restored the whole will have to go wild but some kind of a buffer to that new mitigation area to me would make sense. The other part of my other comment was related to a longer-term maintenance and monitoring plan just to so that we can follow for a couple of years how the wetland is doing and know how things are proceeding with the survival of the plants. I had originally mentioned in my in my letter five years, but when I went back and looked at the size of the plantings and what they're doing out there, I think three years of probably be adequate great.

The Chairman, I mean, I think we do that as a standard practice now when we do resolutions before they get a building permit to do this stuff, there's a follow-up this lots of residents have bought properties that didn't know they had wetlands on because they just got mowed down.

Steve Marino, exactly, so those are my comments.

The Chairman, great, thanks, Steve and Steve you saw the note from the note from the neighbor. There was a comment about just making sure that the drainage issue because apparently this is drainage issues now that will be corrected. But they just wanted to make sure that it's big enough in sized appropriately for

Steve Wrable, was this the comment that came in ahead of the last month's meeting or was a new comment submitted.

The Chairman noted 12/19/24.

Steve Wrable, So, I had a last night in months meeting. Yes. We did get that comment.

The Chairman, Murphy.

Steve Wrable, yes, we did get that comment and Joe can speak to the storm water if needed in regards to Mr. Murray memo. We're fine with the three-year maintenance plan. We did have a little A bit of time to work up a proposed buffer if the board would like to take a look.

The Chairman, we have to do a public hearing anyway.

Steve Wrable, so I believe it last month's meeting it was noted that public hearing is not required.

Patrick Cleary, for wetland permits they are for steep slopes they're not required.

Steve Wrable, I think.

The Chairman, you doing work in a wetland buffer here, right

Steve Wrable, correct and we had a specific discussion about this last month put it on the record that a public hearing would not be required which is why one was not set for this month's

Patrick Cleary, the prior application 27 Century Ridge Road reminded us that a public hearing is a mandatory requirement for a wetland permit.

Steve Wrable, Okay.

Patrick Cleary, so let me check if it's a requirement. I'm just going to say we can always abandon it or adjourn it.

Joe Modafferi, I think part of the discussion was that this is sort of an extension of a prior wetland permit not necessarily a new one, there was a public hearing for that and I think I recall that that was part of the discussion.

Patrick Cleary, so I forgot the discussion that was part of the discussion. So, if and did you that was maintained as a valid permit. Correct.

Joe Modafferi, it was yes, if you remember the board.

Patrick Cleary, so we continue to grant extension on that so we could consider this an amendment to that prior wetland permit and we would not require a public hearing if that's the case. So, if Steve's okay with that, I think that's fine.

Steve Marano, that works for me.

The Chairman, so then show us your plan.

Joe Modafferi, so the mitigation plan that's in front of you is substantially consistent with the prior approved original project.

Patrick Cleary, so that's correct.

Joe Modafferi, so, there is no extensive change. So, Mr. Warble is handing out a and again Joe Modafferi with JMC Engineering Landscape Architect for the project. So, we have an 11 x 17 print out of a proposed buffer area where we would propose put in a 18 inch high 18 inch 2 foot high wall approximately five feet off the edge of the buffer plantings that are there or the wetland plantings that are there and plant the area between that with the wildflower mix that's already proposed for the area. So, extend that wildflower mix to that wall, you know, it was mentioned that the applicant is spending a significant amount of money to put in this wetland mitigation. They're also spending a significant amount of money to build their house and have some someplace where their family can live and play so, you know that lawn area that's there now is, you know, substantially important to their future, you know enjoyment of the space with their family, but we do recognize the comment and propose to mitigate it in that way.

The Chairman, okay so presuming that Steve has a chance to you don't have to do it right now.

Patrick Cleary, but Steve's initial comment was 25 feet. So, they're proposing five feet so.

The Chairman, yes, but we don't need to so procedurally.

Patrick Cleary, you can make a decision this evening. You don't have to have a public hearing.

The Chairman, I'm sorry say that again.

Patrick Cleary, you can make a decision on this this evening, you don't need a public hearing.

The Chairman, correct but I would suggest that we do that prospectively subject to Steve signing off on your plan. And if not, then we'll see you in February, I guess. You okay with this?

Steve Wrable, Yeah, we're okay.

The Chairman, so let's have a motion to approve with the modification given to us spending whether to Wetland Consultants of acceptance of the plan or with modifications.

Motion to grant wetland permit made by Jeffrey Spano, seconded by I'll make that motion Jeff Spano, second by Chip Marrano. Vote carried 7-0.

Steve Wrable, Thank you very much. Steve will be in touch. Thank you.

9. **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

The Chairman, and saving the best for last.

Steve Wrable, were last so hopefully we'll move this along fairly quickly again for the record. my name is Steve Wrable with the law firm McCullough Goldberger & Staudt now here on behalf of the Golf Club of Purchase. I have with me tonight Carl Alexander the Director of Golf, Sofie Mon the General Manager and Aaron Cross the Superintendent from the club. We also have Tim Allen our Civil Engineer from Bibb Associate's and Chris Robbins our Wetland Consultant from SLR Consulting, so we were actually last before you in November in which we presented in overall master plan that's before you for review in conjunction with wetland and steep slope permit applications as we noted back in November. The golf club is taking a look at its 18-hole course, and its practice area and it's working on a much-needed updates to improve the playability of the course to attract new members and retain existing members. It's an overall modernize the gameplay for its membership. Since then, you the Town have retained Steve Marino. We've provided to the town an initial mitigation plan, which Chris is going to walk you through and some slight tweaks have been made to the master plan. Probably most notably we're no longer proposing any work on the tee on whole seven, which means we're no longer proposing any work within that wetland buffer. So, at this point I'll keep my comments brief and I'll turn it over to Chris just to walk you through the analysis that we provided you in the most recent submission.

Patrick Cleary, no solar panels, right?

Steve Wrable, No.

Chris Robins, Hey Chairman and Members of the Board Chris Robbins SLR Consulting as Steve mentioned. I'm representing the client on the wetland's issues on the project site since the submission in November. We made some modifications as Steven noted. I'll run through those along with the rest of the materials that were included in the package that was submitted. So, see where the wetlands permit, they included a findings statement comparison assessment that was requested. There's a revised wetland permit application form of supporting information revised wetland boundary survey based on some of the work that we did with Steve out in the field and initial wetland mitigation assessment letter report. Wetland mitigation plan and grading plans. The finding statement assessment this was a request for the project team to look at the finding statement that was issued back in the 1990s I believe was 1992 that that document was the conclusion of the environmental review process that the project went through back at the time. The planning board was lead agency. This was their document the close out that that portion of the environmental review process and in that document the planning board set forth the requirements for the club with regard to buffers, proper preservation and permitted buffer impacts. So, we took a look at that finding statement. It's all in one section 4.7.3 hole by hole goes through and talks about sort of what the planning board required of the applicant at the time as they were getting prepared to develop the projects site. We took that information as a base looked at what was proposed hole by hole for the improvements at this point and came up with the comparison in that in that document which you have there's a table that was provided the table goes through hole by hole. It talks about the second column shows you all the what was in that finding statement requirements. The following column shows talks to you shows you the information about what's proposed currently and how either that complies with or doesn't the requirements set forth in that finding statement and then were mitigation is suggested we talk about what that mitigation might look like. Any questions on that so far. Okay along with that you'll see for ease of reference. There is an in the document package the language that we pulled from the finding statement. So, you can refer back to that easily. If you recall there's a 100-foot buffer associated with wetlands in the town code, write down regulates the wetland itself and a buffer what the finding statement did. Was as part of the environmental review process the planning board determined that there was no way to develop this project. If you were to maintain 100-foot buffer and not have any development within it so the planning board focused its efforts on a 25-foot buffer around all of the regulated resources that were identified within that 25-foot buffer on certain holes. There was work permitted and that's all laid out in that document. So, as you go through right for example some of the holes allow you to cut vegetation certain holes actually allow you to develop within that 25-foot buffer. And then although holes said that 25-foot buffer should be maintained. So that's all documented in your in the materials you have there as we went through the improvements that are being proposed now largely comply with what is set forth in that finding statement. So, for the most part what you're talking about our improvements, they're either sort of the same as what was stipulated within that finding statement or they are as we talked about before shifts in golf club use,

right? So, for certain areas, you're going from a rough to a fairway or from a fair way to a green there's some places where we're moving the bonkers from one location to another there's some alterations in the in the alignments of cart paths in the like so the vast majority of the improvements that are opposed are within the area that's already been disturbed. There are few where as you know, based on our site walk. There are few areas where the improvements do extend both into buffer areas that haven't been disturbed and also into the wetlands themselves, right? So, holes 1, 12 and 13. There's improvements proposed within the buffer 25-foot buffer not the 100 foot buffer for the 25-foot buffer that have not been previously disturbed so we have mitigation assigned to those areas and will coordinate those with Steve as we move forward and holds 10 and 18. That's where the direct impact of wetlands are proposed. And that's what we talked about when we were out on the field mitigation for all of those have been laid out and we'll run through those in a minute on the on the graphics and questions at this point through that now.

Quickly, the wetland permit application that was submitted there are minor revisions to that to address the change in the impacts associated with the development program as to Steve mentioned the tee that was originally proposed in whole 7 is no longer there. So, we've adjusted the square footage appropriately the package also includes a revised wetland boundary survey in Steve's memo he indicated that the wetland boundary we were adjusted and holes 11. We also had some minor adjustments on 14 and 15. Those boundaries have been modified Inside Engineering who did the survey has up modified the surveys and those are captured on the latest. So, version that has been provided to you and that Steve reviewed the mitigation. There's a mitigation report in there and its initial mitigation report that report was set up to identify areas that could potentially be used to offset impacts to wetlands and buffers as we went through this process, Steve and I talked about that. We looked at some of those areas when we were out in the field as we did with you and we came up with some ideas as to where we might focus some of our efforts. This is an initial will have a follow-up site visit with Steve to talk about these to visit those areas and figure out sort of the final area that mix of vegetation whether it's a rapacious or shrubs what grading we might need in the light. Like so if I might for whole 10 if you recall those proposed disturbance right here within the wetland buffer as well as disturbances in 25-foot buffer area some of the areas that we thought could potentially support mitigation because hydrology is currently, they're easy to tie there in by grading into the existing wetlands or at least sort of pale pink areas and this would be new areas. There're also opportunities throughout this area. There's one down here, too. There're also opportunities throughout the series potentially remove as we talk about something invasive species and managed to the vegetation community a little bit better than what's currently there.

Patrick Cleary, Chris would think gray is equivalent to the dark green area.

Chris Robins, based on our conversations Steve were planning a two to one ratio, right two acres or two square feet of mitigated area for every one square foot than that. And so, these areas that are shown accommodate that were above the two to one ratio and what we'll do serve as we go through this and we'll find the boundaries will come up with the final ratio based on really based on functional assessments of 11. Okay, let's find hole 10

here's hole 13. All right wetland impact here buffering service 25-foot service on your side. These areas are being considered as potential mitigation areas hydrologist areas. There are drainage channels of provide hydrologist that we feel as though a little bit of grating some planning will accommodate the successful mitigation.

This area right with another area we looked at there's a monoculture of phragmites out there. We were out to see when the things we talked about was managing these areas. So, restoration of that wetland would also go toward mitigation for potential proposal.

Questions, a quick example for buffer impact on whole 1. There's a new tee proposal in 25-foot buffer. We there's an area here that is currently rough. And we feel as though this would probably be it support some shrubs and maybe some tree plant things to store with going to be cut mower with it. Last place it quickly another restoration area 12 you have a new buffer within the within the 25-foot buffer and 13 this area extended extension of the green as well as a couple of leads modified tees on here modified tee over the within a 25-foot buffer to we've got respiration here as well. Any questions on that?

All right. So, as I mentioned, you know will coordinate as site visit with Steve Marino will go back out take a look at those areas that I've showed you there's a couple others on 16, and I think of probably a good candidate for potential mitigation depending on sort of the functions that we need to replace and that and the final acreage.

Final mitigation plan will be developed. Once we have those conversations will work with Steve to make sure that those come out right permitting right? We're finding you for request for a town hall and permit that permit will ultimately include the final mitigation plan as part of a package and as the board sort of moves through this process, there's also Army Corps of Engineers and New York State DEC jurisdiction, right. So, on holes 10 and 18 the Army Corps of Engineers has jurisdiction over both those wetlands. So, we'll need a permit from them to make those improvements and they'll require mitigation as well. For DEC it's just the wetland at 18. That's the only regulated wetland that they regulate on the site. There's 100-foot adjacent area that they also regulate and we'll have to work with them in order to get permits for disturbance in those areas, we've already spoken on the DEC. They seem to be fine with the fact that we're changing the buffer areas. We'll just have to talk a little bit more about what looks like for the for the actual wetland disturbance.

Timing on those is a little bit unclear right? There's a joint application for permit that's filed with both agencies. They go through the review determine whether or not things are complete and whether or not they can advance the permit applications. It's going to take longer than we feel it would be needed for us to be in front of the board so if the board decides to move forward with the permit, we would ask that they issue a permit conditioned upon approvals from both the Army Corps and the DEC and we feel as though those permits will be secured.

Patrick Cleary, Chris what we like to hear something back from those agencies that they are likely to do that so not the permit but just corresponds.

Chris Robins, correct so I can provide you a summary of the call we had with the DEC. We're still waiting to hear back from the Corps.

Patrick Cleary, not surprised.

Chris Robins, correct. Any questions on that.

Marshall Donat, there are 7-man holes noted right on the course for the towns what do you call it sanitary system.

Chris Robins, yeah.

Marshall Donat, can someone answer those questions access has to be set up against or maintain what we have roads or something.

Tim Allen, the town has access.

Marshall Donat, no I'm asking. I'm not sure what you're saying. I'm asking for the manholes there and the engineering. Yeah, the man holes how will the town access them you know.

Tim Allen, those are being left alone. So, they will have access to the Sewer of eradicating or excavating around the sewer lines. And I mean they bring into town bringing in trucks or something like that across many ways for them.

Patrick Cleary, so, our sewers on their property we have easements to access them. We haven't touched them in 30 years or whatever and I think Mike's point was now that we're looking at again. I need to know if they still work. Yeah, that's really old. It's about. So, if he needs to gain access to the site for the man holes, they just need to be unimpeded and like they're supposed to be because they're easements that protect.

Tim Allen, I think there in the woods or whatever they were. They would just put the tip of your point.

Marshall Donat, I saw the pictures, I mean really in the wild.

Tim Allen, also part of a package basically going through and hole my hole provides you with grading and disturbance plans yet blower the necessary erosion controls, which will then be incorporated back with Chris's mitigation plans.

Steve Wrable, so unless the board has any additional questions for us.

The Chairman, we want to hear from Steve.

Steve Marino, just to kind of sum up where we are at this point. I've been at the site a number of times now; they have made significant progress in terms of developing the plans. There were a couple of areas where I had discussed the possibility of some changes to the plan. In order to minimize the impact particularly at whole 10 previously the wetland fill kind of sloped down to the water course that flows through that area and at my suggestion and after their review, they pull that wetland fill back and put a retaining wall in order to minimize the amount of disturbance in the wetland. So again, we are making progress in terms of minimizing impacts to the site Chris kind of walked you through the possible mitigation some of the possible mitigation options so far. What we're really dealing with is mitigation for the for the specific wetland fill for the actual disturbance of wetland itself. We're still going to work through some kind of mitigation plans for the buffer encroachment to as Chris mentioned; most of that encroachment is within areas that are currently maintained either as fairway or lawn or are between the existing cart path and the fairway, but there are some areas where some undisturbed areas will be disturbed. It's the amount of disturbance on the site is significant was its which hole? Anyway, this is one of the holes is significant amount of disturbance in the buffer between two wetlands. So, but there are a number of options on a property of this size. And with this topography there are a number of options on the site for restoration of wetlands enhancement of existing wetlands. So, I do think there are they are moving in the right direction and cooperative in terms of taking suggestions and making adjustments to the plan and Chris and I will be going out again in the next week or so to look in more detail now at the at the mitigation areas and what can really be done and what we can do to maximize mitigation for the proposed activities on the site. So, we're working in that direction.

The Chairman, great, thank you. Okay now the other Steve.

Steve Wrable, so barring any additional questions are this evening is to set the public hearing for February so that we can come back and hear if our neighbors have anything to say and certainly, we're going to continue the dialogue as Mr. Marino noted. He and Chris are going to be out next week to button up the final details on the mitigation plan.

The Chairman, yeah, so I guess I'm okay with that ending you saying you're okay with

Patrick Cleary, you can always keep the public.

The Chairman, so anybody opposed to that no, okay. So, let's set a public hearing for February 27th which I guess will be another busy night motion, please

Motion to schedule Public Hearing for February 27, 2024 made by Marshall Donat, seconded by Kimberly Burkan. Vote carried 7-0.

This Meeting was adjourned at 9:45 pm on a motion by Chip Marrano, seconded by Ryan McAuliffe. Vote carried 7-0.

The next regular Board meeting is scheduled for February 27, 2024.

Jacqueline Ghers

Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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