

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on January 11, 2012. 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: Michael Ianniello, Chairman; Lou Mendes,
Ingemar Sjunneemark, Stewart Sterk, Lee Wexler
Hugh Greechan, Engineering Consultant
Lester Steinman, Esq., Legal Consultant
Susan Favate, BFJ Planning
Rob Melillo, Building Inspector

CALL TO ORDER

Mr. Ianniello called to order the Regular Meeting at 7:02 p.m.

1. APPROVAL OF MINUTES

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the December 14, 2011 Minutes are approved.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

2. 152 MAMARONECK AVE. - Dumpster Enclosure

No appearance.

FINAL RESOLUTIONS:

3. 1600 HARRISON AVE. (NEW CINGULAR WIRELESS PCS, LLC (AT& T)- Requesting recertification and amended Special Permit to modify/upgrade existing rooftop facility.

Ms. Lucia Chiocchio, of Cuddy & Feder, LLP, appeared for the applicant. Mr. Steinman questioned if there is a performance bond, and a commercial liability insurance policy that were both required in 2005. The attorney said she believes that both are in place. Mr. Steinman asked the Board if they are aware of a performance bond on file. They were not. Mr. Steinman said that proof of compliance for these conditions is necessary to approve the Application, and to finalize the Resolution.

Mr. Melillo joined the meeting at 7:20 p.m.

Mr. Melillo was briefed on what was said and he stated that no bond was posted.

Mr. Steinman said the amount of the bond is \$15,000.00. Ms. Chiochio said that this will get resolved right away. Ms. Chiochio mentioned that there is internal signage inside the door.

Mr. Ianniello said to provide the required documents as soon as they are available, so as not to further delay the Application.

Mr. Sterk moved to approve the Application for Recertification, and for an Amended Special Permit, and subject to approval of the Resolution, seconded by Mr. Wexler, with the condition that compliance with existing conditions from 2005 for a current commercial liability insurance policy and for a performance security bond in the amount of \$15,000.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

The requested documents to finalize the Resolution were received.

The Resolution is included as follows:

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted January 11, 2012

RE: AT&T Wireless 1600 Harrison Avenue – Resolution of Special Permit Recertification and Amendment

After due discussion and deliberation, on motion by Mr. Sterk, seconded by Mr. Wexler and carried, the following resolution was adopted:

WHEREAS, on September 14, 2011, New Cingular Wireless PCS, LLC, the “Applicant,” (all references to which shall include and be binding upon the Applicant’s successors and/or assigns) submitted to the Village of Mamaroneck Planning Board (“Planning Board”) an Application with accompanying documentation, seeking from the Planning Board renewal and amendment of its existing special permit approval (“Application”), subject to the provisions of Chapter 342, Article XVII (Wireless Telecommunications Facilities) of the Village Code; and

WHEREAS, the Applicant, located at 1600 Harrison Avenue, operates within the R-6 (Single-Family) and O-1 (Office) District (the “Property”); and

WHEREAS, a special permit for the existing rooftop wireless telecommunications facility was approved by the Planning Board on September 8, 2005, and the Applicant is seeking renewal and amendment of that special permit; and

WHEREAS, the Applicant proposes to upgrade the existing AT&T wireless telecommunications facility located on the roof of the building at 1600 Harrison Avenue (the "Project"), and this upgrade is described and illustrated on the following set of plans as submitted and subsequently revised by the Applicant which form a part of the Application:

1. Sheet ANT-001 "Title Sheet," Sheet ANT-002 "Architectural Site Plan," Sheet ANT-003 "Roof Plan and General Notes," Sheet ANT-004 "North Elevation and RRH Details," Sheet ANT-005 "Antenna and Equipment Details," and Sheet ANT-006 "Screen Wall Details," prepared by William F. Collins, AIA Architects, LLP dated August 15, 2011;
2. "RF Exposure Analysis for Proposed Upgrade New Cingular Wireless PCS LLC (AT&T) Antenna Facility," prepared by Bernard Morgan, Senior RF Engineer, Bechtel Communications, Inc. dated August 5, 2011;
3. Photo simulations labeled S-1, S-2, S-3 and S-5 depicting the proposed upgrades to the existing rooftop facility, based on photographs included with the application materials for the 2005 special permit application;
4. Certification of Compliance with FCC Radio Frequency Emission Standards, certified by Bernard Morgan, Senior RF Engineer, Bechtel Communications, Inc.

WHEREAS, in support of its Application, the Applicant also submitted a Coastal Assessment Form ("CAF") pursuant to Local Law No. 30-1984 dated August 26, 2011; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the proposed development will conform to the requirements of the Village Code; and

WHEREAS, the Planning Board has carefully examined the Application and received comments and recommendations from the Village's Planning Consultant and the Planning Board's Attorney; and

WHEREAS, the Planning Board has considered impact issues of visual aesthetics and compliance with Federal Communications Commission emission standards; and

WHEREAS, a duly advertised public hearing was held on the application for a special permit on December 14, 2011, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, on December 14, 2011, on motion by Mr. Sterk, seconded by Mr. Sjunneberg and carried, the public hearing on the special permit application was closed; and

WHEREAS, in granting a special permit under the Village's Wireless Telecommunications Facilities law, the Planning Board has determined that the standards and criteria set forth in Article XVII of Section 342 have been satisfied; and

WHEREAS, the Planning Board determined on October 26, 2011, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (7); and

WHEREAS, the Planning Board determined on December 14, 2011, that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to §240 of the Village Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby grants all requested approvals to the Project subject to the following conditions:
 - (a) The Applicant's requests for waivers from the requirements for future periodic renewal of its special permit and annual certification of compliance with FCC emissions standards are denied.
 - (b) The Applicant shall, subject to completion of the installation of the proposed wireless telecommunications facility, submit to the Building Department a certification of compliance with FCC emissions standards.
 - (c) The Applicant, to the extent permitted by the law, shall at all times defend, indemnify, protect, save, hold harmless and exempt the Village, officials of the Village and its officers, agents, servants and employees from any and all penalties, damages or charges arising out of any and all claims, suits, demands, causes of action or awards of damage, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the construction, erection, modification, location, product performance, operation, maintenance, repair, installation, replacement, removal or restoration of a wireless telecommunications facility within the Village. With respect to the penalties, damages or charges referenced herein, reasonable fees of attorneys, consultants and expert witnesses are included in those costs that are recoverable by the Village.
 - (d) Prior to the issuance of a building permit for the Project, the Applicant shall file proof with the Building Department that the performance security/removal bond and insurance requirements set forth in the special permit resolution for the wireless telecommunication facility adopted by the Planning Board on September 8, 2005, have been satisfied and remain in full force and effect.
 - (e) The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application.

2. When the above conditions have been satisfied, two (2) sets of the above-referenced plans illustrating the approved conditions shall be submitted for the endorsement of the Planning Board Chairman. One (1) set of the endorsed plans will be returned to the Applicant, and one (1) set will be provided to the Village Building Inspector. Prior to issuance of a certificate of occupancy, the Building Department will verify that the “as-built” conditions conform to the final approved site plan.
3. Except as otherwise expressly amended herein, the September 8, 2005, resolution of special permit approval shall remain in full force and effect.

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

PLANNING BOARD
Village of Mamaroneck

Date: January 11, 2012

Michael Ianniello, Chairman

4. 910 STUART AVE.-T-MOBILE-Amended Special Permit, recertification of existing rooftop wireless communications facility.

Ms. Cara Bonomolo, of Snyder & Snyder LLP, appeared for the applicant. Mr. Steinman asked if there is a commercial general liability insurance policy and a performance security bond in place. Ms. Bonomolo was not aware. Mr. Sjunneemark mentioned that back in 2000 these conditions were required, but apparently were overlooked. Mr. Ianniello said the performance security bond is \$15,000. for this Application.

Mr. Ianniello stated that the required documents can be submitted as soon as available.

Mr. Steinman said that all conditions must be met before the Application and Final Resolution can be approved.

Mr. Sterk moved to approve the Application for Recertification, and an Amended Special Permit, and subject to approval of the Resolution, seconded by Mr. Wexler, and with the condition that a performance security bond in the amount of \$15,000, and a commercial general liability insurance policy be submitted as proof.

Vote:

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

The requested documents to finalize the Resolution were received.

The Resolution is included as follows:

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted January 11, 2012

RE: T-Mobile 910 Stuart Avenue – Resolution of Special Permit Recertification and Amendment

After due discussion and deliberation, on motion by Mr. Sterk, seconded by Mr. Wexler and carried, the following resolution was adopted:

WHEREAS, on July 20, 2011, T-Mobile Northeast LLC, the “Applicant,” (all references to which shall include and be binding upon the Applicant’s successors and/or assigns) submitted to the Village of Mamaroneck Planning Board (“Planning Board”) an Application with accompanying documentation, seeking from the Planning Board recertification of its existing special permit approval (“Application”), subject to the provisions of Chapter 342, Article XVII (Wireless Telecommunications Facilities) of the Village Code; and

WHEREAS, the Applicant, located at 910 Stuart Avenue, operates within the R-7.5 (Single-Family) District (the “Property”); and

WHEREAS, a special permit for the existing rooftop wireless telecommunications facility was approved by the Planning Board on March 23, 2000, and the Applicant sought recertification of that special permit, with no physical alterations proposed; and

WHEREAS, in connection with the July 20, 2011, application the Applicant submitted the following set of plans which form a part of the Application:

1. Sheet T-1 “Title Sheet,” Sheet S-1 “Site Plan,” and Sheet Z-1 “Roof Plan, North Elevation & Details,” prepared by On Air Engineering, LLC dated June 10, 2011;
2. “Antenna Site FCC RF Compliance Assessment and Report,” prepared by Pinnacle Telecom Group, dated July 11, 2011;
3. Letter from David A. Weinpahl, PE, of On Air Engineering, LLC, dated June 30, 2011, verifying that the current T-Mobile installation is in compliance with all local, federal, state and county structural requirements for loads, including wind and ice loads.

WHEREAS, on September 14, 2011, the Planning Board determined that certain alterations were made to the antennas and equipment approved in 2000, without receipt of approval from the Planning Board, and that the Applicant did not meet the condition of the 2000 resolution regarding annual certification, and therefore the Planning Board required that the Applicant submit a full application for an amended special permit; and

WHEREAS, on November 3, 2011, the Applicant filed an application for an amendment to the previously issued special permit (the "Project"), and submitted the following set of plans which form a part of the Application:

1. Sheet T-1 "Title Sheet," Sheet S-1 "Site Plan," Sheet Z-1 "Roof Plan, North Elevation & Details," and Sheet R-1 "250-ft. Radius Map & Property Owner List," prepared by On Air Engineering, LLC dated October 20, 2011;
2. Full Environmental Assessment Form (EAF).

WHEREAS, in support of its Application, the Applicant also submitted a Coastal Assessment Form ("CAF") pursuant to Local Law No. 30-1984 dated December 1, 2011; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the proposed development will conform to the requirements of the Village Code; and

WHEREAS, the Planning Board has carefully examined the Application and received comments and recommendations from the Village's Planning Consultant, the Village's Engineering Consultant and the Planning Board's Attorney; and

WHEREAS, the Planning Board has considered impact issues of visual aesthetics and compliance with Federal Communications Commission emission standards; and

WHEREAS, a duly advertised public hearing was held on the application for a special permit on December 14, 2011, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, on December 14, 2011, on motion by Mr. Sterk, seconded by Mr. Sjunneberg and carried, the public hearing on the special permit application was closed; and

WHEREAS, in granting a special permit under the Village's Wireless Telecommunications Facilities law, the Planning Board has determined that the standards and criteria set forth in Article XVII of Section 342 have been satisfied; and

WHEREAS, the Planning Board determined on November 16, 2011, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (7); and

WHEREAS, the Planning Board determined on December 14, 2011, that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to §240 of the Village Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby grants all requested approvals to the Project subject to the following conditions:

- (a) The Applicant shall, subject to completion of the installation of the proposed wireless telecommunications facility, submit to the Building Department a certification of compliance with FCC emissions standards.
 - (b) In accordance with and subject to the requirements of Section 342-132 of the Village Zoning Code, the Applicant and the owner of record of the property on which the wireless telecommunication facility is sited shall jointly execute and file with the Village a bond or other security acceptable to the Village in the amount of \$15,000.00 to assure the faithful performance of the terms and conditions of Article XVII of Chapter 342 of the Village Zoning Code and the conditions of the special permit and amended special permit granted for the wireless telecommunication facilities on the Property.
 - (c) In accordance with and subject to the requirements of Section 342-135 of the Village Zoning Code, the Applicant shall provide to the Building Department proof of the required commercial general liability insurance.
 - (d) The Applicant, to the extent permitted by the law, shall at all times defend, indemnify, protect, save, hold harmless and exempt the Village, officials of the Village and its officers, agents, servants and employees from any and all penalties, damages or charges arising out of any and all claims, suits, demands, causes of action or awards of damage, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the construction, erection, modification, location, product performance, operation, maintenance, repair, installation, replacement, removal or restoration of a wireless telecommunications facility within the Village. With respect to the penalties, damages or charges referenced herein, reasonable fees of attorneys, consultants and expert witnesses are included in those costs that are recoverable by the Village.
 - (e) The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application.
2. When the above conditions have been satisfied, two (2) sets of the above-referenced plans illustrating the approved conditions shall be submitted for the endorsement of the Planning Board Chairman. One (1) set of the endorsed plans will be returned to the Applicant, and one (1) set will be provided to the Village Building Inspector. Prior to issuance of a certificate of occupancy, the Building Department will verify that the “as-built” conditions conform to the final approved site plan.
3. Except as otherwise expressly amended herein, the March 23, 2000, resolution of special permit approval shall remain in full force and effect.

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

Abstain: None

PLANNING BOARD
Village of Mamaroneck

Date: January 11, 2012

Michael Ianniello, Chairman

NEW BUSINESS:

5. 613 WAVERLY AVE. – DCH –Amended site plan

Mr. Paul Noto appeared for the applicant. He said the parking lot has granite curbs, and he noted that the lot is rarely full to capacity. A utility pole was put up at an inopportune spot that is resulting in the elimination of two parking spots.

Mr. Todd Hay, engineer, said that provisions have been made in terms of the new layout. He said that when entering the driveway there is a pole in place and that the surveyor apparently missed it. The driveway then had to shift. Mr. Jim Weinberger, owner, said that there are actually two poles, one of which is slanted. No equipment has been transferred at this point, and no curb cut is in yet. A new pole was put in without taking notice of where the driveway was going to be.

The engineer noted that the storm water management drainage system was re-located and widened and will be more economical for the client.

He said there is a short wall on the property line that had to be taken down for the safety of the vehicles. It was on top of an old wall. Mr. Greechan confirmed that the inner wall is inside the property boundary. The engineer said that the curb cut will be shifted as they encountered bedrock in the rear vault area, also it is being shifted to accommodate a wider pipe.

The engineer said landscaping has been installed on the west and north sides.

Ms. Favate inquired if there have been discussions with the building department. Mr. Hay said yes. Mr. Melillo said Keith Furey had approved and papers are on file.

Ms. Favate said SEQRA needs to be resolved. She said options are a Type I action based on Negative Declaration, an Unlisted Action, or the Board could reaffirm the prior finding and HCZM also would have to reaffirm the prior finding. Mr. Noto suggested a Type II action. Mr. Steinman said there is no basis for a Type II action in looking over the criteria, and said he found no niche to put it in a Type II action.

Mr. Noto said it is an amended site plan and the amendment or loss of two parking spaces is really very minor. He said that there is no change as to how the lot functions, and said it would be an unfair burden to be required to go to HCZM.

The Board also looked over the criteria for a Type II action and found a fit. They noted that there is a paving and striping, as fewer parking spaces will be paved. Mr. Wexler pointed out that each agency can adopt its own criteria list, however, it was determined that the Village Board has not adopted a list.

Ms. Favate questioned 700 Waverly as to what was built versus what was approved. Mr. Sterk then inquired about the parking spaces at 700 Waverly Avenue. Mr. Hay said that there are more than enough spaces. Mr. Steinman suggested that both properties be addressed at the same time.

Ms. Favate noted that the CAF application has some questions marked 'yes'. Mr. Noto commented that the 100-Year FEMA Flood Plan was checked.

Mr. Sterk moved to declare the Amended Site Plan, dated December 23, 2011, a Type II action under State Environmental Quality Review Act (SEQRA), seconded by Mr. Sjunneemark.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

Mr. Ianniello said that certification on drainage from the Village engineer is required for approval.

Ms. Favate said that the fifty-six parking spaces need to be corrected. The landscaping needs to be confirmed that it reflects what was approved. She noted that there was a lost tree and an island was moved.

Mr. Hay stated that the tree was moved, but not removed.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Application for an Amended Site Plan, dated December 23, 2011, is approved with the condition that the Village engineer certifies the drainage plan, and approval of the Resolution to be reviewed at the January 25, 2012 Planning Meeting.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

ADJOURNMENT

There being no other business, and on motion of Mr. Sjunneemark, and seconded by Mr. Sterk, the meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Anne Hohlweck
Recording Secretary