

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on November 11, 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, (arrived late)
Stewart Sterk
Ingemar Sjunneemark
Susan Favate, BFJ Planning
Frank Fish, BFJ Planning
Keith Furey, Village Consulting Engineer
Susan Oakley, Landscape Consultant
Steve Silverberg, Village Attorney

AGENDA:

The meeting was called to order at 7:04 p.m.

MINUTES

The minutes were not available for approval.

WETLANDS PERMITS

1. 506 Shore Acres Drive Lionel Galerne (R-10 District) Wetlands Permit

A motion was made by Mr. Sterk, seconded by Mr. Sjunneemark to open the public hearing.

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

Daniel Natchez, 916 E. Boston Post Road, of Daniel S. Natchez Associates addressed the Board stating that this is a simple garage addition. They have received a consistency from the HCZMC after realizing the garage was too small for present day cars.

Mr. Furey stated that the way the wetlands law is written the applicant has to come before the Planning Board. He has reviewed the application and has found no problems.

Lee Wexler arrived late.

There were no questions or comments from the Board.

There were no questions or comments from the Public.

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to close the public hearing.

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

A motion was made by Mr. Sterk, seconded by Mr. Ianniello to approve the Wetlands activity permit for 506 Shore Acres Drive for the garage expansion.

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

PUBLIC HEARING

3. 437 Melbourne (R-5 District) Jack Pisco Public Hearing on subdivision.

A motion was made by Mr. Sjunneemark, seconded by Mr. Sterk to open the public hearing.

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

Martha McCarty of 910 Boston Post Road, the applicant's attorney, addressed the Board.

Ms. McCarthy stated that the applicants are planning to demolish the existing house and are requesting a 2 lot subdivision.

At the Board's suggestion the applicant has attempted to work out alternative solutions that are acceptable to the applicant and the Planning Board and do not require zoning variances.

Ms. McCarthy stated that they just received a memo from Ms. Oakley the Landscape consultant.

The Board, the applicant, the planning and landscape consultants and neighbors discussed the plan and possible building alternatives, trees and landscaping.

The Board indicated that they will require that the trees to be planted on the property need to be shown on the subdivision plat.

The Board discussed best management practices and required these to be noted on the plat.

The placement of the garages and driveway was discussed.

Mr. Pisco, the applicant, stated that he wants to keep as many mature trees as possible.

AJ McNiff of Melbourne Avenue, the adjacent neighbor, stated he was worried about the mature trees 4 of which are on the property line. He also expressed concern regarding drainage during and after construction.

Mr. Galvin stated that Planning Board will endeavor to protect the trees with construction barriers and root protection to be noted on the plat. The Board can also require a note on the plat that any damaged trees noted will be required to be replaced in kind at maturity. This note should be placed on the plat.

Mr. Furey explained the Storm Water Management controls stating that as of now water runs off the property freely. The management plan requires that after construction all runoff must be captured and detained on the property.

Sarah Richard of 511 Orchard commented that she felt that the Board takes things in jest.

Ms. McCarty stated the Board and its professionals are not the applicant's friends. They are there to do a job and concerns are taken seriously by the Board. Also the applicant has a vested interest in the neighborhood as they intend to live there.

Applicant is required to submit a Storm water management plan for Mr. Furey's review.

The Board discussed the application and asked the applicant to move garage back as far as possible; 7 ½ feet instead of 6 ½; redo the landscaping plan as per Ms. Oakley's recommendations and if trees have to come down they are to be replaced in kind at maturity in a suitable location. As well as all construction is to be on Melbourne Avenue.

The matter was adjourned to Monday November 29, 2010.

The Board took a 5 Minute break. Mr. Sterk recused himself and left the meeting.

PUBLIC HEARING – WETLAND PERMIT

Mamaroneck Beach and Yacht Club (MR-District)

Mr. Galvin stated he has a copy of a letter from Mr. Kass, regarding SEQRA review and findings, as well as questioning proof of applicant's ownership of approximately ½ acre.

Mr. Silverberg stated that Mr. Kass raised an important issue about the ½ acre, the Board has to make sure the application is zoning compliant before moving forward.

Paul Noto stated notification for the wetland permit hearing was remailed with 15 days notice.

Mr. Galvin listed the dates the site plan and wetland application was received by the building department on 9/13, received by the Planning Board secretary on 9/16, public hearing date for 10/28 was set by the Planning Board at its meeting of 10/14. Public hearing notice for the wetland permit was dated 10/15 and the police department posted it in Village Hall, Post Office and other public locations in the Village on 10/19. The newspaper published the public hearing notice for the wetland permit on 10/21. The public notice for the wetland permit and site plan was mailed out on 10/18. The date of the mailing was certified by Jill Lanza on 10/19 (mailings were sent to 33 residents within 200 feet of the site). The notice requirement for wetland permit regarding mailings to residents is 100 feet. At the Planning Board meeting on 10/28, Mr. Kass objected that notification was not properly done within the 15 days required.

At its 10/28 meeting, the Board reset the public hearing to the Board's meeting on 11/11. Mr. Kass did not object. The new mailing was done 10/28 and certified by Ms. Lanza for the 11/11 meeting.

Mr. Kass reiterated that the 10/28 meeting was not noticed correctly and the Planning Board did not have jurisdiction to adjourn the meeting and the second notice was not correct either.

Mr. Galvin noted Mr. Kass's comments for the record.

On motion of Mr. Sjunneberg, seconded by Mr. Ianniello the public hearing on the wetland activity permit was opened.

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

Mr. Noto, the applicant's attorney, stated that the applicant requires a wetland activity permit from the Planning Board.

Mr. Gregg DeAngelis, the applicant's architect, pointed out the spots on the plan pertaining to the wetland permit as Mr. Noto listed them.

Mr. DeAngelis stated that several items are not regulated by DEC, including the parking area, the existing building, the area along Mamaroneck harbor and the cabanas behind the seawall.

Mr. Furey stated that due to an odd quirk in the Village code part of the project falls in the Village buffer zone although not in the DEC buffer. Mr. Furey stated that he will review Mr. Salanitro's plan that he just received, and that Mr. DeAngelis' plan must detail both the upper and lower portions of Otter Creek.

If changes are to be made in the parking area, an Army Corps of Engineers and DEC permits would be required as well as a NYS Dept of State consistency review.

Mr. Galvin stated that if the applicant can not prove ownership of the ½ acre in question, the parking needs to be relocated. His understanding is that if the parking is outside the buffer area, those permits would not be required.

Daniel Natchez, President of Daniel S. Natchez, and representing SOPA and Mr. Golub addressed the Board. He stated he is glad the seawall will be repaired, but it would need a Department of State consistency review as the DOS takes the position that they will look at everything. Mr. Natchez commented that the parcels in question are not part of MB&YC and therefore the application is not zoning compliant. Mr. Natchez handed the Board a zoning map to be entered into the record.

Mr. Galvin responded to Mr. Natchez that the Board is aware of the situation.

Mr. Kass stated that with respect to disputed areas he has been advised that the DEC is reviewing the matter with seriousness and they may take a different view than the Planning Board. The Wetlands review is related to site plan. If the ½ acre is not owned by the club, the implications will not be trivial.

Ms. Lisa Liquori, the President of Fine Arts and Sciences, with offices in City Island and the Hamptons addressed the Board. She stated that an overview of the site plan is in her opinion not zoning compliant regarding FAR, parking, the swimming pools are not included, and visual impacts are unacceptable. Ms. Liquori stated that there will not be sufficient onsite parking for the club's proposed expansion as parking is not adequate at present and land banking is unsupportable. An alternative less intense plan would be better as well as not detract from the view from the water.

Mr. Kass showed an alternative rendering to the Board.

Mr. Helpern, President of Helpern Architects, addressed the Board showing 2 models; one a 2 story rendition and a 3 story to show the difference in bulk and scale. The two story elevation used the same roof line as Mr. DeAngelis. Mr. Helpern's plan moved the building to the center of the property and moved the Recreation building which opens the lawn to Otter Creek.

Mr. Kass stated that it is pretty clear the 8 unit plan by Mr. Helpern is more attractive as well as better environmentally. Mr. Kass also commented on the economics of the proposal disagreeing with the applicant's numbers for a return on investment. Mr. Kass stated that he has shown a financially viable alternative. They are not against exterior residences as shown in their alternative plan. If this plan were approved, it would not be set aside by the court.

Mr. Noto stated that a fair amount of commentary was not in regard to the wetland activity permits, which was the subject of the public hearing. He will respond in writing to all of the comments made for the next meeting.

Mr. Galvin asked if the Board could receive the AECOM economic report summarized by Mr. Kass at the meeting.

Mr. Sjunneemark stated that Ms. Liquori's notes should be put in writing for the Building Inspector.

Mr. Wexler questioned what the Board's position was on alternatives in relation to its SEQRA review. Mr. Wexler stated that he felt the Board needed to look at alternatives in order to fulfill its SEQRA responsibilities. He stated that we should be direct in the applicant to present such alternatives.

Mr. Galvin stated that the Board first needs to know what the final site plan is before it can move forward, the ownership of the ½ acre in question has to be resolved.

Mr. Galvin mentioned that the Board had asked for a work session to be held at a special meeting on 11/18 to work on site plan issues.

Mr. Natchez stated the Board must look at reasonable alternatives.

Mr. Silverberg stated that the Board does need to consider alternatives as part of its SEQRA review and would discuss at next meeting whether it had seen sufficient alternatives. Mr. Silverberg stated that until ownership of the parcel in question was resolved, discussing such alternatives would be premature.

On motion of Mr. Ianniello, seconded by Mr. Wexler the meeting was adjourned at 9:55 P.M.

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

Minutes prepared by

Francine M. Brill