

These are intended to be “Action Minutes”, which primarily record the action voted on by the Planning Board on October 28, 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
Lee Wexler
Ingemar Sjunneemark
Susan Favate, BFJ Planning
Frank Fish, BFJ Planning
Keith Furey, Village Consulting Engineer
Susan Oakley, Landscape Consultant
Steve Silverberg, Village Counsel

RECUSED: Stewart Sterk

The meeting was called to order at 7:05 p.m.

MINUTES

A motion was made by Mr. Ianniello, seconded by Mr. Wexler to approve the minutes of the regular meeting of October 14, 2010 as revised.

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

1. 432 Waverley Ave (M-1 District)

Paul Noto, the applicant’s attorney, addressed the Board, introducing the engineer Mr. Panella.

Mr. Panella stated he was hired to relocate the applicant’s auto body business to a new location. The plan shows the 10 required parking spaces required by code, a small planter, and no interior modifications only the installation of a paint booth.

Mr. Galvin stated the applicant appeared before the ZBA, and is waiting for an interpretation. The ZBA is doing SEQRA therefore there is nothing the Planning Board can do at present.

Mr. Panella stated that they want the Planning Board’s input.

Mr. Galvin asked why the parking is not perpendicular like the rest of Railroad Way. The Board discussed the number of employees’ parking, and customer parking.

Mr. Panella stated that the applicant only has one spot in the lease; parking will be inside the building for customers.

The Board discussed lighting asking that the lights be shielded down and not spill out.

The Board discussed the planter box and asked that the applicant specify the plant species.

Mr. Ianniello asked about the curb cut and Mr. Panella responded that they are not planning any changes to the curb cuts.

There were no questions or comments from the public.

The application was adjourned until the ZBA completes its review of the application and makes a decision.

2. 606 Shore Acres Drive (R-10) Anthony DiMaggio – Wetland Activity Permit

Mark Mustacato, 105 Calridge Street Harrison, New York, the applicant's architect addressed the Board, for a minor addition increasing the impervious surface 294 square feet for the front addition and 299 square feet for the rear patio.

Mr. Galvin stated that this is a minor Wetlands Permit and is a Type II action, not subject to SEQRA.

Mr. Mustacato stated that are also proposing a three foot black aluminum fence to replace the existing 1 foot fence.

Mr. Galvin stated that the Board has a letter from the owner allowing the contract vendee to apply, a list of notified neighbors and a wetland permit application.

Mr. Wexler asked about the fence.

Mr. Mustacato stated it is to prevent the applicant's children access to the water.

Mr. Furey stated that the plan complies with the storm water management requirements.

Mr. Winter stated that this is a minor project and the DEC has issued a letter of no jurisdiction.

Mary Mora, 611 Shore Acres Drive, asked if the plan is changed will she be renotified.

Mr. Galvin responded yes but the Board of Architectural Review will approve the actual house plan.

A motion was made by Mr. Ianniello, seconded by Mr. Wexler to approve the Wetlands permit for 606 Shore Acres Drive plan dated 10/14/2010.

Ayes: Galvin, Sjunneemark, Wexler, Ianniello

Nays: None

Absent: Sterk

3. 506 Shore Acres Drive - Wetland permit application was adjourned.

4. 811 North Barry Avenue - Mrs. Sherlock - Flood variance request.

The applicant is waiting for the Department of State written approval.

Mr. McGowan 44 Church Street White Plains applicant's attorney addressed the Board stating that the state variance was approved with the condition that all mechanicals be moved above the base flood elevation to the first floor. The HVAC that has been installed must be removed. The first floor variance allows it to remain where it is and ground fault outlets installed.

Mr. Furey stated that he needs to see a plan of action showing how the applicant will implement the State's conditions.

Mr. Galvin asked if the applicant will have a plan by November 11th.

Mr. McGowan stated he will get it as soon as possible.

The matter was adjourned until the applicant receives written State approval.

5. 208 West Boston Post Road John Lese

No one appeared and the matter was postponed.

6. 437 Melbourne Avenue (R-5) – Proposed two lot subdivision.

Mr. Galvin stated that at the last meeting the Board made a decision to do two 50 X 150 foot lots, fronting on Melbourne, trying to move the garage, and include landscaping on Orchard for this unlisted action. The applicant has to go to HCZMC for consistency. The Board requested that a landscaping plan be prepared. The Board is in the process of making a determination on SEQRA. Once done the Board will set a public hearing.

Mr. Mustacato spoke on behalf of the applicant; to save the trees on the property line he stated they moved the garage 10 feet from the property line rather than 6 feet. Screening was added to the Orchard side of the property as requested. The driveway will be part gravel with an asphalt apron. There will be no impact to street trees on Melbourne. A storm water management plan has been submitted.

Ms. McCarty, the applicant's attorney, addressed the Board. Ms. McCarthy stated that a majority of the lots on Melbourne have curb cuts. More than 50% of the lots are less than 100 feet. Susan Favate stated the screening should go across the entire frontage on Orchard.

Ms. Oakley will review the landscaping plan and supply the Board with comments.

Mr. Wexler stated that the Board was concerned with having a back yard, and is there a requirement for a turn-around for vehicles.

The Board discussed the placement of the garage and the driveway.

Mr. Ianniello asked if the proposed houses could align with the existing houses on the block.

Mr. Sjunneemark stated that he would not want to back out of the driveway.

Mr. Mustacato stated that according to code the garage cannot be closer than 15 feet to the house.

Mr. Winter stated that garage should be moved further back on the property to 6 feet from the property line on Orchard.

Mr. Ianniello suggested some nice landscaping behind the garage.

Mr. Furey commented on the storm water preliminary plan and witnessed the perc test. The percolation numbers are conservative. The garage must be moved 1.42 feet to the left to make the 14 foot total side line.

A motion was made by Mr. Ianniello seconded by Mr. Sjunneemark to make a Negative Declaration for this unlisted action for 437 Melbourne two lot subdivision.

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

A motion was made by Mr. Sjunneemark, seconded by Mr. Ianniello to set a public hearing for 437 Melbourne for 11/11/10.

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

Applicant was advised to post a sign noticing the public hearing for 11/11/10.

5. 208 West Boston Post Road Continuation of Site Plan Review

John Lese, the applicant addressed the Board. At the last meeting, suggestions were made to try to make the driveway a cobblestone courtyard. The application does not yet meet the storm water requirements

Mr. Furey stated that the applicant in revising the courtyard, changed the storm water plan and he never saw the calculations. If the storm water plan remains as original, it would be fine. Anything less permeable would be fine. One or two of the infiltrators could possibly be eliminated if the surface is less pervious than asphalt.

Mr. Lese changed the plan as recommended by the Board and Ms. Oakley. The wall in the front will remain as requested.

Ms. Oakley stated the landscape plan is satisfactory.

Ms. Favate questioned the easement for the existing paved walkway on the neighbor's property. She asked if the walkway will be removed and if it the neighboring property owner will landscape. Mr. Lese stated he will give the Board a copy of the easement agreement.

Mr. Wexler questioned what delineates the paved area in the rear from the parking and the solar light poles.

Mr. Lese stated the solar lights are to give extra lights.

Mr. Galvin stated that 4 out of the 5 units are below market rate.

Ms. Post of CHI discussed the purchasing regulations.

Mr. Galvin stated that there are three work force units, one affordable and one market rate.

Mr. Galvin stated that the Village Attorney needs to review the sample deed and cross easement. He stated that the applicant has to go to the HCZMC for a consistency statement then come back to the Planning Board for final site plan approval, including a recreation fee of \$2,500 per unit. A parking in lieu of fee of \$8,700. is required for the one parking space. Proof of the offsite placement of the other space is needed; if not then an additional fee of \$8,700 would be required.

The matter was adjourned until the applicant receives a consistency determination from HZCM.

Mr. Galvin stated that the Board was taking a ten minute recess.

The meeting resumed.

6. Mamaroneck Beach and Yacht Club (MR District) - continuation of site plan review

Mr. Galvin called the meeting to order. He stated that for the record he received a letter from Mr. DeRosa of Taylor's Lane in favor of the plan. He stated he has an application that includes the landscape plan, preliminary sanitary sewer analysis, preliminary storm water plan, a memo from Mr. Robert Pauls, the Board's economic consultant. The Board has also received a letter from Mr. Kass' firm, which has comments regarding notice of the public hearing for the Wetlands Permit and site plan. Mr. Kass is correct about the notice for a public hearing for the Wetland Permit. The Board will extend comments to 5:00 p.m. November 5th regarding SEQRA. The Planning Board Secretary has notified Mr. Noto to renotice the neighbors for the wetland permit. Mr. Noto is reissuing notice for the Wetlands permit. The Board is continuing comments and review of the site plan. The Board also has the Environmental Narrative from Syrette Dym of Sacardi & Shiff, a brief from Mr. Sachs, of Keane & Beane regarding the Supplemental EIS, information from Lucille Munz, the landscape architect, including a summary of their landscaping approach and a tree removal plan,

Mr. Galvin stated that he was going to start the Board's review of the site plan.

Mr. Noto, the applicant's attorney, addressed the Board providing an overview of the team for the applicant. He submitted a letter regarding the enforcement of seasonality of the units.

Mr. Gordon of Keane & Bean addressed the Board regarding the letter of October 26, 2010 from Mr. Sachs, who is out of town.

The application with SEQRA started in 2007 and was found zoning compliant; eventually a full environmental review was done. Most of this proposed plan is similar to the original plan. The court's decision stated the Planning Board did not take into account the economic need for the stand alone units. An agreement between the Club and the Village Board has brought the application before the Planning Board. After the submission of the amended site plan, discussion with Board and public comments, more modifications to the plan in response to these discussions and comments.

In the view of the applicant's attorneys there is no need for a Supplemental EIS. It is not required as the changes are insignificant in the modified proposed plan. Consistency with the LWRP is before the HCZMC and does not form a basis for a SEIS. Seasonal residences are accessory to the club use and are therefore water dependant the same as the pool or tennis courts. The economic report has been submitted. The question of segmentation does not come into effect pertaining to the applicant's removal of the marina. Alternatives have been submitted and there comes a time to stop looking at more alternatives. He further indicated that it is time for the Board to address the plan at hand.

Mr. De Angelis, the applicant's architect, addressed the Board. He stated that he has been working with the Club since 2004. The plan is to bring back the existing shell of the Clubhouse with updated facilities. Mr. De Angelis walked the Board thru the site plan portions of the plan pointing out the changes. Fire access has been addressed, the clubhouse is to be reconstructed, and he described the proposed buildings and changes. The Recreation Building is raised just above base elevation (about 10 feet) as per V zone requirements.

Mr. Galvin asked if the club received a modification to an A zone, and the elevations are, does the applicant need to come back before the Planning Board for an amended site plan. After discussion, he stated it would be addressed by the attorneys and Building Inspector.

Mr. De Angelis continued describing the plan. The beach building was reduced in size and moved further away from the beach area. The elevators are no longer a separate tower. During the summer the building will be significantly screened from the sound. Five units have been removed and the roof height is 34.4 feet. The applicant has to go before the Board of Architectural Review.

Mr. Furey stated that there are some issues relative to construction that will be handled later.

Mr. Sjunnemark asked if the buildings would be screened.

Ms. Munz, the applicant's landscape architect, addressed the Board, stated she took the approach that it is an old estate. Many of the trees are in poor condition and would need to come down. The DEC plan calls for evergreen screening. White pine, white spruce, and cedar will be used to landscape or replace the trees that must be removed. Proposed trees to be planted will be 10-16 feet in height when planted and can grow to 60 feet at maturity.

Ms. Dym spoke about the impact in regards to tonight's plan 23 units versus 32. The overall height is essentially the same but with less impact, the lighting is low level. In terms of the dock building, it is being raised and elevated 3 feet. All buildings are 300 feet outside the buffer zone. The consultants will review and decide whether a pump station is required. The storm water plan has 6.64 acres of impervious surface which is less than the current conditions. Traffic has been reduced during p.m. peak hours. Parking is adequate for the proposed site plan and conforms to zoning requirements.

The economic review will be postponed till the next meeting when the consultant can appear.

Mr. Fish stated that Ms. Adell's economic report has been given to the Board's economic consultant for review.

Mr. Winter stated the plan appears to be zoning compliant; the bridge across Otter Creek is adequate for fire access.

Mr. Furey commented that the flood plain compliance regulations must be reviewed in more detail. The cabanas and storage units must be FEMA compliant and built with flood resistant techniques. It is very specific in the code that the use of standard practice is required. Mr. Furey stated that he has spent a considerable amount of time to develop the fair market value of the clubhouse. Construction cost is approximately 1.3 million. The club's insurance value is 2.7 million dollars. The economic analysis seems correct by standard procedure that it does not exceed 50%.

Mr. Furey explained the difference in construction for an A or V zone.

Mr. Kass addressed the Board. He stated it is expensive to have consultants here. He stated he will save the wetlands comments for November 11th. He stated that some of his FOIL requests have not been satisfied. The applicant wants as many free standing units as possible and not in the club house. He stated that he and his team feels the value is much higher. The accessory units are not treated the same for zoning as for LWRP purposes. The LWRP distinguishes between water dependent uses and water enhanced uses. The applicant has asserted the units are to finance the water dependent uses, and these uses are all being cut back. He stated that he still feels that a SEIS is required. He stated that the Board has to make conclusions but feels that the applicant has not given enough information. He will comment on the economic analysis at the next meeting. Mr. Kass commented on the segmentation issue. If the applicant is making clear they do not intend to build the marina now or in the near future, then possibly a SEIS would not be required.

Mr. Helpert, architect, addressed the Board stating he created additional alternatives that would help meet the applicant's needs and mitigate the impact. He stated that he wishes to enhance the site by enhancing the clubhouse with open fields and hardwood trees and not adding a lot of multiple dwelling units. The lighting was discussed and its impact in a three-story versus a two-story building. Mr. Helpert stated he used Mr. DeAngelis' design but lessened its impact by reducing the buildings to two stories. He strongly feels that the units should be put at the center of the site and not on the perimeter. He stated that the ideal number of units is 8 or the buildings

should be moved to the center of the property to achieve the applicant's number of units. Mr. Helpern showed scale models for the three and two story building.

Mr. Kass questioned the number of permissible units. In his opinion, the as of right number is 15 units allowed and the existing buildings are part of that calculation.

Mr. Fish, spoke on the SEQRA findings, the Wetlands permit (which has been deferred) and site plan issues. He asked if the models could be left, and a discussion ensued. Mr. Fish stated that he found no basis to have a SEIS and on November 11th the Board can have a discussion on the findings.

A letter from Mr. and Mrs. Wolf was read into the record opposing the application.

Mr. Fish discussed Mr. Helpern's renderings.

Mr. Kass responded disagreeing with Mr. Fish.

Mr. Wexler stated the Board hasn't had a chance to deliberate. He stated that he is mindful of the court decisions and it has gone on long enough. Mr. Wexler stated the judge told the Board to take a hard look at the proposal. He further questioned how seasonality will be maintained. All alternative scenarios need to be considered. The Board needs to proceed in good faith as quickly as possible.

Mr. Ianniello stated that although the models presented very dramatic, he felt that the location of the large building in the middle of the site had a greater visual impact to the Harbor than when the building was on the beachside. Mr. Ianniello also said that if more architects were brought in, they all would have their own site design because design can be subjective. He also was not favorably impressed with the two story building model. He questioned moving the buildings and whether it was being done to lessen the impact on the neighbor or the view from the harbor.

Mr. Sjunneemark commented that the Board needs time to discuss.

Mr. Galvin stated that the applicant has responded to the Board's recommendations. There are a number of site issues. He indicated that the Board can review issues related to findings. The Board should review findings and site plan issues and do what is in the best overall interest of the Village in their opinion.

Mr. Noto commented that every meeting is a competition between architects. The process needs to be focused on the application before the Board.

Mr. Galvin stated that the Board will do a work session focused just on site plan issues.

Mr. Silverberg stated that the Board has tried to make this as open as possible. He stated that everyone has to have an understanding on the timeline implemented by the Judge.

Mr. Wexler stated that the economic analysis should not be done in a vacuum. The Board should consider at least one other scenario. He wants to find a balance and preserve the open space of the site.

Mr. Silverberg stated that the Judge overturned the previous decision for a number of reasons and not just the economic analysis.

Mr. Galvin suggested that the Board may want our economic consultant, Mr. Pauls, to review the applicant's economic analysis.

Mr. Sjunneberg stated the view from the harbor is of the utmost importance to him.

Mr. Galvin requested that Mr. DeAngelis should send the requested photos to the Board.

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

Ayes:	Galvin, Sjunneberg, Wexler, Ianniello
Nays:	None
Recused:	Sterk

The meeting was adjourned at 12:45 p.m.

Minutes prepared by

Francine M. Brill