

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on February 8, 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 7:03 p.m.

1. APPROVAL OF MINUTES

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the January 25, 2012 Minutes are approved.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

2. 501 EAST BOSTON POST RD – J & N Leasing & Building - Dumpster Enclosure

Mr. Nat Picco appeared. He said the enclosure will be a chain link fence with green PVC slats. The enclosure will be six feet wide, 3 feet deep, 8 feet high, and will be on a 6-inch thick concrete pad. A gate will be added. He mentioned that there are windows on the second floor of the building. He noted that there is a building directly behind.

On motion of Mr. Sjunneemark, seconded by Mr. Sterk, the Application for a dumpster enclosure permit is approved.

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

Nays: None

3. 930 MAMARONECK AVE. – Human Development Services –Dumpster Enclosure

Ms. Kathy Pandekakes appeared for a dumpster enclosure permit and said that the dumpster has been in place since 2001. She stated that the Zoning Board has approved the variance as it abuts a residential neighborhood. The dumpster is located in front of the property on Mamaroneck Avenue as there is no other suitable place to put it. The enclosure will have green PVC slats and will match the building. There is a roof covering on top of the dumpster. It is on a 5-inch concrete pad. The fence height is 7 feet. The gate opens into the driveway and the dumpster is pulled out.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Application for a dumpster enclosure permit is approved.

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

4. 128 WEST BOSTON POST RD- Dumpster Enclosure

Mr. Samuel Etre appeared for a dumpster enclosure permit. He said the enclosure will be 6 feet x 6 feet x 3 feet. The enclosure will be a chain link fence with green PVC slats. It will be located on the side of the building. Mr. Ianniello suggested moving the enclosure farther away from the sidewalk. Mr. Etre was agreeable to the recommendation. Mr. Ianniello inquired if there are windows along the side of the building. Mr. Etre said no. He noted that one cannot see the enclosure from the West Boston Post Road, only when on Library Lane. Mr. Ianniello said that a 5-inch concrete pad is required.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Application for a dumpster enclosure permit is approved with the conditions that the dumpster is located twelve (12) feet back from the sidewalk, and the dumpster is placed on a 5-inch concrete pad.

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

5. 306 SOUNDVIEW AVE. – Luis Tormenta – Subdivision, informal discussion

Marta McCarty, Esq. appeared for the applicant, and said the chief concern is parking. The parking options are tandem, non-shared and shared.

Mr. Clark Neuringer said that he is a board member of HCZM, and said that this matter will not go before HCZM. He said the house was built in the 1920's. There is a long driveway up to the garage. The driveway is overgrown with weeds, etc. He said there is an existing curb cut. The earliest survey is from 1948. The lot is 100 feet by 100 feet. He stated that no trees

will be removed. Mr. Neuringer said that the photos presented at the last meeting are now associated with an address.

Mr. Neuringer presented 5 ½ alternatives for parking but said option 2 is a work in progress and will not be discussed this evening. He then described the parking options. Mr. Wexler commented that options 1 and 3 are preferred. Mr. Neuringer said that having two parking spots in the front and two spots in the back is zoning compliant and code compliant. He said this 2 ½ story house also meets all code requirements. Ms. McCarty said that the garage will be taken down and the impervious surface will be removed in all parking options.

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

Mr. Carey Sleeper of 407 Soundview Avenue came forward and stated that there has not been an Ethics Board meeting. He said that Mr. Neurginer should have gone before the Board asking for a Hearing and also get confirmation that he can represent the Applicant. This has not occurred. He then addressed the FAR Calculation. The existing house is 2,612 square feet. He noted that the basement was not included in the calculation. Therefore, the property is misrepresented and the basement calculation must be included in the total square footage. He pointed out that the full basement is above ground level. There are two floors above the basement level. Mr. Sleeper commented that the existing curb cut looks like it was chiseled and is not a formed out curb cut. He said that the front yard should be kept as a front yard and not used for parking in accordance with the Code. Mr. Steinman suggested that Mr. Sleeper summarize his comments on paper and submit them to the building department.

Mr. Michael Quadagno of 1242 Arlington Street came forward and said that this work is deemed 'out of character' for the neighborhood.

Ms. Carolyn Belleck, 310 Soundview Avenue, said that she was not properly informed about this meeting. She said that she was to have been notified and to have received materials in advance of this meeting. Mr. Neuringer said that there is a public meeting before the public hearing and this is a continuation of an earlier public meeting. He said that protocol has been followed.

Mr. Tormenta, owner, came forward, and said that signage was put up for the meeting. He said that he takes issue with the misstated information by the neighbors. He also said that he does not want people on his property taking measurements and peering into the windows. He commented that he knows that some people don't like change, but this construction will be going forward. He said that he lives elsewhere in Mamaroneck and also is an engineer. He noted that his property is well maintained and kept clutter free.

Mr. Sjunneemark asked if the Board members can visit the property. The owner said yes. Ms. McCarty said that she would like to be notified and be present when the visit takes place.

Ms. McCarty then said that this property is an R5 zone, and required to have a 50 x 100 foot lot. The house was built prior to zoning codes. Mr. Neuringer said the Village of Mamaroneck re-zoned this neighborhood in the 1960's.

Mr. Ianniello said that the Public Hearing will take place on February 22, 2012.

NEW BUSINESS:

6. 524 WAVERLY AVE. -306 Fayette Realty – Change- of-use and Dumpster Enclosure

Mr. T.J. Milo appeared. He said the first floor is a vacant warehouse and the building will be kept a two-story building. He said the Site Plan was revised in January of 2012. Parking lots are on both sides of the building for a total of 76 parking spaces. One lot has 50 parking spaces and the other has 26 spaces. There will be 12 reserved spots added to the lot that has 26 spaces for a total of 38 spaces. The balance of spaces will be for auto inventory. Mr. Sjunneemark suggested to mark the reserved spaces, and to include a name on each reserved space. Mr. Greechan said that he has reviewed the Site Plan and it is good.

Mr. Milo said the dumpster enclosure will be located near Railroad Way. The enclosure is a black chain link fence with black PVC slats and will be visible. The dumpster will be used for trash and recyclables only. Mr. Ianniello said that the dumpster needs to be on a 5-inch thick concrete pad.

Mr. Sjunneemark moved to declare this a Type II Action under SEQRA, seconded by Mr. Sterk.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

On Motion of Mr. Sterk, seconded by Mr. Sjunneemark, the proposed actions have been determined to be consistent with Local Waterfront Revitalization Program (LWRP).

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

Mr. Sterk moved to approve the Application for Change of Use on the Site Plan, and for a Dumpster Enclosure Permit, seconded by Mr. Sjunneemark, and subject to the approval of the Resolution to be reviewed at the February 22, 2012 meeting.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

7. 615 FIRST STREET – David Witt - Flood Variance.

Mr. Clark Neuringer appeared for the applicant and said that they recently learned that a Floodplain variance is required. Hurricane Irene flooded the property and the Witt's have been living elsewhere since late August, 2011. The goal is to get the construction completed so that the Witt's can get back into their home. Mr. Witt mentioned that they have an eight-month old baby and both he and his wife work. He said that he is running out of money and could lose his house if this matter does not get resolved soon. Mrs. Witt stated that they continue to pay their mortgage and live elsewhere. Mr. Neuringer briefly went through the timeline of events. He said on August 28, 2011 the house was flooded by the hurricane. On September 12, 2011 the insurance adjuster came and on September 20, 2011 the Witt's met with the Village Manager and Assistant Village Manager. Mr. Neuringer noted that the Village has not been approved to receive FEMA grants. On October 24, 2011 the insurance company ordered an inspection and a building permit was approved on November 29, 2011. On January 3, 2012, the building department issued a Stop Work Order. Mr. Neuringer said that the Witt's had already spent \$50,000 on work and were days away from completing the renovations. They were subsequently told that a variance is required by the State. A representative from the State Codes Bureau of the Department of State came down to Mamaroneck to assess. Mr. Witt stated that he was never told about the variance. Mr. Neuringer said the applicant applied for a building permit and received the permit. Construction was started and then it was stopped. There has been inconsistent information.

Mr. Witt said that the first floor had about 1 ½ feet of water. The cellar is about 50 percent below grade, and water came through the window well, side door, and foundation. The electric panel box has now been raised to a higher level.

Mr. Ianniello asked if they are close to the River. Mr. Neuringer said they are not on the river side but across the street from it. Their property runs parallel to the Mamaroneck River.

Mr. Witt commented that after the clean up, other structural problems were uncovered due to age of the house, etc. Mr. Frank Herbert of Frank Herbert Builders in Armonk said the work was near completion when the Stop Work Order was imposed. He stated that the structure was declared safe by an earlier engineer. The stone foundation does not have any cracks and the floor is good.

The builder said the basement has been repainted, and there is no evidence of water coming in. The plan is to close up the window, and the door may be removed. The building needs to be raised 4 feet to flood proof the residence in accordance with New York State residence requirements. Mr. Neuringer said that he is interested in getting a FEMA grant to raise the house. He then said that if the Witt's were told initially that the house must be raised, they would have contacted FEMA. The builder commented that he continually sees trucks on the

street and work being done on other properties. It appears as though the Witt's are being singled out.

Mr. Mendes said that the applicant should have hired a lawyer, engineer, etc. in the early stages and should not have relied solely on the Village building engineer. Mr. Mendes mentioned that if the applicant conducted his own research and put together a check list, things may have worked out better. The provisions in Chapter 186.6 need to be followed.

Mr. Ianniello stated that if the appropriate documents are finalized before the next scheduled meeting, a special meeting can be held to expedite the approval process.

Mr. Wexler was in favor of granting a variance this evening based on hardship. The Board was split as to whether or not to approve the Application with conditions. Mr. Melillo said that a Stop Work Order is in effect and a variance cannot be granted this evening.

Mr. Neuringer said that he would like a checklist from the building department so as not to overlook any requirements.

Mr. Ianniello said that the applicant has the burden of proof that all criteria have been met. Mr. Sterk recommended that the applicant write a letter to the insurance company regarding their agreeing to the proposed work without seeing the scope of work beforehand. Mr. Greechan also recommended that the applicant get the insurance company's report.

Mr. Greechan said that he will review the documents and give this matter preference. The building department will then sign off on the paperwork and issue a permit. Mr. Melillo said the permit will lift the Stop Work Order. He then said the Floodplain Development Permit Application is outstanding. The applicant said that he will complete the application.

Mr. Sjunneemark moved to declare this a Type II Action under SEQRA, seconded by Mr. Wexler.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

APPROVAL RESOLUTION:

8. 1058 COVE ROAD-David & Kelly Wenstrup

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

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted February 8, 2012

RE: David & Kelly Wenstrup 1058 Cove Road – Resolution of Wetland Permit Approval

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

WHEREAS, on June 16, 2011, David and Kelly Wenstrup, 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 wetland permit approval (“Application”) from the Planning Board; and

WHEREAS, the Applicant is located at 1058 Cove Road, within the R-20 Residential District; and

WHEREAS, the Applicant proposed to construct, partially within the 100-foot tidal wetland buffer, an in-ground swimming pool, spa, pool enclosure barrier fence and all associated landscape, masonry and site work, and these and other associated improvements are illustrated on the following set of plans as submitted and subsequently revised by the Applicant which form a part of the Application:

1. Sheet S-1 “Swimming Pool Zoning, Location & Planning Board Plan,” prepared by Sean Jancski Landscape Architect LLC dated June 10, 2011;
2. Sheet S-1 “Swimming Pool Zoning, Location & Planning Board Plan,” and Sheet D-1 “Raingarden Details (Pool Project),” prepared by Sean Jancski Landscape Architect LLC dated July 26, 2011;
3. Sheet S-1 “Swimming Pool Zoning, Location & Planning Board Plan,” Sheet PP-1 “Planting Plan, Plant List & Landscape Specifications,” and Sheet PP-2 “Raingarden Plan and Notes,” prepared by Sean Jancski Landscape Architect LLC dated September 7, 2011;
4. Sheet S-1 “Swimming Pool Zoning, Location & Planning Board Plan,” and Sheet PP-2 “Raingarden Plan and Notes” prepared by Sean Jancski Landscape Architect LLC dated October 18, 2011;
5. Sheet S-1 “Swimming Pool Zoning, Location & Planning Board Plan,” and Sheet D-1 “Rain Garden Plant List,” prepared by Sean Jancski Landscape Architect LLC dated January 11, 2012;
6. Sheet 1/2 “Surface Water Control Plan,” prepared by Kellard Sessions Consulting dated November 18, 2011, as revised through January 12, 2012, and Sheet 2/2 “Erosion Control Plan,” prepared by Kellard Sessions Consulting dated December 21, 2011, as revised through January 12, 2012;
7. Coastal Assessment Form “(CAF)” dated June 16, 2011, as revised through July 26, 2011;
8. Property survey prepared by Aristotle Bournazos, P.C. dated May 5, 2011; deed dated July 23, 2006; and list of adjacent property owners within 100 feet.

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 June 16, 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 regarding the completeness of the application, SEQRA and consistency with the Village LWRP; and

WHEREAS, the Planning Board received comments and recommendations from the Village’s Engineering Consultant regarding stormwater management and erosion and sediment control, and the consultant confirmed during the public hearing on January 25, 2012, that all applicable concerns have been adequately addressed; and

WHEREAS, the Village’s Landscaping Consultant confirmed in a memo dated January 24, 2012, that the proposed landscaping and plant material for the Project is appropriate and that the addition of a second rain garden would further improve water quality and reduce the volume of runoff by capturing and retaining storm water; and

WHEREAS, a duly advertised public hearing was opened on the application for a tidal wetlands permit on July 20, 2011, and continued on July 27, 2011; September 14, 2011; October 26, 2011; and January 25, 2012, at which times all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, on January 25, 2012, on motion by Mr. xx, seconded by Mr. xx and carried, the public hearing on the tidal wetland permit application was closed; and

WHEREAS, in granting a tidal wetlands permit under the Village’s Wetlands law, the Planning Board has determined that the standards and criteria set forth in Section 192-14 E have been satisfied; and

WHEREAS, the Planning Board determined on September 14, 2011, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (10); and

WHEREAS, the Planning Board determined on January 25, 2012, 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 condition:
 - (a) The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application.

- (b) The Applicant shall forward a copy of the CAF to the Harbor and Coastal Zone Management Commission (HCZMC), pursuant to the provisions of Section 240-28 (B) of the Village Code.
2. When the above condition has been satisfied, three (3) 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 and one (1) set will be provided to the Planning Board secretary. Prior to issuance of a certificate of occupancy, the Building Department will verify that the “as-built” conditions conform to the final approved wetland permit.

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

PLANNING BOARD
Village of Mamaroneck

Date: February 8, 2012

Michael Ianniello, Chairman

ADJOURNMENT

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

Respectfully submitted,

Anne Hohlweck
Recording Secretary