

**VILLAGE OF MAMARONECK  
PLANNING BOARD MEETING MINUTES  
WEDNESDAY, April 24, 2013 – 7:00 PM  
169 MOUNT PLEASANT AVENUE, COURT ROOM, MAMARONECK, NY**

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on April 24, 2013. The full public record of this Meeting is the audio/video recording made of this meeting and kept in the Planning Board’s records.

PLEASE BE ADVISED, that the next Regular Meeting of the Planning Board of the Village of Mamaroneck is scheduled for Wednesday, May 8, 2013 at 7:00 P.M. in the Courtroom in Village Hall, 169 Mt. Pleasant Ave., entrance located on Prospect Avenue, in the Village of Mamaroneck.

**PRESENT:** MIKE IANNIELLO, CHAIRMAN  
LOU MENDES  
LEE WEXLER

LESTER STEINMAN, PLANNING BOARD ATTORNEY  
BOB GALVIN, AICP, VILLAGE PLANNER  
BILL GERETY, BUILDING INSPECTOR  
SUSAN OAKLEY, VILLAGE LANDSCAPE CONSULTANT (TERRABELLA)

**EXCUSED:** INGEMAR SJUNNEMARK  
STEWART STERK

**CALL TO ORDER**

Chairman Ianniello called the meeting to order at 7:04 p.m. Chairman Ianniello stated the Agenda will be taken out of order with the Executive Session being first.

**OLD BUSINESS**

**Executive Session on Pending Litigation, Mamaroneck Beach & Yacht Club v. Village of Mamaroneck, et al.**

Mr. Galvin recused himself.

Mr. Wexler moved to go into Executive Session at 7:10 p.m. to discuss pending litigation regarding Mamaroneck Beach and Yacht Club v. Village of Mamaroneck, et al, seconded by Mr. Mendes.

VOTE: 3-0

Mr. Wexler moved to go out of Executive Session at 7:27 p.m. and return to regular business, seconded by Mr. Mendes.

VOTE: 3-0

### **Approval of Final Partial Settlement**

Mr. Wexler moved to approve Steven Silverberg, Esq. and Lester Steinman, Esq. to authorize a final partial settlement on behalf of the Village of Mamaroneck, NY *In the Matter of* Mamaroneck Beach and Yacht Club v. Village of Mamaroneck, et al., seconded by Mr. Mendes.

Vote: 3-0

Ayes: Ianniello, Mendes, Wexler

Nays: None

Mr. Galvin rejoined the meeting.

### **APPROVAL OF MINUTES**

Approval of Minutes from April 10, 2013 Planning Board Meeting

On motion of Mr. Wexler, seconded by Mr. Mendes, the minutes of the Regular Meeting of April 10, 2013 were approved.

VOTE: 3-0

Ayes: Mendes, Wexler, Ianniello

Nays: None

### **PUBLIC HEARINGS**

**Site Plan Review and Special Permit for Membership Teen Club at 115 Hoyt Avenue.  
(Cont.)**

Mr. Dana Stetson appeared for the applicant and stated the Executive Director of the Greenwich Teen Club is present who will discuss their operation. Mr. Stetson stated that he is reluctant to hire an architect until he gets a good sense that Studio 117 will be approved. The Board members, Mr. Steinman and Mr. Galvin all weighed in and stated that the function of the Planning Board is to approve a Site Plan and Special Use Permits.

Mr. Stetson said Studio 117 details were outlined in their PowerPoint presentation. Mr. Ianniello said this document cannot be substituted for a Site Plan. Mr. Mendes stated that safety and security of the members is crucial, and the Planning Board needs assurance that both will be properly managed. Mr. Ianniello suggested that Mr. Stetson set up a meeting with the Village Police Chief to gain knowledge in the areas of safety and security.

Mr. Kyle Silver, Executive Director, Greenwich Teen Club, Greenwich, CT, said that he has been involved with the Club for seventeen years. He said the Club is a non-profit organization, and the building is owned by the Town of Greenwich. The Club is accessible by Metro North. During his tenure, there have been no major issues, but a number of minor problems.

Mr. Ianniello asked about 'what ifs' such as fights occurring, large groups of kids that cannot gain entrance into the Club, fake membership cards, etc.

Mr. Silver stated how this is managed and also said that 10:00 p.m. is their cut-off time for entry into the Club. Their Club raises money by holding an Annual Benefit, Annual Appeal and donations, etc.

Mr. Silver said the Club has up to 400 people during various times. Off-duty police work at the events, and the ratio is 1 officer to 20 members. Mr. Silver said that if a member violates policies, he/she must do community service and the parents are notified. Mr. Silver stated that during his seventeen years at the Club, he has gained the trust of parents. He mentioned that their Student Board of Directors meets monthly and they have a committed Board of Directors.

Mr. Wexler moved, seconded by Mr. Mendes, to take a recess at 8:25 p.m. to accommodate the Zoning Board of Appeals (ZBA) to use the courtroom for a brief meeting.

VOTE: 3-0

On motion of Mr. Wexler, seconded by Mr. Mendes, the Planning Board meeting reconvened at 8:30 p.m.

VOTE: 3-0

Mr. Galvin stated that it appears that hiring an Executive Director and staff, doing background checks on staff, knowing CPR and being First Aid certified are all important. The Club's relationship with the police and local schools also is essential.

Mr. Wexler inquired if Mr. Silver has visited other clubs. Mr. Silver said that he has been to the Scarsdale Teen Club that is successfully run, and visited a Club in California. He noted that the Greenwich Teen Club is the longest running teen center in the United States.

Mr. Steinman stated that a Site Plan is required for an approval.

Mr. Stetson said they have scheduled a meeting with the Police Chief, and will return to the Planning Board on May 22, 2013.

## **RESOLUTION**

### **Approval of Resolution for Site Plan for 422 East Boston Post Road.**

#### **VILLAGE OF MAMARONECK PLANNING BOARD**

Adopted April 24, 2013

#### **RE: 422 East Boston Post Road – Resolution of Site Plan Approval**

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

WHEREAS, on March 1, 2013, Gideon Malherbe, 422 Boston Post Road 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") an Application with accompanying documentation, seeking site plan approval for a change of use from former funeral home to business office use ("Application"); and

WHEREAS, the Applicant is located at 422 East Boston Post Road, within the C-1 General Commercial District; and

WHEREAS, the Applicant proposed to convert a former funeral home consisting of a 3,090 square foot, vacant, 2 ½ story frame structure into a single tenant office use to accommodate his management consulting firm. The subject property also includes a three car detached garage. The Applicant is proposing eight parking spaces for his eight employees and includes an additional four land banked spaces at the rear of the property. All alterations will be interior renovations with the exception of a new covered porch at the rear of the building. 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. A-0 "Site Plan, Zoning Analysis, and Notes" prepared by DeAngelis Architectural Services, LLC, dated February 28, 2013 and revised March 1, 2013 and March 28, 2013;
2. C-1 "Stormwater Management Plan and Drainage Analysis" prepared by HEC, Hudson Engineering and Consulting dated February 25, 2013 and revised March 28, 2013;
3. Topological Survey prepared by Richard A. Spinelli, dated March 16, 2011;
4. Coastal Assessment Form ("CAF") dated February 26, 2013, and submitted pursuant to Local Law No. 30-1984;
5. Short-Form Environmental Assessment Form ("EAF") dated February 26, 2013; 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 memos dated March 11, 2013 and April 4, 2013; from the Village's Planning Consultant as summarized in memos dated March 6, 2013, and April 3, 2013; and from the Planning Board's Attorney;

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

WHEREAS, duly advertised public meetings were held on the application for an amended site plan approval on March 13, 2013 and April 10, 2013, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board determined on March 13, 2013, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (7); and

WHEREAS, the Planning Board determined on March 13, 2013, that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 240 of the Village Code; and

WHEREAS, pursuant to Section 342-56 of the Zoning Code, twelve parking spaces are required but the Planning Board has determined that only eight spaces are necessary to be improved now and the remaining four spaces are to be land banked for potential future improvement in accordance with Section 342-60 of the Zoning Code and a Declaration to be recorded against the property; and

WHEREAS, based upon the specifics of the Applicant's proposed use of the property, the Planning Board has not required a further widening of the driveway from 16 feet to 18 feet but has reserved the right to require such widening in the event of any change in the type, nature or intensity of the use in the future.

**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) Prior to the issuance of a Building Permit, the Applicant shall (1) submit a Declaration to be recorded against the property, in form satisfactory to the Planning Board's counsel, that addresses (i) the obligation of the Applicant and its successors and assigns to improve the current land banked parking in the future; and (ii) to return to the Planning Board to determine whether the driveway must be widened in the event of a future change in the type, nature or intensity of the current use of the property, including, but not limited to the conversion to multi-tenants in the office space; and (2) provide proof to the Building Department and Planning Board counsel that such Declaration has been submitted to the Westchester County Clerk for recording. . Prior to the issuance of a Certificate of Occupancy, the Applicant shall file a copy of the Declaration, with proof of its recording in the Westchester County Clerk's Office, with the Building Department and Planning Board counsel.
  - (b) 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 other 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, Wexler  
                              Nays: None  
                              Absent: Sjunnek, Sterk

PLANNING BOARD

Village of Mamaroneck

Date: April 24, 2013

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Michael Ianniello, Chairman

**MISCELLANEOUS – Mamaroneck Beach and Yacht Club**

Mr. Steinman stated the Planning Board will conduct a site visit on Saturday, April 27 at 10:00 a.m. at 549 Alda Road, Mamaroneck, to discuss the proposed structural changes for the Mamaroneck Beach and Yacht Club and the impact on this area.

**ADJOURNMENT**

There being no other business, the meeting was adjourned.

On motion of Mr. Wexler, seconded by Mr. Mendes, the meeting was adjourned at 8:45 p.m.

VOTE: 3-0

Respectfully submitted,

Anne Hohlweck  
Recording Secretary