

**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, OCTOBER 23, 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 October 23 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, November 13, 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
INGEMAR SJUNNEMARK
LEE WEXLER
STEWART STERK
LOU MENDES**

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

CALL TO ORDER

Chairman Ianniello called the meeting to order at 7:03 p.m.

Mr. Ianniello stated there is no LMC-TV broadcast this evening.

APPROVAL OF MINUTES - October 9, 2013 Planning Board Meeting

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the minutes of the Regular Meeting of October 9, 2013 were approved.

VOTE: Ayes: Sterk, Sjunneemark, Ianniello
Nays: None
Abstain: Mendes

Mr. Wexler joined the meeting.

WETLANDS PUBLIC HEARING

Continued Public Hearing for Application of Joseph Spadaro: Review and Approve Wetland Application related to the Restoration of Existing Shoreline Interface and Reconfiguration of the Entrance to Recreational Docking Facility located at 426 Rushmore Avenue.

Mr. Shawn Partin, Daniel S. Natchez & Associates, appeared for the applicant and stated a portion of the seawall that was damaged by Superstorm Sandy will be repaired and replaced. The gravel driveway that extends beyond the property line into the Village land will be removed, and plants will be put in. Mr. Partin stated the applicant does not have information on the original seawall but confirmed it is on Village property. The drawings have been updated and there are minor technical details to be added. He said they are working with Mr. Carr to finalize the site plan.

Mr. Partin stated they went to the Harbor & Coastal Zone Management Commission and the members suggested one different replacement plant. Mr. Partin stated their preference is to keep their original plant list if possible. He said their project is consistent with the wetlands standards.

Mr. Anthony Carr stated he still needs to speak with their engineer, Louis Lemond, on several minor issues.

Ms. Susan Oakley, Village Landscape Consultant, stated she sent a memo to the Board and Mr. Natchez today on the landscaping plans and stated the native plants proposed are appropriate in that they can withstand salt spray, water, and poor soil drainage. She said the proposed plan calls for three inches of top soil to be spread to level out the ground, but it will not necessarily be beneficial to the plants. She recommended that the heavy gravel content areas be dug out and to then put down soil and peat moss. She noted there are existing plants that were not put on the plan and should be removed from the site, as they are not native to the topography. They should be moved inland. Ms. Oakley noted there is a compost area between two rows of trees that should be relocated onto the applicant's property. The plans do not reflect what has been planted. All changes should be indicated on the drawing.

Mr. Sterk addressed the trees and inquired if they will be relocated or removed from Village property. Mr. Sjunneberg interjected this is something outside of the project and needs to be addressed by the Village. Ms. Oakley said that plants such as Rose of Sharon, Yews, Forsythia, etc. should be moved inland and onto the applicant's property. Mr. Gerety said that the Parks Supervisor will have to go out and determine the proper course of action.

Mr. Partin said he believes the plants existed. He questioned if there is a benefit in moving the plants outside of the buffer zone. Mr. Partin said he will check with his client as to who did the planting.

Mr. Galvin reviewed his memorandum to the Planning Board dated October 10, 2013.

Mr. Galvin said the SD-04 plan involves the details of the safety/construction fence to keep people off of the wetlands area. Those specifications are to be placed on the SD-04 drawing. Also plant specifications are to be put on the SD-04 drawing. Signs need to be affixed to the safety/construction fence and the wording needs to be noted on the plan. Regarding SD-02, notes reflecting the step by step plan for the method to be used to restore the 258 square foot area need to be added to the plan. Organic mulch is to be noted on the plan. The compost area that is being relocated is to be shown on the plan.

On SD-01, in the final resolution, the engineering comments on minor calculations before the building permit is issued should be a condition in the resolution. Seawall Note #2 should be modified to specify that "No concrete materials will be accepted". Also, all comments by the Village Engineer are to be noted on the plan.

Mr. Galvin stated that, on September 25, 2013, the Planning Board determined that the application was a Type II action under SEQRA. No determination of consistency has been made and Mr. Galvin recommended that such determination be deferred until the December 11th Planning Board meeting to enable the HCZMC to address consistency at its November 20th meeting. Signage and fencing need to be finalized.

Mr. Galvin stated the main HCZMC issue is the installation of the Turbidity Curtain and its related costs. Otherwise, they appeared to have no other major issues regarding the plans. Other areas that need attention are the plants, park area, and rubble wall.

Mr. Gerety said that plantings along the boundary line and beyond have made the park smaller and has benefited the Spadaro's. Mr. Gerety mentioned that a violation notice could be issued which needs to be determined and is being investigated. Mr. Ianniello interjected this all needs to be resolved before a site plan approval. Mr. Steinman said there is sufficient time before their next meeting on December 11, 2013 to resolve these matters.

Ms. Oakley requested that the applicant prepare an Existing Conditions Plan that will show all the plantings in relation to the property line, existing driveway, etc. Mr. Galvin said there are both an Existing Conditions Plan and a Proposed Conditions Plan in the applicant's submission.

Ms. Oakley stated there are planting issues and the plan needs to be more precise. She noted that new plants were definitely put in on the park land side. Mr. Ianniello noted the

plan on the park land side is incomplete. Mr. Wexler agreed and said the plantings on the park land side are not accurately shown on the plan.

A site visit was recommended by Mr. Gerety to include the Parks Supervisor, Mr. Natchez, Planning Board members, and Ms. Oakley to walk the site to get an accurate representation of the area in question. Mr. Gerety stated the applicant's plantings extend ten to twenty feet into the Village's property and the depth of intrusion is significant.

The Board agreed to meet at the property on Sunday, November 3 at 9:00 a.m. EST. Mr. Galvin stated he will send out the Notice and post on the web site.

Mr. Gerety suggested deferring further discussion on the parkland intrusions until after they meet at the site.

Mr. Natchez suggested a fence be put up to delineate the applicant's property from the Village's.

Mr. Ianniello stated the public hearing will remain open until the November 13th Planning Board meeting.

RESOLUTIONS

Resolution for site plan approval for change of use of Salsa Fresca restaurant located at 354 Mamaroneck Avenue.

**RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted October 23, 2013**

RE: 354 Mamaroneck Avenue, Salsa Fresca Mexican Grill – Resolution of Site Plan Approval

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

WHEREAS, on October 9, 2013, SFMG-S4, LLC d/b/a Salsa Fresca Mexican Grill, 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 Italian Deli to restaurant ("Application"); and

WHEREAS, the Applicant is located at 354 Mamaroneck Avenue, within the C-2 Central Commercial District; and

WHEREAS, the Applicant proposed to convert a 2,000 square-foot, former Italian Deli (A&S Fine Foods) into a restaurant (Salsa Fresca Mexican Grill) with the same square footage, The proposed use includes only interior renovations and no changes to the building façade or configuration, and this proposal (“Project”) is described and illustrated on the following plan as submitted and subsequently revised by the Applicant which form a part of the Application:

1. A-1.00 “Floor Plan, Renovate Restaurant into a Salsa Fresca,” prepared by Earthwise Architecture, as dated May, 13, 2013 and revised September 29, 2013;
2. Coastal Assessment Form (“CAF”) dated September 30, 2013, and submitted pursuant to Local Law No. 30-1984;
3. Short-Form Environmental Assessment Form (“EAF”) dated September 13, 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’s Planning Consultant as summarized in a memo dated October 2, 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 a site plan approval on October 9, 2013, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Zoning Board of Appeals issued a special permit pursuant to the provisions of §342-45 and 342-71 of the Village Code on June 6, 2013; and

WHEREAS, the Planning Board determined on October 9, 2013, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (7); and

WHEREAS, the Planning Board determined on October 9, 2013, 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 condition:

- (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 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, Sjunneemark, Sterk, Wexler
Nays: None
Absent: Mendes

PLANNING BOARD
Village of Mamaroneck

Date: October 23, 2013

Michael Ianniello, Chairman

Resolution approving site plan for change of use from former business office to beauty salon located at 545 Halstead Avenue.

**RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted October 23, 2013**

RE: 545 Halstead Avenue, Beauty Salon – Resolution of Site Plan Approval

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

WHEREAS, on October 9, 2013, Angelo Carpenito, owner of Halstead Avenue Corporation, 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 business office to retail (Beauty Salon) (“Application”); and

WHEREAS, the Applicant is located at 545 Halstead Avenue, within the C-1 General Commercial District; and

WHEREAS, the Applicant proposed to convert a 684 square-foot, former tax accountant office into a beauty salon with the same square footage, The proposed use includes only interior renovations and no changes to the building façade or configuration, and this proposal (“Project”) is described and illustrated on the following plan as submitted and subsequently revised by the Applicant which form a part of the Application:

1. A-1 “Plot Plan, Floor Plan, Details, Notes and Specs,” prepared by Michael Rino Architects and Planners, as dated July 8, 2013 and revised August 23, 2013;
2. Coastal Assessment Form (“CAF”) dated September 20, 2013, and submitted pursuant to Local Law No. 30-1984;
3. Short-Form Environmental Assessment Form (“EAF”) dated September 20, 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’s Planning Consultant as summarized in a memo dated October 2, 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 a site plan approval on October 9, 2013, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board determined on October 9, 2013, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (7); and

WHEREAS, the Planning Board determined on October 9, 2013, 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 condition:
 - (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 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, Sjunneemark, Sterk, Wexler
Nays: None
Absent: Mendes

PLANNING BOARD
Village of Mamaroneck

Date: October 23, 2013

Michael Ianniello, Chairman

OTHER

Mr. Galvin said there will be one Planning Board meeting in November and December. The dates are November 13 and December 11.

Mr. Galvin stated he provided Mr. Ianniello with the proposed text change to the zoning code relating to “Change of Use” for site plan review. He will forward the text change to the Board members. The change involves the “*change in the intensity of use*” which impacts parking, exterior alterations, lighting, etc. A standard Change of Use would be managed by the Building Department with the exception of matters that involve exterior work and facades that would still be handled by the Planning Board in site plan review.

ADJOURNMENT

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the meeting was adjourned at 7:44 p.m.

VOTE: 5-0

Respectfully submitted,

Anne Hohlweck
Recording Secretary
Village of Mamaroneck
Planning Board
October 23, 2013
Page 8 of 8