



Briarcliff Manor

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July 2005 Minutes

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Village of Briarcliff Manor, New York
 Planning Board Meeting Minutes
 Tuesday July 12, 2005
 APPROVED MINUTES



A regular meeting of the Planning Board of the Village of Briarcliff Manor, 1111 Pleasantville Road, Briarcliff Manor, New York 10510, was held in the Village Hall on Tuesday, July 12, 2005 at 8:00pm.

Members Present: Andrew Tung, Chairman
 Bill Gorlin, Member
 Jay Neveloff, Member
 Nancy Pine, Member
 Jay Teitelbaum, Member
 Ed Nolan, Alternate Member

Also Present: Patrick LaRow, Planning Consultant
 Daniel Pozin, Village Attorney
 Ingrid Richards, Assistant Village Manager
 David Turiano, Building Inspector
 Christine Dennett, Stenographer

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Call to Order: Chairman Tung called the meeting to order at 8:00pm.

PB-01-2005- PUBLIC HEARING- CYNTMAR SUBDIVISION/STEEP SLOPE APPROVAL a/k/a/ SEVROC APPLICATION: The Planning Board was to hold a public hearing on an application to subdivide one lot into three lots. The property is located on the west side of Pleasantville Road, across from Osage Drive. The application was adjourned to the August meeting.

PB-02-2005-PUBLIC HEARING- STAFFORD SUBDIVISION APPROVAL: The Planning Board held a public hearing on an application to subdivide one lot, located at 107 Aspinwall Road, into two lots. A Preliminary Subdivision Layout was submitted by Petruccelli Engineering.

Upon motion by Member Neveloff, seconded by Member Pine, the Board voted unanimously to open the public hearing.

Rudy Petruccelli, the applicant's engineer, stated that the applicant has complied with all the Boards requests and he respectfully asked the Board to proceed with the application.

Dr. Moyer, 226 Sleepy Hollow Road, asked what the height of the proposed building would be. He further stated that he would like the applicant to install trees along the perimeter of the property for more privacy.

Rudy Petruccelli responded that the building would meet all the Village's regulations and planting trees would not be a problem.

Dr. Moyer further asked if water runoff would be covered also.

Rudy Petruccelli stated the water would be kept on site in dry wells.

Building Inspector Turiano stated in the Fiscal Year 2005-2006 Capital Budget, there were funds to replace the culvert at the corner of Aspinwall and Sleepy Hollow Roads to alleviate flooding.

Upon motion by Member Neveloff, seconded by Member Gorlin, the Board voted unanimously to close the public hearing.

The Board made changes in the resolution stating specific and unique conditions that this application met which were required in order for the Board to approve the subdivision of this unusual lot. The Board also included the condition that a buffer of trees must be planted on both sides of the property
 Upon motion by Member Gorlin, seconded by Member Neveloff, the Board voted 4-1 to approve the application. Member Teitelbaum voted against the application.

PB-04-2005-LRM/LONG HILL ROAD SUBDIVISION: The Planning Board reviewed a request for Final Plat approval for the property located on Long Hill Road East. The applicant submitted the Final Plat and associated documentation.

The applicant, Michael Gelardi stated his opinion that everything was in conformance with the original approval. He further stated he received Westchester County Department of Environmental Conservation and Westchester Joint Water Works approval. He stated the plat was signed by all parties except the Planning Board. He further stated stormwater treatment had changed slightly to conform to the DEC requests. He also noted that the sanitary sewer and stream location were in the same location as the preliminary approval.

Member Neveloff stated he was concerned about the impacts as a result of the high water table.

Building Inspector Turiano stated a number of foundations in the Village have been excavated with high ground water conditions, but he was unable to identify any at the time.

Member Gorlin asked how successful those projects had been with a five to seven foot water table.

Member Pine noted that the applicant had been asked to prepare borings for all the low lying lots and this has not been done. Nor had any new drainage reports been done to demonstrate possible impacts to the site and specifically the wetlands, the homes and the sewer line.

The engineer for the applicant stated he was designing curtain drains which are a standard solution for ground water.

The members noted that there are inconsistencies between the various consultant's reports and this must be clarified.

Member Neveloff stated he wanted the applicant's opinion to be reviewed by the Village Consulting Engineer, Tim Cronin.

Member Pine stated the Board only learned about the high water table recently as a result of the applicant satisfying the condition that a hydrologist review the plans. This was done subsequent to the DEC permit approval. She stated she believes that the DEC should be informed of the new information and determine whether they require more information to determine if there is an impact to the wetlands.

The applicant was asked to provide more information in addition to the borings on the low-lying lots eg. drainage plans for the affected lots, drainage studies showing whether there is any change to the impact on the wetland and sewer line among other things.

Chairman Tung stated the Board would get the opinion of Consulting Engineer, Tim Cronin and the Board would also invite Leggette Brashears and Graham, Inc (LBG), Village consulting hydrologist and Cronin engineering to the meeting the following month.

Chairman Tung stated Tim Cronin and LBG would coordinate a presentation for next month's meeting and the applicants engineer would be invited to attend.

PB-03-2005 CONGREGATION SONS OF ISRAEL- SITE PLAN AMENDMENT APPLICATION: The Planning Board reviewed an application to amend Congregation Sons of Israel Temple's Site Plan. The property is located at 1666 Pleasantville Road.

Member Neveloff recused himself and Alternate Member Nolan replaced him. The Board requested minor changes in wording to the resolution.

Upon motion by Member Pine, seconded by Member Gorlin, the Board voted unanimously to approve the application.

PB-08-2005 LENIHAN-STEEP SLOPES PERMIT- The Planning Board reviewed an application for a steep slopes permit for certain site improvements to the existing residence at 45 Ridgecrest Road.

Robert Ponzini and David Smith presented on behalf of the applicant.

Elaine Behling of Browning Drive in Ossining stated the applicant installed an entirely new driveway, which construction began in July 2004 without obtaining the necessary permits until October 2004. She stated she previously submitted photos to the Board and the Village Manager.

Member Neveloff asked if the driveway had been reconfigured.

Mr. Ponzini stated the driveway had been reconfigured but that only the entrance of the driveway was actually on the 15-25% slope.

Member Pine stated the Board had never reviewed an application like this before for a steep slope permit.

In the past all applications referred by the Building Inspector were for new home construction. Both Member Pine and others voiced their concern about setting a new precedent.

Village Counsel Pozin stated that the Zoning Board of Appeals asked counsel for an interpretation of the steep slopes ordinance and as a result of the interpretation, it was referred to the Board.

The Board reviewed the application.

Members Teitelbaum, Pine and Neveloff stated that they did not believe that this matter was properly before the Board as a steep slopes matter. They noted that the steep slopes law had never been applied in this manner and wanted the record to reflect that the Planning Board was not establishing a precedent for considering such matters in the future.

Upon consideration of all conditions relating to the driveway, the pillars and wall, a motion was made by Member Teitelbaum, seconded by Member Pine, the Board voted unanimously to approve the application.

PB-06-2005-CLASSIC RESIDENCE BY HYATT-SPECIAL USE PERMIT REVIEW AND RECOMMENDATION AND SITE PLAN REVIEW: "Classic Residence" Continuing Care Retirement Community on the former King's College property located on Scarborough Road. The Board of Trustees referred the applicant's proposal to amend the location of the proposed cell tower and water tank to the Planning Board for a review and recommendation. The applicant submitted cell tree photos from various perspectives. The Planning Board and the applicant discussed the proposed change to the water system. Hazen and Sawyer discussed the differences between Barrington and the Hyatt water system.

The Board had a general discussion with regard to the application.

Tom McEnerney, of Hazen and Sawyer gave his professional opinion to the Board that the proposed water pumping system was reasonably equivalent to the gravity system currently in use.

Bea Apel, of Dimella Schaffer presented the proposed cell tree. She stated that trees (deciduous and conifers) would be planted to mask the pole.

Member Teitelbaum asked if the cellular service would be equivalent.

Ronald Graaf, for the applicant stated the service would be essentially comparable. .

Upon motion by Member Pine, seconded by Member Teitelbaum, the Board voted unanimously to provide the Board of Trustees with a positive recommendation related to the proposed special use permit amendment, subject to further review of the alternative water system and cell tree during the site plan application process for the project.

VILLAGE ENGINEER'S REPORT:

Building Inspector Turiano stated he had no information to report at that time.

Member Neveloff asked the status of the fuel spill at the Getty station.

Building Inspector Turiano stated he met with the consulting engineer some time ago. He further stated he would check the status.

Member Neveloff noted that it was time for the Village to adopt a law with regard to Gas stations notifying the Village once a leak has been discovered on their property. This way the Village would be able to take immediate action.

ZBA CASES:

There were no comments.

Chairman Tung stated he would speak to the ZBA Chairman to discuss the Steep Slopes issue.

MINUTES:

Upon motion by Member Gorlin, seconded by Member Teitelbaum the Board voted unanimously to approve the minutes of June 14, 2005 as amended. Member Neveloff abstained.

BOARD DISCUSSION:

The Board discussed procedural items pertaining to the distribution of Planning Board packets to the CAC after they learned that this practice was being abandoned and that the CAC was told that they no longer should provide input to the Planning Board

The Board also discussed the timing of the delivery of their package.

Member Neveloff discussed the importance of revising the steep slope law, as once again in this meeting, the ambiguity of the law caused confusion. It was decided that the Board would work on its own to prepare a recommendation to the Board of Trustees.

Member Teitelbaum suggested that the above items be discussed early on the next Planning Board agenda.

ADJOURNMENT:

Upon motion by Member Teitelbaum, seconded by Member Gorlin, the Board voted unanimously to close the Regular meeting of the Planning Board at 12:45am.

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