

These are intended to be “Action Minutes” which primarily record the actions voted on by the Planning Board on July 8, 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
Stewart Sterk
Michael Ianniello
Ingemer Sjunnemark
Lee Wexler
Susan Favate, BFJ Planning
John Winter, Building Inspector
Susan Oakley, Village Landscape consultant
Keith Furey, Village Consultant Engineer

APPROVAL OF MINUTES

OLD BUSINESS

MINUTES

A motion was made by Mr. Sterk, seconded by Mr. Sjunnemark to approve the minutes of the Regular Meeting of the Planning Board held on June 24, 2010.

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

NEW BUSINESS

- 1. 1160 W. Boston Post Road (C-1 District) – Bank of America - Request for extension of site plan approval.**
- 2. 441 Mamaroneck Avenue (C-2 District) – Jumana Hamdan – Change of use; tanning salon to food service/restaurant. Site plan review.**
- 3. 600 West Boston Post Road (C-1 District) – Soundview Service Center – Roof extension. Site Plan review.**

PUBLIC HEARING (CONTINUED)

- 1. 800 Fenimore Road, Nolles Ridge (R-6 District) Subdivision/Wetlands Permit to create six (6) building lots and on conservation lot.**
- 1. 1160 W. Boston Post Road (C-1 District) – Bank of America - Request for extension of site plan approval.**

Mr. Donald Mazin, the applicant’s attorney, addressed the Planning Board. Mr. Mazin stated that the closing for the property did not take place until late April and because of that delay the applicant is requesting an extension for the previously approved site plan. The applicant is prepared to start once he receives the necessary ZBA and Planning Board extensions.

There were no questions or comments from the public.

Mr. Winter stated that he is prepared to issue a demolition permit.

On motion of Mr. Galvin, seconded by Mr. Sterk, the Planning Board extended the final site plan approval for 1160 West Boston Post Road (Bank of America) for 6 months, subject to and after receiving the Zoning Board approval for the extension of the variances formerly approved for the project.

Ayes: Wexler, Ianniello, Galvin, Sterk, Sjunneemark .

Nays: None

2. 441 Mamaroneck Avenue (C-2 District) – Jumana Hamdan – Change of use; tanning salon to food service/restaurant.

Applicant did not appear.

Mr. Galvin stated that the proposed use is a 1,440 square foot food service/restaurant establishment. The applicant has filed a special use permit application with the ZBA. This is scheduled to be heard on 7/29/10 by the ZBA. The former use was a tanning salon.

Mr. Galvin stated that the architect Steve Tesadoro completed the Short form Environmental Assessment Form. This is a change of use in the C-2 district and is classified as a Type II action, not subject to SEQRA.

The applicant will need to address where garbage will be stored. If a dumpster is planned, then the applicant will also need to apply for a dumpster permit from the Planning Board. The other issue to be explored will be the establishment's exhaust system.

Mr. Winter will call the applicant to attend the July 23, 2010 Planning Board meeting as there is no August meeting of the Planning Board.

3. 600 West Boston Post Road (C-1 District) – Soundview Service Center – Roof extension. Site Plan review.

Mr. Galvin stated that this is a site plan review for a roof extension at the existing Soundview Service Station at the intersection of West Boston Post Road and Delancey Avenue.. He questioned the placement of the dumpster. Mr. Winter stated that after reviewing the file the dumpster enclosure meets the set back requirements and will not require a variance from the ZBA.

Peter Perenti, the applicant, addressed the Planning Board. He stated that stating that on the south side of the building there is a 5 foot high wall. This wall was used to house non secure storage behind the building. He installed a wood awing to prevent water from getting into the area where the waste oil is stored.

Mr. Winter stated that it is a minor structure and he sees no problem with the proposed roof extension.

Mr. Galvin stated that this is a minor extension of an existing roof. It is therefore a Type II action, not subject to SEQRA.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark the final site plan revised 6/1/2010 for 600 West Boston Post Road (Soundview Service Center) was approved.

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

The applicant shall appear on 7/22/10 for approval of a dumpster permit. The Planning Board has indicated that the slats for the dumpster enclosure should be black.

OLD BUSINESS:

PUBLIC HEARING (CONTINUED)

1. Nolles Ridge, 800 Fenimore Road. (R-6 District) – Subdivision/Wetland Permit, 6 building lots and one conservation lot.

Mr. Galvin stated that this is a continuation of the public hearing on the wetland permit and subdivision. He further stated that the Planning Board has the following, which are being submitted for the record: a draft HOA agreement (Homeowners' Association Agreement), letter from the Westchester Joint Water Works confirming water main status and pressure signed by Terry O'Neill, a sewer analysis submitted by the applicant's engineer and reviewed by Mr. Furey, a memo from Ms. Oakley to Ms. Munz (applicant's landscape architect) regarding landscape issues raised at the last meeting, photographs of ivy covered fences (which were provided to Ms. Kapus, an adjacent resident), comments from Mr. Furey regarding connection to the Village sewer, a proposed draft resolution for a Wetland permit, a draft resolution with preliminary plat conditions, a letter from BFJ Planning responding to Ms. Roney's concerns expressed in a previous letter, and a response from BFJ to Mr. Teickert's correspondence submitted at the previous Board meeting on 6/24/10.

Mr. Galvin indicated that the Village attorney has the draft HOA Agreement and is still reviewing it. She will also need to review the easement agreement as well as the deed for each of the proposed houses.

The maintenance and performance bonds were discussed

Ms. Kapus, of 1 Country Road stated that the neighbors opted for a 6 foot privacy composite fence in a walnut color.

Susan Greenhill, 9 Country Rd, asked about blasting and rock removal stating that a number of the residents of Country Road work from home.

A resident from 7 Country Road asked when the fence will be built. Mr. Galvin responded the property will be fenced for construction and reflected in the construction plans developed for the property. It is anticipated that the fence along the property line will be constructed early on in the project.

Larry Greenhill of 9 Country Road stated that he is worried about the root system of several large trees on his property being damaged due to construction.

Mr. Furey responded that no activity will be within 30 feet of the property line.

Betty Contreras of 7 Country Rd. stated that she has an apple tree and holly tree near the fence line and is concerned that they will be damaged during the installation of the fence. The Village Engineer indicated that the digging of holes for the fence posts would not cut the roots to endanger the health of the tree. Ms. Oakley and the applicant's landscape architect will also be walking the site to tag trees that will remain and also delineate areas for non-disturbance to protect tree roots.

After holding a series of public hearings during 2009 on the environmental impacts of the subdivision plan and holding public hearings on the wetland and subdivision plan beginning on March 11, 2010, and continuing on April 22, June 24, and July 8, on motion of Mr. Sterk, seconded by Mr. Sjunneemark the public hearing on the subdivision plan for Nolles Ridge was closed.

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

The draft resolution approving the wetland permit for Nolles Ridge was discussed by the Planning Board members. It was noted that the applicant received a U.S. Army Corps of Engineers' Wetland Permit in November, 2009 and that the activities planned in the wetland including road construction and the pocket ponds are allowable DEC activities.

The following resolution approving the Wetland Permit for Nolles Ridge was approved.

Name: Nolles Ridge Subdivision (800 Fenimore Road)

Location: 800 Fenimore Road

District: R-6

Block and Lot: Section 8, Block 63, Lot 1

WHEREAS, an application was submitted in October 2008 by Al Nolletti (the Applicant), for Wetland Permit Approval to allow for the subdivision of a 3.3-acre parcel located at 800 Fenimore Road, within an R-6 zone, pursuant to Chapter 192 (Freshwater Wetlands) of the Code of the Village of Mamaroneck; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), after due notification the Planning Board declared itself Lead Agency on April 23, 2009, and the action was classified as Type I; and

WHEREAS, the Planning Board, and its consulting engineer and planner, having reviewed the long-form Environmental Assessment Form (EAF) submitted by the Applicant and supplemental materials relating to potential stormwater and flooding impacts, wetlands, rock removal and noise, completed Part II of the EAF (as revised) in July 2009, and Part III of the EAF in January 2010; and

WHEREAS, the Planning Board, having reviewed Parts I, II and III of the EAF, as well as various supplemental materials, and having conducted a public hearing on SEQRA held open for a series of meetings throughout 2009, issued a Negative Declaration (dated January 28, 2010) under SEQRA that no significant adverse environmental impacts would result from the proposed action; and

WHEREAS, on March 11, 2010, after due public notice, the Planning Board held a public hearing on the subdivision action, which included the wetland permit, and heard comments from the public and kept this public hearing open for subsequent meetings on April 22, June 24 and July 8, 2010; and

WHEREAS, the Planning Board has received all reports and technical information it has requested, including a U.S. Army Corps of Engineers Wetland Permit received by the Applicant in November 2009; project certification from Westchester Joint Water Works in May 2010; full reviews by the Village Engineer, the Village's Landscaping Consultant and the Village's Planning Consultants; and legal advice from the Village Attorney;

NOW, THEREFORE, on motion of Stewart Sterk, and seconded by Lee Wexler:

BE IT RESOLVED, in accordance with the vote of this Board taken on July 8, 2010, that such application for Wetland Permit Approval is hereby approved, subject to approval by the following where appropriate:

- Village of Mamaroneck Mayor and Board of Trustees* []
- Village of Mamaroneck Village Manager* []
- Village of Mamaroneck Attorney* []
- Village of Mamaroneck Treasurer* []
- Village of Mamaroneck Engineering Consultant* []
- Village of Mamaroneck Building Director* [x]
- Village of Mamaroneck Fire Chief* []
- Village of Mamaroneck Traffic Commission* []
- Village of Mamaroneck Architectural Review Board* []
- Village of Mamaroneck Harbor and Coastal Zone Commission* [x]
- Village of Mamaroneck Zoning Board of Appeals* []
- Westchester County Department of Planning* []
- Westchester County Department of Environmental Facilities* []
- Westchester County Department of Health* [x]
- New York State Department of Transportation* []
- New York State Department of Environmental Conservation* []

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

The draft resolution with conditions for preliminary plat approval were reviewed and discussed by the Planning Board members. The Planning Board requested that Ms. Favate revise the draft to include licensing in the Village r-o-w to include planting and maintenance by developer and subsequently the HOA, to indicate that it is the responsibility of the Planning Board to review and approve the HOA, easements and other documents with the advice of the Village Attorney, enforcement methods (including deed covenants), clarification of ADA and pedestrian access via the access easement.

Ms. Favate indicated that she would revise the draft resolution and forward to the Planning Board members and discuss remaining issues with the Village Attorney.

ADJOURNMENT

On motion of Mr. Galvin, seconded by Mr. Sterk the meeting was adjourned at 8:45 P.M.

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

**Minutes prepared by:
Francine M. Brill**