

**MINUTES OF THE PLANNING BOARD MEETING
HELD ON DECEMBER 21, 2021, AT 7:00 P.M.
VIA VIDEO CONFERENCE USING THE PLATFORM ZOOM
HARRISON, NY**

MEMBERS PRESENT

Thomas Heaslip, Chairman

Nonie Reich

Marshall Donat

Joseph Stout

Chip Marrano

Jeffrey Spano

Kimberly Burkan

MEMBERS ABSENT

Patrick Cleary, Planning Consultant to the Board, Benjamin Heaslip, Assistant Planning Consultant to the Board were present tonight

The Acting Chairman opened the meeting with the Pledge of Allegiance.

COMMITTEE REPORTS

- Adopt minutes from November 23, 2021

Motion to accept the November 23, 2021 minutes made by Jeffrey Spano, seconded by Joseph Stout. Vote carried 6-0.

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

Steve Wrabel, Esq. with McCullough Goldberger & Stoudt appeared before the Board on behalf of the applicant. He gave an overview of the request for the extension requests.

Motion to grant 1 year extensions for Steep Slope and Wetland permits made by Chip Marrano, seconded by Nonie Reich. Vote carried 6-0.

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1. **2700 WESTCHESTER AVENUE – REDEVELOPMENT** (PB21-017) 2500/2700
Westchester Avenue, Block 611, Lot 3 – DEIS, **Public Hearing**

Seth Mandelbaum Esq. with McCullough Goldberger & Staudt appeared before the Board on behalf of the application. He gave an overview of the project and introduced the project team.

Chris Richter with Sun Realty appeared before the Board and gave an overview of the economic of the 2 buildings.

Peter Feroe with AKRF gave a presentation of the project and the DEIS with the Board.

Rob Aiello, with JMC appeared before the Board and gave an overview of the wetlands and flood plain on the property. The project reduces the impervious surface about 12%, the project does not encroach into the flood plane, traffic and transportation analysis was discussed.

Peter Feroe discussed alternatives to the new project and cumulative impacts of the area.

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

Patrick Cleary noted that this is a Public Hearing for the DEIS and the questions will be answered in the FEIS.

The Chairman asked if anyone wanted to speak.

Patrick Cleary noted that there may have been some confusion with the Zoom last minute meeting.

Nonie Reich asked about the impacted areas being review. She asked about the zoning text change.

Patrick Cleary noted that part of the action under the referral from the Town Board is the zoning text so it is this process that will allow you to make the zoning text amendment.

Nonie Reich stated that she is not sure why we don't wait until the other projects are up and running and if the analysis is correct. Why we need to tie up this approval with a zoning text amendment.

Seth Mandelbaum noted it's been a few months since we had the joint meeting with the Town Board and it was decided to study the whole corridor let's see what it looks like and the Planning Board would make its recommendation.

Patrick Cleary noted that all the questions that the Board asks the applicant will answer in the FEIS.

Joseph Stout asked if when you did the traffic study at full occupancy did you study at

30% occupancy also. Is there an alternate entrance that can be looked at. I think this is a good project and is for sale and not rental.

The Chairman asked about the density and if a study was done with a no build vs this project. The project appears to have very limited green space and amenities. 69 Town Homes may be to much for the site.

Patrick Cleary noted that the Engineering Department has retained Woodard & Curran and will need some time to review the DEIS.

Seth Mendelbaum asked if we could get any comments from consultants at a reasonable time before the January 25th meeting.

Motion to adjourn the Public Hearing made by Joseph Stout, seconded by Marshall Donat. Vote carried 7-0.

2. **YAU SUBDIVISION** (14-539) – 22 Buckout Road, Block 1001, Lot 7 – Preliminary Plat Review, Steep Slope Review, Wetland Permit Review, SEQR Review, **Public Hearing**

Kristen Motel, Esq. with Cuddy & Feder appeared before the Board on behalf of the applicant regarding the cluster subdivision as well as the wetland and steep slope permits.

Dan Collins with Hudson Engineering appeared before the Board and went over the layout of the cluster subdivision, access road, water retention and addressed Woodard & Curran's comments.

Bill Kenny, Wetland Consultant, appeared before the Board and noted that the offsite wetland has been identified.

The Chairman asked if anyone on the Zoom session would like to speak or if any Board members had any comments.

Joseph Stout asked if there was a resolution regarding the lot counts.

Patrick Cleary noted that applicant needed to address the engineering comments and get a lot count before we can close the Public Hearing.

Motion for the Public Hearing to remain open to the January 25, 2022 made by Nonie Reich, seconded by Marshall Donat. Vote carried 7-0.

Patrick Cleary noted that Dan Collins and Mike Amodeo should meet.

3. **DUNKIN RESTAURANT – NEW BUILDING** (PB21-006) – 260 Halstead Avenue, Block 122, Lot 46 – Amended Site Plan Review, SEQR Review, **Public Hearing**

Kristen Motel, Esq. with Cuddy & Feder appeared before the Board on behalf of the applicant and gave an overview of the application.

Chris Raffaeilli, Architect appeared before the Board and gave an overview of the new design of the building.

John Canning, Traffic Engineer appeared and went over the projections that the Board requested.

Kristen Motel went over the traffic control with the no left turn and the applicant willing to commit regarding the modification.

Peter Marrinan, Franchisee owner appeared before the Board.

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

The Chairman asked if anyone wanted to speak on this matter or any comments from the Board.

Joseph Stout noted that the numbers are very interesting and is there anyone that can verify the numbers. He asked John Canning about the left turn and noted that another Board over us removing the sign.

John Canning noted that it's a County road and if the County approves it they would probably not going to remove it.

Joseph Stout noted that the last site plan approval had a no left turn and a week later the Town removed it.

John Canning noted that the proposed proposal the entrance and the exit will be widened.

Peter Marrinan stated that the numbers that were provided were not from me they were from Dunkin Brand.

The Chairman noted that from the first time you were before the Board and we asked about deliveries during the day with large trucks and you knew we were watching and I noticed about a week ago that a truck blocked the entrance during the day and caused a huge traffic jam. The driver after the delivery locked his truck and went across the street to get lunch; he then made left turn and blocked the street.

Peter Marrinan noted that we made a commitment for the new building. At this point we

get one delivery a week in a large truck.

Brad Phillips the property owner noted that at this present time there is no delivery requirements and we are willing to restrict the delivery time and size.

The Chairman noted that there still remain various issues with the application that have not been satisfactorily addressed by the applicant. The project as proposed relies on systems and employees to work to perfection and leaves no room for error or mishap.

Pater Marrinan noted that we think this plan addresses most of the Boards concerns.

Kimberly Burkan noted that there is a lot of foot traffic and you are planning to add more vehicular traffic.

The Chairman asked if a further study on the matrix could be done.

Joseph Stout asked what no left turn does if it's taken away by one of the municipal agencies and six months down the road the traffic is more congested than currently exists today. What is the end game?

Brad Phillips noted that we have hired John Canning and the Town has hired Phil Grealy and we would love to hear from Phil Grealy.

Philip Grealy, Town's Traffic Consultant appeared before the Board and went over his findings on the project.

A discussion took place regarding the traffic, pedestrian traffic, deliveries for Dunkin and CVS and the pedestrian crosswalk on Halstead Avenue.

Patrick Cleary noted that the information you received is nothing you haven't heard already. We can prepare resolutions for the Board for next meeting.

The Chairman asked the Board if it wanted to close the Public Hearing.

Motion to close the Public Hearing made by Marshall Donat, seconded by Chip Marrano. Vote carried 7-0.

Staffs to prepare resolutions for both approve and denial for Boards reviews at the January meeting.

4. **T-MOBILE** (PB21-030) – 600 Mamaroneck Avenue, Block 482, Lot 27 – Site Plan Review, Special Exception Use Permit, SEQR Review, **Public Hearing**

Frank Ferraro, Esq. appeared before the Board on behalf of the applicant. He gave an

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overview of the application for the upgrade of the antennas.

The Chairman noted that we are good with the plan.

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

The Chairman asked if anyone would like to speak on this matter or any comments from the Board.

Motion to close the Public Hearing made by Marshall Donat, seconded by Nonie Reich. Vote carried 7-0.

Patrick Cleary noted that in Ron Graff memo he raised two issues.

Motion to grant Special Exception Use permit made by Joseph Stout, seconded by Jeffrey Spano with conditions. Vote carried 7-0.

Motion to grant Site Plan approval with conditions made by Joseph Stout, seconded by Jeffrey Spano. Vote carried 7-0.

5. **COLONIAL ARMS – NEW MULTI-FAMILY BUILDING RE-APPROVAL** (PB21-032) – 197-203 Harrison Avenue, Block 134, Lots 1 & 29 – Site Plan, Special Exception Use, SEQR Review, **Public Hearing**

The Chairman and Jeffrey Spano recused themselves from the proceeding.

Joseph Stout, Acting Chairman, asked for a motion to open the Public Hearing.

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

Steve Wrabel, Esq. with McCullough Goldberger & Staudt appeared before the Board on behalf of the applicant and the request for a re-approval.

The Acting Chairman asked if anyone would like to speak on this matter or any comments or questions from the Board.

Keith Colavito who lives down the road from the project, expressed concern about flooding on Purdy Street and asked if a water flow study has been done regarding.

Steve Wrabel noted that a stormwater management plan was done and reviewed by the Town's Engineer.

Keith Colavito asked if a traffic study was done.

Steve Wrabel noted that he was not aware if it was done.

Keith Colavito asked about the parking, location of the overflow parking, and landscaping for the new four story building.

George Varthalamis, Architect appeared before the Board and went over the plans showing the landscaping for the terrace area. The landscaped area that Mr. Colavito is talking about is not part of our property so those trees will not be removed.

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

Motion to grant Negative Declaration with conditions made by Chip Marrano, seconded by Nonie Reich. Vote carried 5-0.

Patrick Cleary stated that the approval is subject to verifying the stormwater management plan as correct, performance bond is correct and the environmental approvals that were adopted in 2017.

Motion to grant Site Plan approval with engineering conditions made by Nonie Reich, seconded by Marshall Donat. Vote carried 5-0.

Motion to grant Special Exception Use permit subject to engineering conditions made by Marshall Donat, seconded by Nonie Reich. Vote carried 5-0.

6. **82-86 HALSTEAD AVENUE – SITE PLAN** (PB21-029) – 82-84-86 Halstead Avenue, Block 75, Lot 5 – Site Plan Review, SEQOR Review, **Public Hearing**

Dennis Drohan appeared before the Board on behalf of the application, he noted that Zoning Board granted approval at the last meeting.

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

The Chairman asked if anyone would like to speak on this matter or if there are any comments from the Board.

Motion to close the Public Hearing made by Chip Marrano, seconded by Marshall Donat. Vote carried 7-0.

Motion to grant conditional Site Plan approval made by Marshall Donat, seconded by Chip Marrano. Vote carried 7-0.

7. **111 CALVERT STREET – CONTAINER & FENCE ENCLOSURE** (PB21-012) – 111 Calvert Street, Block 112, Lot 7 – Site Plan Review, SEQR Review

Andrew Spatz, Esq. appeared before the Board on behalf of the application for installation of a waste container and a fence enclosure.

Motion to schedule Public Hearing for January 25, 2022 made by Jeffrey Spano, seconded by Joseph Stout. Vote carried 7-0.

8. **HARRIS RESIDENCE – 100 FOOT BUFFER** (PB21-026) – 2 Beverly Road, Block 642, Lot 2 – Site Plan Review, SEQR Review

Steve Wrabel, Esq. with McCullough Goldberger & Staudt appeared before the Board on behalf of the applicant. He gave an overview of the request for a fence to be located in the 100 foot buffer.

The Charmian noted that he would like to see a landscaping plan.

Joseph Stout noted that the fence looks like a wall.

Nonie Reich noted that I also would like to see a landscaping plan and mentioned that the home is very close to the road.

Chip Marrano noted his concerns for painting the fence.

Marshall Donat stated that a chain link fence and landscaping would address their concerns.

9. **SUMMERHILL REALTY SUBDIVISION** (PB21-033) – 12 & 16 Kempner Lane, Block 981, Lots 20 & 48 and Lake Street, Block 981, Lot 13 – Sketch Plan Review, SEQR Review

Patrick O'Sullivan, Esq. with Kean and Bean, appeared before the Board on behalf of the applicant.

Zac Pearson, Engineer with Insite Engineering appeared before the Board and gave an overview of the application for a three lot subdivision.

The Chairman asked if the applicant had reached out to Engineering Department and the Town Planning Consultant. Meet with both of them before the next meeting.

Patrick Cleary noted that the 3 lot has environmental constraints.

10. **BLAINE RESIDENCE – 100 FOOT BUFFER** (PB21-035) – 12 Cottage Avenue, Block 671, Lot 14 – Site Plan Review, SEQR Review

Steve Wrabel, Esq. with McCullough Goldberger & Stoudt appeared before the Board on behalf of the applicant and gave an overview of the application for a sports court in the 100 foot buffer.

Nonie Reich asked if it's the Purchase Street buffer.

Steve Wrabel noted it's the Purchase buffer along Cottage Avenue.

Joseph Stout asked about the fence in photo 2 which is also in the buffer.

Nonie Reich asked if there is an alternative site for the court.

Steve Wrabel noted that they did look at other locations on the site and believe this location has less impact on the neighbors.

The Chairman asked if it can be moved to the upper right corner of the property.

Patrick Cleary asked about the easement and if a structure can be put on the easement.

The Chairman asked if it can be moved out of the buffer and behind the house in the grass area near the pool.

11. **190 GAINSBORG AVENUE – SUBDIVISION** (PB21-036) – 190 Gainsborg Avenue, Block 874, Lot 8 – Sketch Plan Review, SEQR Review

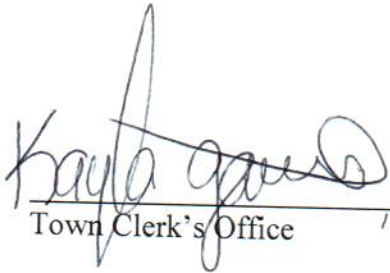
George Mottarella, Engineer appeared before the Board on behalf of the applicant and gave an overview of the two lot subdivision.

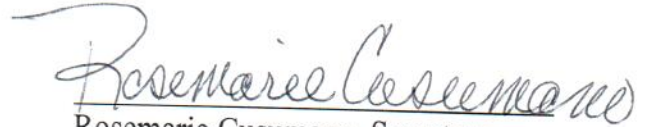
The Chairman asked if it's fully conforming.

Patrick Cleary noted that it is and some additional details need to be provided. He asked if George could meet with Town Engineer.

This Meeting was adjourned at 10:40 pm on a motion by Nonie Reich, seconded by Marshall Donat. Vote carried 7-0.

The next regular Board meeting is scheduled for January 25, 2022.


Town Clerk's Office, Deputy


Rosemarie Cusumano, Secretary

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