

FINAL

APPROVED
VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, DECEMBER 09, 2015, 7:00 PM
169 MOUNT PLEASANT AVENUE, COURT ROOM, MAMARONECK, NY

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on DECEMBER 9, 2015. The full public record of this Meeting is the audio/video recording made of this meeting and kept in the Planning Board's records.

PLEASE BE ADVISED, that the next Meeting of the Planning Board of the Village of Mamaroneck is scheduled for Wednesday, January 13, 2016 at 7:00 P.M. in the Courtroom in Village Hall, 169 Mt. Pleasant Ave., entrance located on Prospect Avenue, in the Village of Mamaroneck.

PRESENT: STEWART STERK, CHAIRMAN
 JOHN VERNI
 LEE WEXLER
 LOU MENDES

EXCUSED: INGEMAR SJUNNEMARK

 BOB GALVIN, AICP, VILLAGE PLANNER
 DANIEL GRAY, BUILDING INSPECTOR
 HUGH GREECHAN, ACTING VILLAGE ENGINEER
 LES STEINMAN, PLANNING BOARD ATTORNEY

1. CALL TO ORDER

Mr. Sterk called the meeting to order at 7:00 p.m.

2. APPROVAL OF MINUTES

Review of Draft Minutes of Planning Board Meeting held on November 18, 2015.

November 18, 2015 Minutes

On motion of Mr. Verni, seconded by Mr. Wexler, the minutes of the meeting of November 18, 2015 were approved.

Ayes: Verni, Wexler, Mendes, Sterk
Nays: None
Absent: Sjunneemark

Review of Draft Minutes of Planning Board Meeting held on December 2, 2015.

December 2, 2015 Minutes

On motion of Mr. Verni, seconded by Mr. Mendes, the minutes of the meeting of December 2, 2015 were approved.

Ayes: Verni, Wexler, Mendes, Sterk

Nays: None

Absent: Sjunneemark

3. OLD BUSINESS

Mr. Verni addressed the Board regarding the Hampshire Country Club application. Mr. Verni stated that after the November meeting, the applicant raised concern with the Planning Board's counsel about his hearing their application. He brought this concern to the Village Board of Ethics for an opinion. He will not participate further on this particular application pending receipt of an opinion from the Board of Ethics.

A. The Planning Board entered into confidential session to receive Advice of Counsel.

At 7:02pm a motion by Mr. Verni second by Mr. Mendes was made to adjourn to receive Advice of Counsel

Ayes: Sterk, Verni, Wexler, Mendes

Nays: None

Absent: Sjunneemark

At 7:37pm a motion by Mr. Verni second by Mr. Mendes was made to return from the Advice of Counsel Session and resume the regular Planning Board meeting.

Ayes: Sterk, Verni, Wexler, Mendes

Nays: None

Absent: Sjunneemark

B. BOT Referral - LWRP Draft Update

Cindy Goldstein, Chair of the HCZMC was present to answer any questions the Board may have with respect to the referral of the revision of the LWRP. The working group for this revision will be receiving technical assistance from the Department of State. At this time Planning Board and Zoning Board of Appeals have been asked for comments. The deadline for submission of a further revised draft LWRP is December 30, 2015. Ms. Goldstein hopes the Board of Trustees will extend the time for that submission, especially since the Department of State will not be able to assist in the undertaking until the end of January.

There had been a request to see a redlined document, but there is none created. The working group began with the 1984 LWRP and there was no digital document. There are 36 members of the working group and this began as an update of that 1984 document. They had many discussions on

whether to keep the original 44 policies or to work on Long Island Sound Coastal Policies of which there are 13. Although 13 seems like less, the subcategories actually turn into closer to 70 policies. The Working group has chosen to revise and update the original 44, tying in the 13 LIS (Long Island Sound) policies.

Ms. Goldstein was thanked for her time.

Member Verni noted the DEC had presented the LIS 13 policies at a seminar recently.

Attorney Steinman indicated that there are suggested changes to Chapter 240 of the Village Code which addresses a change of jurisdiction and that this Board would no longer be doing consistency determinations in the case of Type II actions which would be exempt from consistency. Suggestions were made regarding the jurisdiction over wetland and structure permits, providing for Planning Board review of standalone wetland permits and HCZM jurisdiction over wetland permits when considered in conjunction with marine structure permits.

C. 120 Madison Street (Aqua Tots) - Site Plan Review

The Board of Trustees approved the rezoning on 11/23/15, thereby extending C-1 to the entirety of the property. The application received a positive consistency review from the HCZM Commission for the requested rezoning. The Planning Board will continue its site plan review.

Steven Silverberg, Attorney for the applicant, restated that this application is for the proposed reuse of the Strait Gate Church. The Planning Board acted as Lead Agency and granted a negative declaration under SEQRA for the application. This included a change in the zoning map to allow this project to be developed in the C-1 zone. The HCZMC granted a consistency determination which was limited to the map change. They are now returning to the Planning Board and will go before the ZBA for a Special Permit. At this time, the applicant is also requesting a formal referral to the HCZMC for a consistency determination for the site plan and special permit approval.

Mr. Wexler requested a review of the parking lot and landscaping plan concerns, which were brought up at past meetings.

The old Rector's house will be removed, the footprint of the main (church) structure will remain and the access from Center and Madison will be closed to reduce traffic on the residential streets.

Tim Allen of Bibbo Associates:

Parking as it basically exists will remain, stormwater discharge will go to a catch basin, and the property will basically remain the same. There will be a pool installed in the building. There will be increased landscaped areas and some additional parking where the rector's building once existed.

Joe Lazarcheck of JPL Architects:

Added that there are areas of increased landscaping where the lot will be closed off and this will also buffer the existing residential areas. The impervious surface was also reduced on this site. The

existing trees lines are kept with supplemental plantings added as well as increased foundation plantings. The fence will be removed from the site; this will be an open environment with landscaping as the buffer. There is existing lighting on the building and there will be minimal additional lighting, which will be submitted.

Mr. Allen added there is no real opportunity for raingardens but pervious pavers could be added to the employee and other parking areas.

There was a brief discussion about using pervious pavers for just the parking stalls and the primary travel way could be impervious.

Mr. Greechan commented that the applicant's current plan addresses the addition of cultecs which would provide the same amount of volume control. It is just a different method.

Chair Sterk asked Mr. Greechan if both cultec and pervious paver would result in further decrease in volume. The answer was yes.

Mr. Silverberg will provide a summary of the volume decrease for the site.

Attorney Steinman recommended the applicant address stormwater, lighting and landscaping, pavers and any other details concerns prior to appearing before the HCZMC.

On motion of Mr. Verni, seconded by Mr. Mendes, the Planning Board referred this application to the HCZMC

Ayes: Sterk, Verni, Wexler, Mendes

Nays: None

Absent: Sjunneemark

4. WETLANDS PUBLIC HEARINGS - None

5. PUBLIC HEARINGS

**A. Continued Public Hearing (adjourned from 11/18/15) - 1216 Henry Avenue - Proposed 3 Lot Subdivision
Planning Board Public Hearing for review of proposed 3 Lot subdivision including construction of two new single family residences and existing single family residence on third lot in an R-5 Residential District.**

Paul Noto for the Applicant stated it is his understanding that there have been multiple public hearings on this application. The property owner informed him there was a discussion about the possible agreement for the reduction of the size of the proposed single family residences to 2,750 square feet, the garages would be in the basement and not count toward the FAR.

The 50 x 100' set back envelope would be used for these lots and the size of the homes is the primary concern, not necessarily the subdivision itself. According to the code, the homes could possibly be as large as 3,100 square feet and the applicant felt 2,750 could be considered.

Mr. Noto would like to move forward with a negative declaration and appear before the HCZMC for a consistency determination in order to return to Planning for final hearing and determination.

Chair Sterk confirmed a great amount of information was provided by the neighbors on this application regarding the size and appearance of the proposed homes. There were concerns on what size would be appropriate considering the existing homes. He encouraged the Board to begin formulating conditions to be imposed as mitigation measures for any negative declaration.

Attorney Steinman advised the Board, if the applicant did not embrace the conditions, consideration would have to be given to the adoption of a conditioned Negative Declaration.

The Applicant should respond before the next meeting, in writing, in order for the Board to know what direction to move into regarding SEQRA.

Mr. Sterk recounted the concerns of the neighbors regarding the size, scale along with the data they submitted. The data showed the proposed homes would be larger than 75% of homes in the neighborhood.

Mr. Verni felt the discussion was for 2,500 square feet homes with no garage in the rear, if the garage was in the basement, it would not count.

Mr. Wexler agreed.

Mr. Mendes noted there was a challenge considering the middle lot was developed prior to the proposal of the two new homes and that will dictate the character of the two new homes. There could be architectural changes to the home which would reduce the appearance of the new homes especially concerning height.

Mr. Sterk agreed that the setback of the 50 x 100' lot would be imposed which would increase the distance between the side lots, add green space from the existing middle lot although the lots are 58 x 100 approximately. He also commented that the height of the homes is to be considered.

Chair Sterk opened the meeting to Public Comment:

David Styler 1215 Park Avenue- A petition of 100 signature s was submitted via email.

He felt it was the legal obligation of the Planning Board to conduct a SEQRA review before the size of the homes is determined and read the following petition into the record:

Petition to the Planning Board, November 2015 Henry Street

We respectfully request that the Planning Board refrain from addressing environmental concerns on a piece-meal basis and, instead, make a positive declaration of significance for the 1216

Henry Street subdivision under the State Environmental Quality Review Act (SEQR) for the following reasons:

- *Segmentation: The phases of the subdivision are being segmented by the developer in an attempt to avoid environmental review under SEQRA; it is a three lot subdivision and all of its components that require discretionary permissions: the enlargement of the existing house; the demolition of outbuildings to create zoning-compliant lots; the subdivision of the property in to a three-lot subdivision should be considered as an entire action under SEQRA*
 - *Rock Chipping: There is significant rock involved in this development potentially impacting the neighboring foundations and creating an adverse building situation. In addition, there has been fill and grading that has already taken place although it is unclear whether permits were issued to do these development activities.*
 - *Storm water - Infiltration system proposed in the submitted Storm water Pollution Prevention Plan (SWPPP) does not conform with Chapter 294 (Storm water Management), the New York State Storm water Design Manual and Best Management Practices.*
 - *Neighborhood Character; the centerpiece of the new development, the greatly expanded house at 1216 Henry Street is out of character with the rest of the neighborhood; the Planning Board has expressed concerns that the proposed new buildings should be required to be consistent in scale and massing with the community character and cannot possibly issue a negative declaration until it is presented with the evidence that the proposed houses are consistent with the neighborhood. (This is not a zoning or FAR issue it is an aesthetic issue).*
 - *Environmental impacts acknowledged by applicant: The developer has acknowledged that there are potential environmental impacts and concerns, going so far as to propose alternatives.*
- We respectfully request that the Planning Board make a positive declaration under SEQR and require an Environmental Impact Statement.

He also stated concerns with the distance separation of the cultec units and placement of fill and the inadequate separation distance from the rock below and water table.

Erin Byron 1310 Henry restated concerns with neighborhood character. She felt the existing home is nice but huge and the additional homes could change the character of the neighborhood. She thought 2,500 square feet was too large for the neighborhood, aside from the environmental impact this will forever change this community.

Angelo Mustich 1211 Park Avenue asked if the property had been subdivided, because the builder is still working on the site without approval and with retaining walls being built. Additionally, there was no elevation of the existing home submitted, and the proposed residences are outside of the scale of the existing neighborhood.

Ellen Styler 1215 Park Avenue - Agreed with Mr. Mustich and noted a large retaining wall was built between lots 1 & 2 and 2 & 3. These were part of the subdivision plan which has not been approved. She noted the grade was raised, a huge amount of soil was trucked in. She had concerns that the work is started and there is no approval. She stated that she has not been able to review a complete plan for lot 2 in the building department file and felt the Board could not discuss size until they really knew what was happening on this lot. She understood that the Planning Board wanted a study, the Building Department didn't have enough information and now felt the State should come in and

make this a positive declaration. She asked that an EIS be done, and this project should be held to the same standards as the rest of the village.

Paul Birk 1414 Henry Avenue states that he likes his neighborhood, hates the traffic and felt taking a lot for 1 home and making it 3 would increase the traffic. He also has concerns with the storm drains and heavy rains. He noted the connections of the streets and didn't think the drains could handle additional runoff. He had a past experience with rock chipping on a lot, and how it will reduce the quality of life and community character.

Sean Gromley 1205 Park Avenue stated that he has concerns with the fill and grading of this property and asked the Board if they would obtain a bond for the unmitigated flooding that will take place as a result of the environmental disaster resulting from this project. This is all rock ledge and hill and felt the lot could not sustain 2 more homes. He also asked if there were any tanks placed with the cultecs in the back of 1216 and thought there should be at least 2- 1,000 gallon tanks for this property. He asked that IVI International be hired to complete an environmental survey for SEQRA and the Applicant should pay for it. He also has concerns with all of the trees which were removed.

Nora Lucas 203 Beach Avenue- She has concerns that there is an issue with segmentation and the creation of 3 lots where 1 lot has already had improvements. She noted there were no attic plans but there were basement plans, which don't count towards the FAR and the property has been regraded. She thinks the applicant is doing work on the 2 new lots without receiving approval first. She also thought the development of the existing home was planned as though this would continue as 1 lot and would now need to be modified in order to accommodate 2 more. Neighborhood water quality is also a concern and a positive declaration should be done.

Alana Stone- Park Avenue This is a fragile neighborhood with most homes built in the 1920's, they don't sustain water well and the water travels through the village and increased impervious surface will increase the water. She urged the Board to drive down the street and imagine 2 more houses on the lot just like the existing one. She would also like more trees.

Dan Natchez- he stated that he felt the subdivision is not 'as of right', and has concerns with how the homes fit into the neighborhood, compliance, storm water, chipping and blasting are a concern. He also noted the discussion about a compromise between the sizes of the homes and the existing area has homes ranging from 1,700 – 2,500sq ft. A building permit was given for a renovation and generally an as built survey should have been submitted to prove you are compliant. If all of this work is currently being done on this site and there is a disturbance of more than 1,000 square feet then a SWPPP should be completed.

Ralph Stefani- 337 Florence St. He wanted to support the environmental impact study the neighborhood group has requested. He remembered that at one time Florence Park was a swamp and has concern with this may have a negative impact on the environment.

There were no further comments from the Public

Attorney Steinman recommended the Board adjourn the Public Hearing until the next meeting, this will allow the Board to discuss how to move forward in the future

On motion of Mr. Verni, seconded by Mr. Mendes, to adjourn the Public Hearing to January 13, 2016

Ayes: Sterk, Verni, Wexler, Mendes

Nays: None

Absent: Sjunneemark

Attorney Steinman recommended that Board obtain memoranda from the Village Engineer, the Building Inspector, Planner and himself that address the environmental issues raised on the application. The applicant can respond on how their application addresses the concerns raised. The applicant should determine whether he would be willing to incorporate the restrictions discussed into the application.

Chair Sterk asked the Building Inspector about the availability of plans for the existing building and what plans are available for the building that was renovated. He felt it was critical to know what the square footage of the existing building along with the FAR requirements.

Mr. Gray stated that the plans and application for the renovation for the house are complete, they have all of the required elements needed for an addition. Plans for the attic of the existing house, which was not renovated are not shown. The roofing plan for the addition is strictly framing, there is no living space.

Chair Sterk confirmed that since the attic is not living space, it is not included in the FAR.

Mr. Gray added that when the subdivision came to light, they went back to the plans, met with the Architect and advised him the house for lot 2 needed to meet the zoning requirements as though the new lot were created. This included square footage, height, FAR, number of stories etc. This was all looked at before an approval was given for the addition. He made sure that if this subdivision were approved the existing house would not then become non-conforming. Both the architect for the applicant as well as the Assistant Building inspector went out, measured and reviewed and met the requirements of the FAR.

Chair Sterk also asked Mr. Gray whether permits were required and if so, were they obtained for grading and retaining walls.

Mr. Gray stated there are permits for a wall which was on the plans for the addition of the existing house. Work can be done on the site, silt fence was installed, there is a garden wall which is not retaining any water surcharge and does not require a permit, and he had planned to stop by but was unable to inspect the site today.

Mr. Mendes asked if right now this is one house; one lot but is the work being done as though there is a future 3 lot subdivision or as if it were still just 1 lot. He asked if the excavation and cutting and filling are being done for the future plan. He felt that if this were a subdivision from the very beginning and the Planning Board had a clean slate they may have felt the size of the homes would be a problem.

He asked Mr. Greechan is all of the drainage work being done now is as though it were for 1 or more houses?

Mr. Greechan responded that if there were terracing and it was not done correctly it could be a problem.

Mr. Wexler asked if the Building Department is aware of the grading work being done on the site.

Mr. Gray responded yes it is on a plan and approved by code. No one can build a house and redirect water on another property.

Mr. Wexler asked about the ability of bringing in fill to a site.

Mr. Gray responded that fill is allowed to be brought in to allow the storm drains to work in a positive way.

Mr. Mendes added that when an engineer works on plans for 1 house it's different than if the plans are for three.

Mr. Steinman added the engineer needs to review and approve a plan that now works for three lots.

Mr. Mendes asked if Mr. Greechan could review the dewatering and drainage plans for this site.

Mr. Greechan agreed and reminded Mr. Mendes that he was not the original engineer to review and approve the plans.

Mr. Sterk now asked Mr. Greechan if the terracing is going to have an effect on the plans submitted for the subdivision.

Mr. Greechan was not aware of the terracing, but right now he cannot evaluate it. The plan the applicant is operating on is a standalone plan.

Mr. Sterk also requested that Mr. Noto advise his client not to do any more work on the site.

Mr. Noto replied that the work being done has a permit.

Mr. Sterk also stated the Board has certainly heard the neighbors and they understand the concerns, they are sympathetic. He requested that they understand the Board has limits on what they can and cannot do.

Mr. Wexler asked about the chipping and SEQRA concerns could that turn a negative declaration into a positive one?

Mr. Steinman asked to wait until the reports are in.

Mr. Verni asked if this could all be done in fair time prior to the next meeting.

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Mr. Steinman thought if the Board felt there were not sufficient time to review it could be held over to the second meeting in January.

Mr. Mendes asked if Mr. Gray could confirm if the change of grade and the bringing in of soil now allows for additional FAR.

Mr. Gray responded that he did not believe that after the fill was brought in FAR was added.

6. NEW BUSINESS

A. 422 East Boston Post Road - Site Plan and Special Permit in C-1 District Planning Board review of existing office building (former funeral home) being converted to new 4-story, 13 unit apartment building with associated driveway and parking areas. Project consists of two 1 bedroom units, eight 2-bedroom units and three 3-bedroom units. Two 2 - bedroom units are below market rate units. Project also includes installation of drainage improvements to treat runoff from the development, utility connections and landscape plantings. Application is in a C-1 General Commercial district and will require site plan review and special permit for infill housing under 342-50 by the Planning Board.

Paul Noto Attorney for Elk Homes - this is a project for infill housing in the C-1 zone with 13 units, 2 – 2 bedrooms will be below market rate as per the code. A zoning compliant plan has been submitted, there is an aggressive landscape plan and a SWPPP. He noted that Susan Oakley had met with Jane Didona their Landscape Architect.

The Village Planner, Mr. Galvin, noted that the Application is not completely zoning compliant since it is short 1 required parking space. He indicated that he has provided a memo to the Planning Board on the application. If a parking space is 26.5 then it becomes 27 spaces being required.

Stewart Lachs Architect for the Applicant added that the parking spaces by calculation it comes out to 26.5 – this is what is required. He presented a quick overview of the plan. The current building will be taken down, the new building will be placed in the current grassy area with parking behind it. The new building will be set a bit closer to the Post Road than the existing. It will also be more grass and landscaping in that area.

The unit breakdown is, in the basement - 2 apartments are part of the below grade space along with some mechanicals, resident storage space and a fitness room. The first floor ground floor has 3 units with vestibule trash room and some ground floor units have direct entry 1 in front and 1 has entry in the back. There are 4 units on the 2nd and 3rd floor with 3 on the 4th floor. There is a roof top area available for the residents.

The exterior materials are 2 types of brick with hardy plank. The building stays within the new height ordinance which is 45’.

Mr. Sterk asked if there were elevators for the higher floors. He also asked if there were other buildings in the area of similar height.

Mr. Lachs said yes there is an elevator in the common corridor and the Most Holy Trinity Church, the Derecktors Building and the Regatta are higher.

The site and surrounding area photos were then reviewed and discussed.

Member Mendes asked if a 3D or fly by could be done to show the difference in heights of the surrounding buildings.

The Applicant agreed and added the building has narrow frontage to the street, it maximized the depth of the site to minimize the massing of the structure.

Mr. Wexler asked about the ceiling heights of the apartments.

A: 8- 9' ceilings – 10'8" floor to floor with the structure being 20" deep with the use of open web floor trusses which would allow for mechanicals to be run through them.

Mr. Verni asked how this design lines up with the front of the other buildings in the area and had concerns with its consistency to the surrounding structures.

The applicant was requested to submit the following:

- o Copies of sheet SP-1 for the Board
- o Streetscape from Mamaroneck Avenue east to where the yellow building is on both sides of the street
- o Also look into opening the architectural features.
- o They are to demonstrate the setbacks of the building and possibly moving the building back
- o Reduce the scale/bulk from the street
- o Easement through Maggio's site to catch basin on DuBois
- o Traffic information
- o Further Architectural analysis on the façade
- o Long form EAF
(Correct question 2 on your short form EAF to include HCZMC)
- o Copies of all information needed in order to circulate the NOI for lead agency

Mr. Verni asked if there would be school age children in these units. He also asked about the traffic patterns leaving the building, since this is an area of concern

Mr. Hirsh property owner felt there would be a diverse group of residents.

Mr. Steinman reminded the Board that this application is for a special permit under section 343-50 of the zoning code, and one of the tools in the Board's tool box is 'Building context', in which the Board could request more details and request modifications

Mr. Lachs understood the Board's concerns and plans to provide the Board with all information for the next building.

In review of the structure and massing Chair Sterk added he thought this would be better if it were 3 stories.

The Property owner added the top floor is significantly smaller than the others but it also has views of the harbor, which is essential for the economics of the building. He also felt he would like to gather more information to assist the Board in their review. He also discussed the facade, elevations and scale from the street to help reduce bulk.

Mr. Noto commented on section 340 of the code and reminded the Board of the intent to allow a higher building not to modify the parking.

Andrew Maggio, adjacent property owner, has concerns that when the prior property owner had paved the rear area, the village required 40- 60 infiltrators to be put into the ground. Shortly thereafter, in a time of heavy rain, the ground became saturated and it created many sink holes, water was coming up from the ground by his driveway. He would like to work with Mr. Hirsh to run a pipe through his property to the storm drain on DuBois.

There was a brief discussion about the 2 below market rate units which were created for additional density. These units will be calculated using Westchester County Average Median income based on Village Code article XV.

Mr. Wexler added if these units were removed from the equation, then the bulk of the building could be reduced.

Tim Allen Engineer for Applicant - He noted Mr. Maggio's property and the infiltrators discussed, he noted the site discharges to a level spreader on one side of the site. He agreed adding the pipe through Mr. Maggio's property to the catch basin would be beneficial.

Mr. Sterk asked what the increase in impervious surface would be.

Mr. Allen responded that information was in the SWPPP.

Jane Didona Landscape Architect reviewed the plan for the site with extensive screening, in the front there will be river birch(clump) , evergreen, native grasses, Japanese maple, Armstrong maples, seasonal screening, sergeant cherries, along with ground cover, shrubs and seasonal plantings for interest with Green Giant arborvitaes near Mr. Maggio's. A tree protection plan will also be on the drawings. She had discussed the site with Susan Oakley and was open to any further suggestions on locations and species. Street trees could be a challenge due to the scale of the building as well as crowd the building. The Japanese maples are landscape architecture.

There were concerns with the lack of street trees and how that will affect the tenants on the lower floors.

Motion to circulate a Notice of Intent to be Lead Agency and authorize the circulation to County planning under General Municipal Law made by Mr. Verni seconded by Mr. Mendes

Ayes: Sterk, Verni, Wexler, Mendes
Nays: None
Absent: Sjunneemark

Ms. Oakley reviewed her memo submitted to the Board, she felt the number of arborvitae proposed for this site could create a green wall with a mature height of 40- 60' and width of 12-16', she discussed this point with Ms. Didona who planned to trim them into hedges.
Ms. Oakley also suggested a maintenance plan should be in place. She also felt some of the trees should be removed from the plan and only begin where the building begins, but Mr. Maggio was not in favor of that recommendation. She also suggested that the birch be clumped in order to take advantage of the larger canopy.

7. RESOLUTIONS

A. Planning Board Review of Draft Resolution for Wetland Permit for 526 Shore Acres Drive.

Mr. Galvin stated the public Hearing was closed at the last planning board meeting, this is a Type II action under SEQRA, consistency with the LWRP is to be documented

TYPE II ACTION

On motion of Mr. Verni, seconded by Mr. Mendes, the Planning Board has determined that this is a Type II Action under SEQRA NYS DEC 617.5 (c) (10).

Ayes: Sterk, Verni, Wexler, Mendes
Nays: None
Absent: Sjunneemark

LWRP

On motion of Mr. Verni moved, seconded by Mr. Mendes, the Planning Board determined that the proposed action is consistent with the local policies of LWRP.

Ayes: Sterk, Verni, Wexler, Mendes
Nays: None
Absent: Sjunneemark

Motion to approve the draft resolution on the granting of a wetlands permit for 526 Shore Acres Drive

Ayes: Sterk, Verni, Wexler, Mendes
Nays: None
Absent: Sjunneemark

RE: James and Maria Botsacos, 526 Shore Acres Drive
Resolution of Wetland Permit Approval

After due discussion and deliberation, on motion by Mr. Verni, seconded by Mr. Mendes and carried, the following resolution was adopted:

WHEREAS, on November 2, 2015, James and Maria Botsacos, the “Applicant,” (all references to which shall include and be binding upon the Applicant’s successors and/or assigns) submitted to the Village of Mamaroneck Planning Board (“Planning Board”) an Application with accompanying documentation, seeking wetland permit approval to construct a new upper level addition and open wood deck to the rear of their existing residence with a portion within the 100 foot wetland buffer (“Application”); and

WHEREAS, the Applicant’s property is located at 526 Shore Acres Drive, within the R-10 Residential District; and

WHEREAS, the Applicant proposes to construct a new rear deck (elevated), with grass areas below, a 123 square foot bluestone patio and stairs that will have a portion within the 100 foot wetland buffer to the rear of the residence at 526 Shore Acres Drive. This proposal (Project) will add 173 square feet of impervious surface within the 100 foot wetland buffer while removing 420 square feet of impervious surface for a net decrease of 247 square feet of impervious surface within the wetland buffer area. The Project will remove an 840 square foot semi-pervious sports court and replace with lawn area. The Project is taking only a 50 percent (or 420 square feet) credit toward the net decrease in impervious surface. The total lot size is 16,743 square feet upland on the north side of Shore Acres drive. The property is bordered by an existing rear seawall. The Applicant’s Engineer has provided a SWPPP indicating that since there is a net decrease of total impervious coverage and stormwater management systems are not being proposed. The requirements of erosion and sediment controls in accordance with NYS DEC guidelines are being proposed. This Project is described and illustrated on the following plans and survey as submitted by the Applicant and prepared by VC Design Studio which forms a part of the Application:

1. Survey dated August 28, 2015, prepared by Richard A. Spinelli, Lic. Land Surveyor;
2. A-1 (Sheet 1 of 3) “Site Plan & General Notes” dated October 5, 2015 and revised November 10, 2015;
3. A-2 (Sheet 2 of 3) “Upper Level & Lower Level Floor Plans” dated October 5, 2015 and revised November 2, 2015;
4. A-3 (Sheet 3 of 3) “Exterior Elevations” dated October 5, 2015 and revised November 2, 2015;
5. Coastal Assessment Form (“CAF”) dated November 16, 2015 and submitted pursuant to Local Law No. 30-1984;
6. Short-Form Environmental Assessment Form (“EAF”) dated November 2, 2015.

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the proposed development will conform to the requirements of the Village Code; and

WHEREAS, the Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Engineer in memorandums dated

November 13, 2015 and November 18, 2015 and from the Village Planner in a memorandum dated November 25, 2015; and

WHEREAS, the Applicant has satisfactorily addressed those comments by the Consulting Village Engineer and comments by the Planning Board; and

WHEREAS, the Planning Board has carefully reviewed the SWPPP prepared by Benedict Salanitro, P.E., the Applicant's Engineer dated November 16, 2015 and the Applicant's memorandum dated November 1, 2015 which addresses the compliance of the Project with the "specific standards of consideration" for wetland permits in Chapter 192-14 E.1 and found that the Applicant has satisfactorily addressed these criteria and that the Project is in compliance with Chapter 192 of the Village Code; and

WHEREAS, a duly advertised public hearing was held on the application for a wetland permit on November 18, 2015, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board determined on December 9, 2015 that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (10); and

WHEREAS, the Planning Board determined on December 9, 2015 that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 240 of the Village Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby grants a wetlands permit for the Project subject to the following conditions:
 - (a) Applicant shall obtain required permits and approvals from Village, State and Federal agencies prior to issuance of a building permit; and
 - (b) The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application.
2. Once condition (b) has been satisfied, three (3) sets of the above-referenced plans shall be submitted for the endorsement of the Planning Board Chairman. One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be provided to the Village Building Inspector and one (1) set will be provided to the Planning Board secretary. Prior to issuance of a certificate of occupancy, the Building Department will verify that the "as-built" conditions conform to the final approved site plan.

B. Planning Board Review of Draft Resolution for Site Plan for 625 Waverly Avenue.

Mr. Galvin stated the public Hearing was closed at the last planning board meeting, there is a memo from the Village engineer approving the SWPPP, SEQRA is to be addressed as well as consistency with the LWRP is to be documented.

TYPE II ACTION

On motion of Mr. Verni, seconded by Mr. Mendes, the Planning Board has determined that this is a Type II Action under SEQRA NYS DEC 617.5 (c) (10).

Ayes: Sterk, Verni, Wexler, Mendes
Nays: None
Absent: Sjunneemark

LWRP

On motion of Mr. Verni moved, seconded by Mr. Mendes, the Planning Board determined that the proposed action is consistent with the local policies of LWRP.

Ayes: Sterk, Verni, Wexler, Mendes
Nays: None
Absent: Sjunneemark

Brief discussion regarding the revision of condition 2 of the resolution to limit its applicability to condition 1 (c).

Motion to approve the draft resolution by Mr. Verni, as amended, on the granting of a wetlands permit for 625 Waverly Avenue seconded by Mr. Mendes

Ayes: Sterk, Verni, Wexler, Mendes
Nays: None
Absent: Sjunneemark

**RE: 625 Waverly Avenue
Resolution of Site Plan Approval**

After due discussion and deliberation, on motion by Mr. Verni, seconded by Mr. Mendes and carried, the following resolution was adopted:

WHEREAS, on November 4, 2015 ATB Five Properties, LLC, the Applicant, (all references to which shall include and be binding upon the Applicant's successors and/or assigns) submitted to the Village of Mamaroneck Planning Board ("Planning Board") an Application with accompanying documentation seeking a site plan for the repair/renovation of the facade of an existing storage building, the demolition of an existing wooden shed to create off-street parking and site cleanup ("Application"); and

WHEREAS, the Applicant's property is located at 625 Waverly Avenue ("Property"), situated within the M-1 Industrial District; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the site plan will conform to the requirements of the Village Code; and

WHEREAS, the Applicant has proposed the redevelopment of the existing property by removing 1,417 square feet of the existing wing of the building and reducing the building from 9,346 square feet to 7,929 square feet. The existing one-story masonry building will be renovated and the adjacent wooden one-story wing will be removed and partially reconstructed. Approximately 3,800 square feet of the property is proposed to be redeveloped with the elimination of the building's wing and its partial reconstruction and the addition of four on-site parking spaces. The existing driveway will be removed and porous paving will be used for the new driveway and four parking spaces. The proposed improvements will formalize the driveway entrances to the property and continue the grass strips and sidewalk that exist to the east of the property. This will provide delineation between the property and Waverly Avenue, where none now exists. In total, approximately 1,100 square feet of impervious surfaces will be removed and created as lawn areas. This constitutes a 29 percent reduction in impervious surfaces on the property. The Applicant's Engineer, Insite Engineering, has provided a SWPPP indicating that the proposal (Project) qualifies as a redevelopment project per Chapter 9 of the *Stormwater Management Design Manual* since it reduces impervious area through the installation of a porous pavement parking area and conversion of existing asphalt areas to lawn areas. Moreover, the SWPPP provides a stormwater management system that also complies with the requirements of Chapter 294 of the Village Code by reducing peak runoff rates for the 1-year, 10-year, and 100-year, 24-hour storms and provides erosion and sediment controls in accordance with NYS DEC guidelines. This Project is described and illustrated on the following set of plans prepared by Richard F. Hein Architects & Associates P.C. dated August 27, 2015 and revised November 24, 2015 except as noted below and as submitted by the Applicant which forms a part of the Application:

1. Drawing A-1 - "*Storage Facility Renovation, 625 Waverly Avenue, Site Plan*"
2. Drawing A-2 - "*Storage Facility Renovation, 625 Waverly Avenue, Floor Plan*"
3. Drawing A-3 - "*Storage Facility Renovation, 625 Waverly Avenue, Location & Area Maps*"
4. Drawing A-4 - "*Storage Facility Renovation, 625 Waverly Avenue, Front Elevation & Photographs*" revised November 17, 2015
5. Drawing SP-1 - "*ATB Five Properties, LLC, 625 Waverly Avenue, Site Plan – Stormwater Management*" prepared by Insite Engineering, Surveying & Landscape Architecture dated August 13, 2015 and revised November 25, 2015
6. *Survey of Property # 625 Waverly Avenue, Lot 353, Bl. 821, Section 8, Mamaroneck, Westchester County, New York* prepared by Stephen F. Hoppe, L.S. dated October 31, 2014
7. *Coastal Assessment Form ("CAF")* dated August 14, 2015 and submitted pursuant to Local Law No. 30-1984
8. *Short-Form Environmental Assessment Form (EAF) and Supplement EAF Re: Question 9* dated March 22, 2015.

WHEREAS, a duly noticed public meeting was held on the Application by the Planning Board on November 18, 2015, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Engineer in memorandums

dated November 3, 2015 and November 30, 2015 and the Village Planner in a memorandum dated October 28, 2015; and

WHEREAS, the Planning Board has carefully reviewed the SWPPP prepared by Insite Engineering, the Applicant's Engineer dated November 23, 2015 and has carefully considered the review of the Consulting Village Engineer of the Applicant's SWPPP in a memorandum dated November 30, 2015 indicating that the Applicant's stormwater management system is designed in accordance with NYS DEC *Stormwater Design Manual* and Chapter 294 of the Village Code; and

WHEREAS, the Applicant has satisfactorily addressed those comments from the Village's Consultants; and

WHEREAS, the Planning Board determined on December 9, 2015 that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (2) and (7); and

WHEREAS, the Planning Board determined on December 9, 2015 that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 240 of the Village Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby approves the submitted SWPPP dated November 23, 2015 and the site plan for the repair/renovation of the facade of an existing storage building, the demolition of an existing wooden shed to create off-street parking and site cleanup for the property located at 625 Waverly Avenue, subject to the following conditions:
 - (a) Prior to the issuance of a building permit, a *Construction, Maintenance and Inspection Agreement* for the stormwater management facilities to be installed related to the repair and renovation of the property located at 625 Waverly Avenue (namely, porous pavement, existing concrete drain inlet and proposed 6 inch polyvinyl chloride pipe), in form satisfactory to the Village Engineer and Village counsel, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Westchester County Clerk's Office.
 - (b) Prior to the issuance of a certificate of occupancy, the Applicant shall submit to the Building Department a copy of the fully executed *Construction, Maintenance and Inspection Agreement* with proof of its recording in the Westchester County Clerk's Office.
 - (c) The Applicants shall pay all outstanding consultant review fees in connection with the Planning Board review of this Application.
2. When the above condition 1 (c) has been satisfied, three (3) sets of the above-referenced plans shall be submitted for the endorsement of the Planning Board Chairman. One (1) set of the endorsed plans will be returned to the Applicants, and one (1) set each will

be provided to the Village Building Inspector and to the Planning Board Secretary. Prior to issuance of a certificate of occupancy, the Building Department will verify that the “as built” conditions conform to the final approved site plan.

The Applicants asked if a formal referral was required in order to appear before the BAR

Chair Sterk noted formal referral was not required.

8. ADJOURN MEETING

ADJOURNMENT

On motion of Mr. Verni, seconded by Mr. Mendes the meeting was adjourned at 10:46p.m.

Ayes: Sterk, Verni, Wexler, Mendes

Nays: None

Absent: Sjunneemark

Respectfully submitted,

Betty-Ann Sherer