

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on October 23, 2008. The full public record of this meeting is the audio/video recording made of this meeting and kept in the Planning Board’s Records.

PRESENT: Robert Galvin, AICP, Chairman
Michael Ianniello
Steward Sterk
Lee Wexler
Susan Favate, BFJ Planning Consultant

EXCUSED: Carl Alterman
Janet Insardi, Village Attorney
Thomas A. Murphy, Trustee Liaison

AGENDA:

OLD BUSINESS:

1. **APPROVAL OF MINUTES**
2. **275 MAMARONECK AVENUE – CVS – CUDDY & FEDER** – Dumpster enclosure permit on Phillips Park Road.
3. **317-321 MAMARONECK AVENUE – DI ROMA** – Site and drainage plans for change of use from office to two residential units.
4. **1444 EAST BOSTON POST ROAD (People’s United Bank)** – Site plan – construct bank where restaurant and gas station now exists.
5. **1160 WEST BOSTON POST ROAD (Bank of America)** – Site plan – demolish vacant restaurant to construct building to house Bank of America branch with drive-thru windows.

NEW BUSINESS:

1. **181 EAST BOSTON POST ROAD – BARNACLE BBQ** – Site plan – addition of a deck terrace and new restaurant to replace vacant restaurant (former Jolly Trolley) to seat 70 people.
2. **233 HALSTEAD AVENUE – METRO PCS NEW YORK, LLC** – Public Hearing - Installation wireless telecommunications facility on roof of Mamaroneck Towers (senior citizen residential apartment building).

Chairman Galvin called the meeting to order at 7:05 p.m.

OLD BUSINESS:

1. APPROVAL OF MINUTES

A motion was made by Mr. Sterk to approve the minutes of the Regular Meeting of the Planning Board held on September 25, 2008, as submitted, seconded by Mr. Wexler.

Ayes: Galvin, Ianniello, Sterk, Wexler

Nays: None

Excused: Alterman

2. 275 MAMARONECK AVENUE – CVS – CUDDY & FEDER – Dumpster enclosure permit on Phillips Park Road.

Ms. Lucia Chiocchio, Esq./Cudder & Feder and Mr. Robert D'Alessandro, Architect/Taylor Associates Architects, were present to represent the application.

Chairman Galvin noted that Ms. Susan Oakley, the Village's Landscape Consultant, had submitted comments with regards to the application.

Ms. Chiocchio said Ms. Oakley's comments have been addressed and included on the revised plan under review this evening.

Mr. D'Alessandro, the architect, reviewed the application, noting the following:

- Plantings were added along the left side as requested
- The proposed gate was changed to a wood gate with wood trim with painting
- Sprinkler system was added to take care of the irrigation for the landscaping
- Ms. Oakley's comments were incorporated on the plantings and an evergreen covering was added
- Regarding the turning radius of the trucks, Mr. D'Alessandro distributed information to the Board which described how turning for trucks would not be affected by the revised plan.

Ms. Favate said she will contact Mr. D'Alessandro tomorrow after she reviews the distributed information on the truck turning radius.

Mr. Ianniello asked if the applicant was allowed to plant outside of the property line.

Chairman Galvin said that would have to be approved by the Village Manager in connection with the other legal agreements that will need to be developed between the Village and the applicant.

Ms. Favate asked about the size of the dumpster and compliance with the current recycling laws.

Ms. Chiochio said she looked into the dumpster size and there is not an immediate cost savings and it would delay the application.

Chairman Galvin asked if there was sufficient room for recycling materials. The attorney represented that there was sufficient room for recycled materials.

Chairman Galvin said that Ms. Chiochio should contact Ms. Janet Insardi/Village Attorney with regards to the plantings being outside of the property line as well as the other legal agreements that would be necessary between the Village and the applicant.

Mr. Wexler asked if the door swings outside into the walkway.

Mr. D'Alessandro said that it did not and, in fact, did not extend past the end of the wall into the walkway, but it was close.

Chairman Galvin noted that this is a Type II action under SEQRA and therefore no further SEQRA action is required.

A motion was made by Mr. Sterk to adopt the revised plans dated October 9, 2008 for 275 Mamaroneck Avenue – CVS – Cuddy & Feder and to approve the permit for a dumpster enclosure permit, seconded by Mr. Ianniello.

Ayes: Galvin, Ianniello, Sterk, Wexler
Nays: None
Excused: Alterman

Chairman Galvin said the approval will be subject to the appropriate legal agreement being reviewed by the Village Attorney and final approval by the Village Board of Trustees.

Chairman Galvin stamped and signed the revised plans dated October 9, 2008.

3. 317-321 MAMARONECK AVENUE – DI ROMA – Site and drainage plans for change of use from office to two residential units.

Mr. Salanitro/Civil Engineer was present to represent the application.

Chairman Galvin said that on July 24, 2008 the Planning Board made a conditional site plan approval for this application. At this same meeting on July 24, 2008, the Planning Board declared itself Lead Agency and the application was noted as an unlisted action under SEQRA. The applicant has incorporated the comments of Mr. Keith Furey, the Village Consulting Engineer, and Ms. Oakley in their plans. Ms. Oakley has reviewed

the revised plans regarding landscaping and they are acceptable to her. Based on Mr. Furey's memo to the Planning Board, the revised plan's stormwater management is acceptable.

Mr. Salanitro thanked the staff for getting him to the point where he could make a presentation. Mr. Salanitro noted the following items:

- Proposed to have pulled the pavement off the property lines
- Diverted the water from the roof system into the landscaped areas
- The pervious areas incorporated into the plan as impervious surface is 278 sq.ft.
- The drainage improvements for this revised plan which now includes 100% of impervious surfaces will retail 99% of the runoff on-site.

Chairman Galvin discussed the additional gravel planters under the drainage and referred to Mr. Furey's memorandum.

Mr. Salanitro said the impervious areas will be able to handle it and about 99% is catching the runoff.

Chairman Galvin said the applicant replaced railroad ties at the landscaped area fronting on Phillips Park Road with granite curbing.

Mr. Salanitro said they are using curbing as wheel stops. The plan represents the applicant's good faith effort to move the application forward. Mr. Salanitro said he brought six copies of the revised plans and distributed them to the Board to review.

Chairman Galvin said the applicant has two residential units on the top floor and two proposed on the bottom floor. He indicated that the Board should approve a special permit to legalize the existing two units, as well as the two proposed units and then approve the final site plan.

A motion was made by Mr. Sterk to adopt a special permit under the infill housing regulations in C-2 Districts under Section 342-50 (B) of the Zoning Code for the two existing units on the top floor and for the two proposed units on the bottom floor for 317-321 Mamaroneck Avenue – DiRoma, seconded by Mr. Ianniello.

Ayes: Galvin, Ianniello, Sterk, Wexler

Nays: None

Excused: Alterman

A motion was made by Mr. Sterk to adopt the final site plan approval of the revised plans dated October 21, 2008 for 317-321 Mamaroneck Avenue DiRoma – site and drainage plans for change of use from office to two residential units, seconded by Mr. Ianniello.

Ayes: Galvin, Ianniello, Sterk, Wexler

Nays: None
Excused: Alterman

Chairman Galvin stamped and signed the revised plans dated October 21, 2008 and indicated that he would have the resolution prepared.

4. 1444 EAST BOSTON POST ROAD (People's United Bank) – Site plan – construct bank where restaurant and gas station now exists.

Mr. Paul Noto, Esq./650 Halstead Avenue and Mr. Craig Tompkins of Bohler Engineering were presenting for the applicant.

Chairman Galvin said this is a continuation of site plan review, which began in July of this year.

Chairman Galvin acknowledged receipt of a letter from Mr. Spencer to the ZBA, the BAR and the Planning Board. In the letter, Mr. Spencer went through the variances necessary and provided his interpretation of a sketch of what is allowed on the lot. Chairman Galvin said the interpretation and of the Zoning Code and the need for variances are determined by the Village's Building Inspector and the approval of any variances would be in the jurisdiction of the ZBA.

Chairman Galvin said the Planning Board cannot approve any site plan that includes a variance that has not been approved by the ZBA.

Chairman Galvin said that he has Ms. Oakley's comments and that those comments on landscaping have been incorporated into the site plan. The site plan also includes street trees as part of the streetscape along the Post Road and Sterling Avenue adjacent to the subject property. The streetscape has also been reviewed by Ms. Oakley.

Chairman Galvin said the bank branch building on the initial plan has been re-oriented and that a number of conceptual plans have been going back and forth between the applicant and our planning consultants.

Chairman Galvin discussed the planting plan and noted the variety of plant selections. Ms. Oakley is concerned about the plantings on the north side adjoining the residential properties. The plant material selected may not be the best selection since they are marked as deciduous trees which will lose their leaves during the fall and winter. With regard to the mulch noted on the plan, Ms. Oakley encouraged the applicant to use mulch that is more environmentally friendly.

Chairman Galvin said that Mr. Furey, the Village Engineering Consultant, has reviewed the stormwater/drainage plans. The Planning Board has received a memorandum from Mr. Furey, essentially signing off on the plans. In his memo, Mr. Furey recommended that a trench drain be added to catch the runoff. The Village Engineering Consultant has recommended approval of the site plan from an engineering point of view, provided that

the trench drain is installed. The applicant and Mr. Furey will discuss the plans further and incorporate any additional features that may be required.

Mr. Noto said this is the third meeting regarding this application and numerous changes have been made to the original plan submitted. Mr. Noto said parking was an issue and the parking was reduced to 16 spaces and cannot be reduced further. Mr. Noto is not supportive of asking people to park off site on the East Boston Post Road. Mr. Noto said they have eight parking spaces required by the Zoning Code for customers and the drive-thru. The Bank branch will have 8 employees. The Bank would like to have more spaces for customers.

Chairman Galvin said we are attempting to reduce the number of variances.

Mr. Noto said he does not disagree with reducing the number of variances. The corner would be squared off and the site would be heavily landscaped. They do not want parking set against the residential area. Mr. Noto said they are reducing the impervious area by 28%. With additional landscaping, it will result in a better plan especially in the corner area. Mr. Noto said they have filed a traffic study.

Chairman Galvin indicated that he thought that there was a 45' setback required at the rear if you have the drive-thru window opening, according to the Building Department. Chairman Galvin suggested that they have an ATM, but not a drive-thru, which might eliminate the variance.

Mr. Noto said the Building Inspector did not suggest that they have an ATM and not a drive-thru window.

Chairman Galvin said a lot of banks have ATM's on the walls and that may be a way to get around the required variance. He indicated that the People's Bank branch just recently opened in Thornwood has a single drive thru with both an ATM and a drive thru window on the wall (with no canopy). At the Thornwood location, the single drive thru can actually accommodate two vehicles in tandem. Each vehicle can pull out into the driveway independently and exit the property.

Ms. Favate referred to a letter from the Building Inspector dated September 22, 2008.

Mr. Noto said he was told they would need a variance for the side yard setbacks.

Chairman Galvin said they could land bank the three proposed parking spaces along the Sterling Avenue side of the property. The result would be 13 on-site spaces plus the availability of another approximately 5 on street parking spaces in front of the property on the Post Road. Under Section 342-60 of the Zoning Code, the Planning Board has the ability to land bank parking spaces (leaving them unpaved). They would be so marked on the site plan. If the Planning Board makes a subsequent finding that the use requires more parking, the applicant would then have the ability to pave or otherwise improve (grass crete) these three spaces. Under this scenario, the applicant would still need to

obtain a variance from the ZBA. Chairman Galvin discussed the parking configuration at the Citibank branch at the intersection of South Barry and the Post Road. There are some 8 bank employees at the Citibank branch.

Mr. Noto said the Citibank employees and some customers park in the deli next door to Citibank. Few if any of the employees of Citibank park on the site. Mr. Noto said it is important to look at the big picture and said the variances will not have a negative impact on the community.

Chairman Galvin noted that the Planning Board is attempting to provide some suggestions to the applicant in order to minimize the need for the several variances being sought.

Mr. Craig Tompkins said he is in receipt of all the memorandums mentioned and will go over the engineering memo with Mr. Furey. Regarding Ms. Oakley's comments, Mr. Tompkins said that he will work with the species that she has suggested. Regarding Ms. Favate's comments on the traffic report, they will have to discuss this with Ms. Favate. Mr. Tompkins asked if it was the Planning Board's intent to have an "in only" access on Sterling Avenue.

Chairman Galvin said it was not the intent of the Planning Board to have an "in only" on Sterling.

Mr. Tompkins said that the applicant provided aerials to show the surrounding area near the subject property.

Mr. Spencer of 11 Brevoort Lane, Rye, NY, addressed the Board. He provided information in a letter for the Board to review. Regarding the variances required for the property.

Mr. Tompkins said in the C-1 zone you can build up to four stories. The applicant started with more parking. Street trees were incorporated into the plans. The NYS Department of Transportation will not implement a left turn provision for the curb cut exiting onto the Post Road. The applicant attempted to minimize as many variances as possible. Mr. Tompkins said that the applicant's goal is to maintain the 16 parking spaces currently shown on the site plan.

Chairman Galvin said the applicant should double check to see if the handicap spaces meet the new NYS standards.

Mr. Tompkins indicated that three of the stalls are in the 25' setback along Sterling. Mr. Tompkins showed an alternate access plan from Sterling which would deal with part of this issue. The access alternative was not deemed appropriate based on the opinion of the Board since it was too close to the intersection with the Post Road and could result in a traffic safety issue.

Chairman Galvin discussed the memorandum from M s. Favate which included comments from Georges Jacquemart, a Principal at BFJ Planning in charge of traffic engineering.

Ms. Favate said Mr. Jacquemart referred to other options to eliminate variances and suggested that the applicant land bank the three spaces along Sterling. Mr. Jacquemart encouraged employees to park on the street or to use public transportation. Ms. Favate said the Planning Board understands that this is a tight site. Chairman Galvin indicated that there is no public transportation along the Post Road in this area. He said that the applicant can land bank the three spaces. The option of putting in parallel spaces at the Sterling Avenue side would not work due to the circulation on the site. Furthermore the parallel space(s) would still be partially in the Sterling Avenue setback.

Mr. Tompkins said that they had thought about removing the three stalls and replacing them with three parallel spaces.

Mr. Ianniello asked if we are fixed with sixteen parking spaces.

Chairman Galvin said the Planning Board isn't, but the applicant is.

Mr. Ianniello said if you push the building slightly forward you would get 45' in the rear.

Mr. Tompkins said the setback goes to the canopy and if the building is moved forward the turning capacity becomes a mess.

Mr. Sterk said people won't be using the drive-thrus and parking at the same time.

Chairman Galvin said in the past the reason for drive-thrus was to extend the hours of business.

Mr. Tompkins said the drive-thru is tandem.

Mr. Wexler said next to the tandem lane is a by-pass lane you can use to get around.

Mr. Tompkins asked what Mr. Wexler was trying to do.

Mr. Wexler said he is trying to reduce the variance in the rear.

Mr. Tompkins said the application before the Board is really what the applicant is seeking to do.

Mr. Ianiello asked if required, would the applicant get two or three variances.

Mr. Tompkins said they are down to two variances and asked if the question was if they can get that down to one variance. Mr. Tompkins said they have done a pretty good job at squeezing the spaces.

Mr. Wexler said we have to decide what our feeling is about on-street parking. Mr. Wexler said he thinks on-street parking is shared parking. On street parking serves as a traffic calming tool. The more parking you have on the street, the slower the traffic will move. He indicated that it is his opinion that the Planning Board should support such on street parking is a good idea.

Mr. Sterk said he is not a big fan of on-street parking and thinks it is dangerous. Mr. Sterk said people don't park with enough clearance for driveways.

Mr. Wexler discussed the on-street parking issue with Mr. Sterk and felt Mr. Sterk's argument was that there should not be any on-street parking.

Mr. Tompkins discussed sight distances along the Post Road.

Chairman Galvin said he is generally sympathetic to employees parking on the street if it is adjacent to the use and there is not serious competition for such spaces. He indicated that such parking would be more ideal for employees than for the bank's customers. Since we don't have a good idea of the eventual demand for the bank branch's on-site parking, a suggestion of land banking the three spaces may be appropriate. If demand requires the spaces to be opened up and used, the Planning Board could make a future finding that the additional spaces should be improved (perhaps with grass crete). The Planning Board discussed parking and variances which would be completely in the jurisdiction of the ZBA.

Mr. Ianniello said regarding the variances, he would go for the side yard and parking on Post Road. If the building slides forward five feet, than the variance granted would be along a commercial street.

Mr. Noto said the Zoning Board is looking for guidance from the Planning Board.

Chairman Galvin said he will give Mr. Noto a draft of the minutes and that he prefers the option of land banking the three spaces along Sterling. Chairman Galvin said to show the canopy and asked if the applicant had a cross sectional.

Mr. Ianniello said the Planning Board wants to see the back elevation changes with regard to the canopy and its relation to the residential properties to the rear.

Mr. Wexler asked why the canopy is as long as it is.

Mr. Tompkins said the canopy meets the coverage needed to protect the customers. Chairman Galvin asked the applicant to reduce the length of the canopy. It is the opinion of the Planning Board that the canopy is much longer than it needs to be.

The Planning Board discussed land banking.

Mr. Tompkins said what they would like to do is receive preliminary site plan approval and address the concerns of the Board. The applicant will be going before the BAR and HCZMC.

Chairman Galvin reviewed the concerns of the Planning Board. Chairman Galvin said the applicant should understand that the Planning Board can determine the size of the setback as a front yard and not to go down more than ten feet. However, we do not have the jurisdiction to allow parking in the 25 foot front yard setbacks.

Mr. Noto said he appreciates the direction from the Planning Board.

Chairman Galvin said it would be better with land banking the three parking spaces along Sterling Avenue.

Mr. Sterk said the Planning Board is skeptical that the Bank needs all 16 spaces.

Chairman Galvin asked if the applicant has Ms. Favate's comments regarding the Traffic Study.

Mr. Tompkins said he did.

Chairman Galvin said the applicant could finish off the landscaping and proceed.

Mr. Noto said the calculations would be effected by land banking.

Mr. Tony Spencer/Greenhaven, Rye addressed the Board regarding his concerns about the proposed application. Mr. Spencer said it is a very prominent corner and the bank will be very visible. Mr. Spencer asked what the screening requirements are between them and Toyota. Mr. Spencer referred to the regulations and said after 50' they can cut back to five feet wide.

The Planning Board discussed drawing # C-6 and the buffer.

Chairman Galvin discussed the space necessary for an eight foot evergreen in this space along the property line with Toyota City. He indicated that the current 3.5 foot setback should be expanded to 5 feet to be in line with the Code and allow for more substantial planting in this area.

Mr. Tompkins reviewed the proposed landscaping and plantings.

Chairman Galvin said he will ask Ms. Oakley to review the landscaping plan one more time.

No vote was taken on the application.

5. **1160 WEST BOSTON POST ROAD (Bank of America)** – Site plan – demolish vacant restaurant to construct building to house Bank of America branch with drive-thru windows.

Mr. Don Mazin, Esq. /1415 Boston Post Road, Mr. Joseph Sparone/Civil Site Engineer, Mr. Adam Gorlovizki/Project Manager – Jones Lang LaSalle and the Traffic Consultant were present to represent the application.

Chairman Galvin thanked Mr. Mazin for the letter provided to the Board of Trustees, Trustee M urphy and the Village Manager.

Mr. Mazin said he met with the Village staff and submitted plans that he felt were appropriate and addressed the Board’s concerns.

Chairman Galvin asked Mr. Mazin if he received Ms. Favate’s suggestions and he said he did and has complied with what was required.

Chairman Galvin asked Mr. Mazin if he received the letter from the Westchester County Planning Department. He indicated that he had.

Mr. Mazin discussed the parking situation and said this is a unique parking situation. One cannot park on Richbell Road or the Post Road adjacent to the subject property. Additionally there is no municipal parking nearby. Mr. Mazin said it is a very dangerous corner. Mr. Mazin discussed the number of employees (14 employees) and customers, and the peak hours of the bank. He noted that they are not setting a precedent because of the unique nature of the site and the lack of surrounding parking.

Chairman Galvin said the County mirrored some of the Board’s own comments regarding parking. Chairman Galvin discussed the parking that could actually fit on the property after it conformed to all of the zoning code requirements.

Mr. Mazin said they may have to change the parking plan.

Chairman Galvin reviewed items that should be changed including the access plan for the driveways and the internal circulation which currently has no discernible direction.

Mr. Mazin said trespassers will abuse parking in the Bank of America lot.

Chairman Galvin said the point is that the applicant can only put spaces on the plan that can actually be used and which meet Code.

Chairman Galvin discussed the appropriate entrance and exit access to the site and said the applicant should discuss this with their Traffic Engineer.

Mr. Sparone gave an overview of the site plan and discussed circulation, concept “C”, landscaping, the pedestrian connection and said they are still going to have to exit to Richbell Road.

Chairman Galvin said most of the Bank of America drive-thrus in the Sound Shore area consist only of ATMs and not drive thru windows.

Mr. Sterk asked if there were teller windows.

Mr. Sparone discussed the ATM locations in the area.

Chairman Galvin said the Zoning Board needs to give a special permit for the drive thrus. He noted that the branch appears large at 4,700 sq.ft.

Mr. Wexler asked how many drive-thru spots there were. Mr. Sparone said there were six.

Mr. Ianniello said it is conceivable that four cars could be coming onto Richbell Road at one time.

Mr. Sparone said the drawing is conceptual and would control the traffic flow onto Richbell Road. The parking spaces were reduced from 31 to 29. The applicant and the Planning Board discussed the square footage and the number of spaces.

Mr. Sparone said there are 29 spaces showing and three are marked for fuel efficient vehicles. There can be an exit only on Richbell Road to address the circulation issues.

Chairman Galvin said the circulation design seems to be haphazard.

Mr. Sparone explained how the circulation would be dealt with.

The Planning Board and the applicant discussed their concerns about circulation, entering and exiting the site and the arrangement of the parking spaces.

Mr. Ianniello said there are some strange spaces, noting the diagonal space on the concept plan. Mr. Ianniello said there are issues with the parking that the applicant needs to rethink, regarding the 25’ setback (which prohibits parking within the setback along the Post Road and Richbell Road).

Mr. Sparone said he will review the issues regarding the parking spaces.

Mr. Sterk discussed his concerns about the aisles, ATM’s, drive thrus and the flow of traffic.

Chairman Galvin said the applicant needs to pay attention to the Code regarding the 25’ front yard setbacks.

Mr. Sparone and the Planning Board discussed parking, the flow of traffic and the placement of the drive-thrus.

Mr. Sterk said he is not sure about having the drive up windows the way the applicant has positioned them.

Mr. Wexler said the applicant started off in a bad place from the last plan and that the current plan is a big improvement, but the parking should be redone and the ATM's drive thrus should be shrunk to fit on the plans.

Mr. Sterk said he agrees with Mr. Wexler in regards to the design not being acceptable.

Chairman Galvin said the issue is the drive thrus and the parking not being laid out correctly. Chairman Galvin said the Code requires that for every ten spaces there should be a tree. On Ms. Favate's conceptual options, there are islands that include the trees and landscaping as well as serving to channel traffic in the parking lots.

Mr. Ianniello noted that the plan indicates that the fence, concrete wall and stockade fence are to remain. Mr. Sparone said that these items are not on their property.

Mr. Ianniello suggested reducing the parking and the drive up windows.

Chairman Galvin said the Planning Board has given the applicant several appropriate ideas to consider and reiterated that moving the building up toward the Post Road may be something that the applicant should consider as long as they maintain at least a 10 foot setback.

Mr. Sterk asked if the bank could be moved closer to Boston Post Road so you could have a two-way intersection off of Richbell Road.

Ms. Favate asked if they are allowing a left turn exiting onto Boston Post Road.

Chairman Galvin said the NYS Department of Transportation may not allow a left turn onto Boston Post Road, especially since it is close to the Richbell Road intersection.

The Planning Board and applicant discussed the entrances and exits.

Mr. Sparone reviewed the following issues that will need to be addressed:

- Look at removing ATM Drive Thrus
- Review the parking layout and the 25' front yard setbacks with their parking restriction
- Landscaping design around the perimeter as well as streetscape along the Post Road and Richbell Road.
- Improving side yard setbacks

Mr. Sterk said the applicant should look at removing four or six ATM's and would prefer fewer lanes and fewer ATM's. Mr. Sterk would like to go from eight to two ATM's.

Chairman Galvin said the site will dictate what they are able to do with parking.

Mr. Sparone said they did submit a traffic report with the original submission. They will update the report and resubmit it in accordance with the revised plans that will be submitted.

Mr. Wexler asked how the parking would be enforced.

Chairman Galvin indicated that other banks sign the spaces using time limits.

Mr. David Harmuth/Bank of America discussed the parking configuration at other Bank of America branches in the area.

Ms. Favate asked Mr. Harmuth if he had a study for data on the demand for parking. Mr. Harmuth said not for this specific site, but noted that they did look at traffic, density and the fact that there is no parking available on the street.

Mr. Ianniello asked if there was a model for something like this in the surrounding area and Mr. Harmuth said there was not.

Chairman Galvin said the applicant needs to do a conceptual plan and encouraged him to share it with Ms. Favate before it gets finalized for submission to the Board.

NEW BUSINESS:

- 1. 181 EAST BOSTON POST ROAD – BARNACLE BBQ** – Site plan – addition of a deck terrace and new restaurant to replace vacant restaurant (former Jolly Trolley) to seat 70 people.

Mr. Coleman McCarthy, restaurant owner/181 East Boston Post Road was present to represent the application.

Mr. McCarthy said he is applying for an outside deck on the back of the restaurant.

Chairman Galvin asked if Mr. McCarthy was before the Zoning Board for their special permit.

Mr. McCarthy said they are going out 50', adding a deck to the existing structure. They will lower the existing roof and support the deck on pilings. The deck will be an open deck.

Mr. Ianniello asked if they have added parking. Mr. McCarthy said they have not.

Chairman Galvin said there are parking requirements and that the applicant has 65 spaces in Brewer's parking lot. Brewer's actually owns the restaurant site and Mr. McCarthy's restaurant is a tenant.

Mr. McCarthy said after 6:00 p.m. the parking lot will just be used by the restaurant and during the day it is shared with Brewer's.

Chairman Galvin indicated that the applicant is not adding parking. They are increasing the seating in the restaurant.

Ms. Favate said they are calculating seating for 60 – 65 people on the deck.

Chairman Galvin asked about the landscaping in the front of the building.

Mr. McCarthy distributed pictures of the front of the building to the Planning Board. Mr. McCarthy said the whole building will be painted over and there will be new awnings and shutters.

Chairman Galvin reviewed the history of the property and previous establishments that have been there. Chairman Galvin said with regards to the deck that the applicant should not tear anything down and instead build on the footprint of the existing structure. Mr. McCarthy said they would not be tearing anything down and would build on the footprint of the existing structure.

Chairman Galvin suggested having a green screen or similar technique to hide the adjacent Derecktor's building from customers using the new deck. Mr. McCarthy agreed.

Mr. Ianniello suggested landscaping below the deck.

Chairman Galvin and Mr. Sterk said the area is too hilly.

Mr. McCarthy said they will pave the Brewer's parking area and restripe it when the paving has been completed.

Chairman Galvin asked where the handicap parking is. Mr. McCarthy said it is the first empty space on the left as you enter the Brewer's parking lot. Chairman Galvin said the applicant should check with the Building Department with regards to the State regulations for the layout of the required handicap space.

Mr. Wexler asked what the stairways in the back were for. Mr. McCarthy said one goes up to the residence and the other goes down to the basement.

Chairman Galvin said the applicant should speak with the Building Department regarding the stairs and have a panic door or gate on the bottom of the stairs. This would restrict

access into the stairs but allow emergency access outward. The gate should swing open outward. .

Mr. Wexler asked what the deck was sitting on and what the spacing was. Mr. McCarthy said it is a wall. Chairman Galvin asked if you can see through it and Mr. McCarthy said yes, it is on top of the storage area. Chairman Galvin suggested doing lattice work and paint it to blend in. Mr. McCarthy agreed.

Mr. McCarthy noted that people cannot enter the restaurant from the back of the building.

Chairman Galvin asked what kind of covering or awning will be on the deck. Mr. McCarthy said the deck will be open. Mr. McCarthy said a tent could be a possibility, but they are really looking to keep the deck open. Mr. Wexler said a tent could provide some shielding. Mr. McCarthy said he has no problem with a tent.

Chairman Galvin asked what the deck was made of. Mr. McCarthy said the deck will be made of either wood, slate tile or rubber matting.

Chairman Galvin asked what kind of fencing is along the deck. Mr. McCarthy said it is straight up and down as in the picture.

Chairman Galvin said the restaurant is located in an M C-2 Zone.

Ms. Favate said she has an issue with parking on Saturdays. Mr. McCarthy said on Saturdays besides using the lot, they would be using on-street parking.

Mr. Wexler said this would be a good time for the Planning Board to think about this intersection. There is no sidewalk on the bridge and no legal way to walk to the restaurant from the other side of the street.

Chairman Galvin asked if the Village can put a crosswalk on a State road. The Planning Board continued to discuss the sidewalk issue. Chairman Galvin suggested putting the sidewalk issue on the agenda for the December meeting as a separate item.

Chairman Galvin said the applicant needs to provide the following:

- Landscaping plan
- Plan with no deck in front
- Handicap space
- Plan showing parking lot screening on the left front side of the parking lot
- Plan showing the stairs and exit door/panic door, stating it is for emergency use only
- It is not necessary for the seasonal tent to be on the plans
- Show the lattice work
- Provide a lighting plan

Mr. McCarthy said there is very powerful lighting in the parking lot and it will be moved around. Chairman Galvin said if they plan on moving the lighting, they may want to consider reducing the height of the poles. Mr. McCarthy said the poles are 12' high and use halogen white lights. Chairman Galvin said the applicant might want to consider toning down the lighting.

Chairman Galvin asked Mr. McCarthy if he thought he could get all of the issues addressed by the next meeting on November 13, 2008. Chairman Galvin said the Board would need a revised site plan and noted that the applicant still needs a special permit from the Zoning Board.

Chairman Galvin said he will communicate with the Chairman of the Zoning Board so the applicant could move forward.

Chairman Galvin said this is an unlisted action under SEQRA.

A motion was made by Mr. Sterk to declare the Planning Board as lead agent for 181 East Boston Post Road, Barnacle BQ – Site Plan – addition of a deck terrace and new restaurant to replace vacant restaurant (former Jolly Trolley) to seat 70 people, seconded by Mr. Ianniello.

Ayes: Galvin, Ianniello, Sterk, Wexler
Nays: None
Excused: Alterman

2. 233 HALSTEAD AVENUE – METRO PCS NEW YORK, LLC –
Public Hearing - Installation wireless telecommunications facility on roof of Mamaroneck Towers (senior citizen residential apartment building).

Chairman Galvin has recused himself from the application. He sits on the Board of the Washingtonville Housing Alliance which is a majority sponsor of Mamaroneck Towers. Additionally the WHA also shares rental payments from the presence of wireless antennas on the roof of the subject property. Mr. Sterk is now the acting Chairman for this application.

Ms. Marlene Eickmeyer, Esq./Price, Meese, Shulman & D'Arminio P.C., Mr. Gregg Sharpe/Engineer and Mr. Michael Musso, P.E./Senior Project Manager were present to represent the application. (The applicant had a stenographer present to record the public hearing)

Ms. Eickmeyer gave an overview of the application and said they have submitted structural certification.

Mr. Sterk asked if the applicant intends to seek approval of any other antennas in the Village. Ms. Eickmeyer said they have an alternate site as the salt shed and the Harbor Island flagpole.

Mr. Ianiello asked if the applicant was going for 233 Halstead Avenue and the flagpole. Mr. Sharpe said yes. Mr. Ianiello asked if the applicant was asking for 233 Halstead Avenue now and will later be asking for the flagpole. Mr. Sharpe said yes and that they are currently in the process of leasing the flagpole. Mr. Sharpe said the two sites would work in conjunction with each other. Mr. Sharpe noted the coverage gap by comparing exhibit G to Exhibit A.

Mr. Ianniello asked what the applicant would be adding to the structure. Mr. Sharpe said they would be adding six panel antennas.

Mr. Musso explained the details of the technical aspects of the antennas.

The Planning Board discussed the pictures and what is real and what is simulated.

Mr. Ianiello asked how the antenna would be mounted on the flagpole. Mr. Sharpe said nothing is visible on the flagpole, everything is in the pole.

Mr. Sharpe said they are a new company and as their growth increases they would need more sites.

Mr. Ianniello said this is a highly visible building so people would see the waffles on the building. Mr. Sharpe said they are using the penthouse corners.

The Planning Board discussed the drawings with Ms. Eickmeyer.

Mr. Sterk asked if there was any way to put the new panel mounted near the existing. Mr. Sharpe said you would not want to place the antenna panels near the AT & T antennas. It would create interference.

Mr. Sterk asked what is being done to protect workers on the roof.

Ms. Favate asked Mr. Musso to go through his report.

Mr. Musso distributed his report to the Planning Board members and discussed the following items:

- There will be six panel antennas and two small GPS (non-transmitting antennas)
- FCC regulations with regards to the number of antennas
- Overview of the application and application process
- Site visit conducted on September 9, 2008
- There are no Metro PCS sites in the Village, there is one in Larchmont and two in Harrison

- As of now this is the only application on file for Metro PCS
- The site at 233 Halstead Avenue is the preferred site to the salt shed and flagpole
- Sites and structures considered were prioritized

Mr. Sterk asked what would happen if the antennas were spread out to two or three sites.

Mr. Musso said they would not get the coverage area desired. Mr. Musso continued to discuss the following items in his report:

- Radio frequency emissions
- MPE level is well below maximum allowable level
- The roof is cramped with existing equipment
- No evidence of anyone using the rooftop
- Doors to the roof should have appropriate signage on them
- Signage should be on the antennas
- The securing and mounting of the panel antennas
- Deadloads
- The aesthetics of the corners of the building
- Proposed heights of antenna heights vs. existing antenna heights
- No lighting needed
- No landscaping needed
- No additional parking necessary

Mr. Sterk said this seems to be an attractive site for this kind of facility and that the location of the applicant's equipment will not destroy communications for the other antenna owners.

Mr. Wexler said the antennas should be painted and that should be noted on the plans. Mr. Wexler asked if there was a better way of placing and masking the antennas. Mr. Musso said they can't hide the antennas, but could put them on the outside of the parapet. Mr. Sharpe noted that when you flush mount antennas you limit the angles and coverage.

Mr. Sterk said the Planning Board has not had the opportunity to review the report that the applicant submitted this evening.

Mr. Ianniello asked about the placement of the antennas on the flagpole and would like to see a rendering of what the antennas would look like on top of the flagpole and what the flush mounted antennas would look like.

Mr. Sterk said the color of the antennas should blend in with the color of the building.

Mr. Sterk said the applicant should prepare to come back to the next meeting of the Board.

Mr. Ianniello asked if there are any health issues to people in the area of the antennas.

Mr. Musso said he has worked on these environments and has looked at data from sites. You would want the radio frequency to go over structures in order to protect people in the area. This site doesn't seem to have any problems with regards to health effects.

Mr. Ianniello asked if the antennas will interfere with anyone's electronics in the area. Mr. Sharpe said it would not. The FCC delegated the frequency numbers and if there are any problems, the FCC handles them.

Mr. Sterk asked that the letter from Mr. Musso be entered into the record of this meeting.

A motion was made by Mr. Wexler to declare the Planning Board as lead agent with regards to the application of 233 Halstead Avenue – Metro PCS New York, LLC – Installation of wireless telecommunications facility on the roof of Mamaroneck Towers (senior citizen residential apartment), seconded by Mr. Ianniello.

Ayes: Ianniello, Sterk, Wexler
Nays: None
Excused: Alterman, Galvin

Mr. Sterk said the applicant should plan on attending the next meeting of the Board on November 13, 2008.

ADJOURNMENT:

A motion was made by Mr. Ianniello to adjourn the meeting, seconded by Mr. Wexler.

Ayes: Ianniello, Sterk, Wexler
Nays: None
Excused: Alterman, Galvin

PREPARED BY:
BY:

ELIZABETH A. DREAPER

RESPECTFULLY SUBMITTED

AGOSTINO A. FUSCO
CLERK-TREASURER