

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on June 25, 2009. 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
Ingemer Sjunnekmark
Stewart Sterk
Lee Wexler
Frank Fish, BFJ Planning Consultant
Susan Oakley, Planning Board Landscape Consultant
John Winter, Building Inspector
Keith Furey, Village Engineering Consultant

ABSENT (Excused): Michael Ianniello

AGENDA:

OLD BUSINESS:

1. **APPROVAL OF MINUTES**
2. **800 Fenimore Road- Nolles Ridge** – (R-6 Residential District) Public Hearing on Wetland permit and subdivision for six residential lots and one conservation lot.
3. **515 Halstead Avenue.** Michael Cotter (C-1 District) Special Permit for infill housing (1 unit).
4. **122-124 Library Lane (C-1)** Site plan for change of use from office to general retail.
5. **275 Prospect Ave., CVS** – (C-2 District) Dumpster Enclosure Permit.
6. **350 PROSPECT AVENUE FIRST CHURCH OF CHRIST SCIENTIST** – (R-5 Residential District) – Continuation of Public Hearing – Two lot subdivision (includes 1 residential lot and parking lot); site plan for reconfigured parking lot on Parcel B.
7. **1160 W. Boston Post Rd.** - Bank of America (C-1 District) Site Plan review for proposed bank branch.
8. **181 E. BOSTON POST ROAD, BARNACLE BBQ RESTAURANT** (MC-2 District – Marine Commercial) Amendment to site plan to construct front exterior patio to the front of existing restaurant.

Mr. Galvin called the meeting to order at 7:05

1. MINUTES

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve the minutes of the Regular Meeting of the Planning Board held on June 11, 2009

Ayes: Galvin, Sjunneemark, Sterk, Wexler

Nays: None

Recused: None

Excused: Ianniello

2. **800 Fenimore Road- Nolles Ridge** – (R-6 Residential District) Public Hearing on Wetland permit and subdivision for six residential lots and one conservation lot.

On motion of Mr. Sjunneemark, seconded by Mr. Sterk the Public Hearing was opened.

Mr. Galvin stated that the application is for 6 residential units, and one conservation lot to be deeded to the Home Owners Association. This application started 2 years ago as 18 units and has been reduced to the subdivision application before the Board today due to the implementation of the Wetlands Law.

Mr. Fish gave a brief summary of the application. On May 1, 2008, the Planning Board declared intent to be lead agency. On June 1, 2008, the Planning Board assumed lead agency. In 2006, an application with 18 units was submitted, which was reduced to 17 units as part of a proposed cluster subdivision. Now the application is for 6 standard sub division lots, all of which must meet zoning regulations. The applicant is not building in the buffer. The Town of Mamaroneck has been notified and has received the long form EAF. The site is 3.2.acres.

Mr. Hahn, of Hahn Engineering, 1689 Route 22 Brewster, NY, appeared and addressed the Board.

Mr. Hahn stated that the site is west of I-95, north of Fenimore Road, abutting the Town of Mamaroneck. The slope analysis shows that part of the property is greater than 25%. The road grading and drainage plan is in compliance with the Village code. The water quality basins and lots size are larger than required in the R-6 Residential Zoning District. The existing dwellings on Country road are lower than the site and the applicant will plant 12-15 ft. pine trees to screen the houses.

Lucille Munz of Mt. Kisco, the landscape designer, stated they are planting bushes to stabilize the site, will screen with evergreens, and use a wetland seed mix in the pond area. They will maintain the wooded lot edge with planted oaks, maples, dogwoods and river birch. They will use arborvitae as a hedge row on the outer side of the driveway.

Mr. Galvin asked about the existing stone walls on the property and Ms. Munz answered that they plan to maintain them and move them if necessary.

Steve Marino of Miller Associates, Cold Spring, NY, the wetlands expert, addressed the Board. Mr. Marino stated that the road crosses the delineated wetland area and qualifies for a nationwide permit from the Army Corp. of Engineers. The plan is to remove the invasive species and reconstruct and restore the wetlands.

Orsini Pellegrino, of Rino architects of 424 Main Street, appeared for the applicant. He stated that they are planning to build European style stucco homes, with tile roofs, and a basement on the first floor.

Mr. Galvin stated that a subdivision approval does not deal with architecture and the designs presented are for illustration only. This is within the jurisdiction of the Building Department and the BAR.

Ms. Oakley stated that the landscaping plan was very detailed. There will be 132 new trees planted. The shrubs are good selections. Her one concern is the removal of invasive species and the roots of the many mature trees that have been killed.

Mr. Furey stated that the overall concept of the pocket ponds and wetlands reconstruction is good, but he has not seen the actual calculations. Phase 2 of Chapter 4 of the DEC code states in regard to water quality, 100% of the water must be treated and any detention ponds should be designed for a 100 year storm plus 7 inches. The design should insure that there will be no net increase over what is currently coming off the site.

Mr. Sjunneemark asked if water will be in the pond most of the time, and Mr. Hahn answered 95% of the time there will be water in the pond.

Mr. Sterk voiced concern about mosquitoes, and Ms. Munz stated that the ponds are designed to be a habitat for birds and frogs which eat bugs.

Mr. Di Orio, of 800 Westchester Ave. Rye Brook, the applicant's attorney, stated that the ponds will be maintained for 5 years by the development team under the Army Corp of Engineers and after that it becomes the responsibility of the HOA to maintain.

The Board discussed the ponds and stated that they want to see examples of other subdivisions and ponds to confirm that this strategy works after houses are built.

Public Comments;

Joe Contreras of 7 Country Road inquired about maintenance of the ponds. Mr. Furey stated that after 5 years, the HOA is required to maintain the ponds and the Village inspects them annually. The Building Department would order the HOA to remedy any problems. Mr. Contreras also asked if there would be a barrier between the development and the thruway. Mr. Hahn answered that the Village park land is to remain wooded.

Mr. Jim Brigante of 810 Fenimore Road showed photos of water on Fenimore Road that almost reached his house, and voiced his concerns about additional runoff. Mr. Furey stated that it is

an existing condition and the new construction will not add to the problem and will in all likelihood improve the problem. Mr. Furey stated that the Village will look into the sanitary sewer overflow.

Jackie Fiedman of 6 Country Lane stated that she is concerned about damage that may be caused by chipping or blasting as she never had water in her basement until after the house next to her residence had blasting.

Mr. David Sario of 510 Baldwin Place questioned where the storm water detention will empty. Mr. Furey stated that the basins are being built to contain the entire runoff from the property.

Mr. Joe Lividini of 7 Leatherstocking Lane stated that he could not see how the ponds can contain all the water when Country Road has water. Mr. Furey answered that Country Rd. was not designed to channel water, and that the basin will not fill except during a 100 year storm.

Mr. Steve Toth of 3 Country Road commented that the area intended to be the pond is now covered with water from the last storm, and the stream overflows.

Mrs. Rose Toth stated that her concerns about the HOA and the breakdown of capital funds.

Mr. Bud Wiesenber of 42 Country Road stated that floods are getting worse over the years and wondered if retention ponds can be built only on the subject property.

Ms. Susan Greehill of 9 Country Road stated that the mature trees on the property provide shade for her property. If they are cut down, it will take 30 years for them to grow to full maturity and provide any shade.

Ms. Sharon Kapos of 1 Country Road voiced her concerns about the safety of the ponds directly behind the houses and what safety measures will be put in place.

Ms. June Chuy of 811 Fenimore Road voiced her concerns about the use of pesticides and herbicides. Mr. Galvin stated that the restriction on using herbicides can be part of the condition of approval.

Ms. Nicole Povember of 5 Glen Lane stated that the ponds seem to be a solution.

The matter was adjourned to July 9, 2009.

Mr. Sjunneemark was excused and left at 9:05

3. **515 Halstead Avenue.** Michael Cotter (C-1 District) Special Permit for infill housing (1 unit).

The applicant appeared with a request for a special permit for one residential unit under the Village's infill housing section in a C-1 commercial zone. The Planning Board reviewed the site plan application for a Dental Office 1 year ago. The applicant went before the Zoning Board of Appeals for a parking variance for a residential unit on the second floor. The Zoning Board approved the request.

Mr. Winter stated that in order to open the Dental office, Mr. Cotter shelved the residential space temporarily.

This is an unlisted action based on our planning consultant's review as well as the Planning Board's review of the applicant's EAF.

A motion was made by Mr. Sterk, seconded by Mr. Wexler, to declare a negative declaration under SEQRA for 515 Halstead Ave Michael Cotter (C-1) District Special Permit for infill housing (1 unit)

Ayes: Galvin, Sterk, Wexler

Nays: None

Recused: None

Excused: Ianniello, Sjunneemark

A motion was made by Mr. Sterk, seconded by Mr. Wexler, to approve the special permit for one residential unit on the second floor of 515 Halstead Avenue.

Ayes: Galvin, Sterk, Wexler

Nays: None

Recused: None

Excused: Ianniello, Sjunneemark

4. **122-124 Library Lane** (C-1) Site plan for change of use from office to general retail.

Marco Di Bunion, the applicant, appeared and addressed the Board. He stated that the office use (Prudential Real Estate) has closed and rentals are difficult in this economy. He has a prospective tenant but must appear before the Planning Board to change the use from office to general retail.

Mr. Winter stated there are no violations on the property.

A motion was made by Mr. Wexler, seconded by Mr. Sterk to approve the site plan for a change of use from office to general retail.

Ayes: Galvin, Sterk, Wexler

Nays: None

Recused: None

Excused: Ianniello, Sjunneemark

5. **275 Prospect Ave., CVS** – (C-2 District) Dumpster Enclosure Permit.

Lucia Chiochio, the applicant's attorney, appeared and addressed the Board. Ms. Chiochio stated that the applicant has returned with a revised site plan based on the board's

recommendations. The applicant has upgraded the fence, added landscaping to the triangle and installed trellis for a climbing vine.

Mr. Galvin stated that Susan Oakley's memo should be filed for the record.

Ms. Oakley stated that the new plan needs a number of honeysuckle to be planted.

Mr. Wexler asked about the other triangle near the opening to the enclosure and was told it is not a practical area to landscape because of the trucks turning and the grade. Additionally, the area is not leased by CVS

On motion made by Mr. Sterk, seconded by Mr. Wexler, the dumpster enclosure was approved plans dated 6/15/09, subject to the fence being stained a color complementary to the base of the building.

Ayes: Galvin, Sterk, Wexler

Nays: None

Recused: None

Excused: Ianniello, Sjunneemark

6. **350 PROSPECT AVENUE FIRST CHURCH OF CHRIST SCIENTIST** – (R-5 Residential District) – Continuation of Public Hearing – Two lot subdivision (includes 1 residential lot and parking lot); site plan for reconfigured parking lot on Parcel B.

Denis Cucinella, the applicant's engineer, appeared and addressed the Board. Mr. Cucinella state that the new plat proposed is subdivided into two lots: lot A - 6, 350 sq. ft., and lot B- 8, 198 sq. ft.

Mr. Fish's memo states that the site plan complies with the variance received from the ZBA. Mr. Fish requested that the two pine trees are shown as being very close to the curb line. They are to be protected during construction and the curbing around them should not be deep to protect the roots. He also suggested that the light poles should be no higher than 8-10 feet and be low intensity.

Mr. Cucinella stated that the applicant will eliminate curbing around the pine trees and will put low intensity 8 foot lights as requested.

A motion was made by Mr. Sterk, seconded by Mr. Wexler, to close the Planning Board's Public Hearing on this subdivision application.

Ayes: Galvin, Sterk, Wexler

Nays: None

Recused: None

Excused: Ianniello, Sjunneemark

A motion was made by Mr. Sterk, seconded by Mr. Wexler to declare a negative declaration under SEQRA for 350 Prospect Ave., First Church of Christ Scientist for a two lot subdivision plat (1 residential lot and parking lot) and site plan.

Ayes: Galvin, Sterk, Wexler
Nays: None
Recused: None
Excused: Ianniello, Sjunneemark

A motion was made by Mr. Sterk, seconded by Mr. Wexler for preliminary and final plat approval for subdivision map for lot 33/34 original map 459 dated 6/22/09, approved 6/25/09.

Ayes: Galvin, Sterk, Wexler
Nays: None
Recused: None
Excused: Ianniello, Sjunneemark

Site Plan for 350 Prospect Ave.

Mr. Cucinella stated that he has made the changes on the site plan as requested. Mr. Galvin asked that the plan note that the tree roots be protected, including fencing around trees, and lights 120 volt bronze metal alloy.

A motion was made by Mr. Sterk, seconded by Mr. Wexler for final approval for site plan dated 5/22/09, for property known as 350 Prospect Ave. First Church of Christ, Scientist subject to the protection of the tree roots and lighting 120 volt bronze metal alloy.

Ayes: Galvin, Sterk, Wexler
Nays: None
Recused: None
Excused: Ianniello, Sjunneemark

- 7. 181 E. BOSTON POST ROAD, BARNACLE BBQ RESTAURANT** (MC-2 District – Marine Commercial) Amendment to site plan to construct front exterior patio to the front of existing restaurant.

Mr. Coleman, the owner, appeared and addressed the Board. Mr. Coleman agreed with all of Ms. Oakley's landscape suggestions. He also brought a sample of the slate paver he intends to use on the front patio.

Mr. Furey stated that drains must be cut into the pavers.

Mr. Galvin stated that Mr. Furey's memo on drainage should be attached to the site plan. The application previously received a negative declaration under SEQRA from the Planning Board.

A motion was made by Mr. Sterk, seconded by Mr. Wexler to adopt the amended Site Plan for 181 E. Boston Post Road Barnacle BBQ Restaurant to install a front patio.

Ayes: Galvin, Sterk, Wexler
Nays: None
Recused: None
Excused: Ianniello, Sjunneemark

8. **1160 W. Boston Post Rd.** - Bank of America (C-1District) Site Plan review for proposed bank branch.

Donald Mazin, applicant's attorney, appeared and addressed the Board. Mr. Mazin stated that they have been before the Board 8 months ago and have since gone before the Zoning Board of Appeals and received approval for requested variances and a special permit for the proposed drive thru's.

Mr. Furey stated that in a memo that the storm water management plan reduces the impervious surface on the site.

The Board and Mr. Joe Sparone of Dynamic Engineering discussed the lighting. The Board requested that the light poles be the same size and as low as possible with 14-16 feet being preferred.

The developer stated that there were dates that they were trying to meet.

The landscaping plan was discussed, sheets 7-12 dated 9/10/08. Ms. Oakley stated that a number of changes were made as per her suggestions. Ms. Oakley wants street trees planted.

Mr. Mazin stated they were against planting street tree. A discussion ensued with the Board and it was agreed upon that 2 trees will be planted on Boston Post Road and 3 on Richbell Road. Ms. Oakley suggested Honey Locusts or Maples.

The Planning Board assumed lead agency on this application on Oct 11, 2008.

A motion was made by Mr. Sterk, seconded by Mr. Wexler to declare a negative declaration under SEQRA for 1160 W. Boston Post Road – Bank of America .

Ayes: Galvin, Sterk, Wexler

Nays: None

Recused: None

Excused: Ianniello, Sjunneemark

Mr. Galvin requested that the revised site plan should reflect the requested changes to the lighting plan and landscape plans. These will be reviewed by the Planning Board.

Matter was adjourned to July 9, 2009

A motion was made by Mr. Galvin seconded by Mr. Sterk to adjourn the meeting at 10:55p.m.

Ayes: Galvin, Sterk, Wexler

Nays: None

Recused: None

Excused: Ianniello, Sjunneemark

Minutes prepared by
Francine M. Brill