

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on November 28, 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
Robert Galvin, AICP, Village Planner
Hugh Greechan, Engineering Consultant
Lester Steinman, Esq., Counsel
Rob Melillo, Assistant Building Inspector

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

Mr. Sjunneemark said Mr. Ianniello will be arriving shortly.

1. APPROVAL OF 9/12/12 MINUTES AND 11/14/12 MINUTES

The September 12, 2012 Minutes were tabled.

On motion of Mr. Sterk, seconded by Mr. Wexler, the November 14, 2012 Minutes were approved.

Vote:

Ayes: Mendes, Sterk, Sjunneemark, Wexler

Nays: None

NEW BUSINESS:

2. 500 RUSHMORE AVE. -NICHOLS BOAT YARD – Informal discussion on concept plan for proposed replacement/elevated structure.

Mr. Dennis McCarthy, General Manager, appeared and said there was damage to the main building caused by the recent hurricane. Their preference is to raze the building and re-build. The existing building dates back to the 1940’s. He asked the Board for their opinions.

Mr. McCarthy showed the Board members photos of the building. He said the new structure will be higher and there will be parking underneath the building. Elevators will be installed. He estimated the building to be about forty feet in height. He said the new building will be in the same location and will be smaller. Mr. McCarthy said they are waiting for direction from the DEC.

Mr. Galvin indicated that 40 feet was the permitted height in the MC-1 zoning district.

The Board expressed support for the applicant's plan to take down the existing building.

Mr. Sjunneemark said a set of drawings will need to be presented to the Planning Board. Mr. Galvin asked that the plan should show the surrounding properties.

Mr. Wexler expressed concern about the height as it will be visible from Harbor Island. He said the exterior details of the building are important.

Mr. McCarthy thanked the Board for their comments.

3. 630 MAMARONECK AVE. – RADA CORP. Site Plan review, change of use, retail to restaurant use

Mr. Mark Mustacato, architect, appeared for the applicant. He said they are going before the Zoning Board for a special permit and parking variance. The property is situated at the corner of Center Avenue and Mamaroneck Avenue. He stated there are no exterior renovations, and all work is internal. In the front area will be a counter and a dining section. The kitchen will be in the rear area. The square footage of the space is 750 square feet.

Mr. Galvin indicated that this is a Type II action under NY DEC 617.5 (c) (7) since the change of use is 750 square feet which is less than the 4,000 square feet non-residential threshold.

Mr. Sterk moved to declare this a Type II Action under the State Environmental Quality Review Act (SEQRA), seconded by Mr. Wexler.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler

Nays: None

On motion of Mr. Sterk, seconded by Mr. Wexler, the proposed action has been determined to be consistent with the Local Waterfront Revitalization Program (LWRP).

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler

Nays: None

Mr. Galvin addressed parking and suggested the Strait Gate Church be contacted as there is available parking in proximity to the site. The architect said they need eight spaces and his attorney is working on this.

Mr. Sjunneemark asked that the applicant return after his hearing with the Zoning Board.

The application was adjourned to December 12, 2012.

WETLAND PUBLIC HEARING:

4. 580 SHORE ACRES DRIVE – BARRY & PATRICIA MELANCON – Reconfiguration of existing recreational docking facility and maintaining the existing seawall and riprap.

On motion of Mr. Sterk, seconded by Mr. Mendes, the Public Hearing was opened.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler

Nays: None

Mr. Paul Milliot, Daniel Natchez and Associates, appeared for the applicant. He said the floats are being reconfigured. There will be a shorter gangway. The floating dock will be twenty feet by twenty feet. The footprint will be reduced by 400 square feet. The primary mooring is perpendicular to the shore line. He said the Harbor Master, Joe Russo, provided some comments such as encouraging the owner to put a name plate on the dock to facilitate locating it should an emergency arise, to add a power pedestal for utilities on the float, and he and the Village's Consulting Engineer recommended the height for the five (5) piles to be increased from 13.5 feet to 15 feet.

Mr. Galvin read into the record the Harbor Master's (Joe Russo) memorandum.

Mr. Sjunneemark suggested reducing the float area by removing one float to ease getting boats out of the anchorage area.

Mr. Wexler addressed the visual impact of piles.

Mr. Ianniello joined the meeting at 7:32 p.m.

Mr. Milliot said the piles are within the inner portion of the harbor. Piles give greater security to boats. He said the piles will be one and one-half feet higher. The current trend is to use piles. He noted that chains and anchors require regular servicing. He said no permit is needed for chains and anchors, but a permit is required for piles. He remarked that piles are maintenance free for approximately ten years.

Mr. Wexler commented that once built, a larger boat can be accommodated. Mr. Milliot responded that the float layout will accommodate a larger boat. He said the owner's boat is about 45 to 50 feet.

Mr. Sterk stated that he prefers the use of chains and anchors rather than piles. He then said the Planning Board does not have jurisdiction over this item, but can make a recommendation to the HCZMC.

Mr. Steinman suggested that the Planning Board convey their comments and concerns to the HCZMC. The Planning Board will resume discussions with the applicant after the applicant has their meeting with the HCZMC.

Mr. Ianniello asked if there were any comments from the public.

Mr. Peter Kelly came forward and asked how many piles will be used. Mr. Milliot responded five. Mr. Milliot added that approvals from the Department of Environmental Conservation (DEC) and Army Corps of Engineering (USACOE) are necessary.

Mr. Steinman suggested keeping the Public Hearing open. He noted that a revised EAF is required, and to uncheck “Negative Declaration” and leave Part II on the form unfilled since this is to be completed by the lead agency.

Mr. Sterk moved to declare this a Type II Action under the State Environmental Quality Review Act (SEQRA), seconded by Mr. Wexler.

Vote:

Ayes: Mendes, Sjunneemark, Sterk, Wexler

Nays: None

Abstain: Ianniello

The public hearing was continued to December 12, 2012.

OLD BUSINESS

5. 1 STATION PLAZA – CLUB CAR – Amended Plans.

Mr. Paul Noto, Esq., James Fleming, architect, and John Verni, Esq., owner, appeared for the applicant who also was present.

Mr. Verni said the staircase will be removed, and a drop-down ship’s ladder can be installed. He and his business partner will be the only two using the ladder as it leads to their offices on the second floor. He said that in removing the staircase it will improve pedestrian access.

Mr. Wexler suggested a gate at the top of the ladder for safety.

Mr. Melillo said the ship’s ladder is an issue and stated that he will have to check the Code.

The architect addressed the duct work and said the goal is to have the duct work look aesthetically pleasing. He said the alley has been cleared. He also thanked the Board members who came to the site to look over the basement area. The windows and duct work are 10 feet 6 inches in height. A small lattice fence will be added for screening. The architect noted that noise occurs when air leaves the duct, and the duct can easily be repositioned towards the train tracks or alley.

Mr. Ianniello addressed lighting and a sign in the tunnel. Mr. Verni said the lighting is sufficient and is already in place. He said a light can be added over the kitchen door. Mr. Verni said the sign in the tunnel will have to be discussed with the MTA.

Mr. Ianniello said a commuter approached him and said there are round tables stored in the tunnel. Mr. Brian MacMenamin said he was not aware and will look into.

Mr. Sterk said that he is still not happy with the duct work, and said it is less appealing that it could be.

Mr. Noto said that construction mistakes were made and they are working to rectify them.

Mr. Mendes noted that the brick piles look good, but the lattice fencing is out of character and suggested a different design. Mr. Wexler agreed that the fencing needs to be redone. Mr. MacMenamin discussed using 8 feet by 8 feet recycled wood for pillars that will look better. Mr. Sterk requested a sketch of it for the next meeting.

Mr. Mendes suggested moving the exhaust to the rear. Mr. MacMenamin said that it cannot be done.

Ms. Oakley, Village landscape consultant, said the brick piers are a good plan and that recycled brick should be used. She said the color scheme on the plan is not color coordinated. She stated that the planters are not necessary. The compressors in the back need to have the same type of covering as the ducts.

Mr. Ianniello recapped and said the following needs to be addressed before the next meeting: lattice screening, walkway sign, drop-down ladder for the interior of the building, sketches as discussed, removal of the planter box, and the exhaust to be aligned with the fence, and to update the plan.

Mr. Galvin said the sketches should be provided as soon as practicable. Ms. Oakley suggested color sketches. Mr. Ianniello re-stated the manner in which plans and relevant documents should be submitted to the Planning Board.

The matter was adjourned to December 12, 2012.

ADDITIONAL NEW BUSINESS

6. MAMARONECK BEACH & YACHT CLUB – Extension of time to commence and complete construction pursuant to a December 2010 Planning Board Site Plan Resolution.

Mr. Sterk recused himself.

Receipt of correspondence from Daniel Natchez & Associates and from Suzanne McCrory was acknowledged and the correspondence was made part of the record.

Paul Noto, Esq. appeared for the applicant. He said an additional extension of time is needed as the Article 78 is still pending in Supreme Court.

Mr. Noto said the Coastal Assessment Form (CAF) does not need to be amended just yet.

Steven Kass, Esq. came forward and said there is no valid site plan as determined by the Zoning Board who found the site plan to not be compliant. Mr. Kass said that if another extension is granted, it should be limited to a maximum of six months.

Mr. Kass stated that Mr. Natchez has communicated separately that escrow payments have not been made. Mr. Kass said that one day a new site plan will be submitted.

Mr. Steinman explained that any extension granted by the Planning Board would not prejudice the rights of the parties to the various pending litigations involving the December 2010 site plan approval and would have no impact on any ZBA determination regarding that site plan.

The Board discussed and made a determination that a one-year extension was appropriate.

Mr. Sjunneemark moved to declare this a Type II Action under the State Environmental Quality Review Act (SEQRA), seconded by Mr. Wexler.

Vote:

Ayes: Mendes, Sjunneemark, Wexler, Ianniello

Nays: None

On motion of Mr. Sjunneemark, seconded by Mr. Wexler, the extension has been determined to be consistent with the Local Waterfront Revitalization Program (LWRP).

Vote:

Ayes: Mendes, Sjunneemark, Wexler, Ianniello

Nays: None

On motion of Mr. Sjunneemark, seconded by Mr. Wexler, the Application for an extension of time to both commence and complete construction is approved for a one year period ending on December 9, 2013 and June 8, 2018 respectively, subject to the approval of the Resolution to be reviewed at the December 12th Planning Board meeting.

Vote:

Ayes: Mendes, Sjunneemark, Wexler, Ianniello

Nays: None

Mr. Sterk rejoined the meeting.

RESOLUTIONS:

7. 208 W. BOSTON POST ROAD – Construction & Development Management Services – John Lese

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted November 28, 2012

RE: Harbor Mews 208 West Boston Post Road – Resolution of Extension of Site Plan and Special Permit Approval

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

WHEREAS, on October 21, 2012, John H. Lese Construction & Development Management Services, 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 a six-month extension of site plan and special permit approval for proposed infill housing located at 208 West Boston Post Road (“Property”); and

WHEREAS, the Planning Board granted site plan and special permit approval of the Applicant’s original application to construct five condominium housing units at the Property, in a resolution dated December 9, 2010; and

WHEREAS, the Planning Board made a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on October 14, 2010, related to the original application; and

WHEREAS, the Village of Mamaroneck Harbor and Coastal Zone Management Commission (HZCM) determined in a resolution dated December 2, 2010, that the original application was consistent with the Village’s Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the Planning Board previously granted, in resolutions dated November 16, 2011 and May 23, 2012, the Applicant’s requests for six-month extensions of site plan and special permit approval for the Project, and the latest of those extensions is scheduled to expire on December 9, 2012; 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 an extension of approvals and received comments and recommendations from the Village’s Planning Consultant and from the Planning Board’s Attorney; and

WHEREAS, a duly advertised public meeting was held on the request for extension of approvals on November 14, 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 extension of approvals subject to the following conditions:
 - (a) The extension of site plan and special permit approval will be for a period of six (6) months, and shall expire June 9, 2013.
 - (b) All conditions of the original site plan and special permit approval, as specified in the Planning Board resolution dated December 9, 2010, shall remain in effect.
 - (c) The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application.

VOTE: Ayes: Ianniello, Sterk, Wexler, Mendes and Sjunnemark
 Nays: None
 Abstain: None
 Absent: None

PLANNING BOARD
Village of Mamaroneck

Michael Ianniello, Chairman

Date: November 28, 2012

8. 602 S. BARRY AVE. LUDVIPOL, LLC (c/o Bennett Golub)

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted November 28, 2012

**RE: LUDVIPOL, LLC. (c/o BENNETT W. GOLUB, 602 S. BARRY AVENUE -
Resolution of Amended Wetland Permit Approval**

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

WHEREAS, on October 23, 2012, Ludvipol, LLC (c/o Bennett W. Golub), 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 an amendment to a previously approved wetland permit (“Application”) from the Planning Board; and

WHEREAS, the Applicant’s property is located at 602 South Barry Avenue (“Property”), situated within the R-15 Residential District; and

WHEREAS, the Applicant previously received wetland permit approval from the Planning Board on March 23, 2011, for a proposal to replace an existing 12 x 40-foot float anchored by chains and anchors with a 12 x 70 foot unibody float (or approximately 840 feet) anchored by up to six steel piles; and

WHEREAS, on October 26, 2011, the Planning Board granted an amended wetland permit to include up to three additional storm tie-off piles on the southwest portion of the docking facility; and

WHEREAS, on October 23, 2012, the Applicant applied for an amended wetland permit to further amend the wetland permit to change the location of two center piles along the float to now be staggered instead of across from each other, but still remaining within the footprint of the float as shown on the As-Built Survey by Earth Image Dot Net dated November 14, 2012; and

WHEREAS, the Village Harbor and Coastal Zone Management Commission (“HZCM”) determined on October 17, 2012, that the proposed change in location of two center piles was a Type II action under the New York State Environmental Quality Act (“SEQRA”) and deemed it to be consistent with the Local Waterfront Revitalization Program (“LWRP”) and, also on that date, granted approval of an amended structures permit for the reconfiguration of the two center piles; and

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

Whereas, the Planning Board has carefully reviewed the amended application and considered comments from the Village’s Consulting Engineer in a memo dated November 12, 2012 as well as the comments and resolution of the Harbor and Coastal Zone Commission (HCZM); and

Whereas, a duly advertised public hearing was held on the Application on November 14, 2012, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, on November 14, 2012, motion by Mr. Sjunneberg, seconded by Mr. Sterk and carried, the public hearing on the application was closed; and

Whereas, the Planning Board has completed its review and evaluation of the amended wetland permit application, has fully considered the factors set forth in Village Code 192-14 E and determined that such standards and criteria have been satisfied; and

Whereas, the Planning Board determined on November 14, 2012, that the Project is a Type II Action under SEQRA pursuant to 6 NYCRR. 617.5 (c) (10); and

Whereas, the Planning Board determined on November 14, 2012, that the Project is consistent with the policies of the LWRP, to the maximum extent feasible, and pursuant to 240 of the Village Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby grants an amended wetland permit for reconfiguration of a recreational docking facility at 602 S. Barry Avenue to change the location of two center piles to be staggered but remaining within the footprint of the float, subject to the following condition:

(a) The Applicant shall pay all outstanding consultant review fees in connection with the Planning Board review of this Application.

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 each will be provided to the Village Building Inspector and 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, Sterk, Wexler, and Mendes
 Nays: Sjunnemark
 Abstain: None
 Absent: None

PLANNING BOARD
Village of Mamaroneck

Michael Ianniello, Chairman

Date: November 28, 2012

ADJOURNMENT

There being no other business, and on motion of Mr. Sterk, seconded by Mr. Sjunnemark, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Anne Hohlweck,
Recording Secretary