

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board at a special meeting on December 2, 2010 at the Emelin Theater. The full public record of this special 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
Frank Fish, FAICP, BFJ Planning
Keith Furey, Village Consulting Engineer
John Winter, Building Inspector
Steve Silverberg, Village Counsel

Recused: Stewart Sterk

AGENDA:

The meeting was called to order at 7:35 p.m.

Mamaroneck Beach and Yacht Club – continuation of Public Hearing on Wetland Permit and site plan review

Mr. Galvin opened the meeting stating that a concurrent meeting of the HCZMC is going on at the Harbor Island Pavilion so the Planning Board meeting will be recessed until people from the applicant’s team and consultants from Mr. Kass’ team arrive.

At 8:45 p.m. the meeting was reconvened as representatives from both sides arrived.

MINUTES

A motion was made by Mr. Sjunneemark, seconded by Mr. Ianniello to approve the minutes of November 29, 2010 as corrected.

Vote:

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

Mamaroneck Beach and Yacht Club

Mr. Galvin stated that the Planning Board received a series of unofficial transcripts from Carter, Ledyard that have been placed into the record. These transcripts cover the Planning Board

meetings of 9/23, 9/30, 10/4, 10/28, 11/11 and 11/18. A memo from the law firm of Carter, Ledyard, Milburn was also included in the record which stated that the public hearing for the wetlands permit was not noticed correctly and therefore in their opinion cannot be opened.

Mr. Silverberg did not agree and stated that the Planning Board can proceed.

Mr. Galvin further stated that the Board received a memo from Keane & Beane stating that the SEQRA findings have been concluded and no further comment on SEQRA should be allowed, a letter from Mr. Noto regarding public access, information from Mr. Furey regarding seasonality, and an email from Ms. Sue McCrory to HCZM and the Planning Board regarding the inconsistency of the project with the local LWRP, including the proposed uses along Otter Creek.

Mr. Ethan Strell from Carter, Ledyard, Milburn law firm stated that the wetlands hearing was never noticed properly and was started incorrectly, for the sake of argument even if the Wetlands Permit hearing were opened, the hearing was only adjourned and no mention of a date of the next meeting was set.

Mr. Galvin stated that this argument has been made previously and the Board's counsel, Mr. Silverberg had disagreed on the record and indicated that the Board may proceed. The comments by Mr. Strell were accepted for the record.

Mr. DeAngelis, the applicant's architect, presented to the Board.

Mr. Galvin asked how is this revised site plan different and could he explain once again what encroachments exist within 100 feet of the wetlands which are the subject of the wetland permit which is being requested by the applicant.

Mr. DeAngelis explained the changes to the plan, the reconfiguring of the marina parking lot, some existing cabanas are in the setback, the recreation building is not in the setback, the building on the Great Lawn is setback 150 feet back from Otter Creek. The new plantings are, as the DEC consent order requires, plantings along Otter Creek and are within 100 feet of high water line. The Otter Creek parking area is not changing but it is partially within the 100 foot setback.

Mr. DeAngelis stated that the reduction in the number of seasonal units in the buildings at the northeastern corner of the site was recalculated for the FAR and the zoning analysis. All cabanas would be FEMA compliant.

Mr. Wexler asked what changes would happen if the FEMA zone changed to A zone. Mr. De Angelis responded that it would have to be flood resistant, more substantial with no changes to the footprint.

Mr. DeAngelis continued noting the fire access and stated that the State has confirmed final fire access requirements for the clubhouse, which have been reviewed and approved by the Building Inspector. Where boats will not be stored is now noted on the plan.

Mr. Wexler stated that the problem is that they are specifying that boats will not be on the beach and in the fire access but not where they will be stored.

Mr. Sjunneemark asked if no storage on Otter Creek parking lot will be specified. Mr. DeAngelis responded that Club is not ready to commit to that.

Mr. Ianniello asked why not on the Great Lawn rather than Otter Creek since it is closer.

The Board does not want boats stored on Otter Creek. If boats cannot be otherwise accommodated then the club should direct the boat owner to another marina rather than store boats at Otter Creek. Mr. Sjunneemark suggested the Board restrict boat storage on Otter Creek as a condition of site plan.

Mr. Wexler asked if boats stored in front of the beach residence would interfere with seasonal residents as well as landscaping, and can boats be stored in parking lots.

Mr. Winters responded that when residents are gone, there is no reason for their parking spots.

Mr. DeAngelis stated the marina parking would be used for boat storage.

Mr. Galvin further stated that the Board does not want boats stored on Otter Creek. The visual impact is not as important as the sensitivity of the Otter Creek area.

The cabanas, screening and their colors were discussed. FEMA guideline restrictions and landscaping were also discussed. Building materials and colors are in the purview of the Board of Architectural Review.

Mr. DeAngelis showed a material board of the proposed natural red cedar shingles, which was preferred by the BAR as well as varied roof lines.

The orientation of the buildings was discussed. Mr. Ianniello stated that it is a good idea that the back of the building fronts Otter Creek as it minimizes windows and lights.

There were no other questions or comments by the Board members.

Mr. Holmes of TCC Engineering reviewed the changes to the plan. Due to the environmental sensitivity of the parcel, the HCZMC stated that the applicant should do more in terms of water treatment. They have provided water quality treatment right next to all new buildings and site improvements and installed infiltration units.

The Board commented that the applicant is treating the new disturbed areas and why not the entire site.

Mr. Holmes explained the storm water management plan. He stated that he had a meeting with Mr. Hoeger, the HZCM environmental consultant, and it was discussed how the plan should be developed. The maintenance schedule was discussed. The erosion control plan was also discussed with added requirements of limited soil disturbances, silt fences, hay bales and snow fences to be installed as extra precautions.

Mr. Furey stated that the erosion control plan was satisfactory. He will meet with the applicant's engineer, Mr. Salanitro to iron out details. In terms of wetland permit, the NYS DEC has issued a letter of no jurisdiction because of the seawall that separates the project, the Village law is different. Sediment control and no building in wetland was discussed. The parking area along Otter Creek is not changing from its past use. Mr. Furey suggests adding a condition that should the area deteriorate mitigation must be done, if in fact it became necessary.

The difference in A zone and V zone construction was discussed.

Mr. Ianniello asked if one tennis court could be removed to prevent parking on the Otter Creek area. Mr. DeAngelis responded that the Club would be resistant to this idea.

Mr. Wexler stated that if parking were removed from the Otter Creek area, it would take the issue off the table as an environmental issue.

Mr. Galvin asked Mr. DeAngelis to take the request back to the club suggesting that in the future if the need for Otter Creek parking needs to be mitigated and reduced, perhaps a tennis court alternative would be appropriate.

Mr. Fish stated that the Board can give authority to Mr. Winter if the need for a contingency plan to protect Otter Creek arises and leave it up to a future Planning Board.

Mr. Galvin suggested that the applicant look for alternate parking on the site if this issue comes up.

The lighting was discussed, proposed matching the old style gas lamps with a dark sky fixture, to produce the minimum spillage. Mr. Fish stated that Mr. Burke, the lighting consultant, will have a report by Tuesday. The cost to replace all the light fixtures or retro fitting was discussed. Mr. Wexler asked that the pole lights around the shore and clubhouse patio be retrofitted to prevent spillage across the water to Orienta. Mr. DeAngelis responded he will bring it back to the club.

The landscaping of parking area by the marina was discussed as well as a fence to prevent headlights from shining out over the water. Mr. DeAngelis stated that a fence would be problematic as that is the area where the boats are hauled out of the water. The re-orientation of the lot was discussed. Mr. DeAngelis stated that possibly signage restricting parking to only boat owners would help alleviate this headlight issue as they are usually not there at night.

Removable fencing or plantings were discussed as a screening tool. Ms. Munz suggested movable planters which the Board agreed would solve the problem.

Ms. Munz explained the planting plan, more screening shrubs by the tennis courts, the removal of trees because of construction and the 16-20 foot replacements intended. Mr. Wexler asked for screening on the Otter Creek side.

Public Access was discussed. A letter from Mr. Noto stated that the club will put signage and build a bird viewing stand and open the club 2 days a year for bird watching and public use. Mr. Silverberg will review the language.

Mr. Fish discussed the enforcement and definition of seasonality and the rights of the Building Inspector to inspect the units.

Ethan Strell the attorney for the Golub's and the Shore Acres Association stated that for the record the HCZMC was still going on and interested parties could not be in two places at once. He continued that no reasonable alternative has been looked at and no alternatives to the parking on Otter Creek were looked at. Overflow parking in that area is used today and will continue to be used in the future. He questioned the standard for erosion control. The plan does not in his opinion meet Village Code. Mr. Helpern will speak of alternatives. He further stated that the Board needs to demonstrate there is no reasonable alternative.

Mr. Silverberg stated that regarding the HCZMC meeting the Planning Board waited until 8:45 until representatives of both sides arrived after the HCZMC closed public comment.

Lisa Liquori stated that she will focus on Otter Creek as a significant environmental area being used as a parking area. The Otter Creek parking area is the largest on the site and the impact is significant. The increase in residences and events will increase the parking and further impact the area. Ms. Liquori further stated that the club's web site states that the catering hall can accommodate 100-400 people and the calculations were based on 360. Mr. Galvin stated that the board is bound by the interpretation of the Building Inspector.

Ms. Liquori stated that parking on the Otter Creek site will degrade the soil and it is a significant habitat for ospreys and northern harriers.

Mr. Galvin stated that written comment will be accepted till 12/7 at 5:00p.m.

Mr. Helpern, spoke about centralizing the structures and that public health and welfare should be taken seriously. He feels the site is not being planned properly. The new buildings and increase in membership will increase the need for extra parking and the tennis courts are not available for parking. He further stated that the current planning theory is to cluster the buildings to maintain the site and be environmentally appropriate. Ideally 8 units in the center could be pushed to 12 smaller units and it would be less intrusive.

Mr. Fish stated that the Board is in a position to close the wetlands permit.

A motion was made by Mr. Ianniello, seconded by Mr. Wexler to close the public hearing on the Wetlands permit for Mamaroneck Beach and Yacht Club and accept written documents until 12/7 at 5 p.m.

Vote:

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

Mr. Galvin stated that the Board will consider the site plan

Mr. Wexler questioned the public access, the issue of Otter Creek parking, potential land banking and the right to revisit parking on Otter Creek in the future if conditions warranted it.

Mr. Silverberg stated concerns were raised and if parking on Otter Creek is used more than expected, the Board has to come up with triggers to deal with the issue.

Mr. Wexler stated he is concerned about public access. Mr. Noto was not present to respond. Mr. Silverberg stated he will ask for clarification.

Mr. Wexler stated that the applicant's letter was interesting but doesn't meet what was asked for

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

Vote:

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

Minutes prepared by

Francine M. Brill