

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on February 10, 2010. 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  
Lee Wexler  
Ingemar Sjunneemark  
John Winter, Building Inspector  
Susan Favate, BFJ Planning  
Susan Oakley, Village Landscape Consultant  
Christie Derrico, Village Attorney

**ABSENT (Excused):** Stewart Sterk

**AGENDA:**

**OLD BUSINESS:**

**1. APPROVAL OF MINUTES**

**PUBLIC HEARING CONTINUED**

1. **1600 Harrison Avenue (O-1 Office District)** – Co-locate wireless telecommunications facility on roof of building.

**NEW BUSINESS:**

1. **French American School, 145 New Street – Dumpster Enclosure.**
2. **960 Mamaroneck Avenue (C-1) Faisal Liaqat – Informal discussion for proposed Domino's Pizza Restaurant.**
3. **501 Halstead Avenue (C-1) S&J Restaurant LLC – Referral from the ZBA**

Mr. Galvin called the meeting to order at 7:10P.M.

**1. MINUTES**

A motion was made by Mr. Sjunneemark, seconded by Mr. Wexler to approve the minutes of the Regular Meeting of the Planning Board held on January 28, 2010.

Ayes: Galvin, Sjunneemark, Wexler, Ianniello  
Nays: None  
Excused: Sterk

Mr. Galvin stated that he received a letter regarding Walter's Hot Dog Stand on Palmer Avenue from the NYS SHPO. The correspondence informed the Planning Board that the property has been nominated for the National Register as well as the NYS Register of Historic Places. It will be the subject of a public hearing on landmark status scheduled for March, 2010. The Chairman will respond in writing to support the land marking of the site.

#### **PUBLIC HEARING CONTINUED**

1. **1600 Harrison Avenue (O -1 Office District)** – Co-locate wireless telecommunications facility on roof of building.

The Planning Board had declared intent to assume Lead Agency status in December, 2009 and referred the matter to Harrison, Westchester County Planning and other involved agencies. The Planning Board has received no reply from any agency except from the ZBA. The ZBA had no objection to the Planning Board assuming lead agency for this unlisted action. A report dated February 9, 2010 from Mr. Musso of HDR, the Villages wireless consultant, was entered into the record.

Mr. Musso stated that he received the application in December, 2009 and conducted a site visit with the applicant. As a result of the site visit and his review of the application, he comprised a list of recommendations, which are listed in his 2/9/10 report.

The Planning Board stated that they would like the enclosure to match the existing black Sprint enclosure rather than attempt to match the two different color brick enclosures already on the roof. Mr. Musso stated that the landlord's preference is to go black with small signage indicating the antenna. Per Mr. Musso's recommendation, a written protocol will be provided to the Building Department before the building permit is granted.

Mr. Galvin indicated that per Village zoning code, a special permit for the wireless antennas is valid for a period of 5 years after which the applicant needs to recertify with the Building Department. This recertification would be done approximately 6 months before the termination of the five year period.

Mr. Anthony Hayden of 1402 Harrison Avenue asked if there will be testing of the signal strength after installation. Mr. Galvin responded yes and that is one of Mr. Musso's recommendations in his report. This is something that is typically required in these types of facilities.

Mr. Joseph Titrello of Ryewood Farms (the homeowners' Association) asked about the sight lines around the building and the visual impact. Mr. Musso showed photos and explained the positioning of the facility in the middle of the roof and discussed the minimal visual effect on the surrounding area.

Mr. John Fraioli of Ryewood Farms (unit #8) stated that he thinks it is an eyesore. He also indicated that there is a rental sign at 1600 Harrison Ave and questioned whether it had been approved. Mr. Winters stated that the Planning Board has no jurisdiction over these signs and that he will send the Code Enforcement Officer to check on the signage.

On motion of Mr. Ianniello, seconded by Mr. Wexler, a Negative Declaration under SEQRA was issued for the Metro PCS co-location of a wireless telecommunications facility on the roof at 1600 Harrison Avenue.

Ayes: Galvin, Sjunneemark, Wexler, Ianniello  
Nays: None  
Excused: Sterk

On motion of Mr. Ianniello, seconded by Mr. Sjunneemark, the public hearing for the METRO PCS wireless telecommunications facility at 1600 Harrison Avenue was closed.

Ayes: Galvin, Sjunneemark, Wexler, Ianniello  
Nays: None  
Excused: Sterk

On motion of Mr. Ianniello, seconded by Mr. Wexler, the Planning Board approved the Special Permit at 1600 Harrison Avenue for 6 antennas and accessory equipment in the interior of the building for METRO PCS under the terms in Article XVII (Wireless Telecommunication Facilities) & 342 –129 and &342 – 130. The special permit is conditioned upon the recommendations in Mr. Musso's report (listed on page 7).

Ayes: Galvin, Sjunneemark, Wexler, Ianniello  
Nays: None  
Excused: Sterk

On motion of Mr. Ianniello, seconded by Mr. Sjunneemark, the final Site Plan for the METRO PCS wireless telecommunications facility at 1600 Harrison Avenue (plan revised 10/1/2009) was approved.

Ayes: Galvin, Sjunneemark, Wexler, Ianniello  
Nays: None  
Excused: Sterk

**NEW BUSINESS:**

**1. French American School, 145 New Street – Dumpster Enclosure.**

Mr. Galvin stated that this is a Type 2 action and not subject to SEQRA. The ZBA at their last meeting approved the front yard variance. The Planning Board jurisdiction is to review the proposed dumpster enclosure.

Ms. Arminio, the facility manager for the French American School, appeared and addressed the Board. Ms. Arminio stated that the enclosure will be black to match the fence. The pastor of St. Vito's, Father Healy, has provided written permission for the submitted application.

Mr. Galvin stated that there should be evergreen plantings to screen the dumpster at this location. The Planning Board will require plantings as a condition for the dumpster special permit.

The Planning Board members, Ms. Arminio and Ms. Oakley the Village Landscaping consultant, discussed the possible plants to be used as screening. They decided on tall narrow arborvitae at least 6 feet in height. These would be planted along the corner along Elliott and Ralph Streets. Additionally, it was decided to place a 7 foot fence on the interior to screen the dumpsters and maintain the existing 5 foot, exterior fence.

On motion made by Mr. Galvin, seconded by Mr. Wexler, a special permit for the dumpster enclosure for the French American School at 145 New Street was approved with the following conditions:

- The installation of a concrete pad under the dumpsters per Village code
- The planting of arborvitae at least 6 foot in height around the exterior fence at the corner along Elliot and Ralph Streets.
- The installation of 7 foot fencing with black slats to screen the dumpsters on the interior of the parking lot, while maintaining the existing exterior fencing.

Ayes: Galvin, Sjunneemark, Wexler, Ianniello  
Nays: None  
Excused: Sterk

**2. 960 Mamaroneck Avenue (C-1) Faisal Liaquat – Informal discussion for proposed Dominos Pizza Restaurant.**

Mr. Galvin stated that this is an informal discussion and that the applicant is currently before the Zoning Board for a Special Permit for a restaurant.

Tony D’Adamo, the applicant’s architect, appeared and addressed the Board. Mr. D’Adamo stated that applicant plans to enlarge the front windows and to occupy the building as is. Mr. D’Adamo stated that the applicant will incorporate Ms. Oakley’s recommendations regarding landscaping and the removal of some impervious surface.

The asphalt driveway apron from Mamaroneck Avenue was discussed. It was determined that this is an issue for the landlord and not the current proposed tenant. Ms. Derrico, the Village Attorney, will check with the County regarding use of asphalt in the driveway (Mamaroneck Avenue at this location is under County control).

Parking was discussed and Mr. D’Adamo stated that there are 13 spaces available. The pizzeria requires 1 spot for every three seats and 1 for each 2 employees. The establishment is mostly for delivery service with a small amount of pickup. The split has traditionally been 80 to 85 percent delivery for this type of use.

Ms. Favate requested a full landscaping plan as part of a site plan submission.

On motion of Mr. Sjunneemark, seconded by Mr. Ianniello, the Planning Board declared itself as Lead Agency for this unlisted action for the proposed Domino's Pizza restaurant at 960 Mamaroneck Avenue.

Ayes: Galvin, Sjunneemark, Wexler, Ianniello  
Nays: None  
Excused: Sterk

The matter will need to go before the BAR and the Harbor Coastal Zone Management Commission as well as receiving a special permit from the ZBA.

### **3. 501 Halstead Avenue (C-1) S&J Restaurant LLC – Referral from the ZBA**

Mr. Galvin stated that the Zoning Board requested the Planning Board to review seating at this proposed restaurant. The Planning Board has no jurisdiction in this matter and is responding to the ZBA request. The application needs to receive a special permit from the ZBA for the proposed restaurant.

Ms. Derrico stated that the Board of Trustees also suggested the Planning Board review.

The maximum allowable seating was discussed based on space requirements under the NYS fire code. At the request of the Planning Board, the fire inspector and building inspector reviewed the interior space, seating capacity. Based on the Village code, confirmed by the Building Inspector that counter seats or seats otherwise allocated to the bar cannot be more than 20 percent of all allowable indoor seating.

The fire inspector had previously stated that total seating capacity is 36 employees (based on their review of interior space and State Fire Code).

The Planning Board looked at the seating plan and indicated that the plan presented looked tight. It indicated a total seating of 50 seats with 10 allocated to the bar and 40 to table seating. Based on information provided by the fire and building inspectors, the total seating capacity is 36. This is considerably less than the applicant's proposed seating of 50. The Board discussed this and determined with input from the building inspector that total seating appears to be 36 seats. There can be no more than 7 seats allocated to the bar (20 percent maximum) with the remaining 29 seats being table seating. The applicant should revise their plan to conform to the seating capacity provided by the fire inspector. The Building Department would need to approve any seating plan before the issuance of a building permit. The Fire Marshall would have to approve the plan for fire exits, seating occupancy and other fire code issues.

Mr. Galvin stated that the plan should be revised and returned to the ZBA. The Chairman indicated that he will provide a memo to the ZBA with the findings of the ZBA. He will also provide the operating hours of the nearby Chef Antonio restaurant to the ZBA. This information was requested by the Planning Board and researched and provided by the Building Department.

## **OLD BUSINESS**

Mr. Ianniello stated that the CVS dumpster enclosure has been damaged and requested the Building Department to review. Mr. Winter stated that he will check.

## **ADJOURNMENT**

On motion of Mr. Ianniello, seconded by Mr. Wexler, the meeting was adjourned at 9:20 p.m.

Ayes: Galvin, Sjunneberg, Wexler, Ianniello

Nays: None

Excused: Sterk

Minutes prepared by  
Francine M. Brill