

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on September 10, 2009. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Planning Board's Records.

PRESENT:

Robert Galvin, AICP, Chairman
Michael Ianniello
Stewart Sterk
Lee Wexler
Frank Fish, BFJ Planning Consultant
Susan Oakley, BFJ Planning Consultant
Janet Insardi, Village Attorney
John Winter, Building Inspector
Keith Furey, Consulting Engineer
Susan Favate, BFJ Planning Consultant

EXCUSED ABSENT:

Ingemar Sjunneemark

AGENDA:

OLD BUSINESS:

1. **APPROVAL OF MINUTES**
2. **777 South Barry Ave. – Mamaroneck Beach & Yacht Club (MR- Marine Recreation)**
Wetlands permit to replenish and re-grade sand for beach.
3. **800 FENIMORE ROAD, NOLLES RIDGE – (R-6 Residential) - Subdivision Review**
Six residential lots and one conservation lot.

NEW BUSINESS:

1. **441,442,524, 532 WAVERLY AVE. (M-1 INDUSTRIAL DISTRICT) – Informal discussion for proposed bus lot.**

Mr. Galvin called the meeting to order at 7:05 P.M.

1. MINUTES

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to approve the minutes of the Regular Meeting of the Planning Board held on July 23, 2009

Ayes: Gavin, Sterk, Ianniello

Nays: None

Excused: Sjunneemark

Absent: Wexler

OLD BUSINESS:

1. **777 South Barry Ave. – Mamaroneck Beach & Yacht Club (MR- Marine Recreation)**
Wetlands permit to replenish and re grade sand for beach.

Mr. Galvin stated that the applicant informed him that they were not attending the meeting tonight, and Mr. Gavin notified had their attorney that the public hearing would be opened tonight and the matter would be heard.

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to open the Public Hearing.

Ayes: Gavin, Sterk, Ianniello

Nays: None

Recused:

Excused: Sjunneemark

Mr. Galvin stated that the Planning Board had declared their intent to assume lead agency status for this Type I action on 7/23/09. The notice was sent out to all involved agencies on 7/29/09. The Board has not received any response from the involved agencies.

Mr. Galvin stated that the application was amended per Mr. Sterk's suggestion that the permit to replenish and re-grade sand for beach be extended to 5 years, under certain conditions.

The public hearing was held open and the matter was put over to September 24, 2009.

Mr. Wexler arrived and joined the meeting.

2. 800 FENIMORE ROAD, NOLLES RIDGE – (R-6 Residential) - Subdivision Review
Six residential lots and one conservation lot.

Mr. Galvin stated that he has a legal opinion from the Village Attorney, Ms. Insardi, recommending that the Board reopen the public hearing and indicating that the public hearing should be renoticed.

On motion of Mr. Sterk, seconded by Mr. Ianniello the Public Hearing for the wetlands permit and subdivision of six residential lots and one conservation lot for 800 Fenimore Road, Nolles Ridge be reopened and be properly renoticed.

Ayes: Gavin, Sterk, Ianniello, Wexler

Nays: None

Excused: Sjunneemark

Mr. Galvin listed the following items to be placed into the record. A letter from the Town of Mamaroneck, a follow up letter from Mr. Fish to Mr. Altieri, the Town Administrator, a letter from Glenrock Home Owners Assoc. regarding EAF issues, a letter from Mr. Fish in response to the Glenrock Home Owners Association, a letter from Mr. Furey responding to the Town of Mamaroneck letter and a signed EAF for Nolles Ridge.

Mr. Fish reported on his meeting with the Town of Mamaroneck, which the Planning Board directed Mr. Fish to set up at its last meeting on 7/23/09. Mr. Furey, Ms. Insardi, and Mr. Slingerland, the Village Manager, attended for the Village and Ms. O'Keefe, Mr. Altieri and the Town Engineer, Mr. Goessl, attended to represent the Town. Mr. Fish stated that several things came out as a result of the meeting. First, the sewage issue on Fenimore Road was brought to the attention of Mr. Altieri who stated that he was not aware of the problem but will pursue the

matter. Secondly, the Town brought to the attention of the Village the existence of a pocket pond just over the border of the Town in Scarsdale. The pond is in Brittany Close, a 10 parcel subdivision, where the lot size and houses are larger. Mr. Fish stated that he had the opportunity to view the pond and it is a superb example. The difference is that the road goes completely around the pond.

Mr. Fish stated that Mr. Altieri replied to Mr. Galvin on 8/22/09 and that is the Town's input for now. The Planning Board will be sending Mr. Altieri all correspondence and subsequent plans.

Mr. Fish stated that he answered Glenrock's letter but wants it on record that his answers do not necessarily represent the opinion of the Board. It is Mr. Fish's belief that the property is not a minor or major aesthetic resource as the piece of property is privately owned. The land issue concerns were covered under other sections. The major concern is that the Board will need to be completely satisfied with Mr. Hahn's 8/31/09 submittal regarding stormwater, blasting and noise.

Mr. Hahn of 1769 Route 22 addressed the Board. Mr. Hahn stated that the architect addressed the noise level, in his memo. Mr. Marino, applicant's Wetlands expert, submitted 2 pages of explanation, and the stormwater plan was submitted and explained.

Mr. Hahn represented that 177 acres upstream drain directly on to the Nolleti site and the water flows thru the drainage channel ponding on the lower portion of the site now. The only control that the applicant has is the mitigation of the water generated by development on the site. The plan calls for a 4X6 foot culvert to allow the water from the 177 acres to pass under the intended road.

Mr. Furey stated that the lower level of the property is at flood elevation 26 and is inundated during storms, and the flow of the river becomes wider at the point where the pond is planned. Storage of the pond has to be above elevation 26.

Mr. Sterk stated that he thought Mr. Hahn was understating that he is not making it worse.

Mr. Furey stated that the only thing Mr. Hahn has any control over is the increased runoff from the development on the site. The 6X4 foot culvert is basically a bridge under which the additional water from upstream will be channeled.

Mr. Galvin asked to be provided with a profile of the pond regarding depth and DEC compliance.

There was a discussion about a fence at the West and North side of the property. Mr. Furey stated that Mr. Altieri also would like a fence for security reasons.

Mr. Furey stated that the Town requires a detailed plan for rock removal, the quantities and areas that rocks are to be removed from as well as the Village regulations. The Village is requiring that the applicant be required to adhere to the blasting regulations for all types of rock removal.

Mr. Galvin questioned the 12" pipe re: lot 2 and 7, Mr. Furey responded that the 12" pipe is sufficient. It is four times the size required, at 1,600 gals per minute.

Mr. Galvin stated that there are still some minor clarifications being worked out but they will not significantly change the plan.

Mr. Galvin stated that it would be a good approach to aerate the ponds for mosquito control.

The Pond was discussed and Mr. Furey stated that the pond will always have about 4 feet of water at about 3 feet below the surface. During storm events, the water level goes up as well as out.

Mr. Fish summarized that the 7/23/09 memo asked for additional information in order to complete Part 3 of the EAF. In regards to the storm water plan, the board must have sufficient information that all additional runoff can be handled on site to make a determination of significance. Mr. Furey will finalize that information by the next meeting. The Wetlands info must have a clearance plan dealing with the removal of invasive plants and the applicant should avoid the clear cutting of significant trees on the site. In the rock removal plan, the applicant should be sensitive to retaining rock ledges. Regarding noise, Mr. Fish stated that trees have little impact on the noise from I-95. Once all this information is received, the Board should have enough information to fill out Part 3 of the EAF.

Mr. Galvin questioned the landscaping of the cul du sac and the placement of the fire hydrant.

Mr. Winter responded that there is no village code regarding this. The Westchester Joint Water Works determines the water pressure and the placement of the hydrants.

Mr. Galvin would like to see a legal agreement regarding the area of conservation. Ms. Insardi stated that conservation easements have been encroached upon and there should be a demarcation put in place; a fence would be fine.

Mr. Galvin asked for the meets and bounds of the conservation area.

The public hearing was held open and the matter was adjourned to 9/23/09.

NEW BUSINESS:

1. 441,442,524, 532 WAVERLY AVE. (M-1 INDUSTRIAL DISTRICT) – Informal discussion for proposed bus lot.

Mr. Galvin stated that this is an informal discussion for a proposed bus parking lot.

Mr. Thomas Milo of Fayette Realty 566 Westchester Ave, Rye Brook appeared and addressed the Board. Mr. Milo stated that the plan is to demolish some of the structures, rehab 1 structure and overhaul the entire site for the use of a school bus depot. Mr. Milo stated that 441 & 442 Waverly Avenue are in the middle of a Brownfield Public Hearing.

Mr. Joe Cermele of Site Design Consultants discussed the changes to the property. Mr. Cermele said that the applicant has 2 scenarios proposed and the Waverly Ave. design plan from BFJ was consulted for the plans. Mr. Cermele stated that 441 & 442 would be demolished, 524 will be rehabbed for garage bays and second floor office space, and the truck wash will be demolished.

The Board discussed the number of buses to be parked on the site, where they are traveling through and their destinations as well as the time that they would leave and arrive back at the site.

Mr. Furey stated that the reason the applicant is before the board is to present an overall demolition and construction plan. There are still storm water issues as well as the Brownfield status to be reviewed.

Mr. Galvin stated that he finds the location difficult for the operation of a school bus depot. .

Mr. Sterk stated that the applicant would need a traffic study.

Mr. Galvin stated that the applicant has the right to apply but the Board doesn't want to waste the applicant's money. Mr. Galvin then asked if there were any other options for the site.

Mr. Milo responded that they would take the buildings down and overhaul the site for parking, if the bus depot does not happen.

Mr. Cermele and Mr. Milo stated that they would decide whether to do a traffic study to go forward with the application

The matter was adjourned until further action or an application is submitted by the applicant.

On motion made by Mr. Sterk, seconded by Mr. Wexler, the meeting was adjourned.

Ayes: Gavin, Sterk, Ianniello, Wexler

Nays: None

Excused: Sjunneemark

Minutes prepared by

Francine M. Brill