

These are intended to be "Action Minutes", which primarily record the actions voted on by the Planning Board on January 14, 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
Stewart Sterk
Ingemer Sjunneemark
John Winter, Building Inspector
Susan Favate, BFJ Planning
Frank Fish, BFJ Planning
Susan Oakley Village Landscaping Consultant
Keith Furey, Village Consulting Engineer
Mike Musso, HDR Consultants

AGENDA:

OLD BUSINESS:

1. APPROVAL OF MINUTES
2. 1000 Taylors Lane (R-15 District) Subdivision of existing lot with house to be subdivided into three lots. Application is adjourned.

PUBLIC HEARING

3. 1600 Harrison Ave. (R-5District) Co-locate wireless telecommunications facility on roof of office building. Continuation of Public Hearing.

PUBLIC HEARING (continued)

4. 800 Fenimore Road, Nolles Ridge- Subdivision/Wetlands Permit to create six building lots and one conservation lot.

OLD BUSINESS:

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

NEW BUSINESS:

1. 707 Fenimore Road/ Fayette (M-1) Endurance Health and Fitness (formerly Jungle Gym) Change of use to commercial retail. Site plan review.

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

1. MINUTES

A motion was made by Mr. Sjunneemark, seconded by Mr. Wexler to approve the minutes of the Regular Meeting of the Planning Board held on December 10, 2009

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

Excused: Sterk

OLD BUSINESS:

- 1. 1000 Taylors Lane (R-15 District). Subdivision of existing lot with house to be subdivided into three lots. Adjourned to February 11th.**

Mr. Galvin stated for the record the Board received a letter from Rosalyn Wood dated 1/13/10 regarding this application stating her concern for the marsh and Otter Creek wetlands. Mr. Gavin is responded back thanking her for her letter. Mr. Galvin's letter indicated that the Board is aware of the issues and will be reviewing the application very carefully with these issues in mind. A copy of Mr. Galvin's reply was made part of the record.

PUBLIC HEARING

- 2. 1600 Harrison Ave. (R-5District) Co-locate wireless telecommunications facility on roof of office building.**

The Planning Board opened the public hearing for this application. Mr. Galvin stated that METRO PCS is requesting to co-locate antennas on the roof top next to AT&T's antennas at the office building at 1600 Harrison Avenue. The Planning Board had declared intent to be lead agency and received no responses from the Town of Harrison or other agencies. Westchester County Planning indicated that they have no interest in reviewing the application. No other responses have been received and the 30 days have expired, therefore the Planning Board has now assumed lead agency for this application.

Daniel Laub of Cuddy and Feder, applicant's attorney, appeared and addressed the Board. Mr. Laub stated that they have provided the leaf off photos the Board requested. He also indicated that the antennas would be behind a stealth fiberglass screen painted to match the building and all equipment would be housed inside the building on the third floor. Small GPS antennas will also be placed on the roof to allow 911 capabilities.

Mike Musso of HDR, the village's wireless consultant, gave a status report regarding his site visit in December. Mr. Musso stated that he is assembling a report which will be completed for the February 11th. METRO is a new carrier in the area and must meet all Federal requirements regarding public health and safety regarding Maximum Permissible Exposure (MPE).

Mr. Galvin requested samples of the stealth material as well as durability information.

Mr. Ianniello asked if there was any study regarding a cumulative effect of the antennas.

Mr. Musso stated that it depends on the configuration of the proposed antennas in regard to the existing ones. There can be a provision to do a onetime confirmation test after completion.

Ms. Favate stated that she has not yet seen the latest report. Mr. Laub stated that there was not much appreciable difference in the photos.

There were no questions or comments from the public.

The matter was adjourned to February 11, 2010.

PUBLIC HEARING (continued)

- 3. 800 Fenimore Road, Nolles Ridge- Subdivision/Wetlands Permit to create six building lots and one conservation lot.**

Mr. Fish of BFJ Planning, Village's planning consultant, gave a brief summary of the application. On May 1, 2009, the Planning Board declared intent to be Lead Agency; there was no objection from any involved agency and the Planning Board assumed lead agency for this action. On June 25, 2009, Mr. Hahn, the applicant's engineer, gave a

full presentation. Since then the Army Corp of Engineers has issued a Wetlands permit. On July 7, 2009, the Board advised the applicant that they needed more information on Storm water management, Wetlands, Rock removal, and noise. Based on that information Part 2 of the EAF was revised. The consultants together with the Village of Mamaroneck Manager and attorney met with Steve Altieri, administrator of the Town of Mamaroneck. In October, the Board asked for more details on Storm Water Management and the applicant met with Mr. Furey, the Village consulting engineer. The applicant has now submitted a letter regarding Storm water and Wetlands. Mr. Fish requested the applicant to submit the Army Corp of Engineers letter and permit.

Mr. Hahn, the applicant's engineer, appeared and addressed the Board. Mr. Hahn stated they are awaiting information from FEMA regarding peaking factor of the site versus the area as per Mr. Furey's suggestion. Mr. Hahn discussed the addition of a fence (height and type) along the property line, rock removal and noise concerns. Mr. Hahn stated whatever rock removal to be done will be according to Village's ode. Mr. Galvin commented that the more rock ledge left exposed will help to market the property. Research was done on the noise level, and there will be buffering from the 300 feet of trees between the property and I-05. Additionally there is an additional 180 feet of width at the property's lower end to the nearest property on Country Road.

Mr. Fury stated the information from FEMA will help in the drainage calculations. Based on the information received, the applicant may need to modify the storm water plan.

Lucia Munz of Munz Associates, the applicant's landscape consultant, provided a description of the removal of invasive species as well as the use of herbicides. She indicated that it is very difficult to remove invasive species, several tactics will be employed, mechanical and herbicides at various times of the year to remove the invasive species and preserve the Wetlands.

Mr. Fish stated that the Department of State deferred to the Village and the HCZMC in regard to the use of herbicides as long as it is consistent with the LWRP.

Ms. Munz stated that an arborist would be employed to check the trees. If trees can be saved it is to the applicant's benefit.

Susan Oakley, the Villages landscape consultant ,stated the species selected for planting are good native species, the pocket pond habitat enhancement will attract wildlife, the use of herbicides are necessary and require care in application to prevent runoff . The plan addresses this. The applicant should include a three year plan with follow up monitoring regarding the use of herbicides. The preservation of the standing trees and their care needs to be addressed by the applicant in the plans. Eventually there will be more screening then is currently there.

Ms. Munz agreed that an arborist should be employed during construction as well as putting tree protection details on the plan.

Mr. Fish summarized the next step, which is for the Planning Board to formally put the information into a Part 3 of the EAF. This information would be reviewed by the Board at the next meeting.

Mr. Galvin asked Mr. Furey to comment.

Mr. Furey stated that it is very close to having all issues resolved. The pond is only able to take on a certain amount of excess water to maintain the water quality.

Mr. Galvin stated that the pond needs to be aerated and this should be included in Part 3.

Mr. Fish stated that once Part 3 is completed, the Board will be in position to make a SEQRA determination. Once a determination is made, the Board can formally begin the subdivision review and details can be worked out. If the board concurs, the planning consultants can prepare a draft Part 3 for review by the Board at the next meeting.

Sharon Kapus of 1 Country Road addressed the Board and expressed concern about noise from the thruway increasing because of removal of trees, and the devaluation of her property.

Mr. Fish stated that regarding devaluation of the Kapus property, pure value is not a SEQRA issue. Also the Board can't burden the applicant with mitigating existing levels of noise and air quality from I-95. To mitigate noise a solid acoustical fence less than 50 feet from the highway would be required (which would be on Village parkland property). Anything built at a further distance would be ineffective. Additionally the distance from I-95 to the applicant's property is 300 feet with an additional 180 feet through the applicant's property to Ms. Karpus' property on Country Road. There is another approximately 60 feet to the Karpus' residence. Mr. Galvin instructed Mr. Fish to prepare Part 3.

The matter was adjourned to January 28, 2010.

OLD BUSINESS

4. 622 Rushmore Avenue, Mamaroneck Boat and Motors (MC-1 Marine Commercial District)

Mr. Galvin stated the applicant is returning with a revised site plan. The Planning Board had previously declared itself as lead agency for this application.

Mr. Noto, applicant's attorney, stated that the engineers met and worked out details. The boat racks, buildings and fuel tank are being moved to meet zoning regulations. Mr. Hilts is currently submitting an application to install the bulkhead.

Mr. Furey gave a summary of the application. He indicated that certain key aspects are 1) the steel bulkhead on the southern portion of the property between the Deutermannns and Mc Michaels., 2) the storm water management on the site as well as 3) the relocation of the fuel tank in accordance with the MFP regulations, and 4) several zoning issues relative to the boat racks as well as some structures on the site. After the meeting with the applicant's engineer, he indicated that most of the issues have been ironed out. The boat racks have been resolved by being moved. He also indicated that the Sea Tow building has been moved to bring it into zoning compliance. The fuel tank has been moved to meet regulation with a containment dyke and oil/ water separator. The storm water management facility has been moved and the conflict resolved. Also Mr. Hilts is currently submitting an application to NYS for the bulkhead. The applicant is working on the HCZMC issues pertaining to the perimeter permit.

Jim Di Bartolomeo of Cucco Engineers stated that he did not have a Storm Water Management Plan on the last submittal and that the infiltrators, an oil-water separator and a catch basin are being added to the plan. Mr. DiBartolomeo answered all of Mr. Furey's requests regarding SWMP, details of the steel bulkhead, relocation of the boat racks and the tie down for the Sea Tow building

Mr. Galvin stated that the plan is now zoning compliant based on information provided by the Building Inspector.

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

Mr. Galvin stated at this time the Board has a long form EAF. The action is a Type 1 action and the Planning Board is the lead agency. Based on its review of the site plan, storm water management and the now zoning compliance of the site plan, the Planning Board is in a position to make a Negative Declaration on this action. .

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to make a Negative Declaration for Mamaroneck Boas and Motors 622 Rushmore Avenue

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

Mr. Galvin stated that applicant is to appear before the HCZMC on January 20, 2010 and the Planning Board can do a preliminary approval to indicate to the HCZM that our review is complete. Once the HCZM makes a finding of consistency with the LWRP, the applicant can come back to the Planning Board for final site plan approval.

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to preliminary approve the site plan for Mamaroneck Boats and Motors, 622 Rushmore Avenue, dated January 13, 2010.

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

NEW BUSINESS

1. 707 Fenimore Road/ Fayette (M-1) Endurance Health and Fitness (formerly Jungle Gym) Change of use to commercial retail. Site plan review.

Tom Falco, the applicant, appeared and addressed the Board stating that the name of the business is being changed to Endurance Health and Fitness otherwise the application is as presented.

Susan Favate gave a summary of the application. Ms. Favate stated that the space was formerly occupied by Archie Comics. It is 1,500 square feet consisting of open space, an office, and handicapped bathroom. A mezzanine is to be constructed. The retail component is to sell equipment. There are 7 required parking spaces which are allotted in the adjacent parking lot. Another sport business is nearby and shares the same parking lot. Lighting in the area may not be sufficient for safety and there is minimal opportunity for landscaping. The applicant is currently before the Zoning Board of Appeals.

Mr. Galvin stated that the Board will look into the lighting and await the ZBA determination.

A motion was made by Mr. Ianniello, seconded by Mr. Sjunneemark to declare intent to be Lead Agency for this Type 1 Action under SEQRA

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

NEW BUSINEES

811 Richbell Road METRO PCS

Mr. Galvin stated that the Planning Board has received a referral from the Planning Board of the Town of Mamaroneck regarding the co-location of antennas on the roof of 811 Richbell Road in the Town. The Planning Board has no comments on the application.

ADJOURNMENT

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark the meeting was adjourned at 9:05 P.M.

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

Minutes prepared by
Francine M. Brill