

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on July 9, 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 Sjunneemark  
Michael Ianniello  
Stewart Sterk  
Lee Wexler  
Frank Fish, BFJ Planning Consultant  
Susan Oakley, Village Landscape Consultant  
John Winter, Building Inspector  
Keith Furey, Village Consulting Engineer

**AGENDA:**

**OLD BUSINESS:**

**1. APPROVAL OF MINUTES**

**2. 900 RUSHMORE AVENUE BEACH POINT CLUB** – (MR District – Marine Recreation) Proposed addition to dining pavilion, kitchen building. Construction of covered open deck to existing deck. Reconstruction and relocation of main pool and wading pool and terrace.

**3. 1160 W. BOSTON POST ROAD- BANK OF AMERICA** (C-1 Commercial District) –Site plan review for proposed bank branch

**PUBLIC HEARING : (Continued from 6/25/09)**

**4. 800 FENIMORE ROAD – NOLLES RIDGE – (R-6 Residential)**- Continuation of Public Hearing on wetland permit and subdivision for six residential lots and one conservation lot.

**NEW BUSINESS:**

**1. 667 W. Boston Post Road- Boston Market** – (C-1 Commercial District) Dumpster Enclosure Permit

**2. 301 MAMARONECK AVENUE** – (C-2 Commercial District) Site plan review for change of use (currently vacant site) from retail to restaurant use. Also includes a dumpster permit.

**3. 609 CENTER AVENUE, CABLEVISION** –(M-1 Manufacturing District) Site Plan Review for installation of Con Edison Transformer and related work.

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

**1. MINUTES**

The review and adoption of minutes were postponed until the next Planning Board meeting on 7/23/09.

**NEW BUSINESS:**

**1. 900 RUSHMORE AVENUE BEACH POINT CLUB** – (MR District – Marine Recreation)

Proposed addition to dining pavilion, kitchen building. Construction of covered open deck to existing deck. Reconstruction and relocation of main pool and wading pool and terrace.

Mr. Ruder, the club's general manager, appeared and addressed the Board.

Mr. Galvin stated that the Village Engineer had reached out to Mr. Nardechhia, the applicant's engineer, but has yet not received the additional information requested.

Mr. Galvin stated for the purposes of SEQRA determination the Village's Consulting Engineer has reviewed the overall drainage and stormwater plan and considers the design to be sound. Based on Mr. Furey's review and recommendation submitted in his memo to the Board, the Planning Board can issue a Neg. Dec. for the proposed action.

Mr. Fish commented on his memo dated 7/9/09 stating that the planning board has declared intent to be lead agency and no one objected. The Planning Board is now lead agency and has received and reviewed a full EAF. HCZM also has the full EAF from the applicant. The Planning Board has reviewed flood plain and drainage issues. He suggests that the Planning Board is in a position to make a Neg Dec that there are no significant environmental impacts from the action. If the Planning Board does so, Beach Point would then go before HCZMC for a LWRP consistency finding and come back to the Planning Board for Site Plan approval.

Mr. Furey stated that he has now received the requested engineering information from the applicant's engineer and will have it ready for the Site plan approval.

On a motion made by Mr. Sterk, seconded by Sjunneberg, to declare a negative declaration under SEQRA for 900 Rushmore Avenue Beach Point 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.

Ayes: Galvin, Sjunneberg, Sterk, Wexler, Ianniello

Nays:

**2. 1160 W. BOSTON POST ROAD- BANK OF AMERICA (C-1Commercial District) –Site plan review for proposed bank branch.**

Donald Mazin, applicant's attorney, appeared and addressed the Board. Mr. Mazin stated that they have complied with the Planning Board's previous requests regarding landscaping and lighting as shown on the site plan.

Mr. Galvin read a letter into the record stating that the applicant has done a lighting analysis and only one of the four concepts (#4) complies with state requirements. These were done in cooperation with the Board's lighting consultant.

A letter from Ms. Oakley was read into the record noting that the applicant is complying with all the Board's recommendations, planting 5 street trees along Richbell and Boston Post Roads with 4x4 cast iron tree grates.

Mr. Fish read his memo into the record stating that the 16 foot pole height is the recommended balance between the state regulations and the Village' desire to lower the pole heights. SEQRA has been previously completed on 7/9/09 and he recommends a preliminary and final site plan approval.

Mr. Wexler stated that a lot of work has been done on the lighting but he wants to know why 14 foot light poles work on another site such as Peoples but not this site.

Dynamic Engineering, applicant's engineer, stated that they tried 4 different applications and three failed to meet the state regulations. In order to comply with both the Village and the state the lighting wattage is higher around the ATM's and the parking area has been lowered to 175 watt lighting.

Mr. Ianniello, asked about the trees in the rear of the site, Ms. Oakley stated that there are existing trees on the apartment side of the property and showed their location.

Mr. Galvin asked if there were any questions from the public, there was no response.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve the preliminary and final site plan revised 7/1/09.

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

### **PUBLIC HEARING** (Continued from 6/25/09)

- 3. 800 FENIMORE ROAD – NOLLES RIDGE – (R-6 Residential)** - Continuation of Public Hearing on wetland permit and subdivision for six residential lots and one conservation lot.

Public hearing continued.

Mr. Galvin read the following into the record.

1. Letter from Westchester County Planning
2. Mr. Fish's response to the W.C.P.B letter.
3. NYS Thruway Authority request for involvement during the process and the statement that they will not build noise barriers.
4. Mr. Fish's response to the T.A. letter.
5. DEC form letter stating no objection to Planning Board being lead agency.
6. Letter from the Town of Mamaroneck, Steve Altieri, Administrator; dated 7/25/09 saying the Town will be sending comments.

#### **PUBLIC COMMENTS CONTINUED:**

Susan McKenna, 4 Leatherstocking Lane, stated that she has issues with the noise and the impact on her quality of life. Mr. Galvin answered that there is 100-150 feet of parkland between the parcel and the thruway there is no sound barrier and there is quite a lot of noise from the thruway. Ms. McKenna also voiced concerns about the ponds and the fact that bugs will be increased and that problem should be addressed.

Betty Contreras, 7 Country Road, stated that heavy rain covers the entire lower part of the property now when it rains heavily ponding 2-3 feet deep. If the pond is going to be 4 foot deep she wanted to know how it will accomplish maintaining water on the property. Ms. Contreras also stated that rock chipping noise would be unbearable.

Rose Toth, 3 Country Road, questioned how the pocket ponds will work and Mr. Fuery stated that the calculations will be reviewed to make sure that they are properly configured and developed to

perform to Village and state DEC standards. She then asked if the public could have the calculations. Mr. Hahn, the Village's Engineer, answered yes when the calculations are completed.

The Board discussed the Storm Water Management requirements and Village review.

Mr. Hahn stated that they must get a permit from the Army Corp. of Engineers and Mr. Furey stated that that process can take 9 months to a year. Mr. Furey also stated that as part of the subdivision the road will be dedicated and become a public road, allowing access to maintain the ponds.

Sharon Kapas, 1 Country Road, had a number of questions and comments and requested answers to all 30 questions attached to minutes.

Susan Greenhill, 9 Country stated that she feels a noise study should be done.

Arthur Kendish, 2 Country Road is concerned that the stream overflows the banks now and is worried it will get worse.

Jim Brigante, 210 Fenimore Road, questioned where the sewage from the 6 new houses was going, Mr. Hahn answered Fenimore Road. Mr. Brigante stated that the sewer can't hold water now how can the Village think of adding houses without first fixing the current conditions. Mr. Furey stated that only about 300-400 feet of sewer line is in the Village and it was last rehabbed in 1999 the rest is in the Town.

Mr. Furey further stated that no one will be allowed to build something that will have an adverse impact on the neighborhood; the aim is to make things better than it is at present.

Mr. Sjunnemark asked what the Village and the applicant can do to fix the problem.

Mr. Hahn stated that the Town of Mamaroneck is responsible for finding all illegal hookups that are using the Town sewer line.

Mr. Galvin stated that if the problem is upstream the Town would have to fix it or then Dec will step in to require compliance.

Mr. Wexler asked the Board if they should be looking at the building foot print, and Mr. Galvin answered yes. Mr. Galvin further stated that the Village has recently revised downward all of the FARs in residential zones including the R-6 zone in which the proposed subdivision is located.

Ms. Kapus of 1 Country Road asked if it was considered that additional ponds would be put in the Village parkland area if the planned ponds are inadequate on the applicant's property.

Mr. Fish discussed his memo dated 7/7/09.

Mr. Galvin adjourned the public hearing to the next Planning Board meeting on 7/23/09.

#### **NEW BUSINESS:**

1. 667 W. Boston Post Road- Boston Market – (C Commercial District) Dumpster Enclosure Permit

The applicant stated they were here to get a permit for a dumpster that currently exists on a concrete pad.

Mr. Winter stated that it is a code enforcement driven application and the applicant wishes to legalize it.

The applicant showed the Planning Board photographs of the existing dumpster. The Board discussed the application and stated that they want the grease barrels that are now located outside the dumpster to be enclosed within the dumpsters.

All dumpster enclosure applications are Type II actions and not subject to SEQRA. The Planning Board indicated that all of the grease barrels should be kept inside the dumpster enclosures.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark, to approve the dumpster enclosure permit for 667 W. Boston Post Road subject to the enclosing of all grease barrels within the enclosure(s).

Ayes: Galvin, Sjunneemark, Sterk, Wexler, Ianniello

Nays:

2. **301 Mamaroneck Avenue- (C-2- Commercial District)** Site plan review for change of use (currently vacant site) from retail to restaurant use. Also includes a dumpster permit.

The applicant stated that the property was a former fruit market. The storefront is now vacant and the applicant would like to change the use to an Italian buffet restaurant. There is 3,300 sq. feet on the first floor, 370 sq. ft. of storage and office space at the rear. The applicant plans 106 seats, 21 at the Bar and counter. They are currently scheduled to go before the Zoning Board of Appeals for a special permit for the proposed restaurant. They plan to build a new dumpster enclosure at the rear of the property to service the restaurant.

Mr. Fish stated that this is a Type II action and not subject to SEQRA.

Ms. Oakley reviewed the site and stated that it has very limited possibilities. The front could have some potted plants, the rear is shady but some plants could be planted in the 4 foot area.

The applicant reviewed the limited space at the rear with Ms. Oakley and the Planning Board. It was agreed that the rear space was too small for landscape treatment.

Mr. Galvin requested the applicant return with a dumpster permit application, showing the enclosure and concrete slab for the next meeting.

Mr. Wexler asked is there plans for a side walk café and the applicant answered yes.

Mr. Galvin asked that the applicant show the Planning Board his plans and review the possible plants along the sidewalk café.

The matter was adjourned to 7/23/09.

3. **609 Center Avenue, Cablevision – (M-1Manufacturing District)** Site plan Review for installation of Con Edison Transformer and related work.

Nick Williamson, the applicant's representative, appeared and addressed the Board. He stated that the transformer would be placed in the rear of the property on an 8X8 foot concrete pad in a water tight metal casing. They are planting 7 trees on Fayette and fixing the existing fence. There is to be one change: the NE satellite is to be removed and the parking spaces are being shifted back. One parking space will be lost when the transformer is installed.

Mr. Sjunnemark asked if the paved area will change and was told no. He also asked what the transformer is for and Mr. Williamson answered that it is required for the second floor.

Mr. Galvin noted that the transformer is one inch below the flood plain.

Mr. Winter stated that it is a substantial improvement and should conform to FEMA regulations.

Mr. Galvin stated that if they ever wanted to do anything else in the building the transformer would have to be raised and it would be in the applicant's best interest to raise the transformer now. Mr. Galvin suggested that the applicant tell Con Ed that the transformer needs to be higher than 6 inches above the flood plain.

Ms. Oakley stated that the landscaping plan needs correction. It should be 2 plus 3 trees rather than 3 plus 4.

Mr. Williamson stated that they will revise the Site Plan and speak to Con Ed.

Mr. Galvin stated that the applicant has supplied an EAF.

A motion was made by Mr. Sjunnemark, seconded by Mr. Sterk to declare the Planning Board Lead Agency for this unlisted action.

Ayes: Galvin, Sjunnemark, Sterk, Wexler, Ianniello

Nays:

The matter was adjourned to 7/23/09

ADJOURNED

On motion made by Mr. Sterk, seconded by Mr. Sjunnemark the meeting was adjourned at 9:05P.M.

Ayes: Galvin, Sjunnemark, Sterk, Wexler, Ianniello

Nays:

Minutes prepared by  
Francine M. Brill