

These are intended to be “Action Minutes”, which primarily records actions voted on by the Planning Board on July 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, Chairman
Stewart Sterk
Ingemer Sjunneemark
Michael Ianniello
Lee Wexler
Frank Fish, BFJ Planning Consultant
Susan Oakley, Village Landscape Consultant
John Winter, Building Inspector
Keith Furey, Village Engineering Consultant

AGENDA:

OLD BUSINESS:

1. APPROVAL OF MINUTES
2. PUBLIC HEARING- (Continued from 7/9/09)
800 Fenimore Road, Nolles Ridge - (R-6 Residential) – Continuation of Public Hearing on wetlands permit and subdivision for six residential lots and one conservation lot.
3. 301 Mamaroneck Ave. – (C-2 Commercial District) Site plan review for change of use (currently vacant site) from retail to restaurant use.
4. 900 Rushmore Ave. Beachpoint Club (MR District- Marine Recreation) Proposed addition to dining pavilion and kitchen building. Includes construction of covered open deck to existing deck and reconstruction and relocation of main pool and wading pool terrace.
5. 818-822 Mamaroneck Ave. – (C-1 Commercial District) Site Plan Review- Special permit for six residential units in an existing building and martial arts school in an existing retail building.
6. 609 Center Ave. Cablevision - (M -1 Manufacturing District) Site Plan review for installation of Con Edison transformer.

NEW BUSINESS:

1. 1600 Harrison Ave., Sprint Spectrum – (O-1 Office District) Recertification of Special Permit for existing wireless antenna facility on top of building.
2. 777 South Barry Ave. Mamaroneck Beach and Yacht Club - (MR- Marine Recreation) Set Public Hearing for wetlands permit to replenish and re grade sand for beach
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.

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

1. MINUTES

A motion was made by Mr. Sjunneemark and seconded by Mr. Ianniello to approve the minutes of the Regular Meeting of the Planning Board held on June 25, 2009.

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

A motion was made by Mr. Sjunneemark and seconded by Mr. Wexler to approve the minutes of the Regular Meeting of the Planning Board held on July 9, 2009.

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

2. 899 Fenimore Road, Nolles Ridge – (R-6 Residential) – Continuation of Public Hearing on wetlands permit and subdivision for six residential lots and one conservation lot.

Public hearing continued.

Mr. Galvin was told that Mr. Hahn, the applicant's engineer, will be arriving late.

Mr. Fish stated that the Board received a slightly revised EAF Part 2 based on the Board's comments from the last meeting. In his memo, Mr. Fish states the four items to which the applicant is required to supply further information. These items include: 1) storm water and flooding; 2) wetlands information; 3) rock removal and regrading and 4) noise. The applicant's Part 3 EAF should supply adequate information on these matters for the Board to make a decision on SEQRA. If further information is needed, an EIS may be required by the Board.

Mr. Fish stated that he and Mr. Furey will be meeting with the Town of Mamaroneck Administrator Steve Altieri next week.

Mr. Fish stated that there were minor site plan issues regarding the path way connection to Highview for emergency access. Also Mr. Fish highlighted changes on Part 2 of the EAF, stating that it should reflect that the impact on public health relative to sewer issues is an existing condition and not a result of the proposed subdivision. There was also a question about noise impact and the applicant will supply the requested information.

Mr. Galvin stated that there has been no other written comment from the Town and the meeting with Mr. Altieri should be memorialized and put into the record.

Mr. Furey answered Mrs. Kapus' previous questions from the last month's meeting. A copy of his responses is attached to the minutes and placed into the record. A copy was provided to Ms. Kapus.

Mr. Hahn, stated that the four questions mentioned by Mr. Fish will be answered within 30 days

Mr. Gavin summarized the public's concerns and Mr. Furey's responses. These included: storm water, rock removal, the pond and how it will be configured, wetland protection and the removal of invasive species, and tagging of mature trees. The board wants a revised planting plan and no clear cutting. The Board also requested the 404 wetlands permit application submitted to the Army Corp of Engineers.

Mr. Galvin asked if there were any questions from the public.

Betty Contreras, of 7 Country Rd., stated that her home is behind the wetlands area and is concerned about the buffer being removed. She also questioned what process allows a street to go into the property. Mr. Furey stated that as part of a subdivision approval, the applicant would apply for a curb cut permit from the Village.

Susan Oakley stated that the preliminary landscaping plan shows the wooded area that is remaining as the dark green shaded area on the plan.

Doreen Roney, of 143 Highview St., stated that the hearing seems to be a work in progress and that there is talk to have a pedestrian and emergency access to Highview St. She then stated that Highview is only 19 feet wide and people park vehicles on both sides of the street. This makes it impossible for emergency vehicles to enter now. Mr. Galvin stated that the Fire Department stated that Fenimore Road access is manageable even when the road is flooded. As an aside, since 1983, the Planning Board has included emergency accesses on several properties (such as Fairway Green and Top of the Ridge) that have never been used.

Sharon Kapus, of 1 Country Road, stated that she had a few more comments for Mr. Hahn, the applicant's engineer. She asked Mr. Hahn to supply current photos of pocket ponds that are over 10 years old so the residents can see how they are still working, as well as references of people affected by the ponds.

Mr. Hahn stated that pocket ponds are relatively new and the new MS4 regulations came into effect no more than 5 years ago. .

Mr. Fish will check if there are any residential pocket ponds in Connecticut.

Ms. Kapus stated that the only ponds she has seen are not in residential areas, and wondered how mosquitoes will be controlled.

Mr. Furey stated that the County Health Department indicates that it is crucial that the ponds be aerated.

Ms. Kapus asked about snow and ice control, and Mr. Galvin answered it should be dealt with in the 404 Army Corp of Engineers permit, the approval of which would be needed before any final plat approval.

Rose Toth, of 3 Country Road, stated she was concerned about the safety of the ponds and wants assurance that the ponds will work. She also stated that the homes on Country Road are on bed rock and is concerned with rock removal.

Mr. Furey stated that the Village has strict regulations on blasting, insurance requirements, pre-blast surveys, bonds as well as mapping the veins in the bed rock, for the residents' protection. This would apply to either rock blasting or chipping.

Susan Greenhill, of 9 Country Road, questioned how long the construction process would take. Mr. Hahn answered that the road would take about 6 months, the pocket ponds would go in first and the houses would progress based on the economy.

Stuart Tiekert of 130 Beach Avenue stated that he lives near Pine Street for which the plans were approved 8 years ago and many issues there are still not resolved.

Jim Brigante, of 810 Fenimore Road, commented that Mr. Furey states that the problems will not get worse with the construction and wondered who would be responsible if his house floods. Mr. Galvin stated that it would be a legal issue and Mr. Furey stated that there are no guarantees. Mr. Hahn stated that 23 acres upstream are flooding the area now.

There were no more questions from the Board or the public and Mr. Galvin requested to close the public hearing allowing the record to remain open for 30 business days to receive additional written comments. Mr. Hahn is requested to return for the next Planning Board meeting on 9/10/09 with information responding to the Board's request for information and addressing comments made by the public.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the public hearing was closed with the record remaining open for 30 business days to receive written comments.

Ayes; Galvin, Sterk, Sjunneemark, Wexler, Ianniello

Nays: None

3. 301 Mamaroneck Ave. – (C-Commercial District) Site plan review for change of use, (currently vacant site) from retail to restaurant use.

This is a continuation of the site plan review for the proposed restaurant at 301 Mamaroneck Avenue. This review was started by the Board at its 7/9/09 meeting.

The applicant appeared and addressed the Board. He is requesting a chain link fence with privacy slats to enclose the dumpster at the rear of his property. He stated that the Zoning Board of Appeals has approved the Special Permit required for the proposed restaurant. As requested by the Planning Board, he has provided plans for a sidewalk café showing planters for evergreens which can be moved inside during the off season. The applicant intends to apply for a sidewalk café permit from the Village Manager's office.

Mr. Wexler asked about the exterior lighting, and the applicant answered that there is minor lighting in the awning and the rear service area is to remain the same.

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to approve the dumpster enclosure permit for 301 Mamaroneck Avenue.

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

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to adopt the preliminary and final site plan approval for 301 Mamaroneck Avenue, plan dated 7/27/09.

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

4. 900 Rushmore Avenue, Beachpoint Club (MR District- Marine Recreation) - Proposed addition to Dining Pavilion and kitchen building, including construction of covered open deck to existing deck and the reconstruction and relocation of main pool and wading pool and terrace.

Mr. Galvin stated that the Board has previously made a Negative Declaration under SEQRA for this application. The Board has also received the HCZMC consistency statement as well as a letter from NYS DEC that no permit will be required for the proposed work. Mr. Furey has reviewed the drainage, and provided a memo indicating that the drainage plan meets Village requirements.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve the preliminary and final site plan for 900 Rushmore Ave., site plan dated 4/27/09.

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

5. 818-822 Mamaroneck Ave. – (C-1 Commercial District) Site Plan Review-Special permit for six residential units in an existing building and martial arts school in an existing retail building.

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

Mr. Galvin stated that the Board has received notice of the Zoning Board of Appeals granting of a parking variance, has previously issued a Negative Declaration for this action under SEQRA, has reviewed the memo from Frank Fish dated 6/11/09 recommending the Negative Declaration and has reviewed Mr. Furey's memo regarding the drainage and questions pertaining to the material being used for the site's impervious surfaces.

Mr. Benedict Salinitro, applicant's engineer, appeared and addressed the Board. He addressed questions about the system, Flexi Pave, which will be used for the site's impervious surfaces. He introduced Mr. Martin of Tristate Flexi Pave to provide more information to the Board about this system.

Mr. Martin of Tristate Flexi Pave explained the installation process stating that the product is recycled tires cut into 3/8" pieces mixed with stone in a urethane. The gases given off during the installation process are not harmful. He further stated that the finished product can be seen in a sidewalk in Pound Ridge, the Darien Country Club and Rye Country Day School. The product is nonflammable, good for low speed applications (below 35 MPH) and has no leaching problems. The oldest application is 10 1/2 years old at the University of Syracuse with no problems other than a slight lightening of the black color. The product is made by KB Industries of Florida.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve a special permit under the infill housing regulations in C-1 Districts of the Zoning Code for six residential units in an existing building at 818-822 Mamaroneck Avenue and to approve the preliminary and final site plan for 818-822 Mamaroneck Ave.

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

6. 609 Center Ave. Cablevision - (M -1 Manufacturing District) Site Plan review for installation of Con Edison transformer.

Mr. Galvin stated that this is an unlisted action, and the Planning Board has circulated the application and assumed lead agency status under SEQRA. The Board has received no agency or public comments.

The applicant stated that they have checked with Con Ed about the pad under the transformer and it can be raised to 12 inches but they must extend the pad so service men can stand on it to service the equipment.

Mr. Ianniello stated that they could use an 18” curb as a working platform and suggested a railing for safety.

Mr. Winter stated that a railing is not required if it is under 30 inches.

Five street trees are to be planted as shown on the site plan. .

Mr. Galvin stated that the Board has the applicant’s long form EAF. The action is an unlisted action under SEQRA and has been reviewed by Mr. Furey.

A motion was made by Mr. Sjunneemark, seconded by Mr. Sterk to issue a Negative Declaration under SEQRA for this action at 609 Center Avenue.

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

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to approve the preliminary and final site plan revised 7/16/09 for 609 Center Avenue.

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

NEW BUSINESS:

1. 1600 Harrison Ave., Sprint Spectrum – (O-1 Office District) Re certification of Special Permit for existing wireless antenna facility on top of building.

Robert Dallesandro of Taylor Associated appeared and addressed the Board requesting a recertification of a special permit.

There were no questions from the Board or the Public.

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to recertify the wireless antenna facility at 1600 Harrison Avenue under the applicant's existing Special Permit amended October, 2002.

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

2. 777 South Barry Ave. Mamaroneck Beach and Yacht Club - (MR- Marine Recreation) Set Public Hearing for wetlands permit to replenish and re grade sand for beach

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

Mr. Galvin stated that after reviewing the current application and discussing with the Village Building Inspector, it is his opinion that the existing wetlands legislation needs to be refined.

Mr. Noto stated that the Club needs to bring in sand every year to replace sand lost due to erosion and storms. The DEC does not require a permit and the area in question is not part of the wetlands. The beach is 20,310 square feet and 10 yards of sand was brought in this past year.

Mr. Galvin stated that the Board would have possibly been more concerned with the trucking of the sand to the beach and not the actual sand replenishment of the beach. In reviewing the permit requested, the action is classified by local code to be a Type 1 action under SEQRA. The Board therefore needs to declare their intent to be lead agency and set a public hearing for September 10, 2009.

Mr. Fish stated that a long form EAF will be required.

The Board discussed the application. Mr. Sterk recommended to the applicant that they may want to apply for a 5 year wetlands permit with a specified amount of sand to be brought in during the permit's duration.

A motion was made by Mr. Sjunneemark, seconded by Mr. Sterk to declare intent to be lead agency for this action under SEQRA.

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

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to set a Public Hearing for September 10, 2009.

Ayes: Galvin, Sterk, Sjunneemark, Wexler, Ianniello

Nays: None

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.

The application was not posted or noticed. Therefore, this is an informal discussion of the site plan.

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

Mr. Winter indicated that Mr. Fish, Mr. Galvin and himself had met with the applicant 6 months ago to try to straighten out their violations.

Mr. Winter stated that the applicant would like to close out the old open permits, install a new 10,000 gallon above ground fuel tank as well as straighten out the zoning setback question. The Sea Tow building is not anchored and requires a variance; their antenna has received a variance. The fuel tank is too close to the property line and does not meet the fire code. The Building Department and the Planning Board require a site plan that shows all the existing facilities as well as the proposed relocation of any boat racks, etc.

The applicant is attempting to get a perimeter permit from HCZM and has worked out an agreement with the adjacent neighbor, Indian Cove Condominiums.

Mr. Noto asked for clarification on what is needed for the site plan.

Mr. Galvin listed the board's requirements including the bulkhead, and boat racks, The Sea Tow building and the fuel tank is to be shown clearly on the updated Site Plan and Survey.

Mr. Fish stated that Board can declare its intent to be lead agency, for a Type 1 action and circulate Part 1 of the EAF.

The Board discussed the application.

On motion of Mr. Sterk, seconded by Mr. Sjunneberg to declare intent to be Lead Agency for the Type 1 action proposed at 622 Rushmore Ave. Mamaroneck Boat and Motor.

Ayes: Galvin, Sterk, Sjunneberg, Wexler, Ianniello

Nays: None

ADJOURNMENT

On motion of Mr. Sterk, seconded by Mr. Sjunneemark the meeting was adjourned at 10:00 P.M.

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

Minutes prepared by
Francine M . Brill