

DRAFT

**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, JUNE 12, 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 June 12, 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, June 26, 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
INGEMAR SJUNNEMARK
STEWART STERK
LEE WEXLER**

**BOB GALVIN, AICP, VILLAGE PLANNER
BILL GERETY, BUILDING INSPECTOR
ANTHONY CARR, VILLAGE ENGINEER
SUSAN FAVATE, AICP, PLANNING CONSULTANT
LESTER STEINMAN, PLANNING BOARD ATTORNEY**

CALL TO ORDER

Chairman Ianniello called the meeting to order at 7:00 p.m.

Chairman Ianniello stated that the agenda will be taken out of order. The Wetlands Public Hearing and Site Plan Review for Mamaroneck Beach & Yacht Club will be heard last on the agenda.

APPROVAL OF MINUTES

Approval of Minutes from May 29, 2013 Planning Board Meeting

On motion of Mr. Sterk, seconded by Mr. Sjunnemark, the minutes of the Regular Meeting of May 29, 2013 were approved.

VOTE: 5-0

OLD BUSINESS

Proposed 2 Lot Subdivision – 209 Grand Street

Mr. Galvin stated that this matter was previously discussed at the last Planning Board meeting, at which it was determined to be an Unlisted Action. Mr. Galvin said that the Board should declare the Board's intent to be Lead Agency. Mr. Galvin met with the Building Inspector and the applicant, who went through the variances that were required. The applicant is planning to go before the Zoning Board of Appeals (ZBA) in July.

Mr. Steinman said it is appropriate to adopt a Resolution declaring the Planning Board's Intent to be Lead Agency, and to authorize staff to circulate to all involved agencies a notice declaring the Planning Board's intent to be Lead Agency.

Approval to Declare Planning Board's Intent to be Lead Agency

On motion of Mr. Sterk, seconded by Mr. Wexler, the Planning Board declared its intent to be Lead Agency under SEQRA for the proposed two-lot subdivision at 209 Grand Street, and directed staff to prepare the notice of intent and circulate to all involved agencies.

VOTE: 5-0

NEW BUSINESS

Site Plan Review for Change of Use from Storage to Legume Gourmet Market at One Depot Plaza in a C-2 Commercial District

Ms. Diane Neff, architect, appeared for the applicant, Yellowstone Properties, Inc. She stated that the Change of Use is from a storage facility to a Turkish gourmet retail food store named *Legume Gourmet Market*.

The architect said interior alterations are planned. There are no changes to the facade or exterior lighting. The trash containers are behind the building. A special permit is not required for a food market under Village Code.

The architect said the hours of operation are 7 a.m. to 9 p.m. seven days a week.

Mr. Sterk inquired about parking. The architect said three spaces are allocated behind the building for Yellowstone Properties. The architect noted that there are two entrances to the store, and there is parking along the side of one entrance, and there is parking on Stanley

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Avenue. Mr. Galvin mentioned that there is metered street parking on Mt. Pleasant Avenue at the second entrance.

The architect said they are going before the Board of Architectural Review (BAR) next week regarding the front door of the store entrance where a window is being converted to a door.

Mr. Ianniello inquired about trash pickup. The architect said a carting company will manage the trash and put it out the morning of pick up.

Mr. Galvin stated that the proposed action is a Type II action under SEQRA. The proposed use is a non-residential structure and is less than 4,000 square feet with no variance or rezoning required.

SEQRA - TYPE II ACTION

Mr. Galvin recommended this proposed action as a Type II action under SEQRA pursuant to 6 NYCRR. 617.5 (c) (7).

On motion of Mr. Sjunneemark, seconded by Mr. Sterk, the Planning Board declared this proposed use to be a Type II action under SEQRA.

VOTE: 5-0

LWRP Consistency

On motion by Mr. Sjunneemark, seconded by Mr. Sterk, the Planning Board determined that the application was consistent with the policies of the LWRP.

VOTE: 5-0

Site Plan Approval

On motion of Mr. Sterk, seconded by Mr. Wexler, the Site Plan was approved for a Change of Use from a storage facility to a gourmet retail food store at One Depot Plaza, and subject to the approval of the Resolution to be reviewed at the June 26, 2013 Planning Board meeting.

VOTE: 5-0

RESOLUTION

841 Taylors Lane - Draft Resolution to approve wetland permit to elevate an existing single family residence within the 100 foot buffer of a wetland to comply with FEMA regulations

The Resolution was approved as follows:

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
(Adopted June 12, 2013)

RE: FREDERICK HACKENBURG, 841 TAYLORS LANE
Resolution of Wetland Permit Approval

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

WHEREAS, on May 7, 2013, Frederick Hackenburg, 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 a wetland permit to elevate an existing single family residence within the 100 foot wetland buffer to comply with FEMA regulations with modified deck and steps to provide access to elevated residence ("Application"); and

WHEREAS, the Applicants' property is located at 841 Taylors Lane ("Property"), situated within the R-15 Residential District; and

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

Whereas, the Planning Board has carefully reviewed the application and considered comments from the Village Planner in a memorandum dated May 28, 2013, the Village Engineer in a memorandum dated May 29, 2013, 2012, and evaluated the following set of plans dated May 6, 2013 prepared by Crozier Gedney Architects, P.C. and a Short-Form Environmental Assessment Form ("EAF") and a Coastal Assessment Form ("CAF") dated April 6, 2013 as submitted by the Applicant which form a part of the Application:

1. Drawing T-100 "Title Sheet, Architectural Drawing Index Project Information, Site Plan".

2. Drawing T-101 "Impervious Surface Area Plan".
3. Drawing A-100 "Proposed Foundation Plan".
4. Drawing A-101 "Proposed First Floor Plan".
5. Drawing A-200 "West Elevation (Front) & East Elevation".
6. Drawing A-201 "South Elevation & North Elevation".
7. Drawing A-300 "Section & Breakaway Wall Details".

Whereas, on May 29, 2013, the Planning Board after holding a public hearing at which the opportunity for public comment was offered to all interested parties, has considered and evaluated the Application and determined that it is a Type II action under SEQRA and consistent with the Village's LWRP; and

Whereas, the Planning Board has completed its review and evaluation of the 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:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby grants a wetland permit for the elevation of a single family residence with modified deck and stairs for access to such elevated residence at 841 Taylors Lane, subject to the following conditions:

- (a) The Applicant shall provide additional details to the satisfaction of the Village Engineer for the proposed walkway, and for the water, gas, and sewer lines and other site utilities; and
- (b) The Applicants shall pay all outstanding consultant review fees in connection with the 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 Applicants, 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, Sjunneemark, and Mendes
Nays: None
Abstain: None

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OTHER

Mr. Galvin said he had a meeting with the Board of Trustees, Village Attorney and others regarding selected zoning changes. Any proposed legislation will be the subject of a public hearing.

Mr. Galvin said dumpster permits are being proposed to be switched from the Planning Board to the Building Department. The Planning Board will retain control over dumpster permits connected to site plans.

Mr. Galvin said the suggestion was made that the Planning Board would take over responsibility for special permits, especially ones connected to a site plan. Consideration is being given to providing the Planning Board with responsibility for all special permits in order to streamline the land use process.

Another proposal is being considered to provide the Harbor and Coastal Zone Management Commission (HCZMC) with responsibility for approving wetland permits. Mr. Galvin said that it appears that any application to the HCZMC for a marine structures permit relating to the Long Island Sound shoreline also requires a wetland permit.

Mr. Galvin said he will update the Planning Board as information becomes available. He also asked the Board members to provide him with any feedback. Mr. Galvin indicated that he is preparing a chart summarizing the current responsibilities for special permits by board.

Mr. Ianniello asked when a fence or wall is being added to an already approved site plan, and is a partial change to the site plan, how is this change handled. Mr. Galvin said the applicant should file an amended site plan, but this will be further discussed.

WETLANDS PUBLIC HEARINGS

Mamaroneck Beach & Yacht Club - Amended Wetland Permit Public Hearing and Site Plan Review for Seasonal Housing and Other Improvements (Continued Public Hearing)

Mr. Galvin and Mr. Sterk recused themselves from this application and left the meeting.

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Mr. Ianniello asked for a brief recess to seek advice from counsel on this application.

Executive Session

Mr. Sjunnemark moved to take a brief recess at 7:23 p.m. to receive advice from counsel on this application, seconded by Mr. Wexler.

VOTE: 4-0

Mr. Sjunnemark moved at 7:50 p.m. to return to regular business, seconded by Mr. Wexler.

VOTE: 4-0

Paul Noto, Esq. said the one major issue weighing on this application is the size of Yacht Club building. He stated that photos were taken today of the building and they were presented to the Board. He then introduced the architect, Gregg DeAngelis.

Mr. DeAngelis emphasized that the building is not that visible to the local residents. There are many trees in that area. He mentioned that the existing dockmaster's shed did not make it through Superstorm Sandy. The issue here is what is seen from the water.

Mr. Steinman asked for the amount of square footage within the 50 foot setback from Long Island Sound in 2010 vs. 2013.

The architect said the square footage area within the 50 foot setback in 2010 was 2,251 square feet of building area, and in 2013 it is proposed to be 3,571 square feet.

Mr. Steinman then asked the architect to give the degree of incursion into the wetlands buffers. The architect said that for the 100-foot buffer in 2010, the building footprint was 2,414 square feet and in 2013, it is proposed to be 5,587 square feet, and this represents the gross coverage. Mr. Wexler remarked that the square footage has doubled in size since 2010. Mr. Ianniello asked for an explanation of why the additional incursions were necessary.

The architect said there will be 57 slips and two people per slip for a total of 114 people. The slips generated the size of the meeting room. Restrooms also are being added. There will be a wrap-around porch. An elevator is being added to the multi-level building. The attic will be used for equipment and storage.

The architect addressed the dockmaster building in the rear. He said the dock hands are stationed underneath the building, and look out over the harbor. They are in place to assist Village of Mamaroneck

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boaters. The dockmaster's office is currently located in a cabana and there are no water views. The thought was to give the nicer views in the new building to the members.

Further discussion ensued, and suggestions were made on how to lower the building height.

Mr. Noto said they will review the building height and width, and incursion into the buffer and 50-foot Long Island Sound setback.

Mr. Wexler addressed the additional square footage, and asked for details on the size of their competitors' main buildings.

Mr. Mendes remarked that a traffic management plan needs to be put in place as there are many children around. Mr. Mendes also requested a delivery schedule that will not cause disruption to the local residents who already have voiced their concerns about deliveries at all hours of the day and night. He suggested that limitations be set on delivery times. Mr. Noto said that is do-able. Mr. Steinman asked that a schedule be submitted prior to the next meeting. Mr. Noto said that enforcement on speeding is encouraged and supported.

Mr. DeAngelis said their landscape architect will work with the Village's landscape architect. Mr. Wexler said that different screening, other than grasses, needs to be used on the Otter Creek barrier.

Mr. Carr said the applicant has provided hydraulic calculations for the proposed water system. Correspondence has been provided by Westchester Joint Water Works that stated there is enough of a water supply to the site. He said he is waiting to learn the status of the assessment on the force main. Mr. Carr said the applicant's engineer is present.

Mr. Tom Holmes, project manager, TRC Engineers, stated the sewer inspection was done by ACS in 2007 and the inspection was favorable regarding the on-site sewer. Plans are in the works for ACS to do an updated sewer inspection. He said the inspection cannot be done now as the Club is in the height of its season, and the system cannot be shut down to inspect. Mr. Steinman said this needs to be done soon as this information is required.

Mr. Noto recapped and said that for the next meeting they will look at further reducing the size of the Yacht Club building, garbage pickup, management of deliveries, and plantings on the Otter Creek boundary.

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

Public Comments

Debra Cohen, Esq., Newman Ferrara, remarked that sewage, traffic studies, fire & emergency access studies and reports are still open items and need to be finalized. She

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stated that the schedule of events held at the club has not been made available. She noted that a traffic analysis was done, but not during key hours, or times when events were held. The hours reported were during the week from 8 a.m. to 9 a.m., and 4:45 p.m. to 5:45 p.m., and on Saturday from 11:45 a.m. to 12:45 p.m. Ms. Cohen said this was not a good representation. Ms. Cohen then discussed and commented on Eric Gordon's (applicant's co-counsel) letter.

Doreen Roney, resident, stated that this application may need a DEC permit and that this should be looked into.

Sarah Robertson, resident, said that a higher bar should be set for commercial waterfront properties.

Barry Glick, Mamaroneck Beach & Yacht Club (MBYC) Commodore, said that he has been a commuting member for ten years and is an avid boater. He said that a Club House, Dock House and the capability to display marine memorabilia are all important, or boaters will seek out a different membership.

Keith Waitt, resident, stated that the parking lot in the Otter Creek area is often filled to capacity with cars, trucks, trailers, buses, etc. In his opinion, this parking lot will not be empty.

Laura Waitt, resident, said the seasonal residence building is a sizable structure and questioned if it will be used year round.

Edward Kaufman, MBYC member, stated he immensely enjoys the Club, and these issues exist everywhere, and are not unique. Deliveries to the club can be negotiated.

Dan Natchez, president of SAPOA, stated there will be an over utilization of the facilities. He also noted the plan indicates 2,000 square feet for administrative offices which is sizable. He remarked that there is no need to create another catering hall. Membership has declined. Sixty-seven percent of the facility is not water dependent. Mr. Natchez pointed out that with more rooms, it translates into more functions. There is currently solicitation for outside functions and family stay-cations. He said there is passive and active use of the area along Otter Creek for kayakers and others. A 3 ½ story building on Otter Creek is unnecessary. He stated that most yacht clubs have one building. Mr. Natchez concluded that we want to work with our neighbors as it is desirable.

A discussion ensued about the use of the Otter Creek Parcel for overflow parking. Mr. Silverberg stated that the 2010 site plan included this property but the 2013 site plan does not. Mr. Noto stated the applicant's intent to continue to use the Otter Creek parcel for overflow parking as provided in the 2010 site plan approval. When asked by Mr. Ianniello

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regarding the Planning Board's desire to establish a vegetated buffer at the boundary of the 2013 site plan property and the Otter Creek Parcel, Mr. Noto stated that the applicant would plant such a buffer in such a manner as to continue to allow vehicular access to the Otter Creek Parcel for overflow parking purposes.

Mr. Ianniello and Mr. Wexler expressed surprise and concern that the applicant intended to continue overflow parking offsite. Mr. Wexler stated that establishing an appropriate site boundary was a critical task of the Planning Board.

Mr. Ianniello said the public hearing will remain open. The matter was adjourned.

ADJOURNMENT

On motion of Mr. Sjunnemark, seconded by Mr. Wexler, the meeting was adjourned at 10:12 p.m.

VOTE: 4-0

Respectfully submitted,

Anne Hohlweck
Recording Secretary