

**These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on May 24, 2010. 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, AOCP, Chairman  
Lee Wexler  
Stewart Sterk  
Susan Favate, BFJ Planning  
Keith Furey, Consulting Engineer  
Susan Oakley, Village Landscaping Consultant

**ABSENT (EXCUSED):** Ingemar Sjunneemark  
Michael Ianniello

**AGENDA;**

**APPROVAL OF MINUTES**

**NEW BUSINESS**

1. 808 Palmer /Rockland Ave. Mobil Station (C-1 District) Dumpster Enclosure Permit
2. 265 Mamaroneck Avenue – Haiku Restaurant (C-2 District) Dumpster Enclosure Permit
3. 640-680 East Boston Post Road – Applebees (C-1 District) Amended Site Plan

**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 May 13, 2010.

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

**NEW BUSINESS**

**Dumpster Enclosure Permits**

1. **808 Palmer /Rockland Ave. Mobil Station (C-1 District) Dumpster Enclosure Permit**

The applicant did not appear.

The subject property is a gas station located at the corner of Rockland and Palmer Avenues. The proposed location of the dumpster is at the western corner of the station set back from Palmer Avenue. There is a 3 story apartment building to the rear fronting on Rockland Avenue and a residence fronting on Woodbine Avenue.

Mr. Galvin indicated that the proposed dumpster enclosure is chain link fence. He indicated that the slats on the chain link should be black and the enclosure will need a roof because the properties to the rear are at a higher elevation and one of the buildings is a 3 story multi-family building.

There were no questions or comments from the Board or public.

Ms. Oakley stated that there is no screening and would like to see it landscaped due to the properties to the rear.

A motion was made by Mr. Sterk, seconded by Mr. Wexler to approve the dumpster enclosure for 808 Palmer/Rockland Avenue subject to the following:

- inclusion of black slats on the chain link enclosure
- addition of a roof on the enclosure
- planting of 6 feet arbor vitae planted 3 feet on center along the rear and the western side of the dumpster enclosure.

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

## **2. 265 Mamaroneck Avenue – Haiku Restaurant (C-2 District) Dumpster Enclosure Permit**

The dumpster enclosure permit is proposed to be placed on Village-owned property at the rear of the restaurant (which fronts on Mamaroneck Avenue).

Mr. Galvin stated that the applicant is proposing the dumpster enclosure to service the existing Haiku restaurant. The Village Attorney, Ms. Derrico, is in the process of developing a license agreement to be finalized once the dumpster enclosure permit is approved by the Planning Board.

The Board discussed the application and indicated that any steel drums or similar items should be enclosed in the dumpster enclosure. Additionally, the slats on the chain link should be black as well as placing a roof on top of the enclosure.

A motion was made by Mr. Sterk, seconded by Mr. Wexler to approve the dumpster enclosure for 265 Mamaroneck Avenue (Haiku Restaurant) subject to the following:

- the signing of a License Agreement with the Village of Mamaroneck
- enclosure of any steel drums or similar items within the dumpster enclosure
- addition of a roof on the enclosure
- inclusion of black slats on the chain link enclosure.

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

## **Amended Site Plan**

### **3. 640-680 East Boston Post Road – Applebee’s Restaurant (C-1 District) Amended Site Plan**

Mr. Galvin stated that the application is for an amended site plan for outdoor seating, The ZBA will consider the renewal of the restaurant’s special permit, including the outdoor seating. The ZBA has already reviewed the matter informally. The ZBA has also asked for input from the Planning Board.

Mr. Galvin stated that the major issues raised by neighbors were drainage, loitering and landscape buffering. Mr. Galvin indicated that he had asked Mr. Furey to provide an overview on drainage and time lines for construction in the parking lot area. He further indicated that after reviewing the DEC SEQRA regulations, the proposed action before the Board, namely the site plan amendment for outdoor seating, is

a Type II action and not subject to SEQRA. The ZBA also typically indicates that a renewal of a special permit is a Type II action.

Mr. Salati, the applicant's architect, addressed the Board stating that Applebee's would like a modest 4 table outdoor dining area. The proposed area would be 8 feet by 30 feet.

Mr. Galvin stated that if the proposed dining area was on Village property rather than on the shopping center property, the applicant would not be before the Board. In this case, all that would be needed would be permission for a sidewalk café from the Village Manager.

Mr. Galvin asked if there would be music or outdoor lighting in the outdoor seating area.

Mr. Salati responded that there will be no outdoor music or lighting.

The placement of the outdoor seating was discussed, as well as landscaping and street trees.

Mr. Salati stated that he will investigate all proposed suggestions.

Ms. Oakley stated that she had put together a recommended landscaping plan after a site visit. She suggested the addition of two street trees along the Post Road and the replacement of two street trees and the planting of a new street tree along North Barry Avenue. Ms. Oakley and the Board questioned the placement of the outside dining area. Ms. Oakley recommended the use of gater bags for watering the street trees.

Mr. Cory Shanus, the owner of the shopping center, addressed the Board. He indicated that the addition of new street trees on the Boston Post Road would be problematic. The street trees that were formerly located there were destroying the side walk and blocking the store fronts.

Mr. Galvin stated that the consultant can recommend street trees such as Ginko (which are currently planted along the Post Road near this location) that would work with sidewalks and have a habit that provide visibility to the store fronts along the Post Road. He also indicated that the existing Ginko on the Post Road is currently located in proximity to Applebee's. This existing street tree does not obscure Applebee's visibility since it has a narrow habit. It would also provide buffering for the customers using the outdoor seating area. The former street tree referred to by the owner was a very large White Oak that was not a suitable street tree.

Mr. Shanus stated that he has no problem replacing the 2 missing trees on North Barry Avenue.

Ms. Oakley recommended Ginko trees for Boston Post Road

Mr. Shanus stated that he will work with Ms. Oakley.

Mr. Galvin introduced Mr. Furey. He indicated that the outdoor seating area has no impact on the drainage and that drainage was an issue for the entire shopping center. He indicated that he thought that the Planning Board meeting would provide an opportunity for the explanation of the proposed drainage plan.

Mr. Furey stated that the proposed drainage plan is an issue that effects the placement of the street trees, the planter bed and the proposed location of the outdoor seating near the corner along the existing planter bed. The drainage pipe will go right through this area, the corner tree would be right over the pipe.

Mr. Furey discussed the drainage problem stating it was created by the fact that drainage runs through the basement of the buildings to the Post Road across to the vacant lot to a manhole that is higher than the site. This causes the system to back up into the basements and parking lot. The drainage into the parking lot will raise the water level and spill over into adjoining properties.

The Village has been looking at ways to alleviate the problem by rerouting the water.

The Village is in the process of obtaining grant funding for their part of the project. The more expensive part of the project is the private part in the buildings and parking lot. This will be the responsibility of the owner of the shopping center. The owner's engineer, Mr. Stein of Hudson Engineering, has developed a drainage plan which Mr. Furey is reviewing.

Mr. Phillip Horner of 129 Beach Avenue spoke about the ongoing problem of several feet of standing water in the parking lot which ends up in the neighbors' basements.

Mr. Furey stated that the project will help to eliminate the contribution of water from the parking lot, it will help but will not necessarily completely resolve the neighbors' drainage issues.

Mr. Horner asked if the neighbors can be kept apprised of the project.

Both Mr. Galvin and Mr. Furey stated they will ask the Village Manager to keep the neighbors updated by placing the project on the Village's web site.

The 16 foot buffer on the north side of the shopping center along North Barry Avenue was discussed. Mr. Shanus explained that there had been an agreement with the adjoining neighbor for the past 10 years to maintain the buffer. The buffer is actually on the other side of the fence and appears to be on the adjoining property owner's property. Mr. Shanus explained that there is only a two foot landscaped strip and fence that separates the parking lot from the 16 foot buffer.

If the outdoor seating were located in the center's parking lot, we would need Building Inspector to check on the parking requirements for the center lot. He asked Mr. Furey what the timing of the drainage work. Mr. Furey indicated that they would like to start the project in the Fall and have in completed before the Spring of 2011. Mr. Galvin indicated that the Planning Board can only approve the amended site plan subject to the ZBA renewal of the special permit.

Mr. Galvin asked Mr. Furey to write a synopsis of the drainage plan for the ZBA and copy Mr. Horner.

The Board suggested that the outdoor dining area be located in front of the restaurant on Boston Post Road. The applicant would be able to revisit the issue after the drainage construction is completed.

Mr. Galvin asked for plans to approve the relocation of the outdoor seating area.

Ms. Oakley recommended 3 street trees on N. Barry and 2 on the Post Road.

A motion was made by Mr. Sterk, seconded by Mr. Wexler to amend the site plan for 640-680 Boston Post Road (Applebee's Restaurant) for outdoor seating area revised 5/25/2010 subject to the ZBA renewal of the applicant's special permit and subject to the replacement of two street trees on North Barry Avenue and 2 street trees on the Boston Post Road with review of the Village's landscape consultant.

Ayes: Galvin, Sterk, Wexler

Nays: None

Absent: Ianniello, Sjunneemark

**ADJOURN**

On motion of Mr. Sterk, seconded by Mr. Wexler the public hearing was adjourned

Ayes: Galvin, Sterk, Wexler

Nays: None

Absent: Ianniello, Sjunneemark

Minutes prepared by  
Francine M. Brill