

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on October 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
Susan Favate, BFJ Planning
Frank Fish, BFJ Planning
Keith Furey, Village Consulting Engineer
John Winter, Building Inspector
Steve Silverberg, Planning Board Special Counsel (arrived late)
Kathy Zalantis, Planning Board Counsel
Christie Derrico, Village Attorney
Susan Oakley, Village Landscaping Consultant

Excused: Ingermar Sjunneemark

AGENDA

Chairman called the meeting to order at 7:09p.m.

MINUTES

On motion of Mr. Sterk, seconded by Mr. Ianniello the minutes of September 23, 2010 were approved as corrected regarding conditions of 1367 Flagler Drive wetlands permit approval.

Vote:

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

On motion of Mr. Wexler, seconded by M. Ianniello the minutes of September 30, 2010 were approved.

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

NEW BUSINESS

- 1. 522 The Parkway (R-10 District) Wetland permit – Garage addition.**

OLD BUSINESS

- 1. 208 W. Boston Post Road- John Lese (C-1 District) Proposed 5-unit condominium project. Site plan review and special permit.**

2. **437 Melbourne Avenue (R-5 District) - Jack Pisco - Subdivide existing lot into two lots. Work session.**
3. **Mamaroneck Beach and Yacht Club (MR-District) Presentation of Application**

NEW BUSINESS

1. **522 The Parkway (R-10 District). Wetland permit – Garage addition.**

Mr. Galvin stated that the Board has received the application and HCZMC consistency finding.

Mike Csenge of MSC Architects, the applicant’s architect, will address the Board on behalf of the applicant.

On motion of Mr. Sterk, seconded by Mr. Ianniello, the Public Hearing was opened for the wetland permit.

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

Mr. Csenge stated the applicant is requesting a one story garage addition, as the present garage is below the 100 year flood plain. The applicant’s plan is to discontinue use of the present garage. The applicant will also be reducing pervious surfaces on the property.

The applicant has been before the BAR in December, the HCZMC in January, and the DEC has written that a tidal wetlands permit is not required. He provided a copy of the DEC letter to the Board for the record.

Both Mr. Winter and Mr. Furey stated they have no problem or questions related to the application.

On motion of Mr. Sterk, seconded by Mr. Ianniello the public hearing was closed.

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

On motion of Mr. Sterk, seconded by Mr. Ianniello the wetland activity permit for 522 The Parkway for a one story garage addition is approved.

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

OLD BUSINESS

1. **208 W. Boston Post Road- John Lese (C-1 District) Proposed 5-unit condominium project. Site plan review and special permit.**

The Chairman indicated that this is a continuation of site plan review.

John Lese, the applicant, distributed a new walkway plan, stating he has worked out a cross easement agreement with the neighbor to share a walkway allowing for a 20 foot planting bed. The condo agreement will have a planting maintenance agreement.

He further stated he will submit a new grading plan prior to construction. Mr. Lese explained that the stone wall at the entrance will be left, although some of the wall is on the adjoining property, the rear wall might need a footing to be stable.

The storm water retention plan has been submitted to Mr. Furey.

Mr. Furey stated the plan looks fine. The details will need to be cleared up at final site plan review. The drainage plan looks good and is more than adequate for SEQRA determination.

Susan Oakley asked the applicant to show specific red maples and hollys on the plan

Mr. Galvin requested Ms. Oakley suggest specific plants and trees for the applicant to choose from, which should be noted on the site plan.

Mr. Galvin stated he has a letter from Community Housing Innovations (CHI) and placed the letter into the record.

Lighting for the walkway was discussed.

Landscaping between the wheel stops and building was discussed.

On motion of Mr. Sterk, seconded by Mr. Ianniello, the Board issued a Negative Declaration under SEQRA for this unlisted action.

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

The matter was adjourned to the meeting of October 28, 2010 to review the revised site plan. The applicant will need to receive a consistency finding from HCZM before the Planning Board can take action on the application. The applicant indicated that he will be going to HCZM for their November meeting..

2. 437 Melbourne Avenue (R-5 District) – Subdivide existing lot into two lots. Work session.

Ms. Martha McCarthy of 910 East Boston Post Road, the applicant's attorney, addressed the Board.

Ms. Derrico stated that she has office in same building and therefore recused herself.

Mr. Galvin stated the application should not be posted until the public hearing is set. We are currently in a work session to determine the specific subdivision plan to be submitted for SEQRA determination and for a future public hearing.

Ms McCarthy stated the applicant had an arborist from Evergreen look at the large tree in question on the property. The arborist determined that the tree was deemed a hazard and should be taken down. Photographs of the tree trunk were shown and together with a letter from Evergreen were submitted for the record.

The Board and the applicants discussed the plan and different approaches to subdivision layout.

Mr. Galvin suggested another independent should examine the tree.

The owner asked who is responsible if tree falls, the response was the owner is responsible.

The applicant would also require seven variances from the ZBA to subdivide the property horizontally as the Planning Board had suggested at its last meeting.

Mr. Galvin stated he would like to see one driveway off Melbourne and not the two that are being proposed. After discussion the Board concluded that the property should be divided into 50 x 150 ft lots perpendicular to Melbourne. The applicant should landscape the back fronting on Orchard Street and move the garage forward to result in a larger backyard. Storm water management plans should be developed and submitted to the Village Engineer for the Board's SEQRA review.

The matter was adjourned to the October 28, 2010 meeting.

3. Mamaroneck Beach and Yacht (MR-District) – Continuation of review of MB&YC Project..

Kathy Zalantis, Planning Board Attorney, was present. She was representing Steven Silverberg who was scheduled to arrive later.

Mr. Galvin listed memos received. He summarized the letters: many of which suggested a SEIS, a number were against the marina, one from the Beach Point Club was also against the marina, several were in favor, indicating that the Village should move on, The Chairman indicated that the public comment period ended on October 8th. The Board also received a brief from Mr. Kass, the attorney for Mr. Golub and the neighborhood association.

Mr. Noto, 650 Halstead Ave., applicant's attorney, addressed the Board. Mr. Noto stated that the applicant has listened carefully to public comments and the Planning Board and have removed the marina from the site plan, moved 5 units from the beach side and placed a total of 8 units near the Great Lawn. The cabanas are to remain, and the recreation building will be reoriented towards the west. The new proposal is similar to the 2006 plan with 4 in the club house, 11 on the beach and 8 near the Great Lawn all vetted in the original 2006 DEIS and FEIS. Mr. Noto stated that they will file an updated narrative.

Gregg DeAngelis, the applicant's architect, gave a brief overview.

Mr. DeAngelis stated he has delineated the wetlands and buffer, included the 120 foot setback, plotted in the FEMA flood plain lines. The Plan addresses the V flood hazard zones.

The Clubhouse has not changed substantially, the pool area has changed, cabanas remain, pool renovated in same location, shifted the recreation building, which has been raised above the flood plain (first floor elevation is 17 feet); the Marina has been removed. The Otter Creek parking area has been left as is with no physical improvements, plantings are as per DEC, seawall will be repaired and moved seasonal residences further inland.

The roof lines have been lowered, more trees are remaining, and existing cabanas remain as a screen from the waterfront.

Mr. Sachs, applicant's attorney, stated that he will prepare a detailed written response to Mr. Kass. A DEIS and FEIS were done previously and all impacts have had an extensive SEQRA analysis. Mr. Sachs further stated that there is no requirement for a SEIS and will demonstrate that in a narrative. Case law indicates the Planning Board should not require an SEIS. Mr. Sachs stated that they will submit a economic report.

Mr. Galvin asked Mr. Silverberg is there a need for a Supplemental EIS. Mr. Silverberg responded that the revised plan has not been submitted and the Board needs to review the plan, an SEIS is discretionary and he will give an opinion once all information is received and reviewed.

Mr. Noto stated the Board will have a zoning compliant plan next week and requested the Board schedule a Public hearing for a Wetland Permit and for site plan review on October 28th.

Mr. Silverberg stated that the Board can schedule a wetlands permit public hearing but can't make a decision on SEQRA.

Mr. Noto stated that this was acceptable.

Mr. Kass questioned a public hearing on a plan that has not been submitted.

Mr. Galvin stated that the Board is in receipt of a zoning compliant site plan based on the Village Building Inspector. The public hearing on the wetland permit can be set for October 28th. He indicated that public comments on a revised site plan will also be heard and that the hearing and site plan discussion will not be closed on the 28th.

On motion of Mr. Ianniello, seconded by Mr. Wexler the public hearing for a Wetlands Activity Permit for Mamaroneck Beach and Yacht Club and for review of the site plan was set for October 28, 2010.

Ayes:	Galvin, Wexler, Ianniello
Nays:	None
Abstain:	Sterk
Absent:	Sjunnemark

Dan Natchez, 916 E Boston Post Road, spoke representing SOPA, Mr. Golub and others.

Mr. Natchez stated that the Board has already taken a vote to set a public hearing, never before has a Board set a public hearing when a plan hasn't been given to them for review. For the record he stated that he is against the Board setting a public hearing on such a large project without enough time to go though it carefully.

Mr. Galvin responded that the Board will be doing a wetland permit, and reviewing the site plan and any subsequent revisions to the plan. There will be public comment allowed on the proposed modification. The Board will determine the length of time allowed for such comment. The public hearing for the wetland permit and site plan review will continue after the 28th.

Mr. Silverberg stated that there is no requirement that the Board has to take public comment on SEQRA findings.

Mr. Wexler asked about the economic analysis stating that he read the Judge's decision and the one thing that the Judge asked for was for the Board to look at the value of the free standing units.

Mr. Silverberg stated the applicant indicated they would address the issue. The Board should see what is submitted and have their consultants review.

Mr. Fish stated that it appears that the Board doesn't have a choice of putting more units in the clubhouse. Mr. Kass stated he did not agree with Mr. Fish's opinion of the V zone, whereas Mr. Furey stated that he agrees with Mr. Fish. He indicated that in order to make the clubhouse zoning compliant and include more residential units in a V zone, the building would have to be demolished and rebuilt.

Mr. Fish stated the applicant has been responsive to the Board's concerns and reduced the number of units on the beachside. The building located on the Great Lawn is also similar to a scheme (see Study #2 in architect's submission) presented by Mr. Helpert, the consulting architect for Mr. Golub and the neighborhood association. Mr. Wexler asked if more of a reduction would be feasible.

Mr. Kass asked to receive copies of all materials submitted to the Board.

Mr. Galvin stated he will have the Planning Secretary let Mr. Kass or Mr. Natchez know when material is available.

On motion of Mr. Ianniello, seconded by Mr. Galvin the meeting was adjourned.

Ayes:	Galvin, Wexler, Ianniello
Nays:	None
Abstain:	Sterk
Absent:	Sjunnemark

Minutes prepared by
Francine M. Brill