

These are intended to be “Action Minutes” which primarily record the actions voted on by the Planning Board on March 9, 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 E. Sterk, Chairman
Lee Wexler
Ingemar Sjunneemark
Louis Mendes
Susan Favate
Keith Furey
John Winter

AGENDA:

Chairman Sterk called the meeting to order at 7:03 p.m.

MINUTES:

The minutes from the previous meeting had not yet been received.

NEW BUSINESS

- 1. 243 Washington Street (R-4F District) Saul Rueda – Convert two-family building into three-family dwelling with finished basement as accessory use for first floor apartment**

Mr. Yohan Zabata, architect representing the owner, Mr. Saul Rueda, presented himself to the Board. Mr. Zabata explained that the property located at 243 Washington Street, a residential building, houses 1-4 units and currently is a legal two-family building and the proposal calls for conversion of the property into a three-family building.

There is a small, duplex apartment in the rear of the property which the applicant would like to convert, making the property a three-family structure. The building is 2,570 sq. ft. The lot size is 8,590 sq. ft. The apartment requirement minimum is 900 sq. ft. and the applicant proposes to build a 903 sq. ft. apartment.

The parking requirement is one parking space per unit plus ½ of a space per each bedroom, for a total requirement of 5.5 parking spaces.

Mr. Zabata referred to the plan he brought and indicated the parking area. Currently, the building possesses five parking spaces and he proposes to add two additional parking spaces.

Chairman Sterk expressed his concern regarding the width of the parking area and the ability to park conveniently. Mr. Furey clarified that the requirement for parking spaces is 9' x 19'.

Mr. Sjunneemark commented that the condition of the driveway was very poor. Mr. Rueda, owner, approached the Board and mentioned that he purchased the house six months ago and renovated the entire structure. His plans call for a brick and gravel driveway to be installed.

Mr. Rueda further stated that when he purchased the house there was no C.O. in existence. He is now attempting to legalize the third apartment. There are currently two families living in the house. Mr. Zabata stated that the house is up to code.

Mr. Zabata explained in detail the plans for the proposed apartment.

Chairman Sterk questioned the length of the parking spaces. Mr. Zabata responded that they are 8'6" x 19'. Chairman Sterk reminded the applicant that the spaces should be 9' in length and made suggestions to accomplish this point. Mr. Furey stated that the existing spaces will need to be confirmed to be 9' x 19' and suggested pushing the railroad ties back to accomplish this. Mr. Mendes expressed concern for parking to be possible given the tightness of the parking area.

Discussion ensued regarding the parking problems.

Mr. Zabata explained that the third floor apartment is proposed to be combined with the basement apartment.

Mr. Mendes expressed his concern that this building will become a multi-multi-house.

Chairman Sterk questioned where the entrances to the apartments were located. Mr. Zabata explained that there is a basement entrance and pointed out the additional entrances.

Mr. Sjunneemark confirmed with Mr. Rueda that there were three boilers in the premises.

Chairman Sterk expressed his concern that this building will house four apartments. Mr. Furey explained that it would not be possible to fit four apartments, legally, on this property.

Mr. Zabata stated that there is one full sized window in the basement.

Mr. Mendes noted the second room off of one of the bedrooms in the main house. After much discussion, it was decided that it could become a second bedroom and six parking spaces will now be required.

The possibility of improving the parking situation was discussed at length.

Chairman Sterk invited audience commentary. There was no one in the audience who wished to speak.

The Board wanted to ensure that this residence not be used for more than three families in the future.

Chairman Sterk requested the applicant submit new plans with six compliant parking spaces placed conveniently on the premises for easy access.

OLD BUSINESS

1. 1250 Flagler Drive – Dominic Marchese – Wetland Permit

Chairman Sterk reminded the applicant that the Board’s concern for this proposal from the last meeting was the possibility of water flowing on to the property.

Mr. Furey stated that he walked the site and the concern is for potential for storm surge to traverse across the property and enter onto Flagler Drive. There is a seawall on the east side and the water may reach over the top of the wall. There are two existing storm drains on Flagler Drive. The question of an additional house on the property increasing the potential for storm water which rises above the seawall to enter Flagler Drive was raised. Mr. Furey stated that the opposite will actually occur since the house will represent an obstruction to a potential wave which may top the wall.

Mr. Daniel Natchez presented himself to the Board and introduced Mr. Greg Wilson, project manager. Mr. Marchese was unable to attend. The question of moving the house out of the wetlands buffer by moving it five feet was addressed and accomplished which left the deck of the house remaining in the wetlands buffer, changing it from a 9.5 feet to 14.8 feet encroachment. Mr. Natchez requested a decision on the wetlands activity allowing the deck to remain in the buffer as well as minor grading, stormwater handling and the re-pointing of the seawall. Mr. Natchez explained that the house was only being moved five feet in order to keep in character with the neighborhood.

Ms. Kate Kap, resident, questioned why this proposal would be an improvement. Mr. Furey explained how the house would serve as an obstruction. Ms. Kap requested to view a copy of the plans. Mr. Furey explained the probability of a 25-year storm occurring and the flow of the resulting water which would occur in such a situation. The issue of the five foot setback was questioned by Ms. Kap and Mr. Furey explained specifics of the Village Code.

Chairman Sterk invited comments from the Board.

Mr. Natchez requested the Board determine this proposal to be a Type II action under SEQRA. Mr. Natchez requested the setback be approved at five feet back rather than forward but would allow the Board to make that

determination. Mr. Natchez again stated that the character of the neighborhood would not be affected by a five foot setback. Mr. Natchez also mentioned the applicant's attempt to mitigate the storm water issues.

Mr. Wexler agreed with the five foot setback.

Mr. Natchez explained that the front tree on the property will be taken down since it is rotten. The tree on the Flagler side of the driveway should remain.

The issue of the construction of the driveway was discussed between Ms. Kap and Mr. Natchez. Mr. Natchez explained that the plan calls for two lanes in and out.

Chairman Sterk called for a motion to determine this proposal as a Type II action under SEQRA. Motion was made by Mr. Sjunneemark, seconded by Mr. Mendes and approved unanimously.

Chairman Sterk called for a motion to approve the original plan with a 5 ft. encroachment. Motion was made by Mr. Wexler, seconded by Mr. Sjunneemark and approved unanimously.

2. 1000 Taylors Lane (R-15 District) Subdivision of existing lot with house to be subdivided into three lots. Scoping Session.

Ms. Susan Favate explained the purpose of the scoping session as focusing the draft EIS on potentially significant impacts and also to eliminate those impacts which are irrelevant or non-significant.

Chairman Sterk mentioned that the draft scope has been distributed amongst the Board and comments will be invited from the public and Board today, however, the vote will take place at the next meeting.

Martha McCarty, Esq., presented herself to the Board as the representative for the applicant. Ms. McCarty introduced Mr. Pilch and Ms. Beth Evans, Environmental Consultants. Although a positive declaration was received last week, there were other subdivisions which were given negative declarations. Ms. McCarty assured the Board that this subdivision does not impinge on the buffer or the wetlands in any way.

Since this evening's discussion will encompass the DEIS, Ms. McCarty deferred to Ms. Evans for the presentation and offered her assistance with any questions.

Ms. Evans presented herself to the Board. Ms. Evans stated that she was involved with this property in 2001 when the first house was erected. Ms. Evans mentioned that she is in contact with NY State DEC and the Office of Parks and Historic Preservation would like an archeological survey, which is in process. Ms. Evans offered to answer any questions the Board may have.

Mr. Natchez presented himself to the Board and stated that he has outlined some specifics with regard to significant issues. Mr. Natchez invited the Board to visit the site.

Mr. Paul Milliott, Dan Natchez and Associates, presented himself to the Board to address the following issues which he believes should be part of the scoping draft:

- 1) The proposed scope as submitted is a good start but certain issues should be added such as cumulative impact of the existing lots as well as the development of the lots in the subdivision.
- 2) The visual impact should be considered as it relates to the allowable sizes of the houses.
- 3) The archeological impact.
- 4) The mitigation issues such as the maintenance of the vegetative buffer, restrictions on further subdivision of the remaining lots, restrictions on clearing, restrictions on density or house size, restrictions on coverage, establishing building envelopes, potentially having restrictive covenants attached to the lots.
- 5) Soil impacts.
- 6) Disturbance of steep slopes.
- 7) Elevation issues.
- 8) Area wildlife.
- 9) Noise impacts.
- 10) Light impacts.
- 11) Pet impacts.
- 12) Stormwater impacts on the existing house.
- 13) Limitation of stormwater runoff.
- 14) Tidal flooding.
- 15) Climate change impacts.
- 16) Additional alternatives.

Mr. Milliott ran down a list of what he considered to be non-essential impacts.

Barbara Novik, 559 Soundview Drive, approached the podium to cover the following:

- 1) The statement that this is not in the wetlands is untrue and the existing house already causes environmental issues.
- 2) The three lots need to be looked at as a package.
- 3) Since this is the largest wetlands in the Village it is designated as a special area with amazing bird and wildlife and this should be considered. There have been overflows and pond surges in the past.
- 4) The Board was urged to take a site visit prior to the trees blooming.

Ms. McCarty approached the podium and stated that she rejects that all lots should be taken as a package. Additionally, she mentioned that this is not a pristine area and the project will not go into the buffer.

Ms. McCarty suggested that parties and dogs should not be included in Mr. Natchez's suggestions.

Ms. McCarty also defended the proper construction of the existing house. She also suggested that climate change cannot be controlled and should not be discussed and the addition of two additional houses should not be a major concern.

Ms. McCarty stated her objections surround only those issues which she believes are frivolous.

Ms. Evans agreed with some of Mr. Natchez's suggestions, however, the mitigation measures are designed to offset unavoidable impacts.

Chairman Sterk stated his concern was for the information Ms. Evans was going to propose in the EAF in terms of house sizes. Ms. Evans agreed to take a look at the FAR for the lots and re-present a reasonable alternative. Ms. Evans stated that the full build-out fear should not be a concern. Chairman Sterk suggested starting with the largest possible home and going downward in size.

It was stated by Chairman Sterk that following the next meeting, at which the Scope will be approved, the EAF alternatives will need to be determined. Mr. Furey advised the Board that the limitation of the area of disturbance should be the Board's central issue of concern.

Mr. Wexler suggested placing restrictions on the proposed additional buildings.

Mr. Furey stated the entire site as a whole should be considered and the overall impact of the three lots should be considered. Although the HCZM did approve consistency on the site, a wetlands permit was never issued.

Ms. Favate stated that the issue of segmentation does not apply to this application.

Discussion ensued regarding the appropriate size of a house on the existing lot as well as the two adjacent lots.

Mr. Natchez referred the Board to the SEQRA handbook regarding reasonable future impacts.

Chairman Sterk invited questions from the Board. None were offered. Chairman Sterk suggested developing modifications and alternatives to the original scope to be addressed at the next meeting for adoption.

Site visit plan dates was discussed and determined that the dates must be announced at a public meeting. The dates were set for March 12, 2011 at the Novak's house and April 2, 2011 at 10:00 a.m. at the Alter's home. Mr. Natchez suggested viewing the site from Taylor Lane as well as from a panoramic viewpoint.

A motion to adjourn the meeting was made by Mr. Sjunneemark, seconded by Mr. Wexler, and passed unanimously.

Minutes prepared by:
Lorraine McSpedon