

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on April 23, 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 Sjunnemark
Michael Ianniello
Stewart Sterk
Lee Wexler
Thomas A. Murphy, Trustee Liaison
Frank Fish, FAICP, Village’s Planning Consultant (BFJ Planning)
Susan Oakley, Village’s Landscape Consultant
John Winter, Building Inspector
Rob Melillo, Asst. Building Inspector

AGENDA:

OLD BUSINESS:

1. APPROVAL OF MINUTES

- 2. 214 Center Avenue – Vic Ciraco (architect)** – Site plan review for addition of fire escape to existing 4 - family residence. (R- 4F Multi Family Residential District)
- 3. 211 Mamaroneck Avenue – Molly Spillane’s Restaurant** – Amended site plan for landscaping. (C-2 Commercial District)
- 4. Nolles Ridge – Fenimore Road** – Set Public Hearing date for wetlands permit and subdivision for 6 residential lots and one conservation lot. (R-6 Residential District).

NEW BUSINESS:

- 1. 1135 Greacen Point** – Flood plain variance for existing pool house (R-20 Residential District)
- 2. 651 E. Boston Post Road/S. Barry Avenue - Taylor’s Lane Associates** – Site plan review for proposed 2 story office building. (C-1 Commercial District)
- 3. 350 Prospect Avenue – First Church of Christ, Scientist – Public Hearing** for proposed two lot subdivision (one residential lot and parking lot) and site plan review for reconfigured parking lot on Parcel B. (R-5 Residential District)
- 4. 818-824 Mamaroneck Avenue – Gregg De Angelis (architect)** – informal discussion on site plan review/special permit for 6 residential units in existing buildings and martial arts school in existing retail building (former bar/tavern). (C-1 Commercial District)

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

1. MINUTES

A motion was made by Mr. Sterk, seconded by Mr. Wexler to approve the minutes of the Regular Meeting of the Planning Board held on March 12, 2009.

Ayes: Galvin, Sjunneemark, Sterk, Wexler

Nays:

Recused: Ianniello

Excused:

NEW BUSINESS:

1. 214 Center Avenue – Vic Ciraco (architect) – Site plan review

Mr. Vic Ciraco of 23 West Street, Harrison, applicant's architect, appeared and addressed the Board.

Mr. Ciraco stated that the applicant is here to replace the existing wooden fire escape and move the existing mechanical room from the basement out of the flood plain to higher ground. The applicant will be appearing before the Board of Architectural Review for approval to resurface the building.

Mr. Galvin stated that the application is a Type II action under SEQRA and not subject to any further action under SEQRA. This was confirmed by Mr. Fish, the Village's Planning Consultant.

Mr. Winter, the Building Inspector, indicated that this was a required upgrade for health and safety and bring the building into compliance with the fire code as well as bringing all of the building's mechanicals out of the flood plain.

On motion of Mr. Sterk, seconded by Mr. Wexler, the Board voted to approve the site plan for 214 Center Avenue, dated 2/16/09.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

Recused:

Excused:

Mr. Murphy, Trustee Liaison stated that the Village Board voted to waive the fees associated with any improvement of the flood status .

2. 211 Mamaroneck Avenue - Molly Splianne's Restaurant – Amended site plan

Mr. Galvin asked Ms. Susan Oakley, the Village's Landscape Consultant, for an update on this application and summarize her on-site meeting with the applicant, DPW and the Building Inspector.

Ms. Oakley stated the previous application plan had 4 trees intended to be planted along Prospect Ave. Since then, Con Ed has put up another utility pole. The Planters that have been constructed out of stone are essentially 3 feet high and contain several Grey Birches that can grow to 30 feet. The intention is to break up the look of the side wall along Prospect.

The Board and the applicant discussed the landscaping, the lack of room for additional tree plantings and the fact that the Village Manager does not believe that there is sufficient room along Prospect for the proposed tree plantings due to the changed site conditions.

The Board agreed with the Village's view of the changed site conditions and that the planters along Prospect with their Greg Birches will essentially serve the same purpose. Moreover, the Village Manager's office has final approval for anything planted in the Village r-o-w. For these reasons, the Board agreed that there is no further need to amend the site plan and agreed to the elimination of the 4 proposed street trees along Prospect.

3. Nolles Ridge- Fenimore Road - Set Public Hearing date for wetlands permit and subdivision for 6 residential lots and one conservation lot.

Mr. Galvin indicated that the application for wetlands permit and subdivision approval for 6 residential lots and one conservation lot has been submitted. The plat has been reviewed by the Building Department and the lot layout conforms to the Village code. Mr. Galvin reminded the Board that the original submission was for 18 residential lots which have been reduced to 6 residential lots (plus one conservation lot) based on the addition of the wetlands legislation last year. The current plan is for a standard subdivision and does not call for a cluster subdivision. The purpose of tonight's action is to begin the SEQRA process and set a public hearing date for the application.

On motion of Mr. Sterk, seconded by Mr. Ianniello, the Nolles Ridge project constitutes an "unlisted action" within the meaning of the State Environmental Quality Review Act and the regulations of the NYS Department of Environmental Conservation (collectively "SEQRA") and that the Board declares its intention to assume Lead Agency status under SEQRA.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

Recused:

Excused:

On motion of Mr. Sterk, seconded by Mr. Sjunneemark the Board set a Public Hearing for a Wetlands Permit and subdivision for the Nolles Ridge project for its June 25, 2009 meeting, application is to be so noticed and forwarded to the involved agencies.

Applicant should check with Keith Fuery as to any other requirements regarding Phase II and other engineering issues.

NEW BUSINESS

1. 1135 Greacen Point – Flood plain variance for pool house.

Linda Whitehead of McCullough, Goldberger and Staudt, LLP, the applicant's attorney, appeared and addressed the Board. Ms. Whitehead stated that the original 1966 pool house was damaged in a storm. When the applicant applied for a construction permit, they were told that they needed a flood plain variance. The applicant's architect has addressed these issues with the Village's Building Department and Consulting Engineer. The result has been that the applicant has agreed to include two flood vents plus raising the outlets for the laundry and changing all other outlets to GFI to be code compliant.

Mr. Galvin read an e-mail from Mr. Fuery dated 3/27/09 into the record stating that based on the applicant's agreed changes (as stated in their letter to the Board), he recommends issuance of a flood plain variance.

Mr. Winter stated that the permit for the pool and house was split so the applicant could get a CO for the house. Mr. Winter indicated that the Building Department has no problem with the variance for the pool house based on the applicant's agreed changes.

Mr. Galvin also indicated that the applicant's architect and attorney and the Village's Building Department and Village Engineer together with himself met on-site to discuss these changes. At that time, they verified that all of the mechanicals are out of the flood plain.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Project constitutes an “unlisted action” within the meaning of the State Environmental Quality Review Act and the regulations of the NYS Department of Environmental Conservation (collectively “SEQRA”) and that the Board declares its intention to assume Lead Agency status under SEQRA.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

Recused:

Excused:

Based on the review of the Village’s Consulting Engineer and the Building Inspector and the review of the project’s EAF, on Motion of Mr. Sterk, seconded by Mr. Ianniello, the Planning Board issued a negative declaration in accordance with SEQRA.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

Recused:

Excused:

On motion of Mr. Sterk, seconded by Mr. Ianniello as per the applicant’s letter to the Board dated 3/27/09, the Board approves a flood plain variance for the pool house at 1135 Greacen Point.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

Recused:

Excused:

2. 651 E Boston Post Road/S. Barry Avenue – site plan review.

Applicant requested an adjournment to 5/14/09.

On motion of Mr. Sjunneemark, seconded by Mr. Sterk, the project (proposed 2 story office building at Post Road/S. Barry Avenue) constitutes an “unlisted action” within the meaning of the State Environmental Quality Review Act and the regulations of the NYS Department of Environmental Conservation (collectively “SEQRA”) and that the Board declares its intention to assume Lead Agency status and conduct a coordinated review in accordance with SEQRA.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

Recused:

Excused:

3. 350 Prospect Avenue – Public Hearing – proposed 2 lot subdivision and site plan review.

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

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

Recused:

Excused:

Mr. Galvin stated that the application has been previously before the Board, currently the Zoning Board of Appeals asked for the Planning Board input as to how to reconfigure the parking lot. There has been no other correspondence from Westchester County Planning or other agencies.

Mr. Galvin read two letters into the record, Mr. Jim Desmond of 347 Prospect Avenue stating he is against the application and Katherine Desmond of 347 Prospect Avenue also against the application. He also placed Mr. Fish's planning memo to the Board into the record.

Mr. Galvin stated that the church building nor the proposed subdivision is not in an historic district nor otherwise landmarked.

Mr. Frank Fish stated that the Planning Board declared its intent to be Lead Agency at the 3/16/09 meeting, and the applicants went before the Zoning Board for a area variance. The ZBA sent the applicant back for the Planning Board's review regarding the configuration of the proposed parking lot..

Marilyn Huston, 45 Rockhill Road, Bedford New York, spokesperson for the church, addressed the Board's comments and summarized their ZBA meeting.

The Board discussed the parking and the future use of the site if it were not a church and the ramifications of that change.

Mr. Fish stated that the Zoning Board only wants the Planning Board to look at the parking question.

Mr. Sterk stated that ultimately the Planning Board would have to grant a subdivision if the ZBA gives a variance.

The Board discussed the application.

Mr. Galvin asked if there are any public comments.

The owner of 311 Prospect Avenue stated that he was generally in favor of a house on Lot A, if properly done.

Ms. Katherine Desmond of 347 Prospect Avenue stated that she sees more safety issues with a building parcel.

Mr. Jim Desmond of 347 Prospect Avenue stated that the church received a previous variance to lessen the number of parking spaces.

The Board discussed different parking configurations and the applicant will send 2 alternative plans to Mr. Fish for his review.

The Public Hearing was not closed and will remain open at this time.

4. 818-824 Mamaroneck Avenue – informal discussion – site plan review/special permit for residential units in a C-1 district.

Mr. Paul Noto, of 650 Halstead Avenue, applicant's attorney, appeared and addressed the Board.

Mr. Noto stated that the applicant wishes to renovate a commercial property that was once a tavern and a 6 family apartment house. They will not need a flood plain variance.

Mr. De Angelis, applicant's architect, appeared before the Board and stated that the property is in two zones, C1 and R2F.

The front structure is a 3 story building in a C-1 district and the rear structure is a one family house and garage in R-2F zone. At present, there is 1 basement apartment, 2 on the first floor, 1 on the second and 1 on the third floor.

The proposal is to vacate the basement apartment and take it out of the flood plain. The rear house will be changed to a 2 family house by utilizing the garage. The restaurant/tavern would be the owner's Martial Arts school.

The Board discussed the parking stating that it is still deficient but less deficient than it had been. The applicant wants to remove trees that are causing problems but is willing to replace or relocate trees as the Board deems necessary.

The Planning Board will require street trees to be planted on Mamaroneck Avenue and Elliott. The Planning Board wants the applicant to locate the bike rack closed to the martial arts building entrance.

The Board questioned what type of permeable surface will be used in the parking area.

The Hours were discussed and the applicant stated that young students arrive for 3:00pm to 4:00pm and 4:00pm to 5:00pm sessions or a 2 hour program. Adult classes are in the evenings.

Mr. Fish stated that he likes the changes in the plan, especially the elimination of the basement apartment in the flood plain and its relocation to the rear building. This was a result of the pre-submission meeting with the applicant. Mr. Fish's planning memo summarizing the pre-submission meeting was placed into the record.

There were no comments from the public.

On motion of Mr. Ianniello, seconded by Mr. Sterk, the project (proposed 6 residential units and martial arts school) constitutes an "unlisted action" within the meaning of the State Environmental Quality Review Act and the regulations of the NYS Department of Environmental Conservation (collectively "SEQRA") and that the Board declares its intention to assume Lead Agency status in accordance with SEQRA.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

Recused:

Excused:

The site plan review for this application will be formally noticed and will be on the Board's next meeting on May 14, 2009

ADJOURNMENT

On motion of Mr. Wexler, seconded by Mr. Ianniello the meeting was adjourned at 9:05pm.

Minutes prepared by
Francine M. Brill