

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on May 28, 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
Ingemar Sjunneemark
Michael Ianniello
Stewart Sterk
Lee Wexler
Frank Fish, FAICP, BFJ Planning Consultant
Susan Oakley, Village Landscape Consultant
John Winter, Building Inspector
Keith Furey, PE, Village Consulting Engineer

AGENDA:

OLD BUSINESS:

1. **APPROVAL OF MINUTES**
2. **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. Determination of SEQRA significance.
3. **723 East Boston Post Road – Shore Acres Deli** – (C-1 Commercial District) – Dumpster Enclosure Permit
4. **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.
5. **One Station Plaza** (Parkview Station) - Commercial District) (Former Train Station) – Commercial subdivision and site plan for proposed restaurant, offices and retail use.
6. **900 Rushmore Ave. Beachpoint Club** – (MR District – Marine Recreation) Proposed addition to dining pavilion, and kitchen building. Construction of covered open deck to existing deck. Reconstruction and relocation of main pool and wading pool and terrace.
7. **275 Mamaroneck Ave., CVS** (C-2 Commercial District) Dumpster Enclosure Permit
8. **818-822 Mamaroneck Ave.** - (C-1) Commercial District) Site Plan Review – Special Permit for six residential units in existing building and martial arts school in existing retail building.

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

1. APPROVAL OF 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 May 14, 2009.

Ayes: Sjunneemark, Sterk, Galvin, Wexler, Ianniello

Nays:

NEW BUSINESS:

- 1. 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. Determination of SEQRA significance.

The applicant (Ms. Huston) and the engineering consultant (Mr. Cucinella) appeared before the Board.

The Chairman indicated that the Village Consulting Engineer had reviewed the calculations for storm water and run off on the applicant's subdivision. His memo was read into the record and was discussed by the Board. The memo is attached to these minutes. The Chairman indicated that there has not been any communication from any involved agencies regarding this application. No additional public comment was made.

Based on the review of the Consulting Engineer, the Village's Planning Consultant, and the Planning Board's review of the EAF and discussion by the Board on parking, landscaping and storm water/engineering issues, on Motion of Mr. Sterk, seconded by Mr. Ianniello the Planning Board declared a negative declaration for this unlisted action.

Mr. Furey discussed his memo and the storm water management plan proposed for the subdivision. It was Mr. Furey's opinion that the plan will satisfactorily manage storm water and, in fact, run-off will be decreased with the new plan.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

- 2. 723 East Boston Post Road – Shore Acres Deli** – (C-1 Commercial District) – Dumpster Enclosure Permit

Mr. Alberto Santarelli, the owner of Shore Acres Deli, stated that they will have a smaller dumpster than the existing dumpster which was incorrectly provided by the waste disposal company. The applicant will use a 5 foot chain link fence using the same fence material as the adjacent Citibank. The applicant indicated that the owner of the residence to the rear would prefer that the dumpster enclosure be located behind the resident's garage and use the same material; as that used by the adjacent bank.

The Board stated that a concrete pad would be required per the Village code.

The Chairman indicated that dumpster enclosures are Type II actions under SEQRA and no SEQRA review is required.

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to approve the dumpster enclosure for Shore Acres Deli with a 5 foot chain link enclosure using the same type of green fuzzy slats, (similar to the existing Citibank fence) to be located at the south west corner of the property on a concrete pad (adjacent to the Citibank property).

Ayes: Sjunneemark, Sterk, Galvin, Wexler, Ianniello

Nays:

- 3. 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 asked the applicant, Mr. Coleman, McCarthy, if the application has been noticed properly.

Mr. Coleman McCarthy the applicant, stated that the application was noticed and that he was requested to be here tonight. The applicant indicated that he did not yet have a site plan available.

Mr. Galvin indicated that the Planning Board will need a site plan from the applicant showing the extent of the patio, the landscaping and attaching the engineering memo from Keith Furey. The Board can then review, approve and stamp the site plan.

Mr. Galvin suggested that the site plan be given to Ms. Oakley, the Village's Landscape Consultant, to review before the next meeting

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to declare the Planning Board Lead Agency for the amended site plan for a front patio at 181 E. Boston Post Road.

Ayes: Sjunneemark, Sterk, Galvin, Wexler, Ianniello

Nays:

- 4. One Station Plaza (Parkview Station) - (C-1 Commercial District)** This application for the former MTA Train Station is for a commercial subdivision and site plan for a proposed restaurant, offices and retail use.

Mr. John Verni of 111 Church Street, White Plains (the owner and applicant) appeared and addressed the Board. Mr. Verni stated that they were before the Planning Board on 9/25/08 and then went before the Zoning Board of Appeals and other Village Boards. He received rezoning approval from the Board of Trustees and is appearing before the ZBA on 6/4/09 to request necessary area variances for the train station property from the MTA.

The Chairman indicated that the Building Inspector has determined that this action requires a commercial subdivision.

The Planning Board is also doing a site plan in addition to a commercial subdivision. The BOT has conducted the SEQRA review, which has been closed.

On motion of Mr. Sjunneemark, seconded by Mr. Sterk the Planning Board has set a Public Hearing for the subdivision of 1 Station Plaza on June 11, 2009.

Ayes: Sjunneemark, Sterk, Galvin, Wexler, Ianniello

Nays:

The Chairman indicated that the Public Hearing must be signed properly on the property and notification needs to be mailed out.

The subdivision plan should combine the 2 maps to show the frontage with the easement across Mamaroneck Avenue through the parking lot to Jefferson Street, in order to include the underground utilities.

Mr. Verni stated that they have a 99 year parking arrangement with the MTA for 11 parking spaces, and use of the entire lot after hours.

The plan is to divide the tenant space into approximately 75 percent for a restaurant, and 2 retail shops on the rest of the first floor. The second floor (approximately 25 percent) will have offices and a new walkway and entrance.

Mr. Sjunnemark asked if there would be access through the existing tunnel. Mr. Verni answered yes; one tunnel will remain open and the other is intended to become bathrooms.

Mr. Galvin stated that the plans should show the intended use of these tunnels.

Mr. Ianniello asked if there would be a side entrance in the tunnel so pedestrians would not have to go through the restaurant area.

Mr. Wexler asked if there was any way that the restaurant could be on the other side of the building. Mr. Verni stated that the area proposed is the only part of the building with a basement and, therefore, it could not be moved to the other side.

Mr. Galvin stated that the applicant should return with a plan that shows the cuts for lighting, the tunnel access, landscaping, and the plans should also show a door in the side of the tunnel.

Mr. Chris Verni stated that a door in the tunnel has a potential danger for pedestrians. Mr. Galvin, Mr. Ianniello and Mr. Wexler indicated that there are other options that could be developed without pedestrians/commuters being directed past the proposed dumpster.

Mr. Sjunnemark stated that he would not approve a plan without a pedestrian walkway.

Mr. Verni stated that they will look at alternatives

The matter was adjourned to June 11, 2009 for a public hearing on the commercial sub-division and a continuation of the site plan review.

- 5. 900 Rushmore Avenue Beachpoint Club** – (MR District – Marine Recreation) Proposed addition to dining pavilion, and kitchen building. Construction of covered open deck to existing deck. Reconstruction and relocation of main pool and wading pool and terrace.

Mr. Randy Ruder, the general manager, appeared and addressed the Board. Mr. Ruder stated that they reviewed the landscaping plan and have agreed to dye free mulch per Ms. Oakley's landscape review memo.

Mr. Galvin stated that the Board has to wait 30 days for the Planning Board to assume lead agency status.

Mr. Furey stated that a DEC permit is not required, the drainage issues have been addressed and the applicant will be going before the HCZMC.

Mr. Fish stated that it would be advantageous to get a letter for the record stating that DEC approval is not required. The letter does not necessarily have to be from the DEC but can be from the applicant's wetlands/environmental consultants.

Mr. Furey stated that the DEC permit department will issue a determination if the project does not meet the minimum requirements.

Mr. Galvin stated that the applicant should get the letter from either the applicant's consultant or the DEC.

Mr. Wexler asked about the lights, Mr. Ruder stated that the fountain and tree have up lighting, and the lights are turned off at midnight. The lights being installed are less than the current lights.

There were no questions or comments from the public.

The meeting was adjourned to June 11, 2009.

6. 275 Mamaroneck Ave., CVS (C-2 Commercial District) Dumpster Enclosure Permit

Lucia Chiacchio from Cuddy and Feder, applicant's attorney, appeared and addressed the Board. Ms. Chiacchio stated that they are returning to amend the approved enclosure permit. The parking spaces are the landlord's property and not CVS's, and they have not been able to find an agreement regarding the parking spaces. Also the cost of the green screen is \$100,000.00. The applicant is trying for something requiring less space and cost. The original plan had been approved subject to the Village attorney finding an easement agreement on the parking area since the lot is not the property of CVS.

Ms. Oakley stated that she would like something more green, would like to see ivy on the wall or trellis. The applicants agreed to repair the retaining wall and plant in the triangle.

Rob D'Alessandro of Taylor Architects did a truck turning radius study and stated that the painted triangle next to the line of parking spaces is required for the trucks to access the enclosure.

The board discussed the size of the gates and whether they block the walk way and it was determined that they do not. Also the dumpster pickup is done at off peak hours and should not disrupt pedestrian traffic.

The matter was adjourned to the June 11, 2009 meeting for consideration of a revised plan.

7. 818-822 Mamaroneck Ave. - (C -1 Commercial District) Site Plan Review and Special Permit for six residential units in existing building and martial arts school in existing retail building.

Paul Noto, applicant's attorney, appeared and addressed the Board.

Mr. Galvin stated that they have a memo from Susan Oakley and the applicant stated that they will do exactly as requested. By the Village's landscape consultant. Ms. Oakley's memo was read into the record. Additionally, Mr. Galvin read a letter from Mr. Ernest PCMCIA, a former Building Inspector for the Village, into the record. Mr. Galvin indicated that the Planning Board is aware of the need for the applicant to obtain ZBA approval for parking and other area variances. The Planning Board cannot make any determinations until such approvals are obtained from the ZBA.

Mr. Winters stated that 2 area variances are required. He has reviewed the application and provided his zoning compliance cover memo to the Planning Board. The Planning Board can begin its review but, as the Chairman indicated, cannot make a final determination until or unless ZBA approval is obtained.

Mr. Noto stated that the applicants would like to resolve some of the Board's concerns, the rear house will now be single family use, they have submitted a drainage plan to Mr. Furey, and submitted a letter from the adjacent neighbor into the record.

Mr. Benedict Salanitro, applicant's engineer, appeared and addressed the Board. Mr. Salanitro stated that there will be no increase in footprint and they are using Westchester County's Best Management practices. Mr. Salanitro stated that they are planning to remove 44% of the impervious surface by

removing the entire parking lot macadam and replacing it with a new product called Flexi-Pave. Flexi-Pave is 100% pervious. The cost is approximately \$10.00 per square foot plus the cost of a gravel base. They also plan to replace the walkway from Mamaroneck Ave to the rear house with Flexi Pave.

Mr. Furey stated that Flexi-Pave must have a proper sub base to function properly in the North east.

Mr. Winter asked for a cost estimate for the project. The main purpose of this was to determine the need to be fully compliant with NFIP.

Mr. Salinitro stated that he is working on the FEMA numbers and will meet separately with the Building Inspector and Mr. Furey on this issue.

The Board discussed the durability of Flexi-Pave, and its environmental impact. Mr. Ianniello stated that the product is made from recycled tires and is comprised of phenol methane and wanted to know whether it has the potential to pollute the groundwater.

The Board discussed the product and its installation, Mr. Salinitro stated that a company in Elmsford is certified to install Flexi-Pave, and are doing a job in Newburg and an area golf course.

Mr. Die Angelis, the applicant's architect, stated that the rear house is now one family, lessening the parking requirement, and the flood plain impact. The a/c unit will be installed in the attic of the rear house and on a platform for the front house,

Landscaping plans were discussed and the applicant will comply with Ms. Oakley's recommendations.

Mr. De Angelis stated that they are removing 3 trees and replacing 3 on the property, they would like to take down the cedar tree in the front of the house. Ms. Oakley recommended that it be replaced further from the house with an evergreen that grows to about 20 ft.

Mr. Pilossoph, the contract vendee, stated he would plant whatever Ms. Oakley recommended.

The Board discussed the AC units and requested that they be screened.

Mr. Galvin stated that the Board is still waiting for responses from the notified agencies and the 30 days to expire before they can declare themselves lead agency.

Mr. Noto asked if the Planning Board could give a favorable report to the Zoning Board of Appeals.

The Chairman polled the board members asking for Board authorization to write a memo to the ZBA in support of the project. .

Ayes: Sjunneemark, Sterk, Galvin, Wexler, Ianniello

Nays:

Adjournment:

On motion duly made the meeting was adjourned at 9:35 P.M.

Minutes prepared by
Francine M. Brill