

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on April 22, 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
- Stewart Sterk
- Ingemar Sjunnemark
- Lee Wexler (arrived late)
- Susan Favate, BFJ Planning
- Frank Fish, BFJ Planning
- Keith Furey, Village Consulting Engineer
- John Winter, Building Inspector
- Christie Derrico. Village Attorney

AGENDA:

APPROVAL OF MINUTES

OLD BUSINESS:

1. 1305 E. Boston Post Road – Requesting extension of site plan approval
2. 1153 W. Boson Post Road – (C-1 District) Go Green Cleaners – Site plan review
3. 960 Mamaroneck Ave, (C-1 District) Domino’s Pizza – Site plan review
4. Dumpster enclosure permits
 - 451 East Boston Post Road
 - 735 East Boston Post Road
 - 650 Halstead Avenue
 - 955 Mamaroneck Avenue
 - 960 Mamaroneck Avenue (Printcraft)
5. 622 Rushmore Ave (C-1 District) Mamaroneck Boats and Motors – Site plan review

PUBLIC HEARING CONTINUED

800 Fenimore Road (R-6 District) – Subdivision/ Wetlands Permit, 6 building lots and one conservation lot.

- 6. 411 Waverley Avenue – New Waverly Avenue Associates LLC and 306 Fayette Realty - (M-1 District) – Site plan review for proposed construction of an at-grade parking facility.**
- 7. 613 Waverly – DCH, Inc. - (M-1 District) - Site plan review for proposed parking lot.**

The Meeting was opened at 7:05 P.M.

Mr. Galvin indicated that the Board of Trustees would like to switch their meeting date in the courtroom from 5/24/10 to 5/27/10. This would require the Planning Board to move their scheduled 5/27/10 meeting to Monday night on 5/24/10. There was no objection from the members and the chairman stated that he would let the Deputy Clerk-Treasurer and Planning Board Secretary know of the change in meeting dates.

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 March 25, 2010.

Ayes:	Galvin, Sterk, Ianniello
Nays:	None
Not Voting:	Sjunnemark (not present at 3/25/10 meeting)
Absent:	Wexler

OLD BUSINESS

1. 1305 E. Boston Post Road – Requesting extension of site plan approval.

Mr. Galvin read a letter from Mr. Noto into the record requesting an extension of the site plan for 1305 E. Boston Post Road to 2012.

Mr. Noto stated that there were no changes in the DCH dealership proposal and that they only request an extension. There have been no changes in zoning that effect the site plan for the subject property.

The board discussed the letter and request.

Mr. James Weingarten of DCH Auto, the applicant's architect, stated that in regards to the 700 Waverly Avenue property, they need to send the insurance form over to the building department as well as obtaining a demolition permit. They intend to be up and operating within 9 months at 700 Waverly Avenue.

Mr. Sjunneberg asked the applicant how confident they are that they will keep to the schedule.

Mr. Weingarten stated that they are issuing a contract for 700 Waverly Avenue within a week and are ready to begin.

In regard to site plan extensions, Mr. Galvin stated that time limits were put in place to force applicants to come back in before the Planning Board. It is completely within the Planning Board's determination on whether to extend a site plan. This should also be viewed against the economic climate especially as it pertains to the auto industry as well as the fact that there have been no site plan modifications or zoning code changes impacting the property.

Lee Wexler arrived. He indicated that he would not be voting on the site plan extension motion since he had not been present for the discussion.

A motion was made by Mr. Sjunneberg, seconded by Mr. Ianniello to grant a site plan extension for 1305 E. Boston Post Road contingent on applicant commencing construction by June, 2012 and completion by June, 2014.

Ayes:	Galvin, Sterk, Ianniello, Sjunneberg
Nays:	None
Not Voting:	Wexler (not present for discussion of application)
Absent:	None

2. 1153 W. Boston Post Road – (C-1 District) Go Green Cleaners – Site plan review.

Mr. Galvin stated that the applicant has received a special permit from ZBA for their dry cleaning operation. In regard to SEQRA, the Planning Board had noticed their intent to be lead agency for this action. They have not received any objection nor any other communication and now assume lead agency status for the application. The Board has reviewed the application and had requested that the applicant include the agreed upon revisions on one site plan sheet drawn to scale. The applicant has put in additional landscaping, repainted the parking lines, put in parking blocks and repaved the parking lot. Ms. Favate has prepared the Neg. Dec. for the application based upon the Planning Board's review.

The Planning Board members reviewed the Neg. Dec. as well as the EAF and discussed.

The applicant handed in a new site plan drawn to scale as requested by the Planning Board. The plan was reviewed by the Board's members and confirmed that it included all of the revisions requested.

After reviewing the EAF for this unlisted action, including storm water management, traffic circulation, landscaping, a motion was made by Mr. Sterk, seconded by Mr. Wexler to issue a Negative Declaration for 1153 W. Boston Post Road, Go Green Cleaners.

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

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve the final site plan, dated 4/22/10, for Go Green Cleaners at 1153 W. Boston Post Road.

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

DUMPSTER ENCLOSURE PERMITS

Mr. Galvin indicated that the Board has five dumpster permit applications on the agenda this evening. Dumpster permits are Type II actions and are not subject to SEQRA.

- 1. DOMINO's Pizza/Printcraft** - 960 Mamaroneck Avenue. (This was taken out of order so that it could be reviewed in connection with the site plan for Domino's Pizza.)

Tony DAdamo, the applicant's architect, described the dumpster enclosure with a concrete pad below.

Mr. Galvin stated that Ms. Oakley's comments indicated that the dumpster should be fully enclosed.

Mr. DAdamo stated that they would like to use plastic fencing.

Ms. Oakley suggested stockade fence painted to match the adjacent Printcraft building color.

Mr. DAdamo stated he was fine with the request but that PVC or wood would break easier than chain link at this location.

Mr. Ianniello asked about parking spaces 22 and 23 stating that they were tight making parking in these spaces difficult and making it more possible for drivers to back into the dumpster.

Mr. DAdamo stated they can eliminate these spaces if necessary.

Mr. Galvin stated the ZBA had asked if these spaces could be eliminated after review by the Planning Board.

Mr. Wexler stated that parking space 23 is already gone as it is now a grassy area on the plan.

Mr. Ianniello asked if the dumpster could be slid back.

Ms. Oakley said they can't because there is a line of trees behind the dumpster.

The Planning Board members looked at the plan with the applicant.

With the agreement of the other Board members, Mr. Galvin asked the applicant to eliminate parking spaces 22 & 23.

Mr. Sterk asked if the applicant would plant next to the dumpster.

Mr. DAdamo stated that the area is paved.

Mr. Galvin asked if there were any questions or comments from the Board or public.

Mr. Sterk and Mr. Sjunneemark both stated that they prefer chain link.

Ms. Oakley stated that she would prefer the slats to be dark green to blend into the background.

.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve the dumpster enclosure permit for Domino's Pizza/Printcraft dumpster subject to enclosure being chain link with dark green slats, with the enclosure being moved to the left and the elimination of parking spaces 22 and 23.

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

Site Plan Review

960 Mamaroneck Ave, (C-1 District) Domino's Pizza – Site plan review

Mr. Galvin stated that the Planning Board had previously made a Neg. Dec. for this unlisted application. Ms. Favate had prepared the Neg. Dec. at the Board's direction and it has been circulated to the members of the Planning Board, the ZBA and placed in the Planning Board files.

Ms. Favate stated that the three issues, indicated by the Planning Board, included additional landscaping, the review of the trench drain and the dumpster enclosure. All of these issues have been resolved and included on the revised site plan. The trench drain has been reviewed by the Village consulting engineer and dumpster enclosure has been reviewed by the Board and a dumpster permit was approved this evening. .

Mr. Galvin stated that Ms. Oakley wants to know what type of ground cover will be used.

Mr. DAdamo indicated that grass & mulch will be used. Ms. Oakley said that this would be fine.

Mr. Galvin asked if there were any questions or comments from the Board or the public.

Mr. Wexler asked questions related to the lighting.

Mr. DAdamo stated that lighting will be small soffit light, not internally lit and all fixtures are down lighted.

Mr. Galvin stated that the applicant has received ZBA approval of their special permit.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneberg to approve the final site plan, revised 4/15/10 for Domino's Pizza at 960 Mamaroneck Avenue.

Ayes:	Galvin, Sterk, Ianniello, Sjunneberg, Wexler
Nays:	None
Absent:	None

DUMPSTER PERMITS Continued

2. 451 E Boston Post Rd. – Applicant did not appear.

Mr. Galvin stated that the applicant from the dance studio is not present.

Ms. Oakley indicated that the building is tan with dark brown trim and recommended tan slats with chain link as it would blend with the existing building.

A motion was made by Mr. Ianniello, seconded by Mr. Sterk to approve the dumpster enclosure permit for 451 E. Boston Post Road subject to enclosure being chain link with tan slats.

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

3. 735 E. Boston Post Road

Ms. Betty Devito of 735 E. Boston Post Road (Bodicures) would like to put a stockade fence along rear of her commercial building. There is already a cement pad at this location with commercial pails. She would like to provide the dumpster painted white as indicated on her plan.

Mr. Ianniello asked if the neighbors can see the area, Ms. Devito stated that commercial properties are to the sides and the area is fully enclosed.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve the dumpster enclosure permit for 735 E. Boston Post Road as delineated on the plan dated 3/9/10.

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

4. 650 Halstead Avenue

Mr. Marty Spatz of 650 Halstead Avenue, the owner of the 2 story, office building with parking in rear. The dumpster will remain in the rear corner near Barry Avenue where it is currently located. The applicant indicated that he would like a stockade fence with slats of dark green. The Board indicated that the enclosure should be chain link with dark green slats.

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to approve the dumpster enclosure permit for 650 Halstead Avenue subject to the enclosure being chain link with dark green slats on a concrete slab and the addition of four (4) arborvitae along Barry Avenue to bring it into conformity with the existing site plan.

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

5. 955 Mamaroneck Avenue - (Harvest Farms)

Mr. Galvin stated he met on the subject property with the owner of Harvest Farms, the landlord, the residential tenant and Rob Melillo, the Assistant Building Inspector. Mr. Galvin indicated that he had brought Mr. Winter up to date on the application.

Mr. Galvin indicated that all cardboard will be kept inside the store and brought out on pickup day. The dumpster outside will be used for produce only. Ms. Oakley had no comments on the application.

Ms. Favate stated she would prefer to see a chain link fence.

A motion was made by Mr. Sjunneemark, seconded by Mr. Sterk to approve the dumpster enclosure permit for 955 Mamaroneck Avenue subject to enclosure being chain link on a concrete pad with white slats.

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

Site Plan Review

6. 622 Rushmore Avenue Mamaroneck Boats and Motors- Site plan review.

Mr. Galvin stated that the applicant received a certificate of consistency from HCZM last night. The applicant previously had received preliminary approval from the Planning Board and was now requesting final site plan approval.

Mr. Natchez of Daniel Natchez Associates representing McMichael's sent a letter via email to the Planning Board and Mr. Furey regarding issues raised at the HCZM meeting (which Mr. Furey attended).

Mr. Noto, the applicant's attorney, stated that they received final approval from HCZMC.

Mr. Noto stated that they are before the Planning Board for final Site Plan approval. The applicant made it clear that they don't object to removing some material that has eroded although Mr. Duttermann didn't agree to all of the conditions in Mr. Natchez letter.

Ms. Oakley stated that the site on the Indian Cove side has an existing stockade fence and no room for landscaping on either the Indian Cove or McMichael's properties. In the

front on the left side, there is arborvitae, to right side; there is gravel in a semi circle at the front of the site. This area could be improved with curbing and plantings.

Mr. Galvin asked if there were any questions or comments from the Board or the public.

Mr. Sjunnemark stated that he is not sure that anything would enhance that area.

Ms. Oakley stated that trees can't be extended to the right side but that low shrubs that can take rough conditions would soften view from the front.

Mr. Noto responded that they will do what Ms. Oakley wants in regards to landscaping.

Mr. Furey spoke regarding the comments made in Mr. Natchez's letter related to the points made at the HCZM meeting last evening.

1. The 15 foot offset is not under the Planning Board's review.
2. The timing of site improvements- He would recommend that the Planning Board stipulate timing requirements in their site plan approval.
3. The failure of the bulkhead and erosion deposited on McMichael's property also is in the HCZM Resolution. HCZM's resolution requires the applicant to remove fill under McMichael's property. He recommended that the Planning Board include the same language in their site plan resolution.

Mr. Furey will determine the bond which can be included in the Planning Board resolution. He stated that he will get the amount to the chair tomorrow.

Mr. Natchez gave the board photos of the bulkhead. He stated the McMichael's are concerned with the timing of the work schedule of the bulkhead. The bulkhead is on its last legs. If it fails, it will take out Mc Michael's water front. The bulkhead needs to be done quickly. He understands the issue of the tanks and floats are important to the Village and the Deuttermanns but worries about the failure of the bulkhead.

Mr. Furey stated that no specific time was set by HCZMC. The applicant needs DEC and Army Corps of Engineer permits to proceed with the work on the bulkhead.

Mr. Natchez stated they would be happy to write asking for an expedited review and also send a letter giving the applicant permission to cross the McMichael's property line to remove eroded material.

Mr. Winter stated that work can only be done when boats are in the water.

Mr. Natchez stated it should be approved by early fall.

Mr. Galvin indicated that the Planning Board can only do so much regarding the construction time frame with external limitations regarding permit approvals and weather conditions.

Mr. Furey stated that after DEC approval the applicant will need to get a contractor and schedule the job.

Mr. Galvin stated the resolution can say subject to the weather conditions.

Mr. Furey stated that it should be worded to be subject to operating conditions in which construction is possible.

Mr. Natchez suggested that the work be completed not more than 6 months after DEC Approval

A motion was made by Mr. Ianniello, seconded by Mr. Sterk, to approve the final site plan, dated 12/22/09 and revised 4/8/10 and revised SP1 Sheet for Mamaroneck Boats and Motors at 622 Rushmore Avenue subject to the following conditions:

1. include the language contained in the HCZM permit for Mamaroneck Boats and Motors
2. applicant will remove all eroded material
3. applicant will provide required and sufficient bonding per Section 342-842 (b) of the Village Code.
4. applicant will complete all construction on the bulkhead not later than 6 months after receiving the necessary DEC and Army Corp of Engineer's permits.
5. Applicant will install low maintenance, salt tolerant shrubs to replace the gravel at the entrance.

Ayes: Galvin, Sterk, Ianniello, Sjunneberg, Wexler

Nays: None

Absent: None

PUBLIC Hearing Continued – Nolles Ridge Subdivision

800 Fenimore Road (R-6 District) – Subdivision/ Wetlands Permit, 6 building lots and one conservation lot.

Mr. Hahn, the applicant's engineer, appeared and addressed the Board.

Mr. Galvin indicated that the latest submission received dated 4/14/10 included:

Storm Water Pocket Pond maintenance plan and estimated costs.

Revised Drawings dated April 2010 (includes revised landscape plan)

Geo-technical report

Mr. Galvin asked Mr. Fish to summarize his memo indicating what items needed to be responded to. Mr. Fish summarized the following points included in his memo:

1. Planning Board needs Homeowners' Association Agreement (HOA document) (applicant indicated that it will be sent shortly to the Village Attorney for review)
2. financial cost estimates for bonding of road and other infrastructure improvements as well as the required recreation fee to be included in any preliminary plat approvals
3. inclusion of pervious surfaces for the driveways
4. profile of access road and utility plans
5. respond to rock removal issues
6. information on lighting, landscaping and infrastructure, including tree removal.
7. Address encroachment of adjacent property owner on Highview Street.
8. Propose 6 foot fencing rather than 5 feet and include proposed design of fencing.

Mr. Fish further stated that the applicant should gather all comments, required information and revised plans and submit everything at once several weeks before a final meeting at which the Planning Board would consider action on a preliminary plat approval.

Mr. Hahn responded to Mr. Fish's memo. He stated that:

- They have addressed the issue of rock material.
- They will address the emergency access
- They will revise the landscape plan and address Ms. Oakley's memo.

Mr. Galvin asked if Mr. Hahn can respond now to the neighbors as well as Ms. Oakley and BFJ had concerns about the trees being removed.

Mr. Hahn stated that valuable trees will not come down if at all possible and they will note the trees that will stay.

Ms. Favate stated that at the entrance the Board wants to keep as many trees as possible. If trees are being removed, then the Board and its consultants would need to know the reasons for their removal.

Mr. Fish stated that the plan and the consultant's comments can be provided to the applicant's landscape architect to answer the Board's concerns.

Ms. Oakley stated the number of trees can be added to plan.

Mr. Galvin stated that it doesn't make sense not to save trees and replace them with smaller trees.

Mr. Hahn stated they will save as many trees as possible.

Mr. Furey stated he reviewed the rock removal cost estimate, which looks standard. The pond maintenance is spot on at \$2,200 annual basis, the catch basin clean out numbers are also good. The cost estimates also include the cost for replacement of trees and shrubs that might die due to construction.

Mr. Sterk stated the numbers seem low.

Mr. Galvin stated that the Village needs a rock removal code for blasting so that it does not need to be included as a separate condition in any plat approval. Mr. Galvin stated the applicant will need to pay a \$15,000 recreation fee, based on 6 residential lots.

Mr. Galvin responded to a letter from Ms. Roney stating she was perplexed and had questions. He indicated that Ms. Rooney may have not some questions answered if she had participated in the Planning Board's meetings. He also indicated that Ms. Rooney did a FOIL request that was available for the last several weeks at the desk of the Deputy Village Clerk but was not picked up by Ms. Roney. He stated that the Board will address her concerns in a return letter.

Mr. Galvin requested that for the record if Mr. Fish and Mr. Fury could briefly respond to several issues in Ms. Roney's letter. Mr. Fish stated that this is a TPYE I action and referred to 617 SEQRA regulations. Mr. Fish indicated for the record that the Board has complied with 617 after an extensive review which included the completion of Part 2 and Part 3 of a long form EAF.

Mr. Fury indicated that a technical issue was raised in Ms. Roney's letter regarding a hydrogeology study that she requested and was told it was not done. A hydrologic study was done and left in the FOIL request that she did not pick up. Also Ms. Roney stated that Fenimore Road was taken off the FEMA map. Mr. Furey indicated that this is not a factor in the site's storm water management. He further stated that the applicant can't attenuate all run off that falls thru the site, which is not 177 acres but rather more like 10 – 20 acres. The storm water plan takes this into account and what we have here is an improvement on the situation.

Mr. Galvin stated that the property's storm water management measures are accommodating another 10-20 acres of offsite runoff.

Mr. Furey stated that Ms. Roney also said the location at the bottom of the site include wetlands. The Army Corp of Engineers issued a federal wetlands permit independent of this Board.

Another question raised by Ms. Roney was the access road thru the wetland and why an emergency access is planned. The answer to the emergency access is that it is the smart thing to do.

Mr. Galvin stated that the Board has required emergency access in several other subdivisions, which have never been used.

Mr. Galvin stated that Ms Roney commented on the site's topography and the steep slope. Mr. Galvin asked both Mr. Fish and Mr. Furey to answer Ms. Roney's letter for the record.

Mr. Galvin asked if there were any questions or comments from the Board or the public.

Mr. Fish stated that lighting information was needed.

Ms. Favate questioned the exact height of the proposed light poles.

Mr. Hahn responded what height would the Board like. The poles are now 12 feet.

Mr. Wexler stated that he is in favor of whatever the professional advisors recommend.

Mr. Fish stated that there is no sidewalk and lighting is only needed for the road for night driving. Low lights to demarcate the road would be recommended.

Mr. Galvin asked if the applicant has checked LED lighting. Mr. Galvin asked the applicant about the fire hydrants, and where they stand with the Westchester Joint Water Works.

Mr. Noletti said that he had spoken to WJWW and the final decision is in the works. They would like to tie in to the 20 inch line for pressure purposes.

Mr. Galvin stated that a hydrant is needed at the bottom. Mr. Hahn indicated that there will be four hydrants located at the bottom, along the road and at the top. He indicated that the driveways will be pervious.

Mr. Ianniello stated the guard rail on C8 should show a wood rail, it would be good if the applicant brings in samples of the vinyl fence and the better side should be toward the neighbors.

Mr. Ianniello asked if it was possible to incorporate lighting in the guard rails. Mr. Galvin said that option may not be good for driving conditions.

Mr. Fish will have Sid Burke, BFJ's lighting consultant, look at various lighting scenarios and send Mr. Hahn cuts.

Mr. Galvin stated an open fence should work and Mr. Hahn should work with the neighbors and Ms. Oakley.

Mr. Hahn asked if Mr. Galvin was referring to the west property line. He replied that he was.

Ms. Oakley stated that the fence around pocket pond and on property line should be such that it disappears from site in the plantings.

Mr. Galvin stated that an ornamental fence is a better option

Ms. Oakley made several suggestions.

Mr. Fish said the applicant should think about suggestions regarding the fence but felt it should be a demarcation of the property line.

Mr. Galvin felt black might be better choice.

Ms. Kapus of 1 Country Road asked that in all of the ponds the applicant has shown are in open areas. Since this is a wooded area and wondered about leaves and branches clogging the pond.

Mr. Galvin responded that the County's Riverwalk in Croton also has trees around the pocket pond.

Mr. Furey explained the drainage of the pond and that it would not be a problem.

Mrs. Kapus stated the neighbors have been taking care of the property and cleaning the creek of debris.

Mr. Furey indicated that even if you double the frequency of maintenance, there is not a great difference in costs.

Mrs. Kapus stated all neighbors' trees near pond can drop leaves and branches into the pond.

Mr. Ianniello stated that it is not woods.

Mr. Hahn stated the DEC wants a natural environment

Mr. Galvin asked if the maintenance of the pond affects the cost and Mr. Hahn responded that it doesn't and Mr. Furey agreed.

Mrs. Kapus stated that the driveways must remain pervious and Mr. Noletti stated that he doesn't see why it would be changed as it is a superior product.

Mrs. Kapus stated she would like pervious sidewalk along Fenimore Road since it is dangerous to walk.

A discussion ensued that the sidewalk would go nowhere since the adjacent Village's property has 140 feet which would not be developed by the Village and there are difficulties in going under the overpass into the industrial area. The subject property only has 15 feet available on both sides of the entrance. The sidewalk issue is primarily under Village jurisdiction and is not a Planning Board issue.

Mr. Galvin stated the applicant should design entrance that looks private and not be mistaken for a street to prevent large trucks from using it as a turn around.

Mr. Hahn said he can make the entrance turn smaller.

Ms. Toth spoke about the flooding issue recently in which everything was impassable. Mr. Galvin told Mr. Hahn to get everything requested together and then come back when you have everything. In the meantime he asked Mr. Hahn to forward the fence details to Ms. Oakley and the residents of Country Road for their input.

The public hearing will be adjourned until the applicant has provided all of the materials requested and it is reviewed by our consultants prior to continuing the public hearing.

Site Plan Review

6. 441 Waverley Avenue (M-1 District) New Waverly Avenue Associates LLC & 306 Fayette Realty - Proposed construction of an at-grade parking facility. Site plan review.

Mr. Galvin stated that he has the initial investigation of the Brownfield site.

Mr. Furey stated that the Board has a final approved DEC work plan, and site plan approval will not be contingent on the DEC approval. The applicant will need final DEC approval before building permits are issued.

Mr. Greg Young, the applicant's attorney, introduced the development team.

Mr. Joseph Rina, Site design Consultants, addressed the Board. Mr. Rina stated that he made revisions on 441 Waverly parking lot. He eliminated parking and discussed the revisions made in the buffers and aisles. He is providing a 10 foot buffer along the front, vinyl fence along the back and a decorative fence in front. At 524 Waverly, the isle is 22

feet, with a 6 ft buffer. At 532 Waverly, they added a 6 ft island, traffic goes one way and an 8 ft buffer decorative fence was added. There was no change in the parking count at 532 Waverly.

The applicant has provided landscape and lighting plan, dumpster enclosure details and updated the SWMP.

Mr. Frank Juliano, landscape consultant, discussed Ms. Oakley's memo stating that the applicant has added trees (now totally 142 trees, 289 shrubs in order to create a streetscape). The applicant will add 5 more trees as per Ms. Oakley's request to heavily landscape the islands. The fence is resistant to vandalism not shiny and looks like wood. The fence is a 6 foot commercial quality fence, and aluminum is going on front.

Ms. Oakley stated the applicant should use a selection of hedge to screen the fence.

Mr. Ianniello stated that he thinks it looks fantastic

Mr. Wexler questioned the height of the light poles at 20'.

Ms. Favate stated that they had Sid Burke review the plan and his comments were that 16' requires more poles to adequately light the area. The flood lights on 532 are the only light, and he suggested the addition of two poles.

The Board discussed the type of lights (high pressure sodium or metal halide). In the past, the Board has approved metal halide lighting. This was the preference of the Board for the current site.

Mr. Juliano stated that would be consistent with the other lights on the road.

Mr. Rina asked to be sent to HCZMC as the applicant would like a demo permit to remove the buildings.

Mr. Furey stated that core samples need to be done first before a demo permit could be issued.

Mr. Winter stated that the time line for the remediation plan is meant to keep this process continuing. It was suggested the applicant meet with Mr. Winter and Mr. Furey to work out the issues.

Mr. Furey stated he reviewed SWMP for the previous plan. The applicant is building a storm sewer on Waverly to improve the drainage.

Mr. Galvin stated the applicant is making improvements that will assist the Village.

Mr. Furey stated that he will write a memo reviewing the SWMP.

Mr. Galvin stated that he doesn't see other issues, but the Planning Board cannot close out SEQRA until after 4/30/10. Mr. Galvin stated that the Board is in a position at the next meeting to close SEQRA and on May 13 do a NEG DEC. The applicant should go to the HCZMC now. As to the changes to the lighting and trees, the Board needs a revised plan. At the next meeting the board can make a final site plan approval subject to HCZM approval.

Mr. Furey stated that the Board knows this site plan will not change so HCZMC can proceed to do a consistency review.

7. 613 Waverly – DCH, Inc. - (M-1 District) - Site plan review for proposed parking lot.

Mr. Noto stated that he believes Mr. Furey issues were resolved, and that they will do exactly what Ms. Oakley wants regarding plantings.

Mr. Galvin stated that they received a letter from Westchester County Planning. By the time that Westchester County Planning provided their review, all of these issues had already been resolved. He quoted from the County response " We commend the applicant for using impervious pavers". This issue was reviewed and decided not to do so due to compaction issues and potential problems under the site.

Mr. Furey stated that we are not asking for gravel since the compaction rate is very poor. Gravel would lead to the possibility of passing more ground water into the Sheldrake River.

Mr. Galvin stated that there are no invasive species on site, again in reference to comments made in the County letter.

Mr. Anderson, the applicant's engineer, stated that the reduced wattage doesn't do much for compliance standard. He believed that it would be a better plan to include 2-3 additional poles for coverage. It is hard to light the middle of the parking lot.

Ms. Favate stated that Sid Burke had signed off on the plan.

Mr. Wexler stated he was not happy that he had never saw the calculation. It is not clear without aggregate numbers he can't measure.

Ms. Favate stated that Sid felt he didn't need the numbers.

Mr. Wexler stated the ratios will be off.

Mr. Anderson stated the numbers are way off. They had to add extra poles and as a result have more hot spots.

Mr. Galvin asked the applicant to show the aggregate numbers for the wattage of both plans.

Mr. Wexler said that it was important that the aggregate numbers not be unnecessarily high.

Mr. Anderson stated that the height of the pole changes the ratio.

Mr. Wexler stated the ratio is more important for pedestrian safety.

The applicant stated they are looking for security and will give ratio for both.

Mr. Sjunnemark asked since they had to add extra poles did the energy usage increase.

Mr. Anderson responded that he was not sure but will go back and look.

Mr. Galvin stated the applicant has a course of action regarding the lighting.

Mr. Noto asked if the Board was putting that in the resolution and Mr. Galvin stated that the applicant must come back with a revised lighting plan that will be reviewed and worked out by our consultants before the meeting.

Mr. Galvin stated the Board will close out SEQRA.

Ms. Oakley asked for a hedge instead of grass for the buffer along the perimeter.

Ms. Favate asked if the landscaping islands are mountable by tractor trailers
Mr. Anderson stated that they are not mountable.

Ms. Favate stated she was thinking about maneuverability. Ms. Oakley stated the trees would be at risk if it is a mountable curb.

Mr. Galvin asked if there were any questions or comments from the Board or public.

Mr. Furey responded with the following comments. The lot is to be a paved lot, stripping should be included. He indicated that erosive velocity going into trench drain is fine. The maintenance is delineated and the loading zone is shown. BFJ Planning has indicated that the loading zone and circulation is adequate.

Mr. Anderson explained the drainage.

Mr. Galvin stated that the Board had sent notice of its intent to be Lead Agency and received no objection. The Board is now in a position to do a NEG DEC for this Type I action under SEQRA based on our review of storm water, and circulation.

After reviewing the EAF for this unlisted action, including storm water management, traffic circulation, landscaping, a motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to issue a Negative Declaration for DCH Auto at 613 Waverly Avenue.

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

Mr. Noto stated they are awarding the contract for 700 Waverly and would like to have that part done,

Mr. Galvin stated that the Board would like the revised site plan for 613 Waverly before final approval.

Mr. Noto stated that they do not want to come back if it is not necessary.

Mr. Sjunneemark stated he would like Mr. Wexler and Sid Burke to see and review the lighting plan.

Mr. Noto stated that they have no problem with either lighting plan.

Mr. Wexler stated that the Board is trying to make the industrial area nicer.

Mr. Galvin stated the Board needs to have lighting plan in order to make a motion but proposed to extend 700 Waverly separately.

Mr. Galvin asked the applicant to return with 2 lighting plans for the Board to choose and one planting plan. The Board will depend on the recommendations of the lighting consultant as to which lighting plan should be approved. Mr. Wexler agreed that the candle foot power will be either 400 or 250 watts and he will work with the consultant. Mr. Galvin stated that 400 watts would have less poles and therefore less visual pollution.

The Board confirmed that they want 16 foot poles.

Mr. Anderson stated that the layout of the site makes it difficult.

A motion was made by Mr. Sjunneemark, seconded by Mr. Sterk to grant a site plan extension for DCH Auto at 700 Waverly Avenue subject to the provision of 56 parking

spaces being provided at 613 Waverly Avenue and allocated to the parking requirements for 700 Waverly Avenue.

Ayes:	Galvin, Sterk, Ianniello, Sjunneberg, Wexler
Nays:	None
Absent:	None

Mr. Noto stated that there is a lot of redundancy between HCZMC and the Planning Board. The Board of Trustees could make the process easier and less confusing for applicants.

Mr. Winter stated that the Village code states that the Building Department is required to send Type 1 and unlisted actions to HCZM for consistency review.

Mr. Furey stated that the lead agency should do the consistency review.

ADJOURNMENT

On motion of Mr. Sterk, seconded by Mr. Ianniello the meeting was adjourned.

Ayes:	Galvin, Wexler, Ianniello, Sterk, Sjunneberg
Nays:	None
Absent:	None

Minutes prepared by
Francine M. Brill