

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

Mr. Ianniello said the Agenda will be taken out of order.

#### **1. APPROVAL OF MINUTES**

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the April 11, 2012 Minutes are approved.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Ianniello

Nays: None

*Mr. Wexler joined the meeting at 7:08 p.m.*

#### **2. 689 MAMARONECK AVE.-Mark Mezzanello-Legalize existing site plan. Changes in zoning ordinance.**

Mr. Dennis Noskin, architect, appeared for the applicant. He stated that the CAF was updated. There are three lights on the exterior building walls. The exterior light on the side of the building by the door is shielded and will not reflect light onto the adjacent residential building. He acknowledged that the shrubs in front are not maintained, and the unhealthy shrub will be replaced. Mr. Ianniello inquired about the height of the shrubs. The architect said twelve to eighteen inches. The architect said the back wall is in good condition. The drainage along the curb has been addressed.

Ms. Favate inquired about parking space #38 on the site plan. She noted that it was not marked as employee parking. The architect said he will make that change.

Mr. Wexler inquired about the arrows painted on the pavement. The architect said that new arrows will be painted.

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

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

On motion of Mr. Sjunneemark, seconded by Mr. Sterk, 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. Sjunneemark, seconded by Mr. Wexler, the Application to legalize the existing site plan is approved, with the conditions that the three exterior lights are shielded, landscaping changes to be approved by Ms. Susan Oakley, parking space #38 updated on the site plan, directional arrows painted on the pavement, and approval of the Resolution to be reviewed at the May 9, 2012 Planning Board meeting.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler, Ianniello

Nays: None

### **3. FRENCH AMERICAN SCHOOL – 300 Waverly Ave. & 525 Fenimore Rd. – Informal discussion**

David Cooper, Esq., Zarin & Steinmetz, appeared for the applicant. He stated that the EAF, Part III, has been completed. It has a Negative Declaration, and is a Type I action. They also appeared before the Village Board of Trustees earlier in the week.

The attorney stated that they would like the Public Hearing at the May 9<sup>th</sup> Planning Board meeting. He continued and said that they have a good relationship with the Spatz family, who are neighboring property owners. The Spatz family was present.

He continued and said there will be no drop off on Fenimore Road. There are no changes to the grading, and no external disturbances. The student population will be capped at 120 students. He mentioned that 545 Fenimore Road may become vacant and if so, that space is more desirable than 525 Fenimore Road. The buildings are in the same complex.

The Board asked for additional information on 545 Fenimore Road. The attorney said that the space presently is set up classroom style. Mr. Sjunneemark inquired about the drop off point for 545 Fenimore Road. The attorney said that everything will remain the same.

Mr. Sterk asked that a site plan for 525 Fenimore Road and for 545 Fenimore Road be submitted. Mr. Steinman said that Public Hearing Notices will need to be sent out for both addresses.

Mr. Andrew Spatz stated that he had earlier concerns about the added traffic in the area. Mr. Graham Trelstad, engineer, said that he prepared the traffic study, and that 5 or 6 vehicles can pass per minute. Mr. Wexler noted that there could be difficulty turning left when exiting the Waverly Avenue parking lot. Mr. Trelstad said that FASNY staff members will be directing traffic in the morning and afternoon. Ms. Favate asked that the traffic study be updated.

#### **NEW BUSINESS:**

##### **5. 412 MAMARONECK AVE.-410-416 Mamaroneck Ave. –Removal of metal garage in rear of building.**

James Fleming, architect, appeared for the applicants, who also were present. He stated that the garage is in poor condition and has deteriorated further since the hurricane last summer. It can accommodate three vehicles. Mr. Sjunneemark said that he went to the site and confirmed that the garage is in poor condition and is an eyesore to the neighborhood. The Board requested that Mr. Melillo go to the site and make a determination. Mr. Melillo said that if he finds it to be a hazardous situation, he will issue a demolition permit.

Mr. Ianniello noted that the appropriate paperwork needs to be filed. He then asked if a replacement structure will be put up or if the parking area will be open. The owner responded that after demolition, the space will be left open for the time being. Mr. Sterk said that drainage, landscaping, etc. are part of the site plan. Ms. Favate noted that the CAF is incomplete.

*Mr. Sterk left the meeting at 8:25 p.m.*

#### **OLD BUSINESS:**

##### **4. MAMARONECK BEACH & YACHT CLUB -Request for extension of time.**

Eric Gordon, Esq., Keane and Beane, appeared for the applicant. Mr. Gordon said that a response to Mr. Kass' letter was sent.

Mr. Kass, counsel for Mr. & Mrs. Golub, stated that he did not receive a copy of the April 18 reply letter.

Mr. Ianniello requested that the attorneys copy each other on all correspondence sent to the Planning Board. He also requested that any documents to be reviewed at a given meeting are to be received in a timely manner, and that no new documents are to be sent the day of the scheduled meeting.

Mr. Kass said that the half acre of land in question was not included on the tax map at the time of the approval. He said NY State advised the Village and Club that it owns the parcel. If the Mamaroneck Beach and Yacht Club is allowed to purchase this land from the State, the Club must submit a new application. He said that he is agreeable to a three-month extension of time. He reiterated that the December 2010 site plan approval was not appropriate.

Mr. Gordon said that the Court has acted, and issued a stay. He then said that a decision from the State should be forthcoming in June 2012 on the half-acre parcel. Mr. Noto said that the assessor has put the half-acre parcel on the Village map.

Mr. Steinman requested a recess at 8:45 p.m.

The Board reconvened at 9:08 p.m.

Mr. Steinman stated that the Board may wish to extend the site plan for six months to allow for further developments.

On motion of Mr. Sjunneemark, seconded by Mr. Wexler, the Application for an extension of time on the Site Plan is approved for a six-month period ending on the 9<sup>th</sup> day of December, 2012, and subject to the approval of the Resolution to be reviewed at the May 9, 2012 Planning Board meeting.

## **6. APPROVAL RESOLUTIONS**

### **Moratorium on New or Expanded Pier and Dock Facilities in Mamaroneck Harbor**

The Resolution was approved and is included as follows:

RESOLUTION  
VILLAGE OF MAMARONECK PLANNING BOARD  
Adopted April 25, 2012

**RE: Recommended Moratorium on New or Expanded Pier and Dock Facilities in  
Mamaroneck Harbor**

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

WHEREAS, the Village of Mamaroneck Planning Board, in its capacity of issuing wetland permits in conjunction with the construction, expansion, replacement or

reconfiguration of pier and docking facilities within the Village, is concerned with the impacts on views, community character and safe water navigation from the increasing size of boats docked in Mamaroneck, and the resultant enlargement of the facilities necessary to accommodate such boats; and

WHEREAS, the Village's policy to protect the environmental and aesthetic quality of Mamaroneck Harbor is well established in the Comprehensive Plan, the Local Waterfront Revitalization Program ("LWRP") and the Harbor Management Plan; and

WHEREAS, the Planning Board has been advised by the Village's Harbor Master that a number of existing marine structures in the Village either encroach upon the Federal channel or are otherwise configured in such a manner as to be detrimental to scenic views, community character and harbor navigation; and

WHEREAS, based upon the observations of the Planning Board and the comments of the Harbor Master made in connection with recent applications before the Planning Board, neither Chapter 240 of the Village Code, outlining the standards for the Harbor and Coastal Zone Management Commission's approval of marine construction or reconstruction permits; Chapter 192 of the Village Code, outlining the standards for the Planning Board's approval of wetland permits in the Village; nor any other chapter of the Village Code, appears to specifically, sufficiently or effectively regulate the size and placement of watercraft, or the marine structures which accommodate such watercraft; and

WHEREAS, the Planning Board finds that additional clarification is needed on the regulation of size and placement of watercraft, and attendant marine structures, in areas including but not limited to the maximum permitted size of watercraft determined to be appropriate for the Village, the desired distance of both marine structures and watercraft from the Federal channel, the appropriate definition of a fairway and the establishment of a buffer zone for fairways and the Federal channel.

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

1. The Planning Board hereby recommends that the Board of Trustees immediately propose a moratorium on the construction, or substantial expansion, replacement or reconfiguration of private pier and docking facilities within the Village of Mamaroneck, pending study and clarification of the regulations governing such structures.

VOTE:       Ayes: Ianniello, Mendes, Sjunneberg, Wexler  
              Nays: None  
              Not Present: Sterk

PLANNING BOARD

Village of Mamaroneck

Date: April 25, 2012

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Michael Ianniello, Chairman

**1035 Old Boston Post Road – Resolution of Site Plan Approval**

The Resolution was approved and is included as follows:

RESOLUTION  
VILLAGE OF MAMARONECK PLANNING BOARD  
Adopted April 25, 2012

**RE: 1035 Old Boston Post Road – Resolution of Site Plan Approval**

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

WHEREAS, on February 15, 2012, Salvatore Cirigliano, 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 site plan approval for legalization of an existing seven-family residence (“Application”) from the Planning Board; and

WHEREAS, the Applicant is located at 1035 Old Boston Post Road, within the RM-1 Multiple Residence District; and

WHEREAS, the Applicant proposed to legalize the existing seven-family residence, with no proposed construction or changes to any structure on the site, and this proposal (“Project”) 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 C-100 “Aerial Photo, Zoning Data, Plot Plan,” Sheet A-100 “Basement Floor Plan,” Sheet A-101 “First Floor Plan,” Sheet A-102 “Second Floor Plan,” Sheet A-103 “Front & Right Elevations,” and Sheet A-104 “Rear & Left Elevations,” prepared by Robak Architecture, LLC, as revised through February 10, 2012;
2. Coastal Assessment Form (“CAF”) dated September 2, 2011, and submitted pursuant to Local Law No. 30-1984;
3. Short-Form Environmental Assessment Form (“EAF”) dated September 2, 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 Engineering Consultant as summarized in a memo dated April 10, 2012; from the Village's Planning Consultant as summarized in a memo dated April 10, 2012; and from the Planning Board's Attorney;

WHEREAS, the Applicant has satisfactorily addressed those comments from the Village's Consultants; and

WHEREAS, a duly advertised public meeting was held on the application for a site plan approval on April 11, 2012, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Zoning Board of Appeals issued area variances on January 5, 2012, providing relief from Section 342-27 pertaining to lot area requirements (where 2,5000 square feet per dwelling unit is required and the Project provides 2,497 square feet per dwelling unit), and from Section 342-54B(2) (where no parking spaces shall be located within 15 feet of any wall of a multifamily dwelling which wall contains windows [other than kitchen and bathroom windows] with a sill height of less than eight feet above the level of said parking area, and the Project has five parking spaces located within five feet); and

WHEREAS, the Planning Board determined on April 11, 2012, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (1); and

WHEREAS, the Planning Board determined on April 11, 2012, that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 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 pay all outstanding consultant review fees in connection with Planning Board review of this application.
2. When the above conditions have 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, 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 site plan.

VOTE: Ayes: Ianniello, Mendes, Sjunneemark, Wexler  
Nays: None  
Not Present: Sterk

PLANNING BOARD  
Village of Mamaroneck

Date: April 25, 2012

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Michael Ianniello, Chairman

**ADJOURNMENT**

There being no other business, and on motion of Mr. Sjunnamark, seconded by Mr. Mendes, the meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Anne Hohlweck  
Recording Secretary