

July 22, 2010

A Special Meeting of the Town Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on the 22nd day of July, 2010 at 7:30 PM, Eastern Daylight Savings Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Joan B. Walsh Supervisor

Joseph Cannella)
Fred Sciliano)Councilpersons
Patrick Vetere)
Marlane Amelio)

ALSO ATTENDING:

Frank Allegretti Town Attorney
Lt. Larry Marshall Acting Chief of Police

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- Bldg
- Compt'lr
- Engng
- Law
- Police
- P. Wrks
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- Recr'tn
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-

FILED THIS
4th DAY OF
August 20 *10*
Angelo J. Tomasci Deputy
 Town Clerk, Harrison, New York

July 22, 2010

2010 - - 272

PUBLIC HEARING – TO CONSIDER A PETITION MADE BY PEPSICO AND DAVLYN REALTY CORP FOR AMENDMENTS TO THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN/VILLAGE OF HARRISON AS SET FORTH IN THE PETITION FILED WITH THE TOWN BOARD. THE PETITION REQUESTS THE REZONING OF THE FOLLOWING PARCELS TO SB-100 DISTRICT: BLOCK 651, LOTS 1, 3, 4, 5, 10, 11 and 25. THE PETITION ALSO REQUESTS AMENDMENTS TO SECTIONS 235-24 & 235-24.1 OF THE ZONING ORDINANCE TO MODIFY THE SETBACK REQUIREMENT IN THE SB-100 ZONE TO ALLOW FOR CERTAIN ACTIVITIES WITHIN 50 FEET OF THE PROPERTY LINES NOT ABUTTING A PUBLIC ROAD AND WITHIN 100 FEET OF PROPERTY LINES ABUTTING PUBLIC ROADS AND AN AMENDMENT TO SECTION 235-41 OF THE ZONING ORDINANCE TO GRANT THE PLANNING BOARD AUTHORITY TO ALLOW LANDBANKING OF PARKING SPACES

On motion of Councilman Cannella, seconded by Councilman Vetere, with all members voting in favor, the Hearing was opened.

The following minutes were submitted to the Town Clerk by McCullough, Goldberger & Staudt's stenographer Joseph Jacoby.

Supervisor Joan Walsh stated that essentially it is a request for amendments to the zoning map and zoning ordinance, as set forth in this petition, which requests the rezoning of the parcels on which PepsiCo sits, to modify the setback requirements in the SB-100 zone, to allow for certain activities within 50 feet of the property lines not abutting a public road and within 100 feet of property lines that do abut public roads. An amendment to another section, to grant the Planning Board authority to landbank the parking spaces in the SB-100 zone.

Mr. McCullough with the law firm of McCullough, Goldberger & Staudt stated that their firm represents PepsiCo in relation to it's 152 acre site on Anderson Hill Road that houses it's corporate headquarters. In May of 2009, we filed applications with your Board and the Planning Board in relation to the expansion of buildings on the PepsiCo site. Our request to your Board, was really for two things; one to amend the zoning map of the Town of Harrison, to rezone three parcels of land. That's the Master Plan.

This is the current zoning for the property. There are two sites along Anderson Hill Road zoned R1 and 1 site at the corner of Anderson Hill Road and Lincoln zoned R-2. We're requesting that those properties be zoned SB-100, as it is the remaining portion of the developed part of the PepsiCo site.

Supervisor Walsh asked if it is incorporated into the PepsiCo property.

Mr. McCullough: Yes. Going back to when PepsiCo first bought the property in 1963, they purchased 102 acres. They were unable to purchase some of the parcels that fronted on

Anderson Hill Road. PepsiCo at the time the property that they purchased was rezoned from R-1 to R-2 to SB-100, committed to the Town of Harrison that PepsiCo would use its best efforts to acquire the out parcels along Anderson Hill Road, so that eventually they could be used for SB-100 purposes. That in fact over the years has happened. As each one of those parcels became available, PepsiCo bought them. The last parcel was acquired in 2008, which was the Datino Nursery property. We're requesting that the zoning map be amended to reflect the actual use on this property, which is SB-100. Additionally, we're requesting an amendment to the zoning text and in relation to buffer requirements and our planner John Saccardi, who's the principal of Saccardi & Schiff will explain that request in just a minute. As we left you a year ago and went to the Planning Board, we voluntarily went through an environmental review process in relation to this project. When the original PepsiCo development was constructed back in the 1960's, there was no SEQRA Law in the State of New York. That was not adopted until 1972. There was no detailed environmental review done in relation to the PepsiCo project. As part of our application, we agreed we would prepare and file with the Town a Draft Environmental Impact Statement. We in fact did that. As I said, John's office prepared it. That document has been subject to review by all the Town's consultants and professionals and the public. We have had a number of public meetings. Significant changes were made to the original plan as we submitted it and showed it to you last May. The Planning Board, some weeks ago, finished its environmental review process for this project and adopted findings, giving favorable recommendation to the plan as it has been changed and we have our final site plan public hearing with the Planning Board on our site plan application next Tuesday night. Additionally, the Planning Board has reviewed your referral to them of our zoning request. Some weeks ago, they made a recommendation back to you, that the zoning changes, that we requested be granted. They also adopted, as I said, findings in relation to the Environmental Impact Statement. They have submitted a copy of those findings to you. Later tonight we would ask that you adopt those findings as part of your SEQRA findings, in relation to the environmental review. John Saccardi will address you just for a few minutes on the zoning changes. Then if there's any questions, we'll be happy to try and answer them.

Mr. Saccardi: Thank you, Frank. Good evening. My name is John Saccardi, principal of Saccardi & Schiff of White Plains. We're the planners on this project, principal authors of the EIS. You have the zoning text amendments in front of you and reviewed them. I'd like to very quickly show you graphically what they mean on the PepsiCo site. The first slide shows the proposed land banking. That's the area colored in yellow on the map. That's a portion of the site right next to the P pond. Everybody is probably familiar with the site. Just beyond the present welcome center, which is a small shack, there's a wooded area of about an acre. Beyond that wooded area is the P pond. The original site plan called for about 97 parking spaces in that one acre area, which would require the removal of about 100 trees. The Planning Board in our first site walk said, let's landbank the parking, if that parking is in excess of what the requirements are. The Planning Board would like to reserve the parking for the future if we ever should need it. They recommended that. They can't do it, unless you make the zoning amendment to allow them to landbank it. The landbanking is specifically for that area.

Lucille Held asked: What does landbanking mean?

Supervisor Walsh asked Mrs. Held to wait. We'll answer at the end.

Councilwoman Amelio responded: Putting in a site for future use.

Supervisor Walsh: The trees will be left. If at some point they need more parking spaces, then it will be paved. At the moment, the trees will be left.

Mr. Saccardi: Thank you both. The second slide is a close-up of our new proposed welcome center. The road on the left is Anderson Hill Road, north of the existing driveway into the PepsiCo site as you move towards Rye Brook. Part of the plan, if you recall, was to create a new welcome center, with new access to Anderson Hill Road. That's what is shown on the map behind me. It's a new welcome center building. It's a series of parking lots adjacent to that area. If you've been there on that portion of the site, there's a very degraded wetlands in the area, former nursery property. We want to clean it up and make the wetlands a show piece, when buses come with children from the schools, not only to see the sculptures, but to see the environment as well. The second proposal calls for some flexibility that we could have to provide certain facilities within the buffer, but not within 100 feet of the roadway. They're not uses, they're not buildings. What would be allowed is landscaping, the access road out to Anderson Hill Road, the landscape parking lots, storm water, wetlands mitigation. It's what you see in here. The first line, the hundred foot setback. The second between 100 and 200 feet. That's a storm water management area, wetlands protection all along the edges of the property. Gives us additional flexibility. And still keeping the setback as it is and 100 foot buffer minimum. Within that additional area, wetland mitigation, detention areas and so forth. This is a state of the art wetlands mitigation and drainage program, part of the overall environmental sustainability for the site. That flexibility is important. I thought that illustrating these would be helpful, because the zoning words, sometimes they're a little confusing. Showing how they appear on the site, both the landbanking and the flexibility in the setbacks, I thought was pretty important.

Supervisor Walsh: Before you leave, to the right as I look at it of the setbacks, those things look like a series of donuts. Are those the parking lots?

Mr. Saccardi: Yes.

Supervisor Walsh: With the shrubs in the center?

Mr. Saccardi: Those are the parking lots landscaped with areas within the center. The notion there is not to have extended paved areas with a lot of piping, which is essentially the old fashioned way to do drainage. Now the drainage would work in and we'd capture the water within the ground itself. That's called low impact.

Supervisor Walsh: Any comments by the Board? Are there any comments by the public? Lucille, come to the microphone, please.

Lucille Held: Is this the absolute subject of this disapproval or approval is only the zoning, it has nothing to do with the bridge going to the Calloway or anything else? As far as we're concerned,

this is primarily the rezoning of this piece of property as it stands today.

Supervisor Walsh: Exactly what I read before I opened the public hearing, yes.

Mrs. Held: There's going to be no thought, no talk, no description on anything else to do with the physical changes of the property, the buildings, the walkways, the glass, the 38 foot glass thing?

Mrs. Walsh: That will be for another meeting. We're only discussing today the zoning change and SEQRA.

Mr. Fiore: Good evening, Ernie Fiore, Harrison resident. One brief comment. PepsiCo has been a very good neighbor in Harrison through the years. I encouraged this development. I think it's going to look beautiful. In the same breath however, I'm on the Zoning Board and several years ago we granted PepsiCo a variance for a fence, because of deer eating the foliage and what not. Given the scope of this project, this is just a suggestion, this may be a good time to relook at alternatives to the fence, because I'm sure what you're going to put up there is going to be beautiful. Certainly that fence would somewhat detract from what is there. There are other means and ways of getting to the heart of the problem that should be looked at in lieu of the fence. Maybe not. This would be a good time to explore that. That's all.

Mrs. Walsh: Talking about to deter the deer?

Mr. Fiore: Yes. If you go along Lincoln Avenue, looking into the property, you will see that fence and it's kind of unsightly. Just a suggestion.

Mr. McCullough: That's quite all right. We did deal with the issue of the deer fence in the Environmental Impact Statement. We were asked to do that by the Planning Board. We in fact did, concerning the views from Lincoln Avenue. We're going to supplement the existing landscaping along Lincoln Avenue, particularly in the area of the service road entrance, where the fencing is most visible. There was a County study that was done. In the interim, the Town was going to do their own study, then decided to rely on the County study, which really was concluded. PepsiCo thought their solution was better. There will be more screening.

Councilman Cannella: One question. As a factual issue, this has been in front of the Planning Board. You went through the SEQRA process. Any specific special exception use, some modifications in front of the Planning Board at this time?

Mr. McCullough: There have been 12 major changes to the plan. We in addition to landscaping, for example, there were two bridges that connected the proposed new buildings on the Lincoln Avenue side of the road that went from the buildings down to the parking lots. Based on public comment from the residents on Lincoln Avenue, those have been eliminated, because we thought that that would reduce some of the light impact off site.

Mr. Cannella: Since you came to us initially and we referred you to the Planning Board, there have been specific site changes?

Mr. McCullough: There have been significant ones. Additional landscaping. There was a bridge we proposed for the internal circulation roadway to the Calloway House. That bridge has been smaller in size. It's clear that that's a driveway road now, because there were concerns by the neighbors on Lincoln Avenue about the possibility of having that road become a shortcut from the Calloway entrance at Lincoln Avenue all the way to the loop road. We have agreed that all the entrances will be gate controlled entrances, so you won't have free access through Calloway. Likewise, the service road entrance that we have now, that PepsiCo restricted voluntarily, will be restricted as part of the resolution of approval. We have looked to traffic improvements. We have done traffic studies. The neighbors have been represented by counsel, who's here tonight. We have had many meetings with them. I think it's fair to say we have resolved all the major issues we have discussed over the last 14 months.

Mr. Cannella: What would you say, assuming everything goes according to what you expect -- we're often asked the question of the approximate timeframe, if you go from beginning to end of the entirety, if you want to call it the PepsiCo rebuild, how many years are we talking about from soup to nuts?

Mr. McCullough: For Phase 1 and 2, let me tell you again what was in those. Phase 1 is, as John mentioned, the construction of the new welcome center, which is 15,000 square foot building. All the utility improvements on-site for the future development, parking lot expansion, everything is being done as part of the first phase, so the site will not be in constant turmoil over a period of many years. The center atrium to link the seven buildings is Phase 1. Phase 2 includes the two new office buildings, one on the westerly side, the other on the easterly side of the property. We anticipate Phase 1 will be approximately three years and then that's an estimate. At this point we're still dealing with engineers and so on. PepsiCo was asked directly at the last Planning Board meeting, when do you think this will start. PepsiCo said they hope it will start early next year.

Supervisor Walsh: Starting construction as opposed to starting planning.

Mr. McCullough: They are intervening people, we have come a long way on that side of the project in the last six months. It's my hope that we'll be applying for building permits in the early part of next year.

Councilman Cannella: The re-build and improvements on the existing structures that surround the atrium, when will that take place?

Mr. McCullough: That would be simultaneously done with Phase 1. When we do the center atrium, it's linked to four of the buildings. All of the buildings have to be altered, which was hard. The environmental review issues we looked at those, building code, fire safety issues. There's a commitment by PepsiCo to upgrade all the buildings.

Councilwoman Amelio: What is the projected increase in employees to the buildings?

Mr. McCullough: We agreed through Phase 1 and 2 there was a cap in the findings of 2100

people. PepsiCo when it was originally approved, the estimate was between 2000 and 2100. The maximum on the site since PepsiCo has been there is 1,980. Right now there's 1500 to 1600 people. It's varied, depending on how the corporate headquarters was used. Phase 1 and 2 complete has a cap of 2100 people. Phase 3, if ever built, is total cap of 2400 people. We did all the traffic studies based on those numbers. Those have been public numbers that the Town had their own traffic consultants, the neighbors hired a traffic consultant. They used the numbers as part of their site.

Mr. Cannella: Is it Phase 1 that's to three or Phase 2.

Mr. McCullough: Phase 1.

Mr. Cannella: If you add Phase 2 in.

Mr. McCullough: I don't know. We haven't gotten that far. Phase 1 is really the biggest part of this because it's all the infrastructure. The others, Phase 2 is 240,000 square foot buildings.

Mr. Cannella: Thank you. A little bit of information. People are always wondering about the timeframe.

Mr. McCullough: The timeframes I gave you are not my timeframes. I want that clear on the record. PepsiCo stated that at the last Planning Board meeting.

Supervisor Walsh: There was a comment on the radio this morning, talking about construction in Manhattan. They were joking that any contractor will tell you it will take a year, but actually it will take two. Having been through construction myself, I know it always takes longer than you plan. We'll not hold you to that time table.

Lucille Held: My initial comment to the Board and people in the audience was this was absolutely totally concerning the zoning and yet we have now gotten into another phase. We've gotten into a statement that there are going to be 4 38 foot tall glass walkways and we've got rid of two on the west side which was Lincoln Avenue. We now talked about things I do not want to be part of the decision or discussion now.

Supervisor Walsh: We're not approaching any building plans tonight. What you're talking about are building plans. We're not approving that tonight.

Mrs. Held: When I initially got up here, I initially said that we're confining ourselves to two things, the other comments about getting rid of the walkways, the glass walkways, the 38 foot tall -- it was made when the lawyer referred to the fact that they got rid of two walkways. So he did make a comment about the walkways.

Mrs. Walsh: I thought that referred to the bridges.

Mrs. Held: That was the walkways. We heard nothing about the Calhoun Bridge being lit or not lit, the bridge supposedly on page E-3, illustrated on page E-3 of their book. We're now only

involved in zoning.

Mrs. Walsh: The vote tonight will only be on the zoning and on accepting the SEQRA.

Mrs. Held: I would prefer the rest of the information -- unfortunately, I only did not attend one meeting, and that may have been described. I'm now reading what the specifications are and to my knowledge, there are a lot of things that I who do not live on that street, don't feel are proper. I did not enter into that field. It was entered into, but as you said --

Mrs. Walsh: It was a question that Joe had. We know that some people have concerns and some people want more information. As long as we're talking about it all, we asked for a brief presentation.

Mrs. Held: As far as I'm concerned, it's more to speak about than in a passing fancy. I would prefer that be left to the approval, at that time, of what the physical is going to be.

Mrs. Walsh: We're not addressing the physical buildings tonight whatsoever.

Mrs. Held: I would prefer we not discuss any of it at this time.

Councilman Cannella: Make the motion we close the public hearing.

Supervisor Walsh: All in favor? So carried.

Councilman Cannella: Series of motions. We adopt the Planning Board SEQRA findings (All in favor)

Mr. Cannella: I make all the zoning motions together. First that we grant the request for rezoning of the following parcels SB-100 block 651, lots 1, 3, 4, 5, 10, 11 and 25. We grant the application with respect to amendments to sections 235-24, 235-24.1 of the zoning ordinance, the modified zoning, to allow for certain activity within 50 feet of the property lines not abutting a public road and within 100 feet of property lines abutting public roads. Last we adopt the proposed amendments to 235-41 of the zoning ordinance to grant the Planning Board the authority to allow landbanking of parking spaces in the SB-100 zone only.

Supervisor Walsh: All in favor? So carried.

Councilman Sciliano: I recuse myself.

Mr. Cannella: The vote is 4 yes and 1 recuse.

(Hearing adjourned 8:07 p.m.)

CERTIFICATION

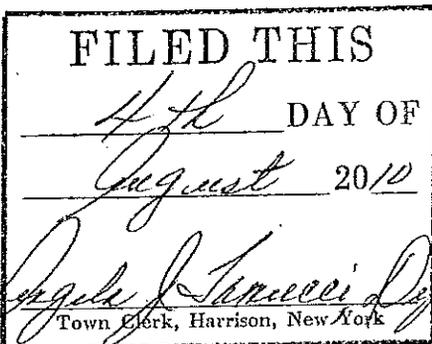
This is to certify that the foregoing is a true and accurate of the Hearing as taken and transcribed by me.

Joseph Jacoby
Court Reporter

With no one else speaking for or against the Hearing was closed.

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July 22, 2010

2010 - - 273 - - a

APPROVAL TO ACCEPT, WITH REGRET, THE LETTER OF RETIREMENT
FROM DETECTIVE ELIZABETH VAN HECKE

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to accept, with regret, the letter of retirement from Detective Elizabeth Van Hecke effective July 24, 2010.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Chief of Police.

Adopted by the following vote:

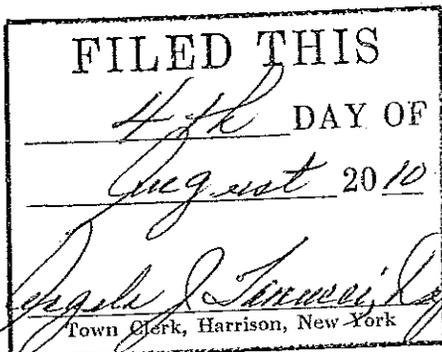
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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July 22, 2010

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APPROVAL TO ACCEPT, WITH REGRET, THE LETTER OF RETIREMENT
FROM SERGEANT ROBERT SCHANIL

On motion of Councilman Vetere, seconded by Councilman Sciliano,

it was

RESOLVED to accept, with regret, the letter of retirement from Sergeant Robert Schanil effective July 31, 2010.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Chief of Police.

Adopted by the following vote:

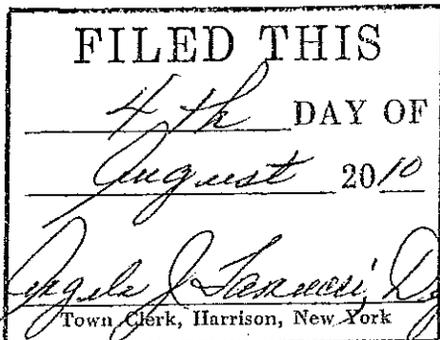
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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July 22, 2010

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APPROVAL TO ACCEPT, WITH REGRET, THE LETTER OF RETIREMENT
FROM DETECTIVE MICHAEL WALTHER

On motion of Councilman Vetere, seconded by Councilman Sciliano,

it was

RESOLVED to accept, with regret, the letter of retirement from Detective Michael Walther effective July 31, 2010.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Chief of Police.

Adopted by the following vote:

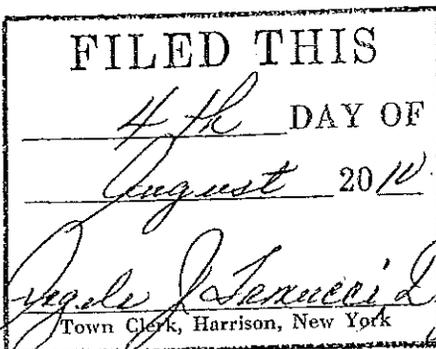
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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July 22, 2010

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APPROVAL TO ACCEPT, WITH REGRET, THE LETTER OF RETIREMENT
FROM DETECTIVE CHARLES MASCALI

On motion of Councilman Sciliano, seconded by Councilman Vetere,

it was

RESOLVED to accept, with regret, the letter of retirement from Detective Charles Mascali effective July 31, 2010.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Chief of Police.

Adopted by the following vote:

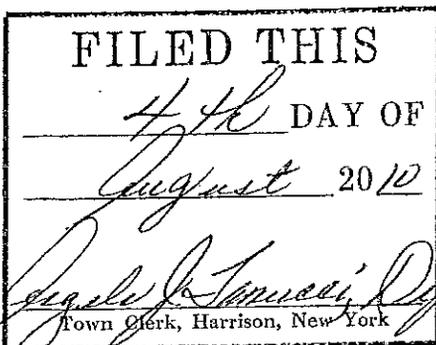
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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July 22, 2010

2010 -- 274

MATTERS FOR EXECUTIVE SESSION:

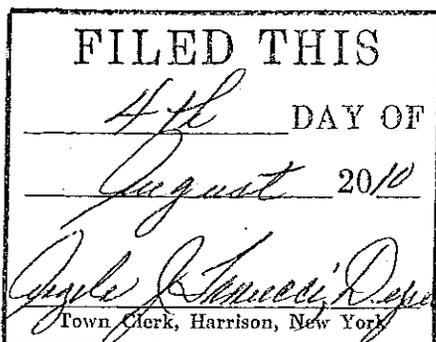
Settlement of claim 1
Personnel 1

On motion duly made and seconded,
with all members voting in favor, the
Meeting was recessed for Executive Session at 8:15 PM

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 8:30 PM.

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July 22, 2010

2010 -- 275
SETTLEMENT OF CLAIM
NEWMAN v TOWN OF HARRISON

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

RESOLVED to settle the claim in the matter of Newman v. Town of Harrison in the amount of \$2,642.19 for automobile damages.

FURTHER RESOLVED that this settlement is subject to the claimant or a representative of the claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

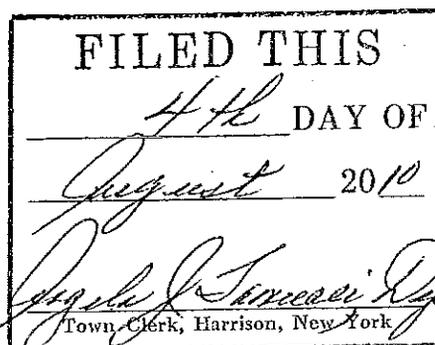
NAYS: None

ABSENT: None

There being no further matters to come before the Board,
the Meeting was on motion duly made and seconded,
declared closed at 8:30 PM.

Respectfully submitted,

Angela J. Tamucci
Deputy Town Clerk



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