

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on September 30, 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, AICP, Chairman
Michael Ianniello
Ingmar Sjunneemark
Lee Wexler
John Winter, Building Inspector
Frank Fish, BFJ Planning
Keith Furey, Consulting Engineer
Steven Silverberg, Village Attorney

Absent/Recused: Stewart Sterk.

AGENDA:

Special Meeting Mamaroneck Beach and Yacht Club

The Meeting was called to order at 7:00 P.M.

Mr. Galvin postponed the approval of the minutes for September 23, 2010

Mr. Galvin stated that Mr. Fish will give a brief summary of where the Board is in the process of review. Then the Board will hear from the public (there is a sign up sheet for anyone wishing to speak), Mr. Kass will then present followed by the applicant, then comments from the consulting engineer Mr. Furey, and the Building Inspector Mr. Winter.

Mr. Fish gave a brief summary of where the Board is in the process of review.

Frank Fish stated that in 2004 MB&YC requested 32 seasonal units. The Board entertained the application and did a SEQRA review. The Board determined an EIS was needed. A Draft EIS was done in 2006, a hearing held in 2007 and a Final EIS was done.

The Board made findings and felt that 12 units in the clubhouse was the best alternative. The Club then sued, Judge Nicoli overturned the decision and directed the Board to revise the findings and review an application again.

Mr. Galvin stated that Board is under a court order to revise the findings and review the application. The new application has 4 residences in the clubhouse and 19 outside (3 on the Otter Creek side and 16 on the Long Island Sound side).

There has been a settlement agreement between the Village of Mamaroneck and the club, copies of the Stipulation and court decision are available in the courtroom at the front.

Mr. Fish stated that the Board has done both the DEIS and FEIS for the 32 units, the current application falls within what was previously studied. Therefore, the Board should be able to move forward. Copies of the EIS are available in the Village Hall. The environmental narrative from the applicant is not essential but helps the Board.

There was a question from the public as to whether the marina was included in the study and Mr. Fish responded yes but the Planning Board, although lead agency, does not have the authority to approve the marina. Approval falls under the HCZM C, the NYS Department of State and DEC.

The next meeting is scheduled for October 14, 2010 to review the site plan zoning compliance and schedule a public hearing for a wetland permit and site plan for the MBYC application.

The Board has to make new SEQRA findings and do a complete review.

The Planning Board cannot give site plan approval until there is a consistency determination from the HCZM C.

Mr. Silverberg clarified that SEQRA is the first stage in public comment and there will be opportunities and additional meetings on other aspects of the site plan.

Mr. Kass stated that he believes he will cover many of the public's questions.

No one from the Public objected to Mr. Kass presenting.

Mr. Kass, the attorney for Mr. Golub and Shore Acres, addressed the Board.

Mr. Kass stated that a supplemental EIS is required under NYS statute §617.9.

Mr. Kass further stated that the proposed marina is part of the proposed action and requires an analysis as well as alternatives, he also pointed out that no economic analysis has been submitted. Mr. Kass further stated that the season has been expanded from 6 to 8 months.

Mr. Kass introduced Lisa Liquori, Principal of a land use and environmental planning firm, Fine Arts and Sciences, LLC.

Ms. Liquori stated she reviewed the 9/13/10 stipulation and, in her opinion, a SEIS should be done since the proposal has a greater impact and is inconsistent with the LWRP. Ms. Liquori stated that MB&YC's land is contiguous to 710 Taylor, which is a historic property (known as "The MILL"). This is a protected site and residence. More analysis of the visual impact should be done, and parking near the wetlands should be studied. Ms. Liquori questioned runoff and Mr. Furey, the Village Engineer, stated that the club is over one acre and the NYS Department of Environmental Conservation, not the Village Planning Board, is the permitting entity.

Mr. Guido Schattaneck, senior environmental engineer, of Parsons Brinckerhoff addressed the Board. He stated that the DEIS of 2004, FEIS of 2007 and the Environmental Narrative left out the potential impacts on air quality. Traffic will increase as a result of the proposal. The HVAC units for the proposed residential units will impact air quality as well as diesel engines in the boats in the proposed marina. Under SEQRA, the impact should be addressed and analyzed.

David Halpern, Architect, of Helpern Architects of New York City addressed the Board.

Mr. Helpern stated that he respects Mr. DeAngelis (applicant's architect) and his work but feels that the plan needs further review and study. He showed the Board an alternative plan reducing the mass of the proposed buildings. Mr. Helpern stated that from Mr. Golub's property, there is an open vista and if the proposed plan is implemented there will be a wall of building. Mr. Helpern's plan reduced the height of the Otter Creek units eliminating one unit, lessening the mass and number of units on the Long Island Sound side and suggesting alternative locations for other units.

Mr. Kass summarized by stating that an SEIS is required, Mr. Helpert's alternate architectural proposal should be studied, and an air quality study should be done and finally, one cannot segment out the marina.

He further stated that alternatives not bound by 23 units outside, additional units in clubhouse were originally required and should remain. Outdoor residential density can be reduced.

John DeRosa, a resident of Taylor Lane (1,200 feet from the Club) for 25 years and a former developer, addressed the Board. He stated that, in 2008, he wrote that he approved the concept, if not necessarily the plan. He stated it is good for the Village, as well as the neighborhood, and he does not like law suits. He stated that he thinks this has been going on too long and a conclusion is needed.

Barbara Mann, 519 Alder Road, stated that the back of her house looks on the Club. Since 1988, she has witnessed a great deal going on at the club. Ms. Mann stated that the existing marina was built without permits. The dumpster to clean the club at the beginning of the season is left for long periods of time and only removed after repeated calls. She stated she is concerned that the club will do whatever they want and asked for strict supervision.

Dan Natchez, of Dan Natchez Associates, President of Shore Acres Association, and representing Mr. Golub addressed the Board.

Mr. Natchez stated that the court can not require the Planning Board to accept a Site Plan. Site coverage for a MR zone is 20% and the plan looks to be over 28%

Mr. Galvin stated that the Board will rely on the Building Inspector's review and interpretation of the plan. .

Mr. Natchez stated that to complete SEQRA and then play with findings is wrong

Mr. Galvin stated that the Board will require a zoning compliant site plan to continue.

Mr. Natchez stated it is not compliant with FEMA mapping.

The original 12 units in the main building were discussed and it was stated that since the 12 units were approved, the building code has changed and construction near the water in a V zone is no longer possible.

The season has been lengthened from 6 months to 8 months, therefore the economics have changed. Mr. Natchez further stated that Judge Nicoli requested an economic analysis and it has not been done.

Mr. Kass indicated that SEQRA cannot be completed until a statement of consistency by HCZMC has been determined.

Mr. Natchez stated that he has nothing against the Club and believes in the Club but does not want another Indian Cove Condo. He does not want that to happen anywhere else in the Village. The Village developed the LWRP and an MR zone to legalize preexisting nonconforming uses. Previously the clubs would need to apply for a variance anytime that they wanted to change something. The LWRP promoted clubs and marinas and allowed catering.

Paul Noto, applicant's attorney, stated that he believes people were brought here under false pretenses caused by the number of inaccurate emails regarding the proposed marina and the overall project.

In 2004, the application was zoning compliant, however, different Village Boards put up road blocks to approval. The Club sued seven times and won all of these law suits. The proposed Marina is just that a marina that is proposed for the future. The Village Board of Trustees wanted all possible plans. The proposed Marina would require DOS, DEC and HCZMC approvals if and when it is applied for. The Club must be FEMA compliant, and can not get any permit without a consistency determination. He further stated that Mr. Golub's view will not be impacted.

Gregg DeAngelis, applicant's architect, stated the drawings as submitted are zoning compliant with respect to flood zone and will be compliant with FEMA. General landscaping is extensive in regard to wetlands restoration, along Otter Creek around parking and along the Golub property. There has been a substantial effort to minimize the impact on Otter Creek.

Mr. Galvin stated that the applicant should leave as much vegetation along Otter Creek in as natural a state as possible.

Mr. DeAngelis showed the Board a number of Photo views.

Mr. Kass requested electronic copies, and was told they would be sent by the applicant.

Mr. DeAngelis stated that the units in club house would be less desirable to members as well as being difficult to be FEMA compliant.

Mr. Furey explained why the 12 units in the clubhouse were no longer feasible. The simple answer is that prior to 2007, the clubhouse was in an A zone and residential development could be accomplished. Now, now according to the FEMA map, the clubhouse is in a V Zone and the substantial redevelopment of the clubhouse (more than 50% increase in value) would need to be on pilings in order to be compliant. This would destroy the historic and architectural significance of the building as well as not being feasible.

Mr. DeAngelis stated that alternatives have been considered. A building in the center of the site would reduce the open space and greatly impact the Great Lawn. They have tried to minimize the impact on Otter creek.

Mr. Wexler questioned the relative value of units on the beach vs. units in the clubhouse since the views from the Clubhouse would be spectacular.

Mr. Allen Eisenberg of 705 The Parkway questioned the parking numbers.

Mr. DeAngelis stated that overall the plan has 247 spaces in the modified plan and 235 spaces in the amended plan. The proposed marina was taken into the parking count.

Winter boat storage was discussed.

Mr. Kass stated that he understands that the harbor master requires boats to be out of the water by November 1st and not in before April 30th.

Mr. Thomas Holmes of TRC Engineers, 7 Skyline Drive (applicant's engineers) addressed the Board.

Mr. Holmes stated that TRC did detailed engineering plans of the modified plan narrative which has a reduced scope compared to the amended plan. The engineering impacts were similar but slightly less in the amended plan.

Mr. Joel Sacks of the Law firm of Keane & Beane addressed the Board.

He stated that the 120 ft setback mentioned in the court approved stipulation was meant to provide greater protection to Otter Creek.

Mr. Rosenshein, the President of MB&YC, addressed the Board.

In 1885, Stanford White designed the main clubhouse as a private residence. In 1952 Mr. Rosenhein purchased the property. In 1985 the Village created a new zone and changed the property from R-20 to MR Marine Recreational. Mr. Rosenshein stated that at the time he protested and was offered the right to build seasonal residences for workers, members and guests to prevent a law suit. He further stated that there is no valid negative to the Village. Mr. Golub's house is not visible from the cabanas.

Mr. Noto stated that the formal presentation is concluded, everything is transparent and available online for public view. The club does not want to impact anyone only survive.

Mr. Golub, 710 Taylors Lane, thanked the Board and invited the members to view the proposed site from his property.

Mr. Galvin accepted the offer on behalf of the Board and indicated that Mr. Wexler and Mr. Sjunneemark of the Planning Board and Mr. Fish would arrange to visit the property.

Mr. Golub stated he brought in specialists to create a legal record and show a range of options. He stated that this is a complicated project to do under an artificial deadline. The Board needs to balance the needs of the Club, neighbors and LWRP.

Mr. Kass suggested that the applicant remove the Marina from the application. He further stated that the Board should not be bound by the stipulation and that an SEIS is required. He thanked the Board.

John Winter, the Building Inspector, stated that a Flood analysis is required, and he will meet with Mr. DeAngelis. The Building department is pulling all permits to find a consistent interpretation that will be applied to their review of the site.

Mr. Furey discussed his memo.

Mr. Fish briefly stated the Board needs a complete set of Site Plan Drawings showing the 100 foot buffer and elevations under FEMA. A zoning compliance report and a coastal assessment form for HCZM are required.

Mr. Fish stated that SEQRA was not meant to replace the powers of the Planning Board over site plan review. He further stated that Mr. Helpner's alternatives were important for the Board and that the plan needs to be zoning compliant, and that an air quality report is not a major factor.

Mr. Kass, stated that he thinks Mr. Fish is wrong about the air quality.

A motion was made by Mr. Ianniello, seconded by Mr. Wexler to enter executive session

Ayes: Galvin, Sjunneemark, Wexler, Ianniello.
Nays: None
Absent: Stewart Sterk (recused).

A motion was made by Mr. Sjunneemark, seconded by Mr. Ianniello to leave the executive session and enter public meeting.

Ayes: Galvin, Sjunneemark, Wexler, Ianniello.

Nays: None

Abstain: Stewart Sterk (recused).

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

Ayes: Galvin, Sjunneemark, Wexler, Ianniello.

Nays: None

Abstain: Stewart Sterk (recused).

Minutes prepared by
Francine M. Brill