

*These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on January 25, 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**

Mr. Sterk moved to approve the January 11, 2012 Minutes, seconded by Mr. Sjunneemark.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Ianniello

Nays: None

#### **2. 645 FAYETTE AVE. – Dumpster Permit**

Mr. Clark Neuringer appeared for the applicant. He stated the small dumpster enclosure is 42 inches wide, and the gate is 48 inches wide. The dumpster will be placed on a 4-inch concrete slab, and there will be a chain link fence with green PVC slats. The dumpster will not be visible.

Mr. Ianniello stated that a 5-inch concrete slab is required. Mr. Neuringer said the change will be made. He then said the guard rail will not be taken down any further than the container end.

*Mr. Wexler arrived at 7:11 p.m.*

Mr. Sjunneemark noted that the area where the dumpster is located is tight, and moving the dumpster could be difficult. Mr. Neuringer said the dumpster will be rolled in and out.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Application for a dumpster enclosure permit is approved with the conditions that the 4-inch concrete slab is replaced

with a 5-inch concrete slab, and the guard rail will not be taken down further than the container end.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

**3. 613 WAVERLY AVE.- DCH –Approval Resolution.**

The following Resolution was approved and is included as a reference.

**RESOLUTION  
VILLAGE OF MAMARONECK PLANNING BOARD  
Adopted January 25, 2012**

**RE: DCH Toyota City 613 Waverly Avenue – Resolution of Amended Site Plan Approval**

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

WHEREAS, on December 10, 2011, DCH Mamaroneck 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”) a request for an amendment to its prior site plan approval for a surface parking facility located at 613 Waverly Avenue (“Property”); and

WHEREAS, the Applicant, located at 613 Waverly Avenue, operates within the M-1 (Manufacturing) District; and

WHEREAS, the Planning Board previously granted site plan approval of the Applicant’s original application to construct a paved parking lot area at the Property, in a resolution dated May 13, 2010; and

WHEREAS, the Planning Board made a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on April 22, 2010, related to the original application; and

WHEREAS, in a memo dated June 23, 2011, the Village’s Planning Consultant, BFJ Planning, identified several discrepancies between the as-built and approved conditions on the property, based on a visual inspection conducted with the then-Assistant Buildings Inspector, and recommended that the applicant seek approval for an amended site plan; and

WHEREAS, the Applicant proposes to amend its existing site plan to correctly depict deviations from the original approved site plan regarding the number of parking spaces, the dimensions of curb cuts and landscaped areas, the provision of driveway gates, the location

of signage, landscaping and stormwater management facilities, and this amendment 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 V0401 "Record Survey," prepared by Dennis S. DiBlasio, PLS October 12, 2011;
2. Sheet C0201 "Existing Conditions and Demolition Plan," Sheet C1001 "Site Plan," and Sheet C1501 "Grading and Drainage Plan," prepared by Pennoni Associates Inc. as revised through December 23, 2011; and

WHEREAS, in support of its Application, the Applicant also submitted a Short-Form Environmental Assessment Form ("EAF") pursuant to the State Environmental Quality Review Act ["SEQRA"(6 NYCRR Part 617)] dated November 28, 2011, and a Coastal Assessment Form ("CAF") dated November 28, 2011; and

WHEREAS, the Planning Board determined on January 11, 2012, that the Project is a Type II Action pursuant to SEQRA; and

WHEREAS, the Planning Board determined on January 11, 2011, that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to §240 of the Village Code; 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 Applicant's request for amended site plan approval and received comments and recommendations from the Village's Planning Consultant as summarized in a memo dated January 11, 2012, from the Village's Engineering Consultant as summarized in a memo dated January 11, 2012, and from the Planning Board's Attorney;

WHEREAS, a duly advertised public meeting was held on the request for amended site plan approval on January 11, 2012, at which time all those wishing to be heard were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Board hereby grants the Applicant's request for amended site plan approval subject to the following conditions:
  - (a) The as-built stormwater management facility will receive final sign-off from the Village's Engineering Consultant.

- (b) The final amended site plan will be modified to correctly delineate the 56 spaces within the parking area that are designed for the Applicant's property at 700 Waverly Avenue, as specified in the Planning Board resolution dated May 13, 2010.
  - (c) Any outstanding issues with the Applicant's property at 700 Waverly Avenue as to discrepancies between approved and as-built conditions will be resolved to the satisfaction of the Buildings Inspector.
  - (d) The as-planted landscaping treatment will receive final sign-off from the Village's landscaping consultant.
  - (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 May 13, 2010, resolution of site plan 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 25, 2012

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Michael Ianniello, Chairman

**4. 122-134 MAMARONECK AVE. – Michael A. Berta, Revised plans.**

Mr. Berta appeared for the applicant. He discussed the storm water management plan. He mentioned that the overflow of water from the property cannot get to the Village system. Mr. Berta said the courtyard will be well lit, and the dark parking lot also will have good lighting.

Mr. Ianniello noted that the gate closing time was changed to 10:00 p.m. from 11:00 p.m. Mr. Berta said that 11:00 p.m. is agreeable. Mr. Ianniello stated that the Zoning Board

ultimately will make the decision on the opening and closing times. Mr. Berta stated that they still need to go before the Zoning Board.

Mr. Berta said the hand rail will be painted black and will be about 1 ¼ inches in diameter. There will be a grip light underneath the railing. He said there will be a natural cedar fence in the back. Mr. Berta stated that he spoke with Ms. Oakley and he is in agreement with her suggested changes.

Mr. Wexler addressed the path. Mr. Berta said it will be moved over five feet or greater, and the pathway also will be well lit.

Ms. Favate questioned rear signage for both sides. Mr. Berta said he will do a mock up for the signs and have it ready for his next meeting on February 22, 2012.

### **PUBLIC HEARINGS – WETLANDS**

#### **5. 710 TAYLOR'S LANE – Bennett & Cynthia Golub – filling of cavity to prevent destruction of landmark structure.**

On Motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Public Hearing was opened.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

Mr. Daniel Natchez, Daniel S. Natchez and Associates, Inc., appeared for the applicants. He said the objective is to preserve this landmark building that was formerly a mill. Mr. Natchez then said that after Hurricane Irene there was significant damage to the foundation structure and it was noticed that the dining room table is moving up and down. He said that it is caused by air pressure, as there is compacted air under the house. The table rises up about six inches, he said. Some foundation stones were damaged during the storm, and wave energy is dislodging the stones. He stated at low tide the cavity has no water in it. A Wetland Permit is necessary to undertake the project.

The Board viewed a short video on what is occurring on the property. Mr. Natchez mentioned that the video was shot from the second story. Mr. Ianniello invited the public to view the video.

Mr. Sjunneemark inquired about the movement of the stones. Mr. Natchez said the stones move in two places which is underneath the house inside the cavity, and on the northwest corner of the wall. He said a seawall will support the existing foundation wall. The cavity, which is 18 feet wide and 19 feet deep, will be filled with stone and sand gravel. He said that a permanent solution would be to put a seawall out in front to stop the energy, and also to fill the cavity below the house.

Ms. Nora Lucas, architect, came forward and gave an overview. She said this is the only surviving mill building in the Village. It has historical significance. In 1893 it was rebuilt after a fire. In 1925, the property changed hands, and in the 1930's it was converted to a residential structure. She said there are two alternatives which are to modify the structure, or chance it, and do nothing. From her perspective, stabilization is best. Mr. Wexler inquired if the house is listed on the National Registry. Ms. Lucas said no.

Mr. Ianniello noted that the building is very old and asked why this work should be done now. Mr. Natchez said that Hurricane Irene was not a normal storm or normal occurrence, and the structure should be reinforced. Mr. Sterk commented that the intensity and direction were abnormal, and Mr. Natchez confirmed that to be accurate.

He said that Applications have been made to the DEC, Department of State, and Army Corps of Engineers. He said the Army Corps of Engineers has already issued their permit for the filling, and noted that they are the strictest. He said that he will make the permit available to the Board as proof.

Mr. Ianniello stated that the house is in a flood zone, and Mr. Natchez confirmed that to be accurate. Mr. Greechan said if the seawall was lower and the proposed extra three feet of wall was not built, the cavity would still be protected, but with raising the wall, the wave action will not hit the house, and the water will go around the seawall.

Mr. Wexler inquired about the storm surge. Mr. Natchez said that waves come in and trap the air and it shoves the floor up when the waves hit. The water then flows back out. He restated that at low tide there is no water. Damage occurs when the water goes in. Mr. Natchez said that nothing in this proposal is for the enjoyment of the homeowners but to preserve the structure of the house.

Mr. Ianniello asked if there are any questions from the audience.

Mr. Paul Noto came forward and said he represents Mamaroneck Beach and Yacht Club. He said the Club is a neighboring property. There are many issues with the proposed construction. He said that he is not aware if the Certificate of Appropriateness has been resolved, and it is a requirement of the landmarks law. The BAR recently declined to approve the project in its present form. They felt there are engineering alternatives that need to be explored. In 1983 this was the very first building land marked by the Village. He said what the applicant is proposing would eviscerate any semblance of a mill. If the cavity is filled and a wall built, the mill history is gone and what will be left is a nice house on the water. He said this building is a big part of Village history, and he believes the house is not in imminent danger of collapsing. This building is about 220 years old and has survived many storms. This proposed work is for the applicant's convenience. Mr. Noto said the BAR is not convinced that alterations are necessary.

Ms. Lisa Rosenshein of the Mamaroneck Beach & Yacht Club said that their Club has floating weight barriers that break up water action.

Mr. Sterk inquired if experts have been hired to evaluate this. Mr. Noto responded no, and said the BAR will make a determination. Mr. Sterk stated that this Board's focus is on the issuance of a Wetland Permit.

Mr. Noto continued and said the wall is too high. Mr. Natchez said that the foundation has been impacted by the storm. Mr. Stephen Frech, McLaren Engineers, West Nyack, NY, stated that the foundation gets worked over time. He said that a breakwater will not be approved as a permanent solution. The wave screen needs to be solid. The structural integrity of the house needs to be reinforced as a long-term solution.

The Board requested that Mr. Natchez get opinions from other engineering firms, and from neighbors. Mr. Natchez said that he will start this process. He stated that he will provide the deed, and dimensions for the setback lines.

Mr. Ianniello asked that alternative plans from licensed engineers be submitted for the next meeting on February 22, 2012.

**6. 516 SHORE ACRES DRIVE – Richard & Meredith Canter –Reconfiguration of existing recreational docking facility and shoreline stabilization.**

Mr. Daniel Natchez, Daniel S. Natchez and Associates, Inc., appeared for the applicants. He said this is an existing dock facility. There is a steep gangway at low tide. An environmental report was submitted. There is no adverse affect to the wetlands. Chains and anchors have been removed.

On Motion of Mr. Sjunneemark, seconded by Mr. Sterk, the Public Hearing was opened.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

Mr. Wexler inquired if the footprint will change. Mr. Natchez said that the pier will be higher and the square footage of the floating dock will be less. It will be built in stages. Presently, the dock extends further out.

Mr. Natchez said that the criteria have been met for a Wetland Permit. The dock is being constructed to handle a ten foot surge. He mentioned that they need to go before the HCZM. Mr. Ianniello asked if there are any questions from the public. There were none.

Mr. Ianniello asked Ms. Oakley if she has any comments. She said no, that all is satisfactory, and noted that they plan to use existing plants.

Mr. Ianniello asked that he return on February 22, 2012.

**7. 1058 COVE RD –David & Kelly Wenstrup- Revised plans for in-ground swimming pool.**

Mr. Sean Jancski, landscape architect, appeared for the applicants. The architect said that he made his best attempt to get to the 1 to 1 swap for the proposed impervious surface inside the buffer, and it has been achieved. The driveway is being changed. The architect said that a rain garden was suggested at the last meeting. The plans were reworked to add a rain garden at the end of the driveway that treats all impervious surfaces.

Mr. Sjunneemark inquired about the pipes for the rain garden. The architect said that they are sized adequately for the lawn area, and the areas covered by the rain gardens. Mr. Greechan said that he has reviewed the plans and is in agreement with the drainage pipe details and he also agrees with the calculations for the rain garden. And in his opinion, it is complete. Ms. Oakley commented that she, too, is in agreement with the details. She said the plants are appropriate for the site.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Public Hearing is opened.

Vote:

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

Mr. Ianniello asked if there are any comments from the public. There were none.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Public Hearing is closed.

Vote:

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

Mr. Sjunneemark moved to approve the proposed action as having been determined to be consistent with Local Waterfront Revitalization Programs (LWRP), seconded by Mr. Sterk.

Vote:

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

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Application as submitted is approved for a Wetland Permit, subject to the approval of the Resolution to be reviewed at the February 8, 2012 Planning Meeting.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello



Nays: None

**8. 1084 BAYHEAD DRIVE –Mr. & Mrs. Hut –Informal discussion on procedure for wetland permit.**

Rex Gedney, architect, appeared for the applicants. He said they have complied with the guideline for a one to one swap on the impervious surface. He said the plan has been revised and substantial square footage is being removed from inside the 100 foot buffer. The additional 1,400 square foot driveway was taken out.

Mr. Ianniello noted that the pervious driveway exists and questioned if it will remain. The architect replied yes and said there will be a slight modification to the driveway in that there will be a turnaround. Mr. Ianniello noted that the CULTEC system is not indicated, and a storm water management plan needs to be submitted.

The architect then said that additional plantings will be added and there will be landscaping around the new addition. Ms. Oakley commented that it was not easy to read the submitted landscaping plan and asked that they conform to the traditional plantings plan, i.e., symbols for each plant, the quantities, type of plants, the legend, and fencing type, height, style, color, etc. She suggested that consideration be given to protecting the remaining tree during construction.

Mr. Ianniello asked that the plan be revised to include updates to the landscaping plan, a storm water management plan, and to complete the CAF. Mr. Gedney noted that a Public Hearing needs to be re-noticed.

**ADJOURNMENT**

There being no other business, and on motion of Mr. Sterk, seconded by Mr. Sjunneemark, the meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Anne Hohlweck  
Recording Secretary