

TOWN OF GREENBURGH  
PLANNING BOARD

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ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a) Case No. PB 17-06, NRSF,  
Ardsley Road and Old Sprain Road  
(P.O. Scarsdale, N.Y.)
- b) Case No. PB 21-03, Marron,  
710 Ardsley Road  
(P.O. Scarsdale, N.Y.)
- c) Case No. PB 21-01, Chung and Wong,  
18 Mount Pleasant Lane  
(P.O. Irvington, N.Y.)

ADJOURNMENT.

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Greenburgh Town Hall  
177 Hillside Avenue  
Greenburgh, New York 10607  
May 5, 2021

Meeting conducted via Zoom Video Conference

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A P P E A R A N C E S :

WALTER SIMON, CHAIRMAN

HUGH SCHWARTZ, VICE CHAIRMAN

JOHAN SNAGGS, Board Member  
KIRIT DESAI, Board Member  
MONA FRAITAG, Board Member  
MICHAEL GOLDEN, Board Member  
THOMAS HAY, Board Member

ALSO PRESENT: AARON SCHMIDT,  
Deputy Commissioner of The Department of  
Community Development and Conservation

DAVID R. FRIED, ESQ.  
First Deputy Town Attorney

MATTHEW BRITTON,  
Assistant Planner to the Department of  
Community Development and Conservation

BARBARA MARCIANTE,  
Official Senior Court Reporter

## Case Numbers PB 17-06 and PB 21-03

1 CHAIRMAN SIMON: Now we will go into Public  
2 Hearing. And Aaron, could you again take the roll call,  
3 make a roll call.

4 DEPUTY COMMISSIONER SCHMIDT: Sure. Chairperson  
5 Simon?

6 CHAIRMAN SIMON: Here.

7 DEPUTY COMMISSIONER SCHMIDT: Mr. Schwartz?

8 VICE CHAIRMAN SCHWARTZ: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Mr. Golden?

10 BOARD MEMBER GOLDEN: Here.

11 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai?

12 BOARD MEMBER DESAI: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Mr. Hay?

14 BOARD MEMBER HAY: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Ms. Freitag?

16 BOARD MEMBER FRAITAG: Here.

17 DEPUTY COMMISSIONER SCHMIDT: Mr. Snaggs?

18 BOARD MEMBER SNAGGS: Here.

19 DEPUTY COMMISSIONER SCHMIDT: Great. Thank you.

20 CHAIRMAN SIMON: Before we take these two  
21 proposals, I just want to remind the Board that these two  
22 applications, although separate, they are related. And so  
23 we are taking them through the process together and we will  
24 make separate decisions. But seeing how they are  
25 interrelated, we want to make sure what actions we take is

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1 consistent with the overall two applications.

2 Okay, with that said, could you introduce the  
3 applications?

4 DEPUTY COMMISSIONER SCHMIDT: Yes. So as  
5 Chairperson Simon indicated, the next items on the agenda  
6 are Case Number PB 17-06, National Road Safety Foundation  
7 Subdivision, Ardsley Road. And PB 21-03, the Marron  
8 Subdivision located at 710 Ardsley Road, P.O. Scarsdale  
9 located in the R-20 One-Family Residence District.

10 These two projects will be reviewed as part of  
11 one combined Public Hearing this evening. The applicant  
12 for PB 17-06, the National Road Safety Foundation  
13 Subdivision, seeks preliminary subdivision approval,  
14 Planning Board steep slope permit approval,  
15 wetland/watercourse permit approval and tree removal permit  
16 approval.

17 The proposal involving the subdivision of one  
18 existing lot into four lots, three new residential lots and  
19 one lot associated with the new private, cul-de-sac roadway  
20 built to Town standards. Access to each of the three  
21 residential lots would be provided via the newly proposed  
22 cul-de-sac roadway that would be constructed off of Ardsley  
23 Road.

24 The applicant for PB 21-03, Marron, seeks a  
25 preliminary subdivision and wetland/watercourse permit for

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1 proposal involving the resubdivision of three existing lots  
2 for the purposes of: (1) connecting the driveway of the  
3 existing residence on parcel ID8.390-275-9.1 to a proposed  
4 private cul-de-sac roadway associated with the adjacent  
5 subdivision currently under consideration by the Planning  
6 Board, which is case number PB 17-06.

7 (2) providing potential future driveway access  
8 for parcel ID 8.390-275-9.2 to the above-referenced private  
9 cul-de-sac roadway. And (3) to straighten the easterly  
10 property line associated with parcel ID 8.390-275-9.3.

11 The Planning Board last discussed these matters  
12 at its April 7th, 2021 meeting. We do have applicant  
13 representatives here this evening to further detail the  
14 project and answer any questions that the Board Members or  
15 the public may have.

16 However, before we do that, I did want to note  
17 that this afternoon, staff did prepare SEQRA  
18 determinations, drafted SEQRA determinations, for the  
19 Board's potential consideration. I did email those out.  
20 And the reason why I did that is because these two projects  
21 do involve subdivision approvals. And it is required that  
22 a Public Hearing take place after the SEQRA determination  
23 when considering subdivision approvals.

24 So the Board is not under any obligation to issue  
25 a SEQRA determination this evening, but if the Board felt

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1 that it was in a position, being that the Board has  
2 considered this project over the course of a fairly lengthy  
3 period of time, has worked with the applicants on refining  
4 the project, we wanted to make sure that the Board had  
5 drafts in hand prior to making any determination.

6 So we leave that up to the Board. I'm happy to  
7 walk the Board through the draft SEQRA documents that were  
8 prepared and emailed out earlier this evening or earlier  
9 this afternoon, I should say. And answer any questions  
10 along the way.

11 But keep in mind, if the Board opens the Public  
12 Hearing tonight prior to making the SEQRA determination,  
13 you must adjourn the Public Hearing to a future date and  
14 then make the SEQRA determination ahead of that.

15 So the Board has every right to, you know, if it  
16 wants to hear from the public first, you can certainly do  
17 that. But you would have to adjourn the Public Hearing for  
18 each of the projects. If you want to consider the SEQRA  
19 ahead of time, we can do that now. And I'm happy to walk  
20 the Board through those. Thank you.

21 CHAIRMAN SIMON: Okay. Just procedural-wise, if  
22 we -- you say we cannot open the Public Hearing, any phase  
23 of it, before the SEQRA determination?

24 DEPUTY COMMISSIONER SCHMIDT: No. The only  
25 requirement is that you have a Public Hearing after the

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1 SEQRA determination. So the Board can absolutely open the  
2 Public Hearing tonight.

3 CHAIRMAN SIMON: So after the SEQRA  
4 determination, right. So we would have to --

5 DEPUTY TOWN ATTORNEY FRIED: You would have to do  
6 SEQRA right now.

7 CHAIRMAN SIMON: We have to do it right now or  
8 right at the beginning make a commitment to adjourn it to a  
9 second meeting. So I'm not --

10 VICE CHAIRMAN SCHWARTZ: No, there is a third  
11 option.

12 CHAIRMAN SIMON: What?

13 VICE CHAIRMAN SCHWARTZ: There is a third option  
14 Aaron gave you. You can have the Public Hearing tonight.  
15 Then before we close the Hearing, make the SEQRA  
16 determination. As long as we make --

17 DEPUTY TOWN ATTORNEY FRIED: No. No.

18 CHAIRMAN SIMON: No, that is not --

19 VICE CHAIRMAN SCHWARTZ: Oh, it has to be -- it  
20 would have to be in the middle.

21 DEPUTY TOWN ATTORNEY FRIED: It would have to go  
22 on in another meeting.

23 DEPUTY COMMISSIONER SCHMIDT: It would have to be  
24 at the following meeting.

25 VICE CHAIRMAN SCHWARTZ: Okay.

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1 CHAIRMAN SIMON: Okay. I would like to go over  
2 the SEQRA now. And if the Board is comfortable making a  
3 decision tonight, we will make it. But go over the SEQRA  
4 determination. As you said, we got it, but we didn't get  
5 it until late this afternoon. I don't know how many Board  
6 Members have had an opportunity to go through it and read  
7 it. So I think you need to go over it with the Board now.

8 DEPUTY COMMISSIONER SCHMIDT: Yes, absolutely.  
9 So I want to bring your attention to a couple of items  
10 specifically. This is with respect to the PB 17-06,  
11 National Road Safety Foundation Subdivision, Ardsley Road.

12 DEPUTY TOWN ATTORNEY FRIED: Aaron, if I can  
13 interrupt for one second, and suggest, if it's possible, if  
14 you can share the screen to show the SEQRA? That might  
15 advance this.

16 CHAIRMAN SIMON: Yes. Thank you, David. Very  
17 good.

18 DEPUTY COMMISSIONER SCHMIDT: I will see if I'm  
19 able to pull that up. Bear with me for a moment.

20 DEPUTY TOWN ATTORNEY FRIED: Or maybe Matt can do  
21 it. If not, I'll try.

22 DEPUTY COMMISSIONER SCHMIDT: Just bear with me  
23 for a moment. I'm going to find it in my email. Okay,  
24 okay, thanks for your patience. Here is the draft --

25 CHAIRMAN SIMON: Okay.



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1           DEPUTY COMMISSIONER SCHMIDT: -- of the document  
2 prepared. I wanted to bring to your attention, so first  
3 off, that the project qualifies as an Unlisted Action under  
4 SEQRA, and that the Board would be considering a negative  
5 declaration with respect to this project.

6           The few items I wanted to bring to your attention  
7 are as follows: First, we outline the fact that throughout  
8 the course of this project and the Planning Board's review  
9 of it, modifications have been made.

10           Initially, if you recall, this was a proposal for  
11 a four-lot residential subdivision with private cul-de-sac  
12 roadway. Throughout the discussion with the Planning Board  
13 and due to Planning Board's review, as well as concerns  
14 issued by staff and other agencies, the applicant agreed to  
15 reduce that down to a three-lot subdivision, three-lot  
16 residential subdivision. There is a fourth lot associated  
17 with the cul-de-sac roadway.

18           Further, number two, the proposed residence on  
19 Lot 1 was shifted to the south or closer to the cul-de-sac,  
20 which resulted in a reduction in the length of the driveway  
21 proposed as well as reducing impervious surface coverage.  
22 And it reduced the total amount of disturbance proposed,  
23 including disturbance to regulated steep slopes and also  
24 resulted in a reduction in the number of trees proposed to  
25 be removed. And that came out of the site visits that were

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1 conducted by Board Members where we walked the total length  
2 of that driveway as it had been originally proposed.

3 And following a meeting after those site visits,  
4 the Board Members brought that to the attention of the  
5 applicant and the applicant was agreeable to shorten that  
6 distance. Thus, reducing steep slope disturbance, tree  
7 removals and reducing impervious surface coverage. So that  
8 was certainly an improvement.

9 Number three, a pervious paver center island or  
10 pervious surface center island -- I'm actually going to  
11 modify this based on the discussion I had with the  
12 applicant, the applicant's representative, this afternoon,  
13 but a pervious surface center island with mountable curbing  
14 and plantings was added to the proposed cul-de-sac in order  
15 to reduce overall impervious coverage at the request of the  
16 Board.

17 And number four, the applicant coordinated with a  
18 neighboring property owner, Mr. Marron, part of Case Number  
19 PB 21-03, in order to provide access from two of  
20 Mr. Marron's lots to the proposed cul-de-sac roadway, which  
21 will result in elimination of a lengthy shared driveway.  
22 Thus, reducing impervious surfaces and such area will be  
23 planted with trees and shrubs.

24 This coordination resulted in the need for a  
25 resubdivision and wetland/watercourse permit approval

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1 through the Planning Board as noted for the Marron lots,  
2 which have been applied for under Case Number PB 21-03.

3 So we did outline in this Neg. Dec. the  
4 significant revisions that were done as a result of the  
5 Board reviewing this project over the last couple of years,  
6 actually.

7 The only other item I really wanted to bring to  
8 your attention within this draft Neg. Dec., I should say  
9 two other items, are on page four. We outlined under  
10 impact on natural resources the fact that while the  
11 applicant is proposing direct disturbance to an on-site  
12 wetland, it has proposed a wetland mitigation plan, which  
13 will enhance the on-site wetland that's proposed to be  
14 disturbed as part of the project.

15 The applicant has complied with Chapter 280 of  
16 the Town Code with respect to on-site mitigation for when a  
17 wetland is directly impacted. And the belief is that, you  
18 know, following these mitigations -- these mitigations that  
19 are carried out after construction of the development, if  
20 it is approved, that overall there would be an improved  
21 wetland and upland area in that portion of the site.

22 Lastly, number ten, impact on flooding and  
23 drainage. We wanted to identify that the applicant has  
24 proposed the use of a series of accepted practices for  
25 stormwater management. And I'll change that to management.

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1 Including one, an asphalt surface for the proposed  
2 cul-de-sac, but with storm Crete, which is a porous  
3 concrete, gutter along the west side of the roadway.

4 The applicant can discuss that with us further.  
5 And as part of the Public Hearing, I had a discussion with  
6 the applicant today. I also had a discussion with the  
7 Town's Bureau of Engineering, who is satisfied with this  
8 layout.

9 Two, the applicant has proposed pervious surfaces  
10 and materials, for materials within the center of the  
11 cul-de-sac, as I previously mentioned. They have also  
12 proposed a drain inlet as well as a subsurface stormwater  
13 management facility. So that the applicant's complying  
14 with the Town Code requirements with respect to stormwater  
15 management.

16 And it had been reviewed preliminarily by the  
17 Town's Bureau of Engineering, who's been working with the  
18 applicant over a significant period of time to address  
19 stormwater management on the site. As noted within this  
20 document, the applicant will be required to obtain  
21 stormwater management control permit from the Bureau of  
22 Engineering prior to the submission of any building permit.

23 With respect to the individual lots associated  
24 with the project, the applicant has mentioned to the  
25 Planning Board that it will be required to obtain

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1 stormwater management control permits for the individual  
2 lots. So, at such time as was presented to the Planning  
3 Board, the applicant will not be building these lots, okay.

4 So there isn't a specific stormwater design for  
5 the individual lots as of yet. But as required by Town  
6 Code and as would be conditioned by the Planning Board in  
7 any decision, the applicant or any successors in interest  
8 would be required to obtain the stormwater management  
9 control permit prior to filing for building permit for any  
10 of those lots.

11 So I just wanted to bring those items to your  
12 attention this evening on this particular Draft Negative  
13 Declaration. I can bring up the other one. The other one  
14 is fairly straight forward. But let me bring that up for  
15 you. Bear with me just one moment.

16 CHAIRMAN SIMON: Aaron, let's get through this  
17 one and then you can do the introduction to the second one  
18 after we get through this.

19 So I want to be able to make a SEQRA  
20 determination tonight and so we could move forward. Based  
21 upon the information received today and the explanation  
22 that was just given us, I feel comfortable that we could go  
23 ahead and make a SEQRA determination. If any Board Members  
24 think otherwise, please voice that opinion.

25 If not, I'll take a vote on the SEQRA

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1 determination.

2 (Whereupon, there was no response.)

3 CHAIRMAN SIMON: Okay, with that said, seeing no  
4 reason to delay a SEQRA determination, we will have to take  
5 two actions. First is declaring this an Unlisted Action.

6 BOARD MEMBER GOLDEN: So moved.

7 CHAIRMAN SIMON: Do we have a second?

8 VICE CHAIRMAN SCHWARTZ: Second.

9 CHAIRMAN SIMON: All in favor? Aye.

10 BOARD MEMBER GOLDEN: Aye.

11 VICE CHAIRMAN SCHWARTZ: Aye.

12 BOARD MEMBER DESAI: Aye.

13 BOARD MEMBER HAY: Aye.

14 BOARD MEMBER FRAITAG: Aye.

15 BOARD MEMBER SNAGGS: Aye.

16 CHAIRMAN SIMON: Oppose?

17 (Whereupon, there was no response.)

18 CHAIRMAN SIMON: Okay. The next one is to  
19 declare a Neg. Dec. in this application.

20 BOARD MEMBER GOLDEN: So moved.

21 CHAIRMAN SIMON: Do we have a second?

22 BOARD MEMBER HAY: Second.

23 CHAIRMAN SIMON: All in favor? Aye.

24 VICE CHAIRMAN SCHWARTZ: Aye.

25 BOARD MEMBER HAY: Aye.

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1 BOARD MEMBER GOLDEN: Aye.

2 BOARD MEMBER FRAITAG: Aye.

3 BOARD MEMBER SNAGGS: Aye.

4 BOARD MEMBER DESAI: Aye.

5 CHAIRMAN SIMON: Okay.

6 DEPUTY TOWN ATTORNEY FRIED: So the next thing to  
7 do is proceed with the Marron Neg. Dec., and for Aaron to  
8 put that up on the screen.

9 DEPUTY COMMISSIONER SCHMIDT: Yes. Thank you.  
10 Okay, so this is the Draft Negative Declaration for Case  
11 Number PB 21-03, Marron Subdivision, located at 710 Ardsley  
12 Road, P.O. Scarsdale. As with the National Road Safety  
13 Foundation Subdivision, this proposed action qualifies as  
14 an Unlisted Action under SEQRA. We've prepared a Draft  
15 Negative Declaration for the Board's consideration.

16 This one is fairly straight forward, but we do  
17 outline the impact on land use and zoning. And the impact  
18 on land, which is actually a benefit to that area by  
19 removing a lengthy portion of Mr. Marron's driveway and  
20 replacing that impervious surface with trees and shrubs.  
21 So that will be an overall benefit within that area with  
22 respect to land cover.

23 We indicate that with respect to transportation  
24 that, you know, the site is in a well established  
25 neighborhood, that connecting into a cul-de-sac that's

1 built to Town's standards is preferable to a lengthy,  
2 shared driveway with a smaller curb cut opening onto  
3 Ardsley Road.

4 And we do note the fact under Section 9 that the  
5 project does require a wetland/watercourse permit, because  
6 the wetland on the site of the National Road Safety  
7 Foundation project the 100-foot buffer extends onto the  
8 Marron site and specifically into the area where  
9 Mr. Marron's driveway would be relocated to connect into  
10 the private, cul-de-sac roadway.

11 However, it would be down-sloped of the wetland.  
12 The wetland has a proposed mitigation plan associated with  
13 it as part of the National Road Safety Foundation project.  
14 And we don't anticipate any negative impacts to that  
15 wetland in connection with this project.

16 CHAIRMAN SIMON: Okay, fine.

17 DEPUTY COMMISSIONER SCHMIDT: Again, with  
18 flooding and drainage, we identify the fact that there is  
19 going to be a reduction in impervious surface coverage,  
20 which is a benefit. And that's really it with respect to  
21 this one.

22 CHAIRMAN SIMON: Okay, so I am not going to take  
23 a vote on this now. We will take a vote when that  
24 application is actually before us when we have all the  
25 background information.



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1 DEPUTY TOWN ATTORNEY FRIED: Actually, if you're  
2 going to have this as a joint public hearing in which  
3 people can speak on both, you should take that vote now.

4 VICE CHAIRMAN SCHWARTZ: I'll move it as an  
5 Unlisted Action.

6 BOARD MEMBER HAY: Second.

7 CHAIRMAN SIMON: All in favor? Aye.

8 BOARD MEMBER SNAGGS: Aye.

9 BOARD MEMBER GOLDEN: Aye.

10 VICE CHAIRMAN SCHWARTZ: Aye.

11 BOARD MEMBER HAY: Aye.

12 BOARD MEMBER FRAITAG: Aye.

13 BOARD MEMBER DESAI: Aye.

14 CHAIRMAN SIMON: And the next vote we have to  
15 take to declare this a Neg. Dec.

16 BOARD MEMBER GOLDEN: So moved.

17 VICE CHAIRMAN SCHWARTZ: Second.

18 CHAIRMAN SIMON: All in favor? Aye.

19 VICE CHAIRMAN SCHWARTZ: Aye.

20 BOARD MEMBER GOLDEN: Aye.

21 BOARD MEMBER SNAGGS: Aye.

22 BOARD MEMBER DESAI: Aye.

23 BOARD MEMBER HAY: Aye.

24 BOARD MEMBER FRAITAG: Aye.

25 DEPUTY COMMISSIONER SCHMIDT: Thank you.

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1 CHAIRMAN SIMON: Let's move onto the actual  
2 Hearing, PB 17-06. Is the applicant speaking --

3 DEPUTY COMMISSIONER SCHMIDT: Yes.

4 MS. KATE ROBERTS: Chairperson Simon, can  
5 everybody hear me?

6 CHAIRMAN SIMON: Yes.

7 MS. KATE ROBERTS: Okay, great. Good evening.  
8 My name is Kate Roberts. I'm with the Law Firm of Zarin &  
9 Steinmetz. I'm here on behalf of both Mr. Marron and  
10 National Road Safety Foundation.

11 To kick off tonight's Public Hearing, I do want  
12 to -- Aaron, did a great job, as always, of giving a lot of  
13 background particularly in the Neg. Dec.'s, but I do want  
14 to give the public a little bit of history because I think  
15 some of the neighbors are on. So if you will just bear  
16 with us for a few minutes, we will try to make this as  
17 brief as possible. I know your Board is really familiar  
18 with the project.

19 First, with me tonight is John Manocherian, who  
20 is a representative from National Road Safety Foundation.  
21 I believe Mr. Ed Marron is also on the call. We have Dave  
22 Lombardi from JMC, the project's engineer. And I think  
23 Kevin Masciovecchio, who is the traffic consultant, is also  
24 on the call.

25 So we originally, as Aaron said, this project

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1 came before your Board in 2017 and we had proposed a  
2 subdivision that would create four homes and a shared  
3 roadway. Upon initial feedback from your Board, the  
4 project was reduced to a three-house subdivision and all of  
5 the access to those lots were from Ardsley Road.

6 Your Board and staff conducted two site walks of  
7 the property in the fall of 2019. And based on feedback,  
8 we moved the third house, as Aaron said, closer to the  
9 other two, which did a few things. It improved fire and  
10 emergency access. And it avoided significant disturbance  
11 to steep slopes bordering adjacent neighbors.

12 Based on comments heard during site walks and  
13 requests from your Board to reach out to neighbors to try  
14 to get immediately adjacent neighbors to combine access  
15 driveways to avoid curb cuts on Ardsley Road. We entered  
16 into lengthy conversations with Mr. Marron, as well as  
17 several other owners, properties located both to the east  
18 and another property that's located to the west. I think  
19 some of those neighbors are on the call tonight.

20 Mr. Marron was the only neighbor who wanted to  
21 join in on the shared driveway. We submit he's one of more  
22 important neighbors actually, because -- not more important  
23 for any other reason than his driveway was the lengthiest.  
24 So it resulted in significantly less impervious coverage  
25 and is allowing for significant plantings within the area

1 that his current driveway is located.

2 His property is actually subdivided into three  
3 lots currently. Only one of the lots is developed with his  
4 home. So his application makes some slight lot line  
5 adjustments, mainly in order to meet the frontage  
6 requirement along the new shared driveway.

7 One thing Aaron didn't touch on, which I want to  
8 just briefly speak to. We have been before the Town's  
9 Conservation Advisory Committee on both applications and  
10 received positive referrals. Mr. Marron's application  
11 results in a disturbance to the 100-foot wetland buffer,  
12 while National Road Safety Foundation's application results  
13 in both direct, and indirect buffer, impacts.

14 I say it this way because the wetland narrative  
15 previously submitted to your Board and the CAC by wetland  
16 consultant, Evans Associates, explains that while there is  
17 a wetland on the property and the wetland and 100-foot  
18 buffer are regulated by the Town only, the wetland is low  
19 functioning and contributes minimal functional value as it  
20 is, due to limited watershed feeding and as far as  
21 vegetative cover in the wetland itself.

22 I think several of the Board Members who came to  
23 this site walks were able to see this for themselves. And  
24 despite the fact that the wetland has minimal, functional  
25 value, the project will propose to do many wetland

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1 mitigation plantings made of native species that we submit  
2 will mitigate the impacts and actually improve the wetland.

3 We also have talked about our willingness,  
4 specifically we had lengthy conversations with the CAC,  
5 about the applicant's willingness to grant the Town an  
6 easement over the wetland buffer. I'm sorry, over the  
7 wetland conservation area itself. So in the event the  
8 owner of the property fails to maintain the mitigation  
9 measure, the Town has the ability to come on and do that  
10 itself and then charge the HOA, it would be for the cost.

11 One other thing is over the past several years we  
12 received comments from Legal Department, the Engineering  
13 Department, and the Town's traffic consultant. With the  
14 exception of a few engineering comments that Dave is  
15 working through with the Bureau of Engineering, we've  
16 responded to all of those comments.

17 Most recently, the Traffic Engineer's comments  
18 about sightline distance in particular. His only comment  
19 was really that we cut some of the shrubs back that are  
20 located in the Town's right of way. Dave can speak more to  
21 this, but the applicant, as long as the Town allows the  
22 applicant within the right of way, more than willing to  
23 cutback the shrubs to improve the sightline distance.

24 I'm going to hand it over to Dave, who is going  
25 to discuss a little bit about the tree survey that we did,

1 the proposed landscaping and some of the engineering  
2 comments. And then we're happy to answer your Board's and  
3 also the public's questions.

4 MR. DAVID LOMBARDI: Good evening. Dave  
5 Lombardi. I'm a professional engineer with JMC. I would  
6 just like to start out to say that we've also met with the  
7 Ardsley Fire Department on two separate occasions. Once in  
8 person and once in a Zoom meeting.

9 And as a result of that meeting, one of the  
10 things we did was we widened the driveway to the Lot 1 home  
11 an additional eight feet to allow Fire Department apparatus  
12 vehicles to get within the required distance of the back  
13 corner of the house here. The cul-de-sac has a diameter of  
14 96 feet, which is the State requirement. And the other  
15 request was that we place a fire hydrant at the end of the  
16 cul-de-sac, which we have also done, shown right here.

17 We're proposing an extension of the public water  
18 supplier from SUEZ up the private roadway to serve the  
19 three proposed homes, as well as provide a service to  
20 Mr. Marron's house and a potential future home in the  
21 adjacent subdivided lot.

22 I'd just like to go back to the layout. As you  
23 can see here, Lot 9.1 and 9.2 are two-flag lots that share  
24 a driveway out to Ardsley Road here. So we're proposing to  
25 abandon this property line here, and this would be the new

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1 proposed property line between those two lots. So that's  
2 the one change to this subdivision. And the other change  
3 is between the three lots.

4 This is the existing lot line, which was in that  
5 shape because when the subdivision was approved, these lots  
6 had septic systems with setback requirements. There are  
7 sewer services to each of these lots now. So that is no  
8 longer needed. So Mr. Marron requested that we straighten  
9 this common lot line between the three lots.

10 And let's see, this is our proposed grading plan,  
11 the proposed retaining walls behind the houses and the  
12 driveways to reduce the impacts to the steep slopes and  
13 grading. And as requested by the Board, we did a cross  
14 section through one of the homes.

15 This is our proposed landscaping plan for the  
16 proposed private roadway where we have street trees on each  
17 side of the road around the cul-de-sac, a center island  
18 with a tree and shrubs and trees and shrubs in the location  
19 of Mr. Marron's driveway here. And we have also  
20 prepared -- let me just open that up, a conceptual  
21 landscaping plan for Lot 3 with a list of trees and shrubs  
22 and perennials that will be planted. And we're proposing  
23 to plant 139 trees as part of the project.

24 We had SUEZ, who is the water provider in the  
25 area, perform a hydrant flow test on the 8-inch main in

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1 Ardsley Road and determined that we had adequate pressure  
2 and flow to serve the three homes for domestic and fire  
3 purposes.

4 And if any of the Board Members have any  
5 questions or anyone from the public has any questions, I'd  
6 be happy to answer them.

7 CHAIRMAN SIMON: The way I would like to proceed  
8 is that we present both applications so when the public  
9 come in, and come up to speak, they can speak on one or  
10 both of the applications as opposed to speaking at one,  
11 sitting down, or well going off screen and coming back.

12 So if there are any questions from the Board on  
13 this application, then please ask to be identified. I  
14 would like to get one -- I have one question for  
15 clarification. You're bringing in new sewer and waterlines  
16 into those three properties. Now, they will go across  
17 Mr. Marron's lot and the proposed lot. And so they will  
18 have the opportunity, if they so desire, to tap into that  
19 sewer line and abandon their septic system?

20 MR. DAVID LOMBARDI: From what I understand from  
21 Mr. Marron that each of these lots already has a service  
22 going to the lots. But it is more convenient, say for Lot  
23 9.2, to connect to the sewer here. We can accommodate  
24 that.

25 CHAIRMAN SIMON: Okay.



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1 MR. DAVID LOMBARDI: In addition to sewer, we're  
2 also going to be bringing gas and electric up the private  
3 roadway, which can also serve each of the two lots.

4 CHAIRMAN SIMON: Okay, thank you. But I thought  
5 you said something about septic. That's why I was --

6 MR. DAVID LOMBARDI: Yes, when this subdivision  
7 was originally approved, it was only septic.

8 CHAIRMAN SIMON: Oh, okay, fine. That answers my  
9 question. Okay. Do any other Board Members have any  
10 questions before we go to Mr. Marron's application?

11 (Whereupon, there was no response.)

12 CHAIRPERSON SIMON: If not, then could you go  
13 through Mr. Marron's application?

14 MR. DAVID LOMBARDI: Sure.

15 CHAIRMAN SIMON: Then I'll open it up for public  
16 discussion.

17 MR. DAVID LOMBARDI: This is the preliminary  
18 subdivision plat for Mr. Marron's property. I'm just going  
19 to zoom in a little bit more. So this is Mr. Marron's  
20 current property line between Lots 9.1 and 9.2. And then  
21 here, there is the shared driveway with the two flag lots  
22 out to Ardsley Road. And this is the alignment of the  
23 current lot line between the three lots back here.

24 This lot line here is proposed to be removed.  
25 This lot line right here, between Lots 9.1 and 9.2, is

1 proposed to provide the access and the frontage  
2 requirements for these two lots to the proposed roadway.

3 And as I discussed earlier on Lot 3, this common  
4 lot line between the three lots is proposed to be  
5 straightened. And then we have the existing and the  
6 proposed areas of each of these lots. And they are all in  
7 excess of 20,000 square feet, which is the minimum  
8 required. And this area where the driveway is being  
9 removed will remain part of Mr. Marron's Lot 9.1.

10 DEPUTY TOWN ATTORNEY FRIED: Okay. So that's the  
11 before. You can show the after now.

12 MS. KATE ROBERTS: So the after, it's actually  
13 just more faint grey lines.

14 DEPUTY TOWN ATTORNEY FRIED: Okay.

15 MS. KATE ROBERTS: Yes, so it's a little bit hard  
16 to see. But Dave, if you just want to may be run your  
17 cursor again over the lighter grey lines.

18 MR. DAVID LOMBARDI: This is a proposed lot line  
19 that will connect to the existing lot line here. And it  
20 could either run between the two lots, which will end here.  
21 And then this line here --

22 MS. KATE ROBERTS: -- will be the straight line  
23 across.

24 MR. DAVID LOMBARDI: -- a straight line will be  
25 between Lots 9.2 and 9.3 and 9.1 and 9.3. And as part of

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1 the resubdivision, Mr. Marron's driveway will be realigned  
2 and we will have a back-up area that conforms to the  
3 current requirements for driveways.

4 CHAIRMAN SIMON: But shouldn't --

5 MR. DAVID LOMBARDI: We'll provide a curb cut  
6 that will go to the property line of Lot 9.2 for future  
7 connection.

8 CHAIRMAN SIMON: But there should be in your file  
9 there and on record the finished lot line. You don't have  
10 that available so you can show the public what is --

11 MS. KATE ROBERTS: What it would look like?  
12 Dave, do you have one just with the light grey lines or do  
13 you only have this one that has both?

14 MR. DAVID LOMBARDI: We only have this one that  
15 shows both.

16 CHAIRMAN SIMON: Okay.

17 MR. DAVID LOMBARDI: I could trace it, though.  
18 No, I don't think that's going to work.

19 CHAIRMAN SIMON: Okay. Thought if you had it  
20 handy --

21 MR. DAVID LOMBARDI: I'll trace it again.

22 CHAIRMAN SIMON: That would be helpful to the  
23 public. I mean the Board Members have seen this several  
24 times. But I thought it would just be helpful to the  
25 public to see it.

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1 MR. DAVID LOMBARDI: So this is a proposed lot  
2 line here that connects to the existing, follows the  
3 existing lot line to this point right here.

4 CHAIRMAN SIMON: Okay.

5 MR. DAVID LOMBARDI: So essentially this lot line  
6 will move to here and this lot line will move to here and  
7 this will remain in the same location there.

8 CHAIRMAN SIMON: Okay.

9 MR. DAVID LOMBARDI: And then from this point to  
10 here, all the way out, will be removed. And this will  
11 remain all part of Mr. Marron's Lot 9.1.

12 CHAIRMAN SIMON: Okay. Are there any questions  
13 from Board Members before I ask for public comment?

14 (Whereupon, there was no response.)

15 CHAIRPERSON SIMON: If not, then Aaron, could  
16 allow members of the public to speak, please?

17 DEPUTY COMMISSIONER SCHMIDT: Sure. So it would  
18 be beneficial if participants raise their hand. I see that  
19 a couple already have. If Mr. Lombardi, if you can take  
20 down the share screen, that would be great.

21 MR. DAVID LOMBARDI: Sure.

22 DEPUTY COMMISSIONER SCHMIDT: If we need to put  
23 it back up we certainly will. Go ahead, I'm sorry.

24 CHAIRMAN SIMON: I just want to emphasize to the  
25 public they can speak on either project because they are

1 interrelated so.

2 DEPUTY COMMISSIONER SCHMIDT: Great. We have  
3 Damian Rivera.

4 MR. DAMIAN RIVERA: Hey, how are you doing.  
5 Damian Rivera. I'm a neighbor that's right over 656. I  
6 actually think that they did a good job of taking our  
7 feedback. Kate, I appreciate it. You, David, you guys  
8 took our feedback from when we had our meeting. So I do  
9 appreciate that.

10 I guess my biggest question now is with respect  
11 to the wetland. It sounds like, and I just want to get  
12 confirmation of this, that the environmental impact is  
13 actually going to be a net positive. And if maintenance is  
14 not performed correctly to allow for that net positive,  
15 then the Township has the right to be able to go ahead and  
16 do it and then go ahead and allocate the cost not back to  
17 the taxpayers, but to, it sounds like, Mr. Marron or sounds  
18 like that way. So I want to confirm that.

19 And then the second piece is, how are you  
20 evaluating to know whether or not it's even being done  
21 correctly, to know whether or not you need to step in to do  
22 something with it. Those are my two questions.

23 MS. KATE ROBERTS: Chairperson Simon, do you want  
24 us to answer --

25 CHAIRMAN SIMON: Well, okay, what I would like is

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1 for you to take note of the questions. Let everyone ask  
2 their questions. And then at the end, you answer each of  
3 the questions. I think it would be more efficient that  
4 way.

5 MS. KATE ROBERTS: Sure, no problem.

6 CHAIRMAN SIMON: Okay.

7 DEPUTY COMMISSIONER SCHMIDT: Okay. So we have  
8 Mr. Kenneth Stahn who has requested to speak.

9 CHAIRMAN SIMON: Mr. Stahn?

10 MR. KENNETH STAHN: Okay, I am speaking, can you  
11 hear me?

12 CHAIRMAN SIMON: Yes.

13 DEPUTY COMMISSIONER SCHMIDT: Yes, sir.

14 MR. KENNETH STAHN: Okay. I live at 644 Ardsley  
15 Road. I presently am the president of the Ardsley Sprain  
16 Brook Civic Association. And you know, David Fried and  
17 Hugh Schwartz know me from the Ardsley Chase and Ardsley  
18 Preserve developments. I have several concerns.

19 But first I wanted to say that this last meeting  
20 was properly notified the public, but the prior meetings  
21 were lacking from the commitment of the Town Supervisor to  
22 let us know. If I didn't accidentally see this listed back  
23 in March, way back in March or February, I wouldn't have  
24 known about it. And I've been active in it since. That  
25 said I'll move on. But that was the commitment of the Town

1 that has not been fulfilled by the Planning Board.

2 I have issues with the traffic and sight lines.  
3 We had a 15-year holdup on the Ardsley Chase development.  
4 And due to the emergency exit that is almost directly  
5 across from this new road -- And I'm calling it a road not  
6 a driveway.

7 Because I believe the State considers a road that  
8 has two lanes, one going in and one going out, or east/west  
9 or north/south for traffic is a road and not a driveway.  
10 Driveway only allows for one and a half cars. A road  
11 allows for two cars going by each other at the same time  
12 even with the median.

13 And I believe Ardsley Road is a State road and,  
14 therefore, the State DOT needs to be involved with the  
15 sight lines. They are out of Poughkeepsie. I'm not sure  
16 who the gentleman is that's on board tonight from the  
17 Department of Transportation, where he's from. But there  
18 is some concern on the neighborhood's part about the sight  
19 line and cars turning in and out of that road, not a  
20 driveway. It's a road, in my opinion.

21 I have major concerns for the follow through of  
22 the Town and the Planning Board with the homeowners  
23 association. If you look at the emergency entrance/exit at  
24 the Ardsley Chase facility, it's diagonally across the  
25 road. It's in terrible shape. It's been in terrible shape

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1 for five years. They don't take care of it, unless I  
2 continually harass them.

3 The three ponds that have been put in to handle  
4 the water runoff and sewerage -- not the sewerage, but the  
5 runoff and maintain the stormwater, they are overgrown.  
6 They are not maintained. The minnows haven't been there.  
7 We've complained and complained. Nothing has been done.  
8 The Town hasn't gone in and mitigated it. The Town has not  
9 gone in and billed it back to the homeowners association  
10 for either the emergency entrance or exit.

11 We're very concerned that the same plan is being  
12 put in place for this new development. And the new  
13 development will not maintain it to the specifications that  
14 are being set up, if and when the project has been  
15 approved. Very, very worried about that.

16 And also, the fact that with the Marron  
17 development, we -- again, he has the right to redo his land  
18 and set up the lots however he wants. But I want everybody  
19 to know that at some point in time down the road, whether  
20 it's him or his family or whoever he sells it to, there  
21 could be three houses. And all the entrances and exits  
22 will be going down that new cul-de-sac road.

23 And you haven't eliminated any curb cuts. You're  
24 adding a curb cut, which is good because the only drain on  
25 that area from 654 and 656 that could catch water is being



1 blocked by a curb that was put in when the Toll Brothers  
2 resurfaced and curbed the road. So no water goes into that  
3 drain and no water drains down into it from the gullies for  
4 that stormwater or the new driveway or the new road that's  
5 going in.

6 So you know, whether it's three houses, four  
7 houses could turn into six houses. Six houses could turn  
8 into 12 cars, 15 cars if there's kids. As when, we have  
9 three sons, so at one point in time we had four cars in our  
10 driveway with five people. So you know, it could be a big  
11 traffic in and out of that particular area.

12 The curb cuts weren't changed. You'll have three  
13 entrances within 100 yards of each other. One that could  
14 potentially, at some point in time, be handling traffic for  
15 six houses. For sure, it will be handling it for four.  
16 Basically it's only three because the Marron's house is in  
17 that dual 710, 714 driveway now.

18 Also, when this project is done, they need to,  
19 and the Town should look into, having the road fixed. As I  
20 talked with Aaron and told him to speak with Martino from  
21 the DPW, the road is not properly crowned. And the water  
22 runs to the middle of the road and not to the curb and not  
23 into the storm drains. It creates an icing problem in the  
24 fall and winter; especially at night, when water turns more  
25 to ice. And that is a dangerous corner going into a very

1 dangerous stop light intersection now.

2 And they should take a look at how, during rush  
3 hour, morning schools and after 2:30 to 3:30, when schools  
4 let out, the middle school, the traffic backs up sometimes,  
5 not all the time, but sometimes packs 656 going up towards  
6 648; and on the north side and 705, 701 on the east side.  
7 Because the light is red, there is a line of cars that's  
8 backed up where that new road is going in. That new road  
9 should have a sign that says --

10 CHAIRMAN SIMON: Excuse me. If I may interrupt  
11 you for one minute.

12 MR. KENNETH STAHN: I'll stop. I've said  
13 everything.

14 CHAIRMAN SIMON: Okay. Because we do not have a  
15 time limit.

16 MR. KENNETH STAHN: I understand. I understand.  
17 I got all my points in. The last one was the crown on the  
18 road needs to be fixed because the water doesn't run the  
19 right way.

20 CHAIRMAN SIMON: Okay, thank you.

21 DEPUTY TOWN ATTORNEY FRIED: Thank you.

22 DEPUTY COMMISSIONER SCHMIDT: Thank you.

23 MR. KENNETH STAHN: You're welcome.

24 DEPUTY COMMISSIONER SCHMIDT: We actually have  
25 Mr. Bodin.

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1           CHAIRMAN SIMON: Yes. And I would just like to  
2 finish what I said in terms of timing. We do not have a  
3 finishing limit on how long a person can speak. But I  
4 would ask that you try to be as concise as possible, not to  
5 repeat yourself. So you can get all the points that you  
6 want to make in and we still have time to allow everyone to  
7 speak. Thank you.

8           DEPUTY COMMISSIONER SCHMIDT: Okay. Mr. Bodin  
9 just indicated that he will not be speaking on this one.  
10 We have Mr. and Mrs. Kim.

11           MR. HENRY KIM: We decided to withdraw our  
12 question. Thank you.

13           DEPUTY COMMISSIONER SCHMIDT: Thank you. And we  
14 have Mr. Farris.

15           MR. EDMUND FARRIS: Thank you to the Board. I'm  
16 Dr. Edmund Farris. I live at 179 Sprain Road. And my  
17 property has the -- it appears that it's the Lot 1 backing  
18 up to it. I have a number of concerns. And as Mister, I  
19 guess, Stahn said, this is the first I've actually seen of  
20 the proposal of the development which directly impinges  
21 upon my property.

22           My property has a steep slope up to the property.  
23 There is a flattening and then there is a steep slope  
24 behind my property. That becomes an extremely steep slope  
25 above the property going back toward the power lines to the

1 east. I'm concerned that any impingement upon that  
2 extremely steep slope will bring additional water down into  
3 my property. I already have a number of drains all around  
4 my property, which had to be modified over the years as  
5 water table shifts.

6 And not only from my property but for the  
7 properties around, I would like to know how that would be  
8 mitigated or improved. That's a very deep concern of mine.

9 Second concern is regard to flora and fauna in  
10 the area. I already have virtual zoo in my backyard  
11 consisting of deer, coyote, turkeys, other animals. My  
12 concern is the displacement of these other animals from the  
13 development and potentially forcing those animals down, not  
14 only into my yard, but to the adjacent yards. They already  
15 come down and tear up all of our trees as it is.

16 The other thing that I'm extremely concerned  
17 about is the tree integrity behind the house. As I  
18 mentioned, we have an extremely steep slope with mature,  
19 large trees. And disruption posterior to that on the east  
20 side, I'm concerned that that would then also disrupt the  
21 treeline behind my property potentially forcing those trees  
22 to be compromised; and coming down into our property or  
23 disrupting the roots and killing off some of those other  
24 trees as well.

25 There was mention that there is going to be

1 retaining walls behind the properties, on the east side of  
2 the property. I would like to know how that would effect  
3 the water drain-off on all sides of the property. And why  
4 it would then -- I'm not an engineer, I'm a physician. Why  
5 that would then not direct water around and back down the  
6 hill of the extremely steep slope behind my property.

7 I would also have one request. If this project  
8 does go through, is that we do not have direct water  
9 access. We're kind of in the watershed area between the  
10 two districts. I would request that if the project does go  
11 through, that a line be directed towards my property so  
12 that we could eventually tap into that for a direct public  
13 access to water. Thank you.

14 DEPUTY COMMISSIONER SCHMIDT: Thank you. Was  
15 there anyone else from the public that I missed that wishes  
16 to speak on either of these applications? I think I got  
17 everyone, but I just wanted to double-check.

18 CHAIRMAN SIMON: Okay. If there is no other  
19 speakers from the public, I'll ask the applicant to respond  
20 to all the questions that were asked by residents.

21 MS. KATE ROBERTS: Sure. I will try to get all  
22 of them, but if I miss anything, please, if they were your  
23 comments, please speak up and we will answer them.

24 First, Mr. Rivera, your first question was about  
25 the wetland. And your understanding is correct, that the

1 analysis shows that it will actually be a net environmental  
2 impact -- a net environmental positive. Because the  
3 wetland is low functioning currently. Our wetland  
4 consultant explained in detail to the Conservation Advisory  
5 Committee that the plantings proposed will actually help  
6 this wetland.

7 You also had asked if maintenance does not  
8 properly perform will the Town have the right to come on  
9 and maintain and then allocate the cost to the HOA. The  
10 answer is yes, we have committed, as a condition to an  
11 approval, to draft and file an easement that would allow  
12 the Town to do so.

13 I do just want to point out, and I wish our  
14 wetland consultant was here, but Beth specifically chose  
15 very low maintenance plantings for this area. So you know,  
16 the maintenance will be minimal, hopefully, for the owner.  
17 But at the same time, it will make expenses less going  
18 forward. So I just wanted to mention that.

19 And then how will the Town know if the  
20 mitigations are being done. Aaron, I might defer to you a  
21 little bit on this. But I think the answer to that is  
22 during construction, you know, for a building permit and  
23 then to eventually get a CO, the Town will have to make  
24 sure that the plans are, you know, they are built in  
25 accordance with the plans. So I think that will guarantee

1 that the Town knows the plantings are done.

2 DEPUTY COMMISSIONER SCHMIDT: That's one way in  
3 which. So the applicant will have to certify to the Town  
4 and the Town would conduct an inspection or inspections to  
5 verify that all planting material and mitigation work has  
6 been provided in conformance with the approved plan, if the  
7 project were approved.

8 Further, the Planning Board, as part of a  
9 wetland/watercourse permit, when there is direct  
10 disturbance to a wetland, we will typically have a  
11 maintenance and monitoring period established and that is  
12 envisioned with this project. The Board, typically, in a  
13 project of this caliber, would institute a three or  
14 five-year maintenance plan, which would be reviewed  
15 annually with Town staff and representatives from the  
16 project team, the applicant.

17 And if the mitigation wasn't living up to the  
18 standard, then the applicant would be required to bring it  
19 back up to standard, whether it's replacing dead plant  
20 material or doing any other work in connection with that  
21 mitigation.

22 After that period of time, it's envisioned that  
23 the plant material would have been well established by  
24 then. And then there could be potentially every other year  
25 a follow-up inspection on behalf of the Town to make sure

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1 that the mitigation activities are being complied with. So  
2 that's what we envision. And that's laid out in our code  
3 and that's standard for the Planning Board to condition.

4 MS. KATE ROBERTS: Thank you, Aaron. I think  
5 that also answers one of Mister -- I'm sorry, it's Stan or  
6 Stahn, his second question had to do with follow-through of  
7 the Town with the HOA. And I think that sort of answers  
8 that question. His first question was about traffic and  
9 sight.

10 CHAIRMAN SIMON: Before you move on.

11 MS. KATE ROBERTS: Sure.

12 CHAIRMAN SIMON: Seeing how you're responding to  
13 Mr. Stahn, I think he was talking about maintenance after,  
14 you know, the three or five years, how do you maintain the  
15 property. Because he's indicating, I haven't seen it for  
16 myself, but he's indicating that the property across from  
17 him has not been maintained. And so that's the piece of  
18 property that had been in existence for that may be  
19 five-year period. So I think that was his concern.

20 MS. KATE ROBERTS: And I guess my answer to that  
21 is, Aaron, I would think that the Town -- I don't want to  
22 speak to another project that I don't work on, but I would  
23 think the Town would go out and inspect if a neighbor had  
24 an issue or saw an issue with maintenance.

25 DEPUTY COMMISSIONER SCHMIDT: So yes. And



1 further, there is something called an Operations and  
2 Maintenance Manual that gets provided in connection with  
3 the Stormwater Pollution Prevention Plan. That covers  
4 drainage facilities and stormwater management facilities,  
5 and that's something that's ongoing.

6 There are post-construction practices that need  
7 to be complied with. There is a reporting done by the  
8 applicant. And there is the ability for inspections by the  
9 Town and mandating of fixes, if there are issues.

10 So that's laid out in a manual that gets  
11 submitted to our Bureau of Engineering and it's handled  
12 through our Bureau of Engineering.

13 MR. KENNETH STAHN: Aaron, it's Ken Stahn. Just  
14 to follow up real quick, ten seconds. That, would you just  
15 said, is perfect. That's in the Ardsley Chase deal. It's  
16 never been implemented. I can never get the reports from  
17 the Town. End of subject. I'll deal with it later after  
18 this.

19 DEPUTY TOWN ATTORNEY FRIED: Okay, we can look  
20 into that and we will.

21 CHAIRMAN SIMON: Continue Ms. Roberts.

22 MS. KATE ROBERTS: Thank you. The first question  
23 that he had was about traffic and sight line issues. As I  
24 said, the Town's Traffic Engineer did review the proposals,  
25 both the Marron and the National Road Safety Foundation

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1 applications. And he did make one comment about -- And  
2 although the sight line was in accordance with the  
3 requirements, he did say it could be improved slightly by  
4 cutting back some of the shrubs that are located within the  
5 Town's right of way.

6 The applicant is more than happy to do that.  
7 They just need authorization from the Town to enter into  
8 the Town's right of way. And if your Board would like to  
9 make that a condition of approval, I am sure that the  
10 applicant would be fine with that.

11 The next concern --

12 DEPUTY COMMISSIONER SCHMIDT: Kate, before you  
13 continue, I'm sorry. I just wanted to let the Board  
14 Members know and members of the public that we do have our  
15 traffic consultant on the Zoom meeting this evening,  
16 Mr. John Canning. So if there are any follow-up questions,  
17 we can certainly have Mr. Canning speak to those.

18 MS. KATE ROBERTS: Thank you, Aaron. I'm going  
19 to combine a few because I think the next several comments  
20 to respond to were about, that there could potentially be  
21 five lots that would connect to the shared driveway,  
22 roadway I'll call it. And then just concerned with three  
23 curb cuts on Ardsley Road being so close to one another,  
24 and wishing for a reduction.

25 And I would just submit, this Board knows, but

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1 maybe some members of the public watching aren't aware,  
2 that we did have conversations with all of the immediately  
3 adjacent neighbors that could potentially connect to the  
4 shared roadway. And Mr. Marron is the only owner who  
5 wanted to connect.

6 We can't force anybody else to connect to reduce  
7 the curb cuts. But I would submit, again, that the traffic  
8 engineer has reviewed the layout subdivision plan and the  
9 only comments that he had was about the sight line  
10 conditions.

11 Mr. Stahn, were there other comments in  
12 particular? I think, I know that last one sort of took  
13 care of a few comments you made. But I think that answers  
14 the questions you had. I can move on to Mr. Farris's  
15 comment.

16 CHAIRMAN SIMON: Just a minute, seeing how  
17 Mr. Canning is here, I would just ask him to just follow-up  
18 and comment on the issue of the traffic and the sight line.  
19 I saw your report that indicated what should be done. Are  
20 there any other comments you wish to make concerning any of  
21 the questions that were asked this evening?

22 MR. JOHN CANNING: Good evening, Mr. Chairman,  
23 Members of the Board. Not in particular. I just want to  
24 confirm, I've been following this project for probably 12  
25 months, as long as you've been reviewing it. And I know

## Case Numbers PB 17-06 and PB 21-03

1 that the sight lines have been a concern of various members  
2 of the Board, including the angle of the driveway and the  
3 ability to look left and right.

4 I will note that this driveway is on a slight  
5 concave side of the curve. So it makes it easier to look  
6 at the left and right without having to turn your neck hard  
7 to see. And also, because it's on the concave side of the  
8 curve, it actually has better sight lines than if were on  
9 the inside of the curve. There is about 445 feet of sight  
10 distance to the left. There's about 200 feet of sight  
11 distance to the right.

12 There were speed surveys done to determine how  
13 fast vehicles were traveling. And as you would imagine,  
14 they are not traveling very fast, about 24 miles per hour  
15 as they come up the hill around the bend from Sprain Road.  
16 And we determined, basically, that all of the sight lines  
17 meet the basic or they actually exceed the basic  
18 requirements.

19 The one sight line that we were concerned about  
20 was when you come up Ardsley Road going eastbound from  
21 Sprain Road and you go around the corner, if for some  
22 reason there is somebody stopped in the road, a school bus  
23 stops or if a garbage truck stops, the sight lines just met  
24 the minimum at that location.

25 But there is a hedge, a hedge row, on somebody's

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1 property that extends out into the right of way by about  
2 5 feet. So if you cut that back, you can increase the  
3 sight distance from 135 feet to 155 feet, which is very  
4 substantial when you consider the proportion.

5 The only other thing that I have to offer is that  
6 this is a Town road. It's not a State road. And the  
7 driveway, the standards are the same for roadway or  
8 driveway from a sight distance perspective. Safety is  
9 safety.

10 CHAIRMAN SIMON: Thank you.

11 MR. JOHN CANNING: Thank you, Mr. chairman.

12 CHAIRMAN SIMON: Okay. Are you finished, Ms.  
13 Roberts?

14 MS. KATE ROBERTS: I think we just had  
15 Mr. Farris's comments to go over. And I'm going to  
16 start --

17 MR. DAVID LOMBARDI: I can respond to Mr. Stahn's  
18 comments about the drain on the side of the road. I'm just  
19 going to share my screen now.

20 MS. KATE ROBERTS: Okay. And Dave, actually,  
21 also, if you want, Mr. Farris's questions were mostly about  
22 steep slopes and tree integrity and things I think that you  
23 are more trained to speak to than I am.

24 VICE CHAIRMAN SCHWARTZ: For the record, it's  
25 Dr. Farris.

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1 MS. KATE ROBERTS: I'm sorry, Dr. Farris. Thank  
2 you for correcting me.

3 MR. DAVID LOMBARDI: So there is a curb inlet,  
4 which is right here, which is behind the existing curb.  
5 We're proposing to remove the curb box and convert this to  
6 a drain inlet and create a gutter along the curb here,  
7 which will direct the runoff coming down Ardsley Road into  
8 this drain inlet. Which is actually an 18-inch pipe that  
9 goes across the road and ties into the rest of the system  
10 to intercept the water.

11 CHAIRMAN SIMON: Okay. Any other comments?

12 MS. KATE ROBERTS: Sorry. So Dave, if you could  
13 speak to, I can lay out Dr. Farris's questions. And if you  
14 don't mind doing the technical response. But he first  
15 spoke to the steep slopes and was concerned about any  
16 impingement on the steep slopes on his property and that  
17 would potentially bringing water down. If you can speak to  
18 maybe the moving of the driveway on the first lot as well  
19 as how the steep slopes will be protected through the  
20 development.

21 MR. DAVID LOMBARDI: Yes. On the original  
22 proposed subdivision, the driveway to what was Lot 1, which  
23 was over here, we had the house --

24 MS. KATE ROBERTS: Sorry, Dave. You're not  
25 sharing your screen.

Case Numbers PB 17-06 and PB 21-03

1 MR. DAVID LOMBARDI: Sorry, one second. Okay,  
2 can you see it now?

3 DEPUTY COMMISSIONER SCHMIDT: Yes.

4 MR. DAVID LOMBARDI: So on the original proposed  
5 subdivision, which was four residential lots, we had placed  
6 a house here and had a 20-foot wide driveway, which was the  
7 required width for Fire Department access to get to this  
8 house.

9 And as discussed earlier, through the concerns of  
10 the length of the driveway from Board Members, we decided  
11 to reduce the proposed subdivision to three lots. So that  
12 driveway that came off the cul-de-sac traversed all the way  
13 across here to where the house and driveway was over here.

14 As discussed earlier, each of these houses will  
15 be required to have their own stormwater management for the  
16 runoff from the roof. And we went out and we did deep hole  
17 tests and infiltration tests on each one of these lots to  
18 determine that there was adequate depth cover above bedrock  
19 and also adequate infiltration rates. And in both  
20 instances, we had adequate depth and good infiltration  
21 rates.

22 And the runoff from the driveway is not being  
23 directed down the hill. It's being directed down the  
24 driveway into the cul-de-sac, which will go into the  
25 stormwater management system. And as we progress through

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1 the remainder of this site plan approval, we have some  
2 diversion ditches here. And we can also collect the runoff  
3 that's being diverted around these walls and divert it down  
4 to the driveway.

5 Currently, this whole hillside, as you can see  
6 from the topo underneath, this flows down this way.

7 DEPUTY COMMISSIONER SCHMIDT: Dave, is the  
8 driveway going to be curbed to keep water on it --

9 MR. DAVID LOMBARDI: Yes. As you can see --

10 DEPUTY COMMISSIONER SCHMIDT: -- and bring it  
11 out?

12 MR. DAVID LOMBARDI: Yes. As you can see the  
13 contours here, there is going to be a 6-inch curb along  
14 both sides of the driveway. So this will only be grass and  
15 landscaping along here.

16 DEPUTY COMMISSIONER SCHMIDT: Thank you.

17 MR. DAVID LOMBARDI: All the driveway, the  
18 turn-around area here is all being directed in this  
19 direction.

20 MR. EDMUND FARRIS: Am I just able to just ask a  
21 question regarding this to them two?

22 CHAIRMAN SIMON: Go ahead, Mr. Farris.

23 MR. EDMUND FARRIS: Thank you. So on the north  
24 side of the proposed building, because the building is now  
25 going to be placed there, does that make any difference in



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1 the way the water would flow on the north side of the  
2 building? Would it damage in any way and then direct it,  
3 you know, more into the adjacent properties?

4 MR. DAVID LOMBARDI: No. As you can see, we have  
5 a high point behind the house here directing half of the  
6 lawn area behind the house this way and the other half  
7 around this way. And as I said earlier, you can also put  
8 diversion ditches behind these retaining walls to direct  
9 this runoff coming down here that used to all come, as you  
10 can see the contour here, anything from about here all the  
11 way up the hill was directed over here.

12 MR. EDMUND FARRIS: Yeah, which happens to be me.

13 MR. DAVID LOMBARDI: Yes. So essentially we are  
14 going to be reducing the area that's draining in that  
15 direction and diverting it to the south of the house.

16 MR. EDMUND FARRIS: But how about on the north  
17 side of the house, does anything on the north side of the  
18 house then get redirected by impinging upon the area where  
19 the building is being proposed?

20 MR. DAVID LOMBARDI: Some of it is diverted, but  
21 it's -- the runoff is already going in that direction. And  
22 this all up here is undisturbed, everything to the north of  
23 the house here. Which I think also in response to your  
24 other question about deer and coyote displacement, that all  
25 of this area, which was the former proposed Lot 1, is going

## Case Numbers PB 17-06 and PB 21-03

1 to remain undisturbed. And there is also undisturbed area  
2 behind each of these lots here. And the property behind  
3 this, these lots, is the, I believe, the Con Edison  
4 property with the overhead towers.

5 CHAIRMAN SIMON: Okay, thank you. So are there  
6 any other questions that --

7 MS. KATE ROBERTS: I think the last remaining, I  
8 think it was a request from Dr. Farris, was about water  
9 access to the pipes. And I'll let Dave speak to the  
10 technicalities. I mean, if the pipes are running up the  
11 entire driveway, I don't see why it would be an issue. I  
12 would just say it would require an easement. It would  
13 require you to obtain an easement from several neighbors,  
14 or I guess Lot 1, in order to do so.

15 I'm not saying it's not possible from a technical  
16 standpoint. I'm just identifying that as a future concern,  
17 Dr. Farris.

18 DEPUTY TOWN ATTORNEY FRIED: I guess the question  
19 is, with you, as to the applicant now, assuming that there  
20 is an approval on it, while you are still applicant and own  
21 the property, are you amenable to an easement that would,  
22 you know, have that benefit for Dr. Farris? Obviously,  
23 that would be a private arrangement between the two, but  
24 the question I think he asked, and the question, you know,  
25 is would you be amenable upon approval?

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1 MS. KATE ROBERTS: I think that my client would  
2 be amenable to having the conversation with Dr. Farris,  
3 yes.

4 DEPUTY TOWN ATTORNEY FRIED: Okay.

5 MS. KATE ROBERTS: Without having a discussion  
6 with him on it, obviously, but I think, you know,  
7 generically speaking tonight, I think he would have a  
8 conversation with Dr. Farris about that.

9 DEPUTY TOWN ATTORNEY FRIED: Yes.

10 CHAIRMAN SIMON: Okay.

11 DEPUTY COMMISSIONER SCHMIDT: There was one other  
12 comment that -- Mr. Marron sent me a chat. He's having  
13 technical difficulties, but if you can pan down, Dave, to  
14 Mr. Marron's three lots.

15 What Mr. Marron indicated is that, in response to  
16 Mr. Stahn's comment, about a third potential curb cut from  
17 the Marron property going up to the cul-de-sac, the way the  
18 lots are arranged currently, that third lot down below has  
19 frontage onto Sprain Road. And it was always envisioned  
20 that the curb cut would go down to Sprain Road and not out,  
21 you know, up to the north, which would be a lengthy run.

22 Further, that would require a resubdivision of  
23 property because of that narrow nature of the lots there.  
24 And I imagine it probably wouldn't be something that, you  
25 know, with the frontage along Sprain Road and other

1 driveways on Sprain Road that have been designed in such a  
2 way is to function, that probably wouldn't make a whole  
3 heck of a lot of sense to try to tie into that cul-de-sac.

4 So Mr. Marron just wanted to indicate that the  
5 third lot down below has adequate frontage on the Sprain  
6 Road. And if it were improved with the home, it was always  
7 envisioned that the driveway would be out of the Sprain  
8 Road at that point. I just wanted to relay that to the  
9 Board Members and to members of the public.

10 DEPUTY TOWN ATTORNEY FRIED: Dr. Farris has  
11 raised his hand so.

12 MR. EDMUND FARRIS: Yeah, I'm sorry. You didn't  
13 address one of my questions regarding the effect on tree  
14 integrity at the posterior part of my property. And also,  
15 you know, on the other side of the proposed building one,  
16 if there was going to be disturbances to those mature  
17 trees, whether or not that would cause a problem with  
18 either the rooting system or some other problem with the  
19 integrity of the trees that would then make them either  
20 subject to dying or to falling in my property, basically.

21 MR. DAVID LOMBARDI: Dr. Farris, Davey Resource  
22 Group prepared a tree preservation plan, which I can share  
23 with you, if you like, to show you their plans to protect  
24 the trees that are outside of the development. Bear with  
25 me one second.

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1 MS. KATE ROBERTS: Dave, while you're pulling  
2 that up --

3 DEPUTY COMMISSIONER SCHMIDT: While Mister --

4 MS. KATE ROBERTS: Sorry, Aaron. Go ahead.

5 DEPUTY COMMISSIONER SCHMIDT: I was only going to  
6 indicate to Dr. Farris that while Mr. Lombardi is pulling  
7 that up, that the Town, fairly recently, adopted a new Town  
8 tree ordinance that is very stringent. With that, is a  
9 companion document known as the Town Tree Technical Manual,  
10 which identifies very strict protection requirements for  
11 trees that are not removed.

12 And if an applicant cannot meet those  
13 requirements, then essentially they must propose the tree  
14 to be removed. Because it would be impacting too much of  
15 the root system and create the situation, that you've  
16 indicated that you're concerned with, where if they were  
17 digging into the root system on the uphill side, could the  
18 tree be prone to, you know, falling, either A, dying or B,  
19 falling over down onto your property below. So there are  
20 were very stringent standards.

21 And while this application dates back four years  
22 plus, the applicant was notified even before the new  
23 ordinance was adopted that they would be subject to those  
24 requirements. And therefore, they brought on a consultant  
25 to provide the tree plan and the tree protection proposal

1 that Mr. Lombardi referenced.

2 CHAIRMAN SIMON: Okay.

3 MR. DAVID LOMBARDI: I have the tree preservation  
4 plan that was prepared by Davey Resource Group, which shows  
5 the protection of all these trees in this area and also  
6 fencing to prevent construction equipment from going  
7 outside of the limits of disturbance. So all of these  
8 trees here will have -- and they also show the critical  
9 root zones. A lot of thought went into this.

10 CHAIRMAN SIMON: Okay.

11 MS. KATE ROBERTS: Thank you, Dave. And just one  
12 more response, Mr. Chairman. Dr. Farris, I would be happy  
13 for Aaron to share my email address and contact information  
14 with you. And you are more than welcome to reach out. My  
15 client has texted me that he's definitely willing to have  
16 conversations with you about the easement for the  
17 waterline. So Aaron, if you don't mind sharing my contact  
18 information. We can get in touch with Dr. Farris and start  
19 a dialogue.

20 DEPUTY COMMISSIONER SCHMIDT: Will do. It does  
21 appear that Mr. Stahn has another comment, Chairperson  
22 Simon.

23 CHAIRMAN SIMON: Well, I would like to wrap this  
24 up. Okay, go ahead. Please be brief.

25 MR. KENNETH STAHN: Yes. Real quick. Is there

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1 going to be another Public Hearing? I'm not -- I forgot  
2 the process from Ardsley Chase. This is a SEQRA. And then  
3 we have a DEIS. There's going to be more Public Hearings?

4 CHAIRMAN SIMON: No. I don't plan to have  
5 another. The purpose of the Public Hearing is to get input  
6 from the public. And if the applicant cannot answer all  
7 the questions that are raised, then I would adjourn the  
8 Public Hearing and we will continue it.

9 All the questions that were raised, I feel, were  
10 adequately responded to by the applicant. So I don't see a  
11 need for another Public Hearing. However, when we close  
12 the Public Hearing, the record will be open to what, May  
13 12th is the date, Aaron, or May 13th?

14 DEPUTY COMMISSIONER SCHMIDT: My recommendation  
15 would be that the Planning Board actually extend the open  
16 written record period if it were to close this evening for  
17 a period of three weeks, to May 26th.

18 CHAIRMAN SIMON: That's fine.

19 DEPUTY COMMISSIONER SCHMIDT: The applicant still  
20 fine tuning a few minor things with the Bureau of  
21 Engineering. Our Town Forestry Officer is going through  
22 tree by tree, verifying that the applicant has complied in  
23 full with the Town tree ordinance, which we preliminarily  
24 reviewed and do believe that they certainly have.

25 But we want to make sure that they are compliant

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1 from the tree protection standpoint. So we're looking at  
2 that. That gives staff, as well as members of the public,  
3 additional time to provide written comments and for the  
4 applicant to respond. So that would be the staff's  
5 suggestion.

6 CHAIRMAN SIMON: And I think that's an excellent  
7 suggestion. And I will entertain a motion to close the  
8 Public Hearing and keep the record open to May 26th.

9 BOARD MEMBER GOLDEN: So moved.

10 CHAIRMAN SIMON: Do we have a second?

11 BOARD MEMBER SNAGGS: Second.

12 CHAIRMAN SIMON: All in favor? Aye.

13 VICE CHAIRMAN SCHWARTZ: Aye.

14 BOARD MEMBER GOLDEN: Aye.

15 BOARD MEMBER HAY: Aye.

16 BOARD MEMBER SNAGGS: Aye.

17 BOARD MEMBER DESAI: Aye.

18 BOARD MEMBER FRAITAG: Aye.

19 CHAIRMAN SIMON: Oppose?

20 (Whereupon, there was no response.)

21 CHAIRMAN SIMON: Okay. We close the Public  
22 Hearing on PB 17-06 and --

23 DEPUTY TOWN ATTORNEY FRIED: Mr. Chairman, one  
24 other request of the applicant --

25 CHAIRMAN SIMON: Yes.



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1 DEPUTY TOWN ATTORNEY FRIED: -- which is that we  
2 need to see a separate plat of the lot lines for the Marron  
3 subdivision.

4 CHAIRMAN SIMON: Okay. Okay, so that should be  
5 included because that will have to be in the record in  
6 order for us to make a decision on our Planning Board  
7 meeting.

8 MR. DAVID LOMBARDI: We submitted a preliminary  
9 subdivision plat just for the Marron property.

10 DEPUTY TOWN ATTORNEY FRIED: Okay, but we weren't  
11 able to see that tonight, I guess.

12 CHAIRMAN SIMON: Yes.

13 DEPUTY COMMISSIONER SCHMIDT: I think with  
14 respect to it being a bit more clear. There is a  
15 preliminary subdivision plat, but there are a number of  
16 different line types, and at least it was unclear over the  
17 Zoom. I think it would be beneficial to have that cleaned  
18 up a bit and something we can put on the website for  
19 members of the public. We will also transmit it to the  
20 Planning Board Members.

21 I did have one other question. I have that vote  
22 down for closing the Public Hearing on PB 17-06. And my  
23 question was really for David, being that technically it's  
24 two separate projects, should there be two separate votes?

25 DEPUTY TOWN ATTORNEY FRIED: Correct.

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1 CHAIRMAN SIMON: Yes, that was my question also.  
2 I would close it on this. And then take other vote, a  
3 similar vote, for the PB 21-03. Okay, so let's first  
4 close -- take the vote on PB 17-06. We have a motion and  
5 we have a second.

6 VICE CHAIRMAN SCHWARTZ: We closed it. We  
7 already voted.

8 BOARD MEMBER FRAITAG: We closed it.

9 DEPUTY TOWN ATTORNEY FRIED: Yes, there was a  
10 vote already.

11 BOARD MEMBER FRAITAG: Now we do 21-03.

12 CHAIRMAN SIMON: Now we will move on to the  
13 second application. And that is PB 21-03. Okay, do we  
14 have a motion to close the Public Hearing and keep it open  
15 to May 26th?

16 VICE CHAIRMAN SCHWARTZ: So moved.

17 CHAIRMAN SIMON: Do we have a second?

18 BOARD MEMBER FRAITAG: Second.

19 CHAIRMAN SIMON: All in favor? Aye.

20 BOARD MEMBER GOLDEN: Aye.

21 VICE CHAIRMAN SCHWARTZ: Aye.

22 BOARD MEMBER HAY: Aye.

23 BOARD MEMBER FRAITAG: Aye.

24 BOARD MEMBER DESAI: Aye.

25 BOARD MEMBER SNAGGS: Aye.

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1 CHAIRMAN SIMON: Oppose?

2 (Whereupon, there was no response.)

3 CHAIRMAN SIMON: None. Okay, so the public -- so  
4 we will follow up on May 26th. Next case is PB 21-01.

5 MS. KATE ROBERTS: Thank you, Chairman and  
6 Members of the Board.

7 DEPUTY COMMISSIONER SCHMIDT: You're welcome.  
8 Good night. I just want to note at this time I'm happy to  
9 speak with you about SEQRA procedure. You know, we can  
10 talk tomorrow or sometime next week. But in this case, the  
11 Planning Board has adopted its Negative Declaration, which  
12 is a SEQRA determination. There will not be an  
13 Environmental Impact Statement in connection with this  
14 project. So I just wanted you to be aware of that, okay?

15 MR. KENNETH STAHN: Yes, thank you. And please  
16 let's make an appointment to talk because I would like to  
17 speak to that lawyer. And I'd like to be able to view some  
18 of these forms and find them on the Town website better  
19 because I didn't have a lot of time to prepare.

20 CHAIRMAN SIMON: Okay. Could you --

21 DEPUTY COMMISSIONER SCHMIDT: Yes. Have a good  
22 evening. Thank you.

23 CHAIRMAN SIMON: -- speak with Aaron Schmidt off  
24 line and he can provide you with all of that information.

25 MR. KENNETH STAHN: Got it. Good night.

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DEPUTY TOWN ATTORNEY FRIED: Good night.

MR. DAVID LOMBARDI: Thank you, everybody.

MS. KATE ROBERTS: Thank you.

DEPUTY COMMISSIONER SCHMIDT: Thank you,  
Mr. Canning.

MR. JOHN CANNING: Thank you. Bye bye.

\* \* \* \* \*

DEPUTY COMMISSIONER SCHMIDT: Okay. So the next item, as Chairperson Simon said, is Case Number PB 21-01 Chung and Wong, located at 18 Mount Pleasant Lane, P.O. Irvington in the R-10 One-Family Residence District. The applicant seeks steep slopes and tree removal permit approvals from the Planning Board.

The project involves the proposed construction of a new inground pool and spa, as well as decking and a pathway leading from the house to the pool and spa area. The applicant proposes the removal of one regulated tree and has prepared a landscaping plan providing for the planting of several trees and various shrubs as

1 replacement.

2 The Planning Board last discussed this matter at  
3 its April 7th, 2021 meeting. The applicant's  
4 representative is here this evening to further detail the  
5 project, discuss minor revisions made to the plans since  
6 the last meeting and answer any questions the Board Members  
7 or members of the public may have. Mr. Schweitzer.

8 MR. ROBERT SCHWEITZER: Good evening, Chairman  
9 Simon and Members of the Planning Board. Robert Schweitzer  
10 here, landscape architect and applicant for owners Ricky  
11 Wong and Annie Chung. So if we could -- where do you want  
12 to start, with the planting revisions that show --

13 CHAIRMAN SIMON: Could you --

14 DEPUTY COMMISSIONER SCHMIDT: I think what would  
15 be helpful would be to give an overall for the benefit of  
16 the public. But you know, fairly condensed, but thorough  
17 enough so the members of the public get a thorough sense of  
18 the project. And then speak to the Board and members of  
19 the public about the revisions made since the work session.

20 CHAIRMAN SIMON: During the discussion, could you  
21 share the screen so we could see what you're referring to?

22 MR. ROBERT SCHWEITZER: Yes.

23 DEPUTY COMMISSIONER SCHMIDT: Yes, we've enabled  
24 that for this evening.

25 MR. ROBERT SCHWEITZER: Aaron?

1 DEPUTY COMMISSIONER SCHMIDT: Yes.

2 MR. ROBERT SCHWEITZER: Could we put the plan up?

3 DEPUTY COMMISSIONER SCHMIDT: Oh, okay, you don't  
4 have that available?

5 MR. ROBERT SCHWEITZER: Well, you had that last  
6 time so I --

7 DEPUTY COMMISSIONER SCHMIDT: I will certainly do  
8 that for you. Just bear with me. Let's see here. Would  
9 sheet L7 be okay?

10 MR. ROBERT SCHWEITZER: I think that's the  
11 survey. Let me check.

12 DEPUTY COMMISSIONER SCHMIDT: Bear with me for  
13 just a moment. Because there were some plan revisions. So  
14 I want to make sure that -- Okay, sorry for that. I'm  
15 going to pull it up right now.

16 CHAIRMAN SIMON: Okay.

17 DEPUTY COMMISSIONER SCHMIDT: It would be the  
18 overall plan and then I'll have Mr. Schweitzer speak to  
19 that. And then we can pull up the revised plans that he  
20 provided.

21 MR. ROBERT SCHWEITZER: Okay. Let me just move  
22 this up here. This is the planting plan. Whoops, I lost  
23 it. Here we are. This is the planting plan. And for all  
24 of you that are new here, it's a proposal for an inground  
25 swimming pool, Gunite, 18 wide by 38 long. It also has an

1 included spa and a small deck on the southwest side of the  
2 pool there.

3 Off of the deck there are some steps that bring  
4 you down to a walk, which is a grass walk and then steps --  
5 So the landings are -- the landings and walkways are grass.  
6 And the steps are blocks of stone.

7 That brings you down to an existing patio. We  
8 made some changes at the entrance in that area where Aaron  
9 is showing you now. There is an existing wall, which we've  
10 incorporated a planter, which cheeks the steps and brings  
11 you down to the existing patio. And there is no changes to  
12 the patio.

13 The plantings are -- We've screened the rear  
14 property line on the southeast side with -- Originally, it  
15 was proposed all Hemlocks. And at the suggestion, requests  
16 of the Planning Board, we added "some diversity" into this.  
17 So we've added -- You'll see on the revised plan, you'll  
18 see the changes. We've just incorporated another species  
19 of trees in that.

20 At the same time, there was a concern about  
21 lighting, which at the bottom of the steps, as you enter  
22 the patio, there is a post light there. And so the  
23 Planning Board had concerns that that light might impact  
24 the neighbor to the south. So we've addressed that issue  
25 as well.

1                   And that was pretty much the requests from the  
2                   Planning Board and I've submitted a revised planting plan  
3                   to go into that.

4                   DEPUTY COMMISSIONER SCHMIDT: All right. I will  
5                   pull that up now.

6                   MR. ROBERT SCHWEITZER: Okay.

7                   DEPUTY COMMISSIONER SCHMIDT: Okay.

8                   MR. ROBERT SCHWEITZER: Okay. So can we zoom in  
9                   there? Correct. A little bit more, so we can get --  
10                  Right. So what I did was I added one more tree and I boxed  
11                  it into the corner right here. And those are Oriental  
12                  Spruces. They tolerate shade and it's a very shady area.  
13                  So you're limited to what trees will grow or thrive in  
14                  there.

15                  And so that was the diversion. We added those  
16                  three trees on the one corner. And then the hemlocks, you  
17                  will see, there are four on the left side. So there is a  
18                  complete screen on that rear line on that southeast,  
19                  southwest part of the rear line.

20                  Then, as you go down to the post light, I have  
21                  included, I think, a picture. Yes. What we did was we --  
22                  What I'm proposing is that the panel on that post light and  
23                  the fixture will have four panels.

24                  DEPUTY COMMISSIONER SCHMIDT: I'm going to pull  
25                  that up now.



1 MR. ROBERT SCHWEITZER: Good. Okay.

2 DEPUTY COMMISSIONER SCHMIDT: Bear with me for  
3 just a moment.

4 CHAIRMAN SIMON: One of the panels will be  
5 darkened, if I remember.

6 DEPUTY COMMISSIONER SCHMIDT: Okay. I'm going to  
7 go back. I'm having trouble finding that drawing.

8 CHAIRMAN SIMON: If I recall correctly, it was a  
9 four-sided light and the side that was exposed to the  
10 neighbor would be a dark piece of glass or blacked out or  
11 any how, some sort of addition to the lamp so you don't  
12 have light shining out of one area facing the neighbors.  
13 Whether it's dark glass or piece of dark plastic or  
14 something. Is that correct?

15 MR. ROBERT SCHWEITZER: Chairman Simon, that is  
16 correct. We will probably bring -- we will extract,  
17 remove, the new panel and find a replacement. We will go  
18 to a glacier and have him cut that out in dark glass.

19 CHAIRMAN SIMON: Okay, fine. Are there any  
20 questions in regards to this application from members of  
21 the Planning Board?

22 MS. ADRIENNE JOHNSON: Hi. I'm from the public.  
23 I don't know if it's okay for me to speak?

24 CHAIRMAN SIMON: No. It's for the Planning Board  
25 Members. If there are no questions from the Planning Board

1 Members, then I would ask Aaron to identify people,  
2 individuals, from the public.

3 DEPUTY COMMISSIONER SCHMIDT: Yes. So we have  
4 Ms. Johnson here that wishes to speak.

5 MS. ADRIENNE JOHNSON: Yeah. I just have one  
6 question about the plantings. Because I was glad to see  
7 that you put the plantings along the back. But it looks to  
8 me from what you show that the plantings are on sort of the  
9 right side of the back wall. What about any plantings on  
10 the left side of the planting wall? Because it doesn't  
11 look like you have anything there.

12 DEPUTY COMMISSIONER SCHMIDT: I'll pull up the  
13 drawing. But for the record, if you can just state your  
14 name and address, please, Ms. Johnson.

15 MS. ADRIENNE JOHNSON: Oh, sure. Adrienne  
16 Johnson, 12 Algonquin Drive.

17 DEPUTY COMMISSIONER SCHMIDT: Thank you. I'm  
18 going to pull up that plan for us. And then we do -- did  
19 you have any other questions Ms. Johnson or was that  
20 primarily it?

21 MS. ADRIENNE JOHNSON: Well, that was my main  
22 question. I was just also looking at the timing and like  
23 the, you know, the noise, like the excavation and stuff  
24 like that. Because, you know, obviously, we're all working  
25 from home now. So I don't know. I know it's probably a

1 big job to dig through the rock here in Irvington.

2 So I'm just more concerned about the timing of  
3 when the work is going to take place, as well as, you know,  
4 how long it's going to be going on for, because of the  
5 noise, obviously. So that's sort of my second question.

6 But I'm concerned about like the area where we  
7 pointed to the trees along the back wall towards the right  
8 side. What about towards the left side? Yeah, that.

9 DEPUTY COMMISSIONER SCHMIDT: Okay, so we will --

10 MR. ROBERT SCHWEITZER: Okay. I would like to  
11 address that. Adrienne, if I may.

12 MS. ADRIENNE JOHNSON: Yup.

13 MR. ROBERT SCHWEITZER: If we can just zoom a  
14 little bit more on that southeast corner. There you go.  
15 So Adrienne, I did try to address this. Believe me, I'm  
16 not ignoring you. And let me tell you what happened here.

17 If you'll notice there is a dark line and there  
18 is a hatch pattern, right. That's right. That is all  
19 ledge rock. So I went up there and I looked. And it was  
20 just -- I did not find any areas where we could plant  
21 trees. We just don't have the depth of soil.

22 Now, first of all, I'd be happy to meet with you  
23 on site and we can look back there. And if we can locate  
24 some deeper pits in that area, we will put trees in for  
25 you. Absolutely.

1           But, so what I did was I planted the ledge area  
2 with a species of plant that is native. I wanted the  
3 perimeter, the peripheral areas, to focus more on native  
4 plantings that thrive in ledge areas. And that's Kalmia  
5 Latifolia. It's Mountain Laurel. Mountain Laurel  
6 typically grows on ridges, in ledge area, rock areas. It's  
7 very happy.

8           So these shrubs will get, typically, they can get  
9 5 to 8 feet big, large. Typically, I would say 6 feet is  
10 the height on that. So we're not -- We can't put them in  
11 at that height because they won't survive. We have to put  
12 them in at 30 or 36 inch, and let them adapt to their new  
13 environment. But in time, they will mature to that height.

14           Another suggestion. So we have A, if we can find  
15 some planting areas in there, I will plant trees for you to  
16 your liking. Suggestion B, is what I have. And I've tried  
17 to, again, respond to the environment that we're dealing  
18 with here.

19           And then suggestion C is that my client would be  
20 more than happy to install a privacy fence along that ledge  
21 area for you, a 6-foot privacy fence, or whatever the code  
22 will permit for height, for maximum height; if that helps  
23 you.

24           MS. ADRIENNE JOHNSON: Yeah. We would definitely  
25 need to put something. You know, obviously, greenery would

1 be nicer to look at, right. But you know, I mean right now  
2 it's a see-through fence with my deck basically starrng  
3 over, you know, into that part of the backyard.

4 So you know, I would love to, you know, to see  
5 what can be done, you know, planting-wise. But you know, I  
6 don't know anything about the plantings. So if you're  
7 telling me that nothing really of substance can be planted  
8 there, then --

9 MR. ROBERT SCHWEITZER: Well --

10 CHAIRMAN SIMON: Okay, what we can do is to make  
11 sure that Deputy Commissioner Schmidt put the two of you in  
12 contact with you and have the conversation. And of the  
13 three choices, you know, get back to us and tell us what  
14 the final selection is. Okay?

15 MS. ADRIENNE JOHNSON: Uh-huh.

16 DEPUTY COMMISSIONER SCHMIDT: Thank you. I agree  
17 and I'm happy to make those arrangements. We also have  
18 Mr. Bodin who wishes to speak on this project.

19 CHAIRMAN SIMON: Mr. Bodin.

20 MR. MURRAY BODIN: My name is Murray Bodin and I  
21 live in Hartsdale. The issue of those post lights has  
22 become quite important with the issue of global warming.  
23 And providing enough light for the people that are walking,  
24 because I walk Captain Lawrence and it's a similar problem  
25 there.

1 I have over my driveway activated LED lights that  
2 are very bright and very focused. And I think that all  
3 applicants need to begin to think about not using the type  
4 of -- what do you call them, post lights that you're using  
5 now and switch over to LEDs that can be aimed properly.

6 I was in the Chase Bank in Ardsley the other day  
7 and they have lights in the ceiling at night, which are  
8 quite -- use a lot of energy. And if they took just one of  
9 those lights that are like over my driveway, my garage, it  
10 would eliminate all the lights that they use at night.

11 There is a big push by Con Edison. I got another  
12 email from them today telling me, hey, my usage last week,  
13 to reduce consumption. They have a program to reduce  
14 consumption in the summer. We have to look at every single  
15 place where there is the usual lights and realize the usual  
16 is over.

17 Now, I bought one share of stock at Chase Bank.  
18 So that as a shareholder, I can write to them and say, turn  
19 out the lights on the ceiling and put in one LED like I  
20 have over my driveway. And you'll save an enormous amount  
21 of energy in every single branch of a bank.

22 This is a new way of thinking. This is global  
23 warming, whether you like it or not. The world changed.  
24 We will never go back to the way we did it before.

25 Those post lights that we always used and were

1 beautiful, energy-wise, we can't afford them anymore. So  
2 think about it. How do you reduce energy everywhere in  
3 small, incremental bits. The usual lights that you've  
4 recommended can't be used anymore. And they may not look  
5 as nice as you're used to it, the whole world is going to  
6 look different.

7 So this is for our, my grandchildren and their  
8 generation. What kind of a world do we leave to them.  
9 Certainly, not the one we grew up in. And I want to thank  
10 you for this opportunity to speak tonight.

11 CHAIRMAN SIMON: Okay, thank you. The issue is  
12 whether or not --

13 DEPUTY COMMISSIONER SCHMIDT: Thank you.

14 CHAIRMAN SIMON: The issue is whether or not the  
15 light you're proposing is LED light.

16 MR. ROBERT SCHWEITZER: So the fixtures have not  
17 been specified at this time. But I am strongly in favor  
18 and I use LED, LED lamps, okay. So the ground lights most  
19 certainly would be LED and the post light would be LED.

20 CHAIRPERSON SIMON: Okay.

21 MR. ROBERT SCHWEITZER: He's making absolute  
22 sense. I mean, I've transitioned ten years ago when these  
23 things started to come out. So you know, I am completely  
24 on board with what you're saying, Mr. Bodin.

25 CHAIRMAN SIMON: Okay, thank you. Are there any

1 other questions?

2 MS. ADRIENNE JOHNSON: Hi, yeah, this is Adrienne  
3 again.

4 CHAIRMAN SIMON: Wait a minute. Before we go  
5 back to you, I want to make sure if there is anyone else  
6 who has a question on this application. If there's not,  
7 then you may ask your second question. Is there anyone  
8 else who wishes to speak on this?

9 (Whereupon, there was no response.)

10 CHAIRMAN SIMON: Aaron?

11 DEPUTY COMMISSIONER SCHMIDT: No, not that I'm  
12 aware of.

13 CHAIRMAN SIMON: Go ahead, Ms. Johnson.

14 MS. ADRIENNE JOHNSON: Okay. So I guess just to  
15 confirm the answer to the first question was that Aaron  
16 Schmidt is going to contact me with, I guess, the developer  
17 for the property and we're going to come up with a solution  
18 together that works for all of us?

19 CHAIRMAN SIMON: Yes.

20 MS. ADRIENNE JOHNSON: Is that where we're  
21 leaving that off right now?

22 CHAIRMAN SIMON: Yes. He offered three  
23 different -- he identified three different possible  
24 solutions. And so you can get together and, you know --

25 MS. ADRIENNE JOHNSON: Okay, okay.



1 CHAIRMAN SIMON: -- and work that out.

2 MS. ADRIENNE JOHNSON: Okay. And then my second  
3 question was the timing of it. You know, how long is it  
4 going to take? And you know, what level of noise and, you  
5 know, like hours and stuff like that. Like would we be,  
6 you know, do we have a plan for that?

7 MR. ROBERT SCHWEITZER: May I respond?

8 CHAIRMAN SIMON: Yes.

9 MR. ROBERT SCHWEITZER: Okay, timing, we are  
10 hoping for a September start. Obviously, we have to go  
11 through engineering and building. And then we have to  
12 secure a contractor. And in this environment that we are  
13 now, we have a lot of work going on and a lot of  
14 contractors are very busy. I don't know, but that's the  
15 ideal time, after Labor Day, to start.

16 MS. ADRIENNE JOHNSON: Okay.

17 MR. ROBERT SCHWEITZER: The project will take, I  
18 think, the pool project will take about two months. And  
19 then some of the fine details with the planting and the  
20 lighting and odds and ends, another two to four weeks. So  
21 I would say two to three months, Adrienne, is the length  
22 for this project.

23 MS. ADRIENNE JOHNSON: Okay.

24 CHAIRMAN SIMON: Okay. And if I understand the  
25 question, the key point, is if you have to do any chipping,

1           how long would that take? I think that would be the most  
2           impact --

3                   MS. ADRIENNE JOHNSON: Correct, yes.

4                   CHAIRMAN SIMON: -- on the neighbors.

5                   MS. ADRIENNE JOHNSON: Yes.

6                   MR. ROBERT SCHWEITZER: Yes. Well, I am hoping  
7           that we don't. One of my initial surveys, when I came up  
8           to the property is that I had some laborers. I didn't  
9           bring up a machine. But I had some laborers dig a number  
10          of test holes in the pool area. And I thought we were  
11          going to hit ledge, honestly. I was shocked.

12                   They went down 4 feet and we had a sand loam.  
13          Eventually that ledge is going to show up somewhere. But  
14          at 4 feet, we did not hit any ledge rock.

15                   CHAIRMAN SIMON: Okay. So you're saying you  
16          expect a minimal amount of chipping, but there might be  
17          some?

18                   MR. ROBERT SCHWEITZER: There might be some, yes,  
19          sir.

20                   CHAIRMAN SIMON: Okay. If there are no other  
21          questions on this application, I propose that we close the  
22          Public Hearing and keep the record open until -- Now, I  
23          guess we will keep it open to May 26th. Because we  
24          don't -- no, no. We have another meeting. We have another  
25          meeting this month.

1 DEPUTY COMMISSIONER SCHMIDT: Yes, we do. Staff  
2 would recommend --

3 CHAIRMAN SIMON: To the 12th.

4 DEPUTY COMMISSIONER SCHMIDT: -- one week,  
5 through May 12th.

6 CHAIRMAN SIMON: Right.

7 DEPUTY COMMISSIONER SCHMIDT: And we would like  
8 the applicant or Mr. Schweitzer, on behalf of the  
9 applicant, to coordinate with Ms. Johnson as soon as  
10 possible. I will get you guys in touch with one another  
11 and share your information, okay. So that you guys can get  
12 to that.

13 MS. ADRIENNE JOHNSON: Great.

14 DEPUTY COMMISSIONER SCHMIDT: Hopefully iron  
15 things out certainly before the 12th so that I can report  
16 back to the Planning Board.

17 CHAIRMAN SIMON: Okay. So I make a motion that  
18 we close the Public Hearing and keep the record open to May  
19 12th. Do I have a second?

20 BOARD MEMBER HAY: Second.

21 CHAIRMAN SIMON: All in favor? Aye.

22 BOARD MEMBER HAY: Aye.

23 BOARD MEMBER GOLDEN: Aye.

24 VICE CHAIRMAN SCHWARTZ: Aye.

25 BOARD MEMBER FRAITAG: Aye.

1 BOARD MEMBER DESAI: Aye.

2 BOARD MEMBER SNAGGS: Aye.

3 CHAIRMAN SIMON: Okay. I make a motion that we  
4 close the Public Hearing of tonight's Planning Board  
5 meeting and go back into work session.

6 BOARD MEMBER HAY: Second.

7 CHAIRMAN SIMON: All in favor? Aye.

8 BOARD MEMBER FRAITAG: Aye.

9 BOARD MEMBER GOLDEN: Aye.

10 BOARD MEMBER SNAGGS: Aye.

11 BOARD MEMBER DESAI: Aye.

12 VICE CHAIRMAN SCHWARTZ: Aye.

13 BOARD MEMBER HAY: Aye.

14 (Whereupon, the Public Hearing was concluded.)

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C E R T I F I C A T I O N

Certified to be a true and accurate transcript  
of the stenographic minutes conducted via Zoom taken  
by the undersigned, to the best of her ability.

*Barbara Marciante*

\_\_\_\_\_  
Barbara Marciante,  
Official Court Reporter