

**MINUTES OF THE PLANNING BOARD MEETING
HELD ON MARCH 29, 2022, AT 7:00 P.M. AT THE MUNICIPAL BUILDING,
1 HEINEMAN PLACE, HARRISON, NY**

MEMBERS PRESENT

*Joseph Stout, Acting Chairman
Nonie Reich
Chip Marrano
Jeffrey Spano
Kimberly Burkan*

MEMBERS ABSENT

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

The Chairman opened the meeting with the Pledge of Allegiance. The Chairman thanked Thomas Heaslip for his service and contribution to the Town. Chip Marrano, Jeffrey Spano and Nonie Reich also thanked Thomas Heaslip for his service and dedication to the Board.

COMMITTEE REPORTS

- Adopt minutes from February 22, 2022

Motion to accept the February 22, 2022 minutes made by Chip Marrano, seconded by Nonie Reich. Vote carried 5-0.

- **BLIND BROOK STREAM MONITORING STATION** (PB21-013) – Lincoln Avenue, Block 611, Lot 15 – Wetland Permit 1 Year Extension

Patrick Cleary noted that they have had delays in retaining a contractor due to Covid.

Motion to grant a one year wetland permit extension made by Jeffrey Spano, seconded by Chip Marrano. Vote carried 5-0.

- **WEBB AVENUE – NEW MULTI-FAMILY BUILDING** (19-1446) – Webb Avenue, Block 603, Lot 1 – Accept FEIS as Complete

The Chairman noted we received some letters about the FEIS today and would like to address that before we move on. As a result of the Planning Boards

concerns of the flooding a special flood engineer and environmental consultants were retained and this resulted in numerous revisions to the project. Today we received a letters from PEPA and the Village of Rye Brook that raised all of the same concerns the Board has. The FEIS has been revised to reflect all the changes and the Board believes that it's in a form suitable for public review. As a result we would like to accept the FEIS as complete and schedule a public hearing so that we can obtain public comment.

Motion to accept the FEIS as complete and schedule a Public Hearing for May 3, 2022 made by Chip Marrano, seconded by Kimberly Burkan. Vote carried 5-0.

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

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

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

2. **ALLER SUBDIVISION** (PB20-021) – 75 Kenilworth Road, Block 591, Lot 4 – Final Plat Review, SEQR Review, **Public Hearing**

Kristen Wilson, Esq. appeared before the Board on behalf of the applicant and the request for a two lot subdivision. She gave an overview of the application.

The Chairman asked as presented to us is it fully zoning conforming.

Kristen Wilson noted that yes it is fully zoning conforming.

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

Nonie Reich noted that she appreciates with efforts working with us.

Carolyn Schwartz of 3 Brookview Lane noted that she is not sure what their proposing to do. She stated that there is a lot of flooding at the base of Kenilworth and Ironwood Lane and the flooding has not been addressed.

Joe Riina addressed some of the flooding concerns that the neighbor talked about.

The Chairman noted that the Town Engineer has no comments about the plan it will comply with the stormwater regulations.

Ted Demirjian of 33 Century Ridge Road expressed his concerns regarding wetlands and stormwater management.

A discussion took place regarding stormwater management and the proposed location of the new home being fully zoning compliant.

The Chairman asked if anyone else wishes to speak, anything else from the Board.

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

The Chairman asked Patrick Cleary what the next step would be.

Patrick Cleary noted that if the Board would like to advance the application, this is a minor subdivision it can move towards submission of the final subdivision plat which would be brought before you at the next meeting for consideration and take action.

Motion to prepare Final Subdivision Plat made by Nonie Reich, seconded by Chip Marrano. Vote carried 5-0.

3. **111 CALVERT STREET – CONTAINER & FENCE ENCLOSURE** (PB21-012) – 111 Calvert Street, Block 112, Lot 7 – Site Plan Review, SEQR Review, **Public Hearing**

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

Motion to adjourn the Public Hearing to May 3, 2022 made by Nonie Reich, seconded by Jeffrey Spano. Vote carried 5-0.

4. **WOODED HILLS – SUBDIVISION** (PB22-003) – 2007 Purchase Street, Block 641, Lot 1 – Final Plat Review, SEQR Review, **Public Hearing**

Eric Gordon, Esq. with Kean and Beane appeared before the Board on behalf of the applicant and gave an overview of the application for a 2 lot subdivision with no intention to build on the second lot.

Zac Pearson, Engineer with Insite Engineering appeared before the Board on behalf of the

application for a 2 lot subdivision on a 17.7 acre parcel. The existing residence on the western side of the property and carving off a 3.9 acre parcel; there is a wetland in the eastern portion of the property all the way against the eastern boundary. There is existing curb cut off Purchase Street and were proposing no new curb cuts for the new driveway for the house will come off of the existing driveway, proposed water service connection to existing water service and sewer service to one site existing sewer and stormwater treatment for the new proposed lot.

The Chairman stated that if you're not going to develop that than you're not going to install stormwater management systems until it's done.

Zac Pearson stated not until the lot will be constructed.

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

Nonie Reich asked if you could point out the wetlands and the buffer located.

Zac Pearson noted the wetland and the buffer location to the Board.

Nonie Reich noted that any proposed development would be hundreds of feet away.

The Chairman asked if anyone from the public would like to speak on this.

Ted Demirjian of 33 Century Ridge Road expressed his concerns regarding the wetlands and stormwater management.

A discussion took place regarding the wetland, wetland buffer, stormwater management and the proposed lot not being developed at this time.

The Chairman asked if anyone else would like to speak or if the Board had anything else.

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

Motion to grant Negative Declaration made by Jeffrey Spano, seconded by Chip Marrano. Vote carried 5-0.

Motion to grant Final Plat approval made by Chip Marrano, seconded by Nonie Reich. Vote carried 5-0.

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

Steve Wrable, Esq. with McCullough Goldberger & Staudt appeared before the Board on behalf of the application for a fence within the 100 foot buffer. He gave an overview of the new plan regarding the plantings and the moving of the fence.

John Ambiano, Landscape Architect noted that the fence is being moved 11 feet into the property; we will be painting it green and adding plantings.

Chip Marrano noted that we have in the past did tell the owner that the white fence had to go. We would approve a chain link fence with the plantings.

Steve Wrable did note that the owner did reach out to the fence company and it can be painted.

Chip Marrano noted that we would prefer a chain link fence.

The Chairman noted that it's no maintenance and it disappears.

Chip Marrano noted and it gives the homeowner security, if the green fence is there whether it's a year or 4 years it's going to peel and going to turn white again.

Steve Wrabel noted that if it's a condition of approval and if time bears out that it can't sustain the green paint the Town would be in its rights to say you're in violation.

Chip Marrano stated that I think you should go back to your client as talk about a chain link fence.

The Chairman noted that this does look better than the white fence but is an encroachment in the buffer that is substantial.

Steve Wrabel noted that we know we are in violation and we are trying to help them financially so they don't have to purchase a new fence.

Nonie Reich noted that she did appreciate the landscaping but has concerns of the maintenance of the fence and would like to see something with more texture other than the arborvitaes. Maybe moving it back more would help.

Steve Wrabel stated that he will ask the applicant about moving it further back.

John Ambiano asked the Board if it would accept another solid fence or is it a matter of the maintenance.

6. **BILTMORE ESTATES @ POLLY PARK SUBDIVISION** (17-1373) – Polly Park

Road, Block 567, Lot 1 – Revised Supplemental Environmental Impact Statement Scoping Document

Chip Marrano and Jeffrey Spano recused themselves from the proceeding.

Kathy Zalantis, Esq. with Silverberg & Zalantis appeared before the Board on behalf of the revised supplemental environmental impact statement.

Kevin McManus appeared before the Board on behalf of the application and gave an overview of the new proposed subdivision.

The Chairman noted that we will schedule a Public Scoping session in May 3, 2022.

Patrick Cleary noted that the draft scoping document will be posted on the web site for review.

7. **47 HALSTEAD AVENUE – ZONING TEXT AMENDMENT** (PB21-034) – 47-49 Halstead Avenue, Block 44, Lot 9 – Town Board Zoning Text Amendment Referral

Al Pirro, Esq. appeared before the Board on behalf of the applicant. He gave an overview of the application and the zoning text amendment change being requested.

Mark Mustacato, Architect appeared before the Board and gave an overview of the area.

The Chairman asked about the gas station and the lot across from DeCicco could also be developed.

Mark Mustacato noted that they would have to be combined to be developed.

Al Pirro asked if the Board would declare themselves lead agency and make a recordation to the Town Board for the zoning text amendment.

Mark Mustacato reviewed the plans with the Board.

Motion to refer to the Town Board with a positive recommendation for the Zoning Text Amendment made by Chip Marrano, seconded by Jeffrey Spano. Vote carried 5-0.

Motion to declare the Board Lead Agency made by Nonie Reich, seconded by Chip Marrano. Vote carried 5-0.

8. **OLD OAKS COUNTRY CLUB – PLATFORM TENNIS COURTS** (PB22-006) – 3100 Purchase Street, Block 681, Lot 5 – Amended Site Plan Review, SEQR Review

Rob Coster with Court Pro appeared before the Board on behalf of the applicant. He gave an overview of the application to add platform tennis courts in the location of an existing basketball court.

Motion to schedule a Public Hearing for May 3, 2022 made by Nonie Reich, seconded by Kimberly Burkan. Vote carried 5-0.

9. **MORGAN STANLEY – PARKING GARAGE SOLAR CARPORTS** (PB22-007) – 2000 Westchester Avenue – Block 625, Lot 1 – Amended Site Plan Review, Special Exception Use Permit, SEQR Review

Chris Fisher, Esq. with Cuddy & Feder appeared before the Board on behalf of the applicant. He gave an overview of the application for the solar carports on the existing parking area.

Anmol Sajjad, Engineer with Brightcore appeared before the Board and gave an overview of the solar carports, heights and the visual impacts.

The Chairman noted that you will have to meet with the building inspector regarding the heights of the carports.

Motion to schedule a Public hearing for May 3, 2022 made by Nonie Reich, seconded by Jeffrey Spano. Vote carried 5-0.

10. **27 CENTURY RIDGE ROAD – NEW SINGLE-FAMILY HOME** (PB22-008) – 27 Century Ridge Road, Block 691, Lot 84 – Steep Slope Review, Wetland Permit Review, SEQR Review

Tony Gioffre, Esq. with Cuddy & Feder appeared before the Board on behalf of the applicant and gave an overview of the application for steep slopes and wetland permit.

Bob Stanziale, Architect appeared before the Board and gave an overview the application for a new single-family home.

Dan Collins, Engineer with Hudson Engineering appeared before the Board. He noted that generally the overall layout stays pretty much close to what was approved as part of the original approval. He gave an overview of the proposed stormwater system, driveway location and noted that only one tree is being proposed to be removed in the septic field.

Tony Gioffre noted the premise does not contain any fresh water wetlands or watercourses as a result Mr. Kenny identified in his reports that there will be no direct

impact to such resources.

Mr. Louis Grosso, property owner addressed the Board and noted that he is trying to work with the neighbor and will be updating the drawing to move the driveway and cultec chambers to the other side of the property.

The Chairman noted then you will have to come back with the driveway on that side there.

A discussion took place regarding the moving of the driveway and the application before the Board.

The Chairman noted that my only question that would be can we schedule a Public Hearing on an application that could be materially different than what's been presented to us.

Patrick Cleary noted your normal practice is Mr. Chairman is to schedule a Public Hearing for the plan that you're considering approving.

The Chairman noted that I know that were not required to but for practice is that we do for wetland permits. We will schedule it for the plan before the Board.

Tony Gioffre stated that my request would be if we could schedule a Public Hearing for your May 3rd meeting, this is the plan that's before you and if it's determined that we cannot relocate the driveway we don't lose time. If we do end up relocating it and the Board determines not to open the Public Hearing or open the Public Hearing and adjourn it to your seconded meeting in May.

Motion to schedule a Public Hearing for May 3, 2022 made by Nonie Reich, seconded by Jeffrey Spano. Vote carried 5-0.

Motion to retain Evans associates made by Nonie Reich, seconded by Jeffrey Spano. Vote carried 5-0.

11. **FORDHAM UNIVERSITY SOLAR CANOPIES – RE-APPROVAL** (PB22-009) – 400 Westchester Avenue, Block 631, Lot 13 – Amended Site Plan Review, Wetland Permit Review, SEQR Review

Zac Pearson, Engineer with Insite Engineering appeared before the Board on behalf of the applicant and the application for the re-approval.

Nonie Reich asked if this is the same project that we previously approved.

Zac Pearson noted that it is the same application.

Motion to schedule a Public Hearing for May 3, 2022 made by Nonie Reich, seconded by Jeffrey Spano. Vote carried 5-0.

12. **4300 PURCHASE STREET – SUBDIVISION** (PB22-010) – 4300 Purchase Street, Block 981, Lot 50 – Sketch Plan Review, SEQR Review

Dan Collins, Engineer with Hudson Engineering appeared before the Board on behalf of the applicant. He gave an overview of the application for a 2 lot subdivision.

The Chairman noted that it's a long driveway.

Patrick Cleary noted that you will have to meet with DOT; it's also a flag lot and will need a variance.

The Chairman asked if there was any way to reduce the driveway.


Motion to declare the Board Lead Agency made by Chip Marrano, seconded by Jeffrey Spano. Vote carried 5-0.

This Meeting was adjourned at 8:50 pm on a motion by Nonie Reich, seconded by Jeffrey Spano. Vote carried 5-0.

The next regular Board meeting is scheduled for May 3, 2022.



Town Clerk's Office


Rosemarie Cusumano, Secretary

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HARRISON, NY