

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on May 23, 2011. 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: Stewart Sterk, Chairman,
Michael Ianniello,
Lou Mendes,
Ingemar Sjunneemark,
Lee Wexler
John Winter, Building Inspector
Lester Steinman, Esq., Legal Consultant
Susan Favate, BFJ Planning

CALL TO ORDER

Mr. Sterk called to order the Regular Meeting at 7:00 p.m.

NEW BUSINESS:

1. Approval of Minutes

Mr. Sjunneemark moved to approve the Minutes of April 27 and May 11, 2011, seconded by Lou Mendes.

Vote:

Ayes: Sjunneemark, Mendes, Sterk
Nays: None

2. 120 MADISON ST.-STRAIT GATE CHURCH – Dumpster Enclosure

Elder Lawrence Pender appeared for a dumpster enclosure permit. The applicant said that there are approximately eight feet in front and eight feet in back from where the dumpster is positioned, and six feet on each side. The height of the unit is six feet. It is on a pad. He said that the enclosure is wooden and will be painted beige to match the building. The wood was purchased at Home Depot. He said that it is treated wood and guaranteed for ten years. His carpenter will build the enclosure.

Mr. Sjunneemark moved to approve the Application as submitted for a dumpster enclosure permit, and seconded by Mr. Mendes.

Vote:

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Ayes: Sjunneemark, Sterk, Mendes
Nays: None

Mr. Wexler joined the meeting at 7:03 p.m.

3. 406 WEST BOSTON POST ROAD-CHMELECKI ASSET MNGMT. Dumpster Enclosure

Mr. Ed Chmelecki of Chmelecki Asset Management appeared for a dumpster enclosure permit. He said that the unit will be behind the brick building and will be fully enclosed with fencing.

Mr. Ianniello joined the meeting at 7:10 p.m.

The enclosure will be a heavy metal chain link fence with black slats. The building is black and white. There is a six foot rolling gate across the opening. Mr. Wexler said that he went to the site and stated that the gate is a plus, and it all looks good. Mr. Sjunneemark inquired if there is fencing now. The applicant said no.

On Motion of Mr. Wexler, and seconded by Mr. Mendes, the dumpster enclosure permit was approved.

Vote:

Ayes: Wexler, Mendes, Sterk, Sjunneemark
Abstain: Ianniello

4. 1053 WEST BOSTON POST ROAD, EQUINOX FITNESS CLUB- Dumpster Enclosure

Mr. Paul Noto appeared on behalf of the Equinox Fitness Club for a dumpster enclosure permit. He said that the existing enclosure is not big enough. It will be extended by five feet. The building is red brick and the wooden enclosure will be painted a close match to the building. Cardboard boxes mostly will be put into the dumpster, he said. Mr. Sterk asked if the Board has any questions. There were none.

On Motion of Mr. Sjunneemark, and seconded by Mr. Ianniello, the dumpster enclosure permit was approved.

Vote:

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

5. 660 BARRYMORE LANE –PIERRE MAUGUE- Wetland Permit- 2-story addition in rear yard within 100 ft. wetland buffer.

Mr. Paul Milliot of Daniel S. Natchez and Associates appeared. He said that the revisions discussed at the May 11 meeting have been addressed.

Mr. Milliot indicated that plantings will be put in where there is no sea wall. Pavers will be used on the circle. The storm water quality will be managed by shifting the infiltrator approach to accommodate all driveway runoff.

Discussion followed on the size of the planned family room which is 26 x 18 feet. The Board agreed that it is large and needs to be cut back.

The existing house was built on a ledge toward Barrymore Lane. There is a ten foot cliff. The house cannot be extended toward Barrymore Lane. The terrace will be flagstone and Mr. Milliot indicated that most of the terrace is outside of the wetland buffer. 557 square feet of the new house is within the buffer. The architect said that there will be a mudroom off of the garage. The garage will be used for storage. The Board addressed the mudroom, two bathrooms, and the large family room and asked if all the rooms are necessary. Mr. Natchez said that he has to work with the layout of the house and if this were new construction it would not be done this way. He said that 550 square feet infringement is not that much.

Mr. Ianniello questioned if there really is a need to be in the buffer, as the proposed house would be nearly 8,000 square feet in size. The owner said that the second floor plan has to remain, as a reduction would make one of the two bedrooms too small.

Mr. Ianniello stated that it is the Board's duty to protect the wetland. He suggested pulling back the garage by one bay. The architect said that the existing garage is seven feet high with structural beams that needs to remain as is. The second floor is above the garage. The existing house is the issue, and he said that this plan is the most reasonable.

Mr. Sjunnemark noted that the mudroom could be made smaller, and one of the bathrooms could be eliminated.

Mr. Ianniello said that the screened porch can be narrowed, and the storage space reduced.

Mr. Steinman stated that the Board is not satisfied with the Application as proposed, and there must be a reduction in the wetland buffer incursion.

Mr. Natchez asked, on behalf of the applicant, how much of an intrusion the board would permit.

Mr. Sterk responded that the board would probably not permit any intrusion on the wetland greater than the status quo if the only reason for intrusion was to expand the house to 8,000 square feet.

Mr. Ianniello inquired about the size of the kitchen. The architect said 19 feet by 23 feet.

Mr. Wexler addressed the circle and its size. He said to consider using the garage for cars. The owner said that while the circle appears to be large, cars can barely turn around. She does not want the driveway widened. Mr. Wexler noted that pavers are not an improvement over asphalt, and he suggested using gravel for the driveway and circle. Mr. Sterk asked that they return with an updated plan with the suggested modifications. No further action was taken.

6. 818 THE CRESCENT-RICHARD OTTINGER- Wetland Permit- to strengthen existing seawall.

Mr. Leonard Jackson, engineer, appeared for Mr. & Mrs. Ottinger, who also were present, for a wetland permit.

The existing retaining wall is unstable and needs to be straightened. Tie rods will be installed. A trench will be dug. Holes will be drilled through the face of the wall and then a rod will pass through the holes. The trench will be filled with concrete and restored to the same grade. The work is all underground. He said that an Erosion Control Plan was submitted. The duration for this project is two weeks. Mr. Winter said that the sea wall is a recent construction, and from 2007.

Mr. Sjunneemark inquired about ownership of this property. Ms. Suzanne McCrory, 720 The Crescent, appeared. Ms. McCrory said that the ownership of the property needs to be finalized and she believes part of it is State owned. She also said that no notice for this meeting was mailed. This point was confirmed by the Board, and Mr. & Mrs. Richard Ottinger. Mr. Winter said that the owner has to publish the meeting notice in the newspaper, and the Village needs to mail certified letters to the neighbors. This requirement will be handled prior to the next Planning Board meeting at which this application appears.

Ms. McCrory said that the repair work is where the State may own a part of the land. The Office of General Services should be noticed when the meeting notices are sent out. She mentioned that with State budgetary constraints, the State may not be able to send someone from Albany.

Mrs. Ottinger handed out an Appellate Division Court decision, relating to ownership of the land. The Ottingers prevailed in this Action. The Court of Appeals rejected the appeal. Mrs. Ottinger said that when Ms. McCrory contacted the State in January, 2007, the State declined to opine and said that it is a local matter.

Ms. McCrory reiterated that the Board's job is to protect the wetland. She said that the Applicant needs to get this resolved. The Applicant disagreed and said that it has been addressed and resolved.

Ms. Favate said that the action qualified as a Type 2 Action for SEQRA purposes because it involved the proposed construction or expansion of a nonresidential structure that is less than 4,000 square feet. The EAF short form also is not required, and she read those exemptions.

Ms. McCrory said that the State should sign off on ownership. She said that there is a dispute. Mr. Ottinger said that the State was given notice prior to the court proceeding. He added that he did not try to stop the proceeding and said this matter *is* resolved.

Mr. Steinman said the matter should be adjourned to June 22 to allow for publication and mailing of required notices. Mr. Ianniello stated that the State should be noticed for the upcoming meeting.

OLD BUSINESS

1. 700 RUSHMORE AVE. –(MC-1 District) –Rushmore Property of NY LLC (McMichael)-Wetland Permit, Dumpster Enclosure, and Site Plan Review of proposed construction of new work building, rack storage, wash down power pad & power wash system shed, fencing, and drainage swale.

Mr. Natchez said that this is a continuation from an earlier meeting. There is a proposed amendment to the plan. It is a compliant Site Plan, he said. The following are changes and requirements: building is being expanded by ten feet, pad narrowed, composite vinyl fence added, plantings agreed to, dumpster fully enclosed by fences, storm water requirements met, parking is in conformity, and a wetland permit is required.

Five parking spaces on asphalt are being proposed. The parking is not being expanded. Mr. Winter said five spaces are more than necessary. Mr. Natchez said that the racks determine parking regulations.

Mr. Natchez said they are seeking a full site plan approval. The Board agreed that the Application is correct and the right course was taken. Mr. Natchez said that this property has a Certificate of Occupancy, and a building permit.

Mr. McMichael said that in 2005 he got an approval from the Buildings Department. Mr. Natchez said he was not involved.

Discussion continued and it was determined that it should be declared an Unlisted Action and referred to HCZM. Their next meeting is June 15.

Mr. Wexler observed that the site included a number of light poles, and suggested that the application include more detail on lighting, including cut information, if possible. Mr. McMichael said that it has been like this for a long time, and there have been no objections.

Mr. Natchez stated said that the portion on the wetland buffer is the wash down pad and a corner of the building.

Mr. McMichael said that he would like to move along this process and have it completed by August or September. He noted that every effort is being made by the Village to help the marina industry, and he has been a part of this industry for years.

Mr. Ianniello moved to declare this an Unlisted Action and to adopt a Negative Declaration, seconded by Mr. Sjunneemark.

Vote:

Ayes: Ianniello, Mendes, Sjunneemark, Sterk, Wexler

Nays: None

PLANNING BOARD: DISCUSSION OF RESOLUTIONS

Mr. Steinman said that the Board has to maintain records of its actions. The Minutes should reflect the same. Types of Resolutions should be defined, there should be detailed findings, and resolutions filed that can be followed when subsequent Applications come before the Board.

ADJOURNMENT

There being no other business, and on Motion of Mr. Ianniello, and seconded by Mr. Sjunneemark, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Anne Hohlweck
Recording Secretary