

Clerk.Treasury  
VillageOfScarsdale  
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PLANNING BOARD

RUTHERFORD HALL  
VILLAGE HALL  
SCARSDALE, N.Y.

July 31, 2024

A regular meeting of the Planning Board of the Village of Scarsdale was held in person in Rutherford Hall in the Village of Scarsdale Village Hall, 1001 Post Road, Scarsdale, N.Y. 10583 on July 31, 2024, at 7:00 p.m.

The members present were John Clapp, Chair; Frank Badalato, Deborah Pekarek, Mark Seiden and Lynn Brooks Avni. Also present were David Goessl, Village Engineer; Kellan Cantrell, Village Planner; Donna Myers, Planning Secretary; and Village Attorney; Robert Zitt, of Keane & Beane P.C.

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The Chair said please allow me to take a few moments of your time to explain the Board's procedures. We hear each application in the order in which it is noticed – we hear first from the applicant and then from any person wishing to speak.

After all of the evening's hearings, the Board will deliberate. Deliberations are open to the public. You are free to leave at the conclusion of your hearing or to stay for the deliberations. Some applicants choose to leave once their hearings have been concluded, while others choose to remain here. Should you decide to leave before the Board's deliberations, you may obtain the Board's decision by calling Donna Myers tomorrow at 914-722-1131. Also, tomorrow the decisions will be posted on the web at [www.scarsdale.com](http://www.scarsdale.com) in the Agenda Center. Whether you stay or go has no bearing on the Board's deliberations or decision.

At the conclusion of deliberations on each application, the Board attempts to reach a consensus. For an application to be granted, at least three of the Board's five members must vote in favor of that application. The Board's decision is memorialized in a written resolution. The resolutions are filed at Village Hall and are available to the public.

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The Chair called the July 2024 Planning Board meeting to order at 7:00 p.m.

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The reading of the following legal notice was waived by unanimous vote of the Board.

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LEGAL NOTICE  
PUBLIC HEARING  
PLANNING BOARD  
VILLAGE OF SCARSDALE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Planning Board of the Village of Scarsdale in Rutherford Hall in Village Hall, 1001 Post Road, Scarsdale N.Y. 10583, on Wednesday, July 31, 2024, at 7:00 p.m. at which time and place the Planning Board will consider the following:

1. Adjourned - The application of Raj Krishnan for a three-lot subdivision, pursuant to Chapter 77 of the Village Code, Site Plan approval related to disturbance in the Adjoining Property Buffer, pursuant to Chapter 254 of the Village Code, a permit to divert a watercourse, pursuant to Chapter 302 of the Village Code, in order to legalize an existing piped watercourse, and for Wetland Permit approval for regulated activities within the Wetland-Controlled Area, pursuant to Chapter 254 of the Village Code at 46 Lincoln Road, identified on the Village tax map as Sec. 22, Blk. 12, Lot 5; and 101 Carthage Road, identified on the Village tax map as Sec 22, Blk 12, Lot 6.
2. The application of Andrew Arons for Site Plan approval related to disturbance in the Adjoining Property Buffer, pursuant to Chapter 254 of the Village Code at 34 Bradford Road, identified on the Village tax map as Sec. 24, Blk. 1, Lot 45.
3. Adjourned - The application of Maxim Topr for Site Plan approval related to disturbance in the Adjoining Property Buffer, pursuant to Chapter 254 of the Village Code at 4 Richbell Close, identified on the Village tax map as Sec. 14, Blk. 5, Lot 19B.

Submitted materials may be viewed by –

- Logging on to [www.scarsdale.com](http://www.scarsdale.com)
- Scroll down to the calendar
- Click on PLANNING BOARD – MEETING date, and
- Click on APPLICATIONS AND SUPPORTING DOCUMENTS

Please email [planning@scarsdale.com](mailto:planning@scarsdale.com) with any comments or questions.

To receive meeting agendas by e-mail, visit [www.scarsdale.com](http://www.scarsdale.com) and click on “Notify Me” to subscribe.

By Order of the Planning Board, Scarsdale, New York, July 16, 2024, Updated 7/26/2024. Updated 7/30/2024.

Kellan D. Cantrell, AICP, Village Planner

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CASE #28 OF 2023

1. The application of Raj Krishnan for a three-lot subdivision, pursuant to Chapter 77 of the Village Code, site plan approval related to disturbance in the Adjoining Property Buffer, pursuant to Chapter 254 of the Village Code, and for a permit to divert a watercourse, pursuant to Chapter 302 of the Village Code, in order to legalize an existing piped watercourse, and for a Wetland Permit approval for regulated activities within the wetland-controlled area, pursuant to Chapter 254 of the Village Code at 46 Lincoln Road, identified on the Village tax map as Sec. 22, Blk. 12, Lot 5; and 101 Carthage Road, identified on the Village tax map as Sec 22, Blk 12, Lot 6.

The Chair said agenda item #1 has been adjourned by the applicant and will be heard at the September 25, 2024, meeting.

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CASE #7 OF 2024

2. The application of Andrew Arons for Site Plan approval related to disturbance in the Adjoining Property Buffer, pursuant to Chapter 254 of the Village Code at 34 Bradford Road, identified on the Village tax map as Sec. 24, Blk. 1, Lot 45.

The Chair confirmed that this application is not subject to the moratorium because it was in front of another land use board before December 19, 2023. This received Committee for Historic Preservation approval on December 15, 2020, to demolish the existing house. A Special Use Permit approval on October 13, 2021, and Board of Architectural Review approval on December 4, 2023, for a pergola, firepit, outdoor kitchen, patio, and a 5-foot black wire fence.

Cheryl Ross landscape architect with Glen Gate Company was present. The proposal is to create a swale and drain to alleviate the water flowing onto the neighboring property and redirect it into the existing cultec system. The cultec systems were sized based upon the approved house and proposed swimming pool plans. However, the swimming pool and patio were not installed. The landscape plan was previously approved and installed.

The Chair said the cultecs were designed for runoff from the impervious surfaces of the new house and patio but not designed for the yard or adjoining properties.

Mr. Goessl said he and the Village Planner had a preliminary meeting with Ms. Ross on July 16, 2024. It was our impression that the applicant was trying to capture runoff from the build-out and impervious coverages for the patio and outdoor kitchen. Surface flow from the yard and open soils have unknown volumes during heavy storms but also a potential for other runoff and materials to get into the cultec and contaminate the system. Capturing more impervious coverage from the proposed outdoor kitchen and patio is recommended. The original design was to capture impervious coverage from the build-out for the house, driveway and part of the patio. A concern is the risk of taking surface water into a closed and clean drywell system.

Ms. Pekarek asked how the decompaction will help, how extensive is it, why was it de-compacted, and will the soil be de-compacted again. Ms. Ross said the soils were compacted as part of the house build. Originally the house was razed then a new house was built, and a lot of soil was compacted from the machines onsite. It was hard to dig during planting, so we added topsoil to help with de-compacting the matter. Ms. Pekarek asked if the issue lies with what the fill was for the grading or the compaction itself. Ms. Ross said she cannot comment since she was not part of the house build but was hired to do landscaping. We are trying to address and alleviate the issues of water pooling on the property and running off into a neighboring property.

Ms. Brooks Avni asked if the water pools in that area every time it rains or only after severe rainstorms. Ms. Ross said she does not know.

Mr. Goessl said this property mimics the slope of the road from Weaver Street to Bradford Road. The topography of the rear yard is left to right. In the event of big storms, erosion will occur, and silt laden soils will enter the open yard drains and end up in the cultecs. A concern is this will result in clogging and filling the cultecs with debris. Underground infiltration systems are designed to have clean water. Other drains may have pre-filtering mechanisms like a deep sump pump. Also, unknown water volume from storms may enter the yard drain.

Mr. Badalato referred to the letter from a neighbor not objecting to the proposal but commenting that the plan will further exacerbate the existing flooding issue. How do the proposed changes affect the current flooding issues surrounding the property. Ms. Ross said by taking the water and directing it to a point of contact, and if that point of contact overflows, it will overflow from only one point of contact. The idea is that the water will flow into the infrastructure system since the original plans included a swimming pool and patio.

Mr. Goessl asked if the outdoor kitchen will be expanded. Ms. Ross said the outdoor kitchen expansion was part of the original application. Mr. Goessl said trying to capture the extra coverage into the cultec, is there a way to add a perimeter drain around the path. Mr. Cantrell said for water flow coverage for the outdoor kitchen a cultec can be used, and the natural drainage pattern of the neighborhood should remain and not be altered.

Mr. Goessl noticed that the rear 20-feet is denuded of any lawn area and if fully restored could help.

Hearing no objection, the Chair opened the meeting to any member of the public who wanted to speak on the application.

Robert Cromwell and Sarit Rozycki of 36 Bradford Road referred to their letter and three videos submitted for the record.

Eliot Senor civil engineer and land surveyor with Gabriel Senor Engineering said to de-compact soil, you need to go to the bottom of the cultec, about 4-feet, to the water level. We propose creating four-point discharges by taking the backyard catch basin to the street catch basin.



Planning Board Meeting Minutes July 31, 2024

The Chair announced the next meeting of the Planning Board will be held on Wednesday, September 25, 2024, at 7:00 p.m.

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The meeting was adjourned at 8:10 p.m.



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Kellan D. Cantrell, AICP, Village Planner