

These are intended to be "Action Minutes", which primarily record the actions voted on By the Planning Board on January 27, 2010. The full public record of this meeting is on Audio/video recording made of this meeting and kept in the Planning Board's Records.

Present: Stewart Sterk, Chairman
 Ingemar Sjunneberg
 Michael Ianniello
 Louis Mendez
 Lee Wexler
 Susan Oakley, Village Landscaping Consultant
 John Winter, Building Inspector
 Susan Favate, BFJ Planning
 Keith Furey, Village Consulting Engineer

AGENDA

The Chairman called the meeting to order at 7:01p.m.

MINUTES

A motion was made by Mr. Sjunneberg, seconded by Mr. Wexler to Approve the minutes of December 9, 2010.

Vote:

Ayes: Sjunneberg, Wexler, Sterk
Nays: None
Absent: Ianniello
Abstain: Mendez

2. 232 Mamaroneck Avenue (C-2 District) Joseph Sparado – Special Permit for in-fill housing

Harry Spadaro one of the owners, described the changes to the building. For Mr. Winter to issue a permit, Mr. Spadaro had to appear before the Board to obtain a special permit.

There were no questions or comments from the Board or Public.

A motion was made by Mr. Sjunneberg, seconded by Mr. Wexler to Approve the Special Permit for 232 Mamaroneck Avenue.

Vote:

Ayes: Sjunneberg, Wexler, Ianniello, Sterk, Mendez
Nays: None

OLD BUSINESS

3. 1000 Taylors Lane (R-15 District) Subdivision of existing lot with house to be subdivided into three lots.

Martha Sokol McCarty, the applicant's attorney, addressed the Board.

Also Mr. Pilch from Evans Associates.

Ms. McCarty gave a brief overview of the application stating that the existing house was built in 2004 in full compliance. There have been some question about runoff. Ms. McCarty indicated that 16 cultec chambers were installed to take care of the runoff from the house, and also indicated that there has been no clear cutting of trees except for the area of the house. Ms. McCarty stressed that this the proposal is for a subdivision only and that there are no current plans to build. There will be no interference with the wetlands or buffer, and the applicant is willing to accept deed restrictions. In response to neighbors' concerns Ms. McCarty stated if the houses are ever built it will be on the flat area of the proposed subdivided lots and there would be mitigation of any potential runoff. The owner does not want to interfere with the pristine areas, and would minimize any impacts to a great extent.

The Board discussed the application. Mr. Wexler stated it is the Planning Board's job to review the application as though the project will be built.

Mr. Furey stated that creating zoning compliant lots is simple, but the Board must look carefully at the impacts now.

Mr. Sterk stated he is concerned with potential segmentation, without knowing what will be built the Board is in a hard position to determine what impact construction will have. Ms. Favate understands Board's concerns, and indicated that the board can require a basic footprint for Mr. Furey to review. Mr. Furey stated that much of the lot is unusable, and he wouldn't want to be too restrictive because that might result in a house too small for the parcel. As a result he recommended balancing the competing concerns.

Mr. Ianniello stated that the visual impact, the effect on wildlife, and the number trees to be removed must be looked at, as the original house looks as though it doesn't belong in the area. Mr. Sjunneemark agreed that adding more people might have an impact on wildlife.

Mr. Pilch stated that the proposed houses will not require a DEC permit, and that disturbance is limited to the area nearer to Taylors Lane, minimizing the impact to Shore Acres.

Mr. Sterk asked if there were any questions or comments from the public, Ms. McCarty stated that it is inappropriate to take public comments at this time.

Ms. Favate stated that although Ms. McCarty is technically correct it is up to the chair whether he will take public comments.

Mr. Wexler stated that if the best way to get the information needed to make an informed decision is to do an EIS the Board should do it now.

Although Mr. Sjunneemark felt that public comment was not necessary, Mr. Wexler and Mr. Ianniello stated that public comment would be beneficial. Mr. Sterk asked if there were any comments from the public.

Barbara Novick, of 955 Soundview Drive, stated she had submitted a letter, and further commented that the existing house extends into the buffer. She indicated that old aerial photos show a number of large trees removed. This is a sensitive wildlife area, designated by the state and Village. She asked the Board to view the property from her home across the way and to be careful with overdevelopment.

David Freeman, of 941 Soundview Drive, a concerned resident, stated that the area is a beautiful scenic area and ecological preserve. When Nature Conservancy viewed the proposal they were upset with impacts. There is not much pristine area in Westchester. A letter from DEC states that they feel it cannot be developed without impact and he questioned how the impacts will be mitigated. Nature Conservancy stated the impact may be substantial. Ecology of the area has already been impacted. He stated that he is not saying there shouldn't be a sub-division but that a subdivision needs further study. He indicated that the Board did not have enough information to make an informed decision and study all the alternatives. He thinks if the Board follows SEQRA the Board will need an EIS. Then everyone will know the impacts and how they will be mitigated.

Daniel S. Natchez, of Daniel S. Natchez Associates stated he is here on behalf of a group of residents of Shore Acres, and this sub-division is different than any other. It is a large pristine area next to a larger pristine area. Additional information is needed and a Positive Declaration is necessary. The original house was not compliant when built. Within the buffer 7 trees were cut down and filled over 1000 sq ft. part of patio and deck is in the buffer. There has been a significant disturbance to begin with because the existing house is much larger than houses in area. He suggested that it might be easier to do a scoping session, to identify all the issues, how wildlife and scenic vistas are affected. He emphasized that the Board has an opportunity now, and once it's gone, it's gone forever.

Joy Ridenberg, President of the Wildlife Conservancy in Rye stated that the flood zone was not addressed, there should be some runoff, but driveways, fencing, and downed trees cause disturbance of soil and allow invasive species to enter area. Here in Mamaroneck wildlife preserves are important. When families move in things can change.

Martha Mc Carty, responded, indicating that to her knowledge, no trees were improperly removed when the original house was built. She was told that the house was in compliance when built, although lines have changed since the house was built. Any construction will have impacts, but best practices will be used to mitigate. The applicant does not intend to chip away at the preserve. The two new houses can be environmentally friendly.

A motion was made by Mr. Ianniello, seconded by Mr. Sjunneemark to issue a Positive Declaration for 1000 Taylors Lane subdivision.

Ayes: Sterk, Wexler, Sjunneemark, Ianniello, Mendez
Nays:

The Board discussed a site visit and whether it should be two at a time or a scheduled public meeting. Site visit to be scheduled at the next meeting.

2. 437 Melbourne (R-5 District) Subdivision Jack Pisco Subdivide existing lot into two lots.

Martha McCarty, applicant's attorney, addressed the Board for a two parcel subdivision at Melbourne and discussed the final plan. The only Issue is with Ms. Oakley and the landscaping plan. Ms. McCarty indicated that Ms. Oakley wants 8 trees protected, 5 of which are not on the applicant's property, and the applicant's architect would not include on the plan any protection indications for trees not on the applicant's property.

Jack Pisco, the owner, stated that his architect would not put it on the plan but he is willing to do whatever the Board requires.

Mr. Furey stated he would put a note on a drawing and suggested the Board can make the marks on the approved plan and make it part of the approval. Key are the notes of the measures that will be taken, Ms. Oakley wants the neighbor's side of the tree protected also. Ms. McCarty stated what is on the neighbors property will be protected if the neighbors want it to be.

Ms. Oakley stated the neighbor's trees will be impacted, and suggested there should be a maintenance Bond for 3 years. She also suggested that the street tree should be protected so it is not disturbed.

Mr. Mendez stated there should be notes on the plan to protect the trees.

Ms. Oakley stated there should be no construction and excavation near the tree roots.

Mark Broadman, 443 Melbourne, stated he wants assurance to protect the trees on his property.

Ms. Oakley stated that the width of the canopy is the width of the root system.

The Board, Mr. Pisco, Mr. Broadman and Ms. Oakley discussed the protection of the trees.

Long term viability, of the trees is important. Ms. Oakley suggested that detailed wording on the plan as well as the applicant enlisting an arborist to examine the trees in the field would be necessary.

There was some confusion about the various plans submitted by the applicant.

Ms. Favate stated that at the at 11/11/11 meeting the Board asked the applicant to move the garage back, and the plan dated 11/17 plan shows garage moved back. The right parcel garage was moved back, but the left parcel garage was not. The 11/20 plan moved the garage forward again.

The different dated plans were discussed.

HCZMC gave applicant a consistency review.

Mr. Furey stated water quantity control is compliant.

Ms. Favate stated that it should be noted on the plan that all construction will occur off Melbourne.

A motion was made by Mr. Ianniello, seconded by Mr. Sjunneemark to approve the subdivision plans dated 11/20/10.subject to the condition that the applicant, move the garage on the southern most lot back to the tree protection line indicated on plan dated 11/17/10.

In addition, the approval is subject to the condition that the applicant enlist a certified arborist who

1. Makes a recommendation satisfactory to Ms. Oakley about how the trees adjacent to the foundation of the northernmost house would be protected;
2. Makes a field visit during construction to adjust those recommendations in light of his evaluation of the root system;
3. Certifies that his recommendations have been followed; and
4. Submits a copy of certification to the Building Department as a condition of Certificate of Occupancy.

Ayes Sjunneemark, Sterk, Wexler, Mendez, Ianniello
Nays

ADJOURNMENT

A motion was made by Mr. Ianniello, seconded by Mr. Wexler to adjourn the Meeting at 9:18p.m.

Minutes Prepared by

Francine M. Brill