

*These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on February 15 2012. The full public record of this Special 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 Sjunnemark, 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 Special Meeting at 6:31 p.m.

#### **1. 615 FIRST STREET – David Witt - Flood Variance.**

Mr. Clark Neuringer appeared for the applicant for a Floodplain variance. He stated that the requested drawings have been submitted and are signed and sealed.

Mr. Sterk commented on the low cost to raise the house and expected a higher figure. He said in return for a variance, that the Witt’s impose a deed restriction on the house. Mr. Neuringer said that the costs associated with the reconstruction of said property are actual, modest costs. He stated that when the storm occurred the Village was not approved for the FEMA program. He continued and said that if another flood does occur, the damage will not be as severe because of the intervening work.

Mr. Sjunnemark said that these repair costs should count toward future expenses if additional property damage occurs. Mr. Sterk agreed.

Mr. Ianniello noted that the cost of the repairs far exceeds what the insurance company has paid. He queried if the insurance company did not recognize that the house should be raised. Mr. Witt said that his plan is to submit a supplemental claim for his losses. He mentioned that he has a \$1,000 deductible on his policy.

Mr. Melillo said that the variance granted is for this time only. If there is another occurrence and loss, then a new variance will be required. He said the variance is for 10 years cumulative. Any work that requires a permit would be additional. Mr. Melillo said that if a flood does come through and they incur substantial expenses again, they will have to raise the house. The threshold for repairs has been reached.

The Board does not want it to be construed that any thing they are doing concerning this matter should be considered a lifetime waiver. Mr. Greechan expounded and said that the cost of this work will increase the cost basis of the house, and the house will not remain at its present value of \$260,000.

Mr. Melillo said that it is possible that the State will require a variance for the new electrical appliances such as the dishwasher and washing machine, and for the new downstairs bathroom, etc. He then said that anything that was ripped out must comply.

Mr. Sterk said that Mr. Melillo needs to finalize with the State if they require a variance before he issues a permit, and noted that the Planning Board has no control over this.

Mr. Sterk said that in granting a variance the clock does not start anew and any expenditures made to date would be counted toward any subsequent improvements made. He also suggested that the applicant be required to make a declaration for the benefit of a future purchaser. Mr. Melillo said \$50,000 in repairs will drop off in 2018 and in 2022 it will be at zero.

Mr. Melillo discussed the letter regarding Chapter 186 for AE zones and highlighted the general standards. Mr. Ianniello noted that anchoring is important and should be a condition for approval. Mr. Neuringer suggested that the building department do an inspection. Mr. Ianniello said that Mr. Melillo can go to the site with the details and verify what was filed. Mr. Ianniello then said that he does not want to grant a variance if there are structural issues.

Mr. Greechan said that since the Board just received the applicant's updated paperwork at the start of this meeting, he needs time to review the documents. He continued and said that much of the structure was open and parts still remain open.

Mr. Mendes said that an engineering report should be submitted for the benefit of the insurance department, and also the new construction should be inspected by a structural engineer.

Mr. Mendes asked of Mr. Melillo what type of report is acceptable for him to sign off on the structure. Mr. Neuringer interjected and said that Mr. Melillo has details on the structure and he read aloud some of the details. Mr. Neuringer said that the Village of Mamaroneck abides by the New York State Construction Code.

Mr. Ianniello requested anchoring details. Mr. Neuringer agreed to provide said details.

Mr. Steinman and Mr. Sterk stated conditions for an approval as follows:

1) Anchoring details. 2) Applicant shall be required to fully comply with the requirements of Chapter 186. 3) Record a declaration to protect new purchasers.

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

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the Application for a Floodplain variance is granted with the conditions that 1) expenditures realized to date will be calculated and acknowledged going forward for a period of ten years, 2) anchoring details and structural details be provided, 3) record a declaration of expenditures in the event of a major storm over the next ten years; 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

### **ADJOURNMENT**

There being no other business, and on motion of Mr. Sterk, seconded by Mr. Sjunneemark, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Anne Hohlweck

Recording Secretary