

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on October 22, 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
Stewart Sterk
Lee Wexler
Ingemer Sjunneemark
Susan Favate, BFJ Planning Consultant
John Winter, Building Inspector

ABSENT (Excused): Michael Ianniello

AGENDA:

OLD BUSINESS:

1. Approval of Minutes
2. 613 Waverly Avenue DCH Mamaroneck LLC Renewal of permit for an additional 18 months to formulate with landlord the type of building to be constructed on site.
3. 700 Waverly Avenue DCH Mamaroneck LLC Request extension of time to commence construction previously approved at May 8, 2008 meeting on, or before June 1, 2010.
4. 622 Rushmore Avenue. Mamaroneck Boat and Motors (MC-1 Marine Commercial District) Installation of above ground 10, 000 gallon fuel tank. Site Plan Review.

NEW BUSINESS:

1. 974 East Boston Post Road (Robert Caputo, Applicant) Proposed dumpster enclosure and gates.
2. 811 N. Barry Ave (Mrs. Sherlock, Applicant) - (R2F District) Flood variance for existing first and second Floor addition.
3. 579 N. Barry Ave. (C-1 District) - Site Plan review for detached garage and infill housing (2 existing units and one proposed unit).

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

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 September 24, 2009

Ayes: Gavin, Sterk, Sjunneemark

Nays: None

Recused:

Absent (Excused): Ianniello

The following applications were taken out of order.

NEW BUSINESS:

1. 974 E. East Boston Post Road (Robert Caputo, Applicant) Proposed dumpster enclosure and gates.

Robert Caputo, the owner, appeared and addressed the Board. He is requesting to legalize an existing dumpster enclosure. He stated that he has drawings done. The dumpster is situated on the side of the property adjoining a commercial use, Aldian Rent All.

Mr. Winter, the Building Inspector, stated that the enclosure is on asphalt which does not meet the Village Code. According to code, the dumpster must be placed on a concrete pad.

Mr. Caputo stated that he will correct the violation and pour a 4' concrete pad in order to meet code.

There were no questions or comments from the public

Mr. Galvin reminded the Board that dumpster enclosures are a Type II action and not subject to SEQRA.

A motion was made by Mr. Sterk seconded by Mr. Sjunneemark to approve the Dumpster Enclosure as per the attached plan dated 12/13/08 subject to the pouring of the 4' concrete pad.

Ayes: Galvin, Sterk, Sjunneemark

Nays: None

Abstained: Wexler (he arrived after the applicant's presentation)

Absent (Excused): Ianniello

2. 811 N. Barry Ave (Mrs. Sherlock, Applicant) - (R2F District) Flood variance for existing first and second Floor addition.

Matthew Mc Gowan, applicant's attorney, appeared and addressed the Board. Mr. McGowan stated that they petitioning for a flood plain variance to obtain a C of O. Mrs. Sherlock has done remedial measures.

Mr. Galvin stated that the applicant needs to obtain a variance from NYS DOS approval

Mr. McGowan said it has not been scheduled yet.

Mr. Galvin further stated the Planning Board has received a long form EAF, Coastal EAF, and letters from Mrs. Sherlock. The application is considered a Type 1 action under the local Village code, and the Planning Board will need to declare its intent to assume Lead Agency for this action.

Philip Manuel of Manuel Engineers at 37 Goodsell Road, Redding Ct., addressed the Board.

Mr. Manuel stated that he met with Mr. Furey, the Village's consulting engineer, and the existing electrical panels in the basement which is below flood elevation will be moved to the first floor, the 4 windows will be replaced with flood vents. The HVAC equipment in the basement is problematic as there is no place to move it to.

Mr. Winter stated that the problem with the flood variance requirement came to light when the applicant requested a permit for improvements.

Mr. Winter stated that 8 inches of the first floor is below flood elevation, all electrical outlets and panels will be moved above the flood plain. The HVAC equipment below flood elevation will raise the applicant's insurance and require a flood variance from the Planning Board. There is no habitable space below the flood plain.

Mr. Winter stated that they need both the state and village approval to get a Certificate of Occupancy.

Mr. Galvin asked what would happen if the state denied the request,

Mr. Winter responded that the applicant would have to raise the house. State code requires that you cannot have a basement in a flood zone.

Mr. Sterk stated that the state has more expertise in these matters.

Mr. Galvin stated the Planning Board will do a SEQRA review in the meantime, but if the state denies the applicant there will need for the applicant to develop an alternative.

Mr. McGowan stated that they will go to the State as soon as possible, and no work will be done till they receive all approvals.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to declare notice of intent to be Lead Agency for this Type 1 action under SEQRA

Ayes: Galvin, Sterk, Sjunneemark, Wexler

Nays: None

Absent (Excused): Ianniello

The matter was adjourned until the applicant receives an answer from New York State.

3. **579 N. Barry Ave.** (C-1 District) - Site Plan review for detached garage and infill housing (2 existing units and one proposed unit).

Andrew Weiss of 579 N. Barry Avenue, a managing member of the LLC, appeared and addressed the Board.

Mr. Galvin mentioned that the application has been duly noticed and includes the short form EAF plus the Coastal Assessment Form (CAF). This is an unlisted action under SEQRA and the Planning Board should assume Lead Agency for this application.

A motion was made by Mr. Sterk, seconded by Mr. Wexler to notice of intent to be Lead Agency for this unlisted action under SEQRA.

Ayes: Galvin, Sterk, Sjunneemark, Wexler

Nays: None

Absent (Excused): Ianniello

Mr. Weiss stated that they came before the Board last month for an informal discussion, and has supplied the Board with a new drawing reducing the asphalt, increasing parking inside the garage and increasing the green area. The driveway off N. Barry has been reduced in width from 16 to 12 feet. All the green area is towards the front of the property and the curb cut has been reduced. Also the rear patio has been reduced.

Mr. Galvin asked about the elevation of the site.

Mr. Weiss responded that Mr. Spinelli is in the process of doing the topo.

Mr. Galvin stated that Ms. Oakley sent comments dated 10/22/09 asking about removal of the 24" diameter tree and why would a mature tree be removed.

Mr. Weiss stated that the installation of the driveway would damage the root system and feared that in the long run the tree would die.

The Board requested that precautions be taken to protect the tree during construction in order that the tree is given a chance at survival. The intent is to save the tree. The Board requested that an arborist review the tree and the possibility of survival and forward comments to Ms. Oakley for her review.

Mr. Weiss agreed that everything possible will be done to protect the tree.

Mr. Galvin stated that pervious pavers should be considered.

The Board discussed the best placement of the garage and parking space as defined in the code.

Mr. Galvin stated that moving the garage forward 5-10 feet does not increase the usable green space.

Mr. DeAngelis, the applicant's architect, stated that they will use Flexi Pave (a pervious pavement that has been used on a previous project). The color of the pavement would be brown for the driveway.

Mr. Galvin asked about a storm water plan.

Mr. DeAngelis responded that it was not finished yet. The applicant has two options: one is to connect to the drainage on 585 N. Barry Ave which is also owned by the applicant and the other is to install dry wells on the property.

The infill housing unit was discussed, and Mr. Weiss stated that one of the three units will be affordable housing unit in accord with the Village's Below Market Rate section of the zoning code.

Mr. Galvin stated that the affordable housing clause will be a condition of the site plan approval and suggested that Mr. Noto confer with Ms. Danoy of Community Services in the Town of Mamaroneck.

Mr. Wexler asked about the lighting plan and it was decided that a number of lights on the front of the garage were not necessary. Mr. DeAngelis agreed.

Mr. D'Angelis stated that part of the application is to side the existing house and it will be done to match the new garage.

Mr. Galvin stated that they still require the storm water management plan and Mr. Noto stated that they will try to get it by the Nov. 11th hearing.

Mr. Galvin asked Mr. Winter to refer the matter to the HCZMC, and Mr. Winter responded that it will be referred for the Nov. 18th meeting. The Building Department and the Planning Board require a consistency review from the HCZMC before granting final site plan approval.

Mr. Galvin stated that on Nov.12th at its next meeting, the Planning Board can issue a Negative Declaration after review of proposed storm water plan.

Mr. Galvin requested the applicant to return with the lighting plan as discussed, the storm water plan, an arborist report on the tree and, if appropriate, a plan to protect it during construction.

The matter was adjourned to November 12, 2009

OLD BUSINESS:

1. 622 Rushmore Avenue. Mamaroneck Boat and Motors (MC-1Marine Commercial District) Installation of above ground 10, 000 gallon fuel tank. Site Plan Review.

Tim DiBartemelo and Nick Cuoco of Cuoco Structural Engineers appeared and addressed the Board.

Mr. Galvin stated that the new plan revisions appear to have addressed many of the previous issues raised by the Planning Board and Building Department. For the record the Planning Board had declared its intent to assume lead agency for this action. This was done in July and the Board has not received any comments from involved agencies. The Planning Board therefore has the Lead Agency role for this Type I action.

The following issues discussed:

- The yard setbacks were discussed and Mr. Winter stated that 5 feet on the McMichael's side and 10 feet on the residential side are required.

- It was stated that Mr. Hilts is working on getting the required State permits.
- Storm water management plan is required, Mr. Cuoco stated that drawings have been sent to the Civil Engineer and they will be amended.
- A containment pad for the drainage of boat fluids is required.
- The elevation and tie down of the Sea Tow building must be provided on the plan or the design drawings.
- The materials and time table of construction of the remaining 110 + feet of bulkhead was discussed and the response from the applicants' consultant was that the material hasn't been chosen yet. The choice will be dependent on cost. The time table is 6-8 weeks for construction.

Ms. Favate asked if the title search has been done. Mr. Noto responded not yet, he will follow up and have a title search for deed restrictions and land grants done for the property.

Mr. Galvin stated that the application is before the HCZMC, and the applicant should get the storm water management plan in as soon as possible. If all requests from the planning board are received, the Board will be in position to make a Negative Declaration and then the HCZMC can do a consistency statement allowing the Planning Board to do a final approval.

The matter was adjourned.

2. 700 Waverly Avenue DCH Mamaroneck LLC Request extension of time to commence construction previously approved at May 8, 2008 meeting on, or before June 1, 2010.

Paul Noto, applicant's attorney, appeared and addressed the Board. Mr. Noto stated that DCH would like to start construction 4/1/10. Car sales are down, DCH owns Toyota City and are required by Toyota to have a service center, a sign variance has been granted and construction is anticipated to last one year.

Mr. Galvin stated that DCH still has a valid site plan, Mr. Noto requested an extension. Mr. Galvin suggested that this application is tied into the 613 application and should be heard together. He asked Mr. Noto to present his request for 613 Waverly Avenue.

2. 613 Waverly Avenue DCH Mamaroneck LLC Renewal of permit for an additional 18 months to formulate with landlord the type of building to be constructed on site.

Mr. Noto stated that 613 Waverly is currently a parking lot that had an 18 month site plan approval. The applicant has improved the property and need an extension as part of the ZBA special permit for 700 Waverly. Both properties are tied together. If the applicant lost the approval for 613 Waverly, they would require a variance to operate the proposed service center at 700 Waverly Avenue. They are currently in negotiations with the owner to build, not build or buy the property.

Mr. Noto stated that Village code requires 128 parking spaces and there are only 30 DCH employees. There is a dire need for parking in the area.

Mr. Noto stated that they will supply a Storm water management plan, a parking proposal and will continue to use the site as they are presently doing.

The length of the extension was discussed. Mr. Noto explained that 18 months will give the applicant 12 months for construction and a small buffer.

Mr. Galvin stated that 700 Waverly's variance is effected by 613 Waverly. It would appear that 700 Waverly doesn't need a new site plan. The applicant just needs to reapply.

Ms. Favate requested a plan for permanent modification of 613 Waverly. This would include islands and tree planting on the site in accord with the Village's zoning code.

ADJOURNMENT

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to adjourn the meeting. .

Ayes: Sterk, Sjunneemark, Galvin, Wexler

Nays: None

Absent (Excused): Ianniello

The meeting was adjourned at 9:15 P.M.

Minutes prepared by

Francine M. Brill