

These are intended to be “Action Minutes”, which primarily record of actions voted on by the Planning Board on September 24, 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, Chairman
Stewart Sterk
Ingemer Sjunneemark
Lee Wexler
Frank Fish, BFJ Planning Consultant
John Winter, Building Inspector
Keith Furey,

ABSENT (EXCUSED); Michael Ianniello

OLD BUSINESS:

1. APPROVAL OF MINUTES

PUBLIC HEARING-

- 1. 700 South Barry Ave. Mamaroneck Beach and Yacht Club (MR-M arine Recreation) Public Hearing fro Wetlands permit to replenish and re-grade sand for beach**
- 2. 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.**

OLD BUSINESS

- 3. 622 Rushmore Ave. Mamaroneck Boat & Motor, (MC-1 Marine Commercial District) Installation of above ground 10,000 gallon fuel tank. Preliminary site plan review.**

NEW BUSINESS:

- 1. 845 Palmer Avenue – Sarah Neuman Nursing Home (R-6 Residential District) Proposed installation of diesel generator. Site Plan Review.**
- 2. 416 Waverly Avenue (M -1 Manufacturing District) – Proposed construction of a self storage facility and cabinet making shop. Site plan review.**
- 3. 579 North Barry Avenue – (C-1 Commercial District) – Informal discussion of a proposed site plan for infill housing (two existing and one new residential units.).**

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

1. APPROVAL OF MINUTES

The approval of the minutes for the Planning Board meeting held on 9/10/09 were postponed until later in the meeting.

Mr. Galvin stated that WMPF will be conduction a LEED program on September 29, 2009 if any board member was interested. He also asked if any Board members were going to Sweetwater for a visit to the building’s “green roof”. Both Mr. Furey and Mr. Sterk stated that they would attend..

Mr. Galvin then read a memo from Susan Oakley, the Planning Board’s landscape consultant, regarding 579 N. Barry Avenue. The memo was addressed to Mr. Gregg DeAngelis, the project’s architect. The

application is for infill housing on property between an office building and the railroad on N. Barry. In the memo, Ms. Oakley has suggestions to reduce the amount of impervious surface. Mr. Galvin stated that he will give a copy of the memo to Paul Noto, the applicant's attorney.

Mr. Fish handed out a memo regarding the Murphy property at 416 Waverly Avenue which would be addressed when the application is presented later in the meeting.

Public Hearing (Continued) – The public hearing on this matter was opened at the Planning Board meeting on 9/10/09. It was held open to be continued this evening.

2. **700 South Barry Ave. M amaroneck Beach and Yacht Club** (MR- Marine Recreation) Set Public Hearing for Wetlands permit to replenish and re grade sand for beach

Mr. Galvin stated that this is a Type 1 action with the Planning Board as lead agency for the wetlands permit application. The Planning Board has received no responses from any involved agencies or residents regarding the action. Mr. Galvin asked if there were any persons in the audience that wished to address the Board on this matter. There were none. The matter was postponed, waiting for the applicant's attorney to arrive.

Public Hearing (Continued)

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.

Mr. Galvin stated that Doreen Rooney of Highview asked about remapping with FEMA and the impact of the remapping on the subdivision.

Mr. Furey stated that for the record the conservation area at the lower portion of the site (where the pocket pond will be located) is at an elevation of 26. Therefore, this elevation of 26 would need to be used as a base line calculation for the 100 year storm. FEMA mapping is for insurance and construction standards and there will be no construction in the conservation area. Therefore, FEMA mapping or re-mapping would have no impact on the proposed subdivision.

Mr. Galvin questioned Mr. Hahn's statement that 177 acres of upstream watershed land flows through the site.

Mr. Furey stated that he ran calculations and all 177 acres do not flow through the site, only about 10-11 immediate surrounding acres flow through the property. Therefore, Mr. Hahn will have to do his retention calculations for the additional 10-11 acres during a 100 year storm flowing through the 36 inch pipe.

Mr. Sterk questioned the calculation of flow through the parcel and not just the pipe.

Mr. Furey responded that a large portion of the upstream flow goes directly down Fenimore Road and not through the property.

Mr. Galvin asked Mr. Furey if the calculation would be a benefit for smaller storms and an improvement over what exists now.

Mr. Furey answered that yes it is the opportunity to make things better.

Mr. Fish stated that he has been in contact with Mr. Hahn, who will prepare the calculations for Mr. Furey. Mr. Hahn will also provide the information requested for Part 3 of their long form EAF. He

will also provide the Board with the applicant's wetland expert's finished draft for the Corps of Engineers permit, the revised landscape plan and a blasting plan and rock removal map..

Ms. Kapus of Country Road stated that the Glenrock Home Owner's Association (HOA) thought the application should be for a Type 1 action as it is abutting parkland and would therefore like the Board to require an EIS.

Mr. Fish stated that the Board can treat the application as a Type 1 and not necessarily require an EIS.

Ms. Kapus further stated that she understands that the pocket pond is not being built to hold the runoff from a 100 year storm and that the entire lower portion of Nolles Ridge and the conservation area would become a lake. If the property is being changed, where will the culverts be placed?

Mr. Furey stated that the 6 x 4 foot culverts will be under the road near the lower pond.

Ms. Kapus stated that the DEC recommends pocket ponds for less than 5 acres.

Mr. Furey stated that the design detention of the property is for less than 2 acres; the detention is for the increase of runoff from the Nolles Ridge construction for the 100 year storm. The ponds will be an improvement for the lesser storms.

Mrs. Kapus then asked about a noise barrier, that it was previously stated that trees do not effectively lower noise level. The home owners on Country Road will be visually impacted by the removal of trees.

Rose Toth of 3 Country Road asked what is being done about the overflow from the sanitary and storm drains on Fenimore.

Mr. Furey stated that the only solution is to find the upstream source and that Mr. Altieri, the Town of Mamaroneck Administrator, is aware of the problem (as a result of his meeting with Village consultants and officials) and will follow up. The proposed six houses of dry weather flow will not impact the system.

Mr. Galvin stated that it is up to the town residents to address the issue directly with the Town of Mamaroneck.

Ms. Toth stated that the Town has tested the houses on Country Road.

Mr. Furey explained the concept of an overcharged system. He stated that the pipes need to be replaced or relined if infiltration is occurring from ground water seeping into the pipes.

Mrs. Toth then asked if the Village hired their own wetlands expert.

Mr. Fish stated that the applicant's expert is Steve Marino. His review and report was reviewed by Village consultants.

Mrs. Toth asked if there is a map of the wetlands delineating them. Mr. Fish indicated on a map the wetlands with a 100 foot setback to the construction area.

The matter was held open to the next Public Hearing awaiting new information from the applicant's engineer.

- 3. 700 South Barry Ave. Mamaroneck Beach and Yacht Club (MR- Marine Recreation) Public Hearing for Wetlands permit to replenish and re-grade sand for beach**

Paul Noto, the applicant's attorney, appeared and addressed the Board. Mr. Noto stated that he was before the Board with an amended application to replenish up to 500 cubic yards of sand each year for the next 5 years if it becomes necessary. Mr. Noto stated that his client is the only entity that has been asked to come before the Board to replenish sand including the Village itself.

Mr. Fish reminded the Board that a long form EAF was received 7/29/09 and the Board declared intent to be Lead Agency and had received no responses. The Planning Board has now assumed lead agency under SEQRA for this application.

Mr. Galvin stated that if at any time in the next 5 years the applicant requires more than 500 cubic yards the applicant must come back before the Board for either a new or amended wetlands permit. The quality of the sand and where the sand comes from were discussed.

Mr. Noto responded that Mr. Joe Carducci supplies the sand which is inspected when the trucks arrive. Mr. Carducci has been the club's long-time vendor for the sand and the club has not had problems in the past with sand quality.

Mr. Noto further stated that a DEC permit is not required and that the DEC walked the site with the applicant and stated that there was no reason for a DEC permit. Mr. Noto supplied a memo from Tom West of the West Firm, applicant's environmental attorney in Albany, regarding Section 661.5 of the NYS Tidal Wetlands Law.

Mr. Winter also indicated that DEC had informed him that there would not be a permit required for this action.

Mr. Galvin asked the applicant and the Building Inspector if the sand replenishment was proposed to be above the mean high waterline. Both Mr. Noto and Mr. Winter indicated that all sand replenishment activities were to be above the mean high waterline. Mr. Galvin further asked Mr. Furey and Mr. Winter the actual location of the wetlands. They indicated that the wetlands were in an area that would not be impacted by the action of sand replenishment. Mr. Galvin further asked if there were any nesting areas impacted. Mr. Winter indicated that there were none noted. Mr. Noto also again indicated that DEC had walked the site with the applicant. .

Ms. Insardi asked if the other DEC matters were resolved and Mr. Noto responded that they were still working on these matters. .

The quality of the sand and placement was discussed.

Ms. Insardi stated that when the DEC requires a permit the replacement sand must be the same quality and consistency of the existing sand and no replacement is allowed in any nesting area.

Mr. Wexler asked if there is an issue with silting, and whether the channel has been dredged. Mr. Furey responded there is no silting problem in the area and the channel was dredged. Mr. Furey stated that the harbor does not have a large siltation problem and maintenance dredging is done by the Village.

Mr. Noto stated that if the clubs do private dredging, they must go through the permitting process.

Mr. Galvin indicated that the Board has reviewed the long form EAF and noted the action is being requested for sand replenishment above the mean high waterline and that there were no wetlands areas downland from the action. He also noted the applicant's letter submitted from their Albany counsel regarding the Tidal Wetlands law requirements.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, a negative declaration was made for the proposed sand replenishment action under a Wetlands Permit requested by the Mamaroneck Beach & Yacht Club

Ayes: Sterk, Sjunneemark, Galvin, Wexler
Nays: None
Absent: Ianniello

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, a Wetlands Permit was approved for sand replenishment by the Mamaroneck Beach & Yacht Club for a period of five (5) years from the date of this approval by the Planning Board under the following conditions:

- All activities allowed under the permit shall be restricted to areas above the mean high waterline;
- Sand replenishment activity shall not exceed 500 cubic yards of sand annually; and.
- Applicant shall be required to obtain any DEC permits if such permits are so required.

Ayes: Sterk, Sjunneemark, Galvin, Wexler
Nays: None
Absent: Ianniello

Approval of 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 September 10, 2009.

Ayes: Sterk, Galvin, Wexler
Nays: None
Absent: Ianniello, Sjunneemark (due to absence from the 9/10/09 meeting)

4. 622 Rushmore Ave. Mamaroneck Boat & Motor, (MC-1 Marine Commercial District) Installation of above ground 10,000 gallon fuel tank. Preliminary site plan review.

Paul Noto, applicant's attorney, appeared and addressed the Board for a site plan review.

Mr. Galvin stated the Planning Board declared intent to be lead agency on 7/23/09 and having received no response from any involved agencies assumed Lead Agency status for this action on 9/10/09.

Mr. Noto stated the applicant has an application pending for a perimeter permit from HCZM and acknowledged the fuel tank is problematic as it is not in the proper place to conform with zoning.

Mr. Tim Debartolemo of CUOCO SE explained the site plan, showing the 10,000 gallon fuel tank proposed to be 15 feet off the side property line with containment barriers provided..

Mr. Winter indicated that the tank needs to meet the zoning requirement of a 10 foot setback. Additionally, none of the building department's requirements have been met and the Sea Tow building is not flood compliant.

Mr. Galvin requested that the applicant review these issues with the Building Department, revise the plan accordingly and resubmit a revised site plan to the Planning Board.

Mr. Winter responded that the problem has been that the applicant keeps replacing consultants.

Mr. Debartomelo stated that he will comply, review the plan with the building department and revise the plan.

Mr. Galvin stated that the Planning Board requires that the present and proposed site conditions (such as outline of dry docking for boat storage) be shown on the site plan.

Ms. Insardi questioned if there were any deed restrictions on the parcel and Mr. Noto responded that he will do a title search and also meet with the building inspector.

Mr. Winter stated that the bulkhead work must also be shown on the site plan.

The matter was adjourned to October.

NEW BUSINESS

1. 845 Palmer Avenue – Sarah Neuman Nursing Home (R-6 District) Proposed installation of diesel generator. Site Plan Review.

Paul Noto, applicant's attorney, appeared and addressed the Board, stating that this is an application for a replacement emergency generator and that the building department indicated that it requires a site plan. The proposed location for the generator is already heavily screened from the street.

Mr. Wexler asked why the generator was being placed in the front yard.

Mr. Winter stated that the placement is not zoning compliant according to Section 342.521. The generator is required to be 50 feet to the concrete pad where there is only 40 feet.

Mr. Noto stated they will move the generator back if possible.

Mr. Winter stated that the proposed site is in about the same general location as the existing one in the basement that needs to be replaced.

Mr. Furey stated that from an engineering standpoint it is the best place to locate the generator.

Mr. Noto stated that the grounds maintenance crew proposed the placement of the generator.

The placement and decibel level of the generator was discussed and the matter was adjourned. The applicant will review the location of the generator and the feasibility of proposed alternative placements. The action is a Type II action which is not subject to SEQRA.

2. 416 Waverly Avenue (M -1 Manufacturing District) – Proposed construction of a self storage facility and cabinet making shop. Site plan review.

Mr. Sean Murphy of Murphy Brothers Contracting appeared and addressed the board. He is proposing a self storage facility and cabinet shop. The cabinet shop will be approximately 6,400 sq. ft with the overall building being proposed at 93,200 sq. ft, which will require an FAR variance..

Mr. Michael Stein of Hudson Engineering & Consulting stated that the property is now 100% impervious and the proposed plan will reduce the impervious area.

Mr. Fish provided the applicant with a copy of his memo regarding the proposed use. He also provided a parking study to the Board and applicant. This study was one conducted by BFJ Planners for several self storage sites in Yonkers and elsewhere in Westchester County.

Mr. Galvin questioned Brownfield issues, parking variance requirements and the need for a traffic/parking study as well as the need for a flood plain permit.

The applicant has provided a long form EAF. The action will be a Type 1 action under the Village's local code since it is within a flood plain.

Mr. Winter, the Building Inspector, stated that he will get the application to Zoning. The proposed use will need variances for parking, building coverage and FAR..

On motion of Mr. Sterk seconded by Mr. Sjunneemark, the Planning Board declared intent to be Lead Agency for the proposed action at 426 Waverly Avenue under SEQRA.

Ayes: Sterk, Sjunneemark, Galvin, Wexler
Nays: None
Absent: Ianniello

Mr. Galvin stated that the revised plan should be delineated with the placement of the cabinet shop, parking, and limited curb cuts. The Planning Board must have enough information to make a SEQRA determination. The Zoning Board typically does not grant any variances until the Planning Board makes a determination of significance under SEQRA. The applicant's engineer will need to work with Mr. Furey for conformity to the Village's stormwater management requirements.

3. 579 North Barry Avenue – (C-1 Commercial District) – Informal discussion for a proposed site plan for infill housing (two existing and one new residential units.).

Mr. Paul Noto, applicant's attorney, and Mr. Gregg DeAngelis, applicant's architect, appeared and addressed the Board for an informal discussion. Mr. Noto stated that the property owner would like to build a garage in the rear with an apartment above. The application is FAR compliant but is not compliant with respect to the setbacks and a special permit is required for the third unit.

Mr. Galvin stated that it has been the Board's practice to include the existing residential units as well as the proposed new unit under a special permit for infill housing. There may be several site plan issues including pervious surfaces, stormwater, landscaping and on-site pedestrian access which should be discussed. .

The Board discussed the application with regards to the setbacks, elevation, parking, driveway and landscaping.

The applicant indicated that there would revise their initial site plans and submit an application for site plan and the infill housing special permit.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the meeting was adjourned.

Ayes: Sterk, Sjunneemark, Galvin, Wexler
Nays: None
Absent: Ianniello

The meeting was adjourned at 9:15 P.M.
Minutes prepared by
Francine M. Brill