

**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, DECEMBER 11, 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 December 11, 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, January 8, 2014 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**

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

CALL TO ORDER

Chairman Ianniello called to order the meeting at 7:08 p.m.

APPROVAL OF MINUTES – November 13, 2013 Planning Board Meeting

On motion of Mr. Sjunneemark, seconded by Mr. Sterk, the minutes of the Regular Meeting of November 13, 2013 were approved.

VOTE: 5-0

OLD BUSINESS

John Lese request for 1 year extension of existing site plan for 5 residential multi-family condominium units (1 unit is below market rate under Article XV) located at 208 W. Boston Post Road.

Mr. John Lese, applicant, appeared and stated that financing for his project has not yet been finalized.

Mr. Ianniello inquired about the delay. Mr. Lese said there have been no changes to the plan, but that the banks are slow.

Mr. Ianniello asked when the application was filed. Mr. Lese said in 2010.

Mr. Sterk suggested a new review because of the length of time in getting financing.

Mr. Sjunneemark suggested that this be the last extension, and in one year, a new application be submitted, if financing has not been secured.

Mr. Ianniello remarked that there has been and will be a change in board members who will be unfamiliar with the application and it will be necessary to submit a new application.

Mr. Sjunneemark noted that recreation fees are due. Mr. Lese said they will be paid, but at the lower rate in effect at the time the site plan was approved.

Mr. Galvin noted that due to the recession there was a slump in redevelopment, however, that is changing as the economy is improving.

Approval of One-Year Extension of Time

On motion of Mr. Sjunneemark, seconded by Mr. Wexler, the site plan application for a final one-year extension of time was approved from December 9, 2013 to December 9, 2014, subject to approval of the Resolution to be reviewed at the January 8, 2014 Planning Board meeting.

VOTE:

Ayes: Sjunneemark, Wexler, Mendes, Ianniello

Nays: Sterk

WETLANDS PUBLIC HEARINGS

Continuation of Site Plan and Wetland Permit for Reconstruction of Shore Acres Point Clubhouse in R-20 Residential District.

Mr. Sterk recused himself.

Mr. Arthur Wexler, architect, appeared for the applicant and discussed Phases I and II planting schedules. He said 21 plants will be put in for Phase I, and 17 additional plants added in Phase II. If Phase I planting is done in the fall then Phase II planting will be eighteen months later. If Phase I planting is done in the spring, then Phase II plants will be put in twenty-four months later. The Board members were in agreement with the planting schedules.

Mr. Ianniello asked if there were any comments from the public. There were no comments.

Close Public Hearing

On motion of Mr. Sjunneemark, seconded by Mr. Mendes, the public hearing was closed.

VOTE: 4-0

Wetland Permit Approval

On motion of Mr. Sjunneemark, seconded by Mr. Mendes, the application for a Wetlands Permit was approved, subject to the approval of the Resolution to be reviewed at the January 8, 2014 Planning Board meeting.

VOTE: 4-0

Site Plan Approval

On motion of Mr. Sjunneemark, seconded by Mr. Mendes, the Site Plan application was approved with the condition that the following Phase I and Phase II planting schedules be adhered to. If Phase I planting is completed in the fall, Phase II plants shall be added eighteen months thereafter. If Phase I planting is completed in the spring, Phase II plants shall be added twenty-four months thereafter. and subject to approval of the Resolution to be reviewed at the January 8, 2014 Planning Board meeting.

VOTE: 4-0

Mr. Sterk rejoined the meeting

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.

Village of Mamaroneck
Planning Board
December 11, 2013
Page 3 of 12

Mr. Dan Natchez, Daniel S. Natchez and Associates, appeared for the applicant who also was present.

Ms. Oakley reviewed her December 10, 2013 memorandum to the Planning Board. Ms. Oakley stated that a solution to the planting on Village land is to remove the gravel parking area and plantings. The Landscape Plan that was submitted does not accurately reflect what is currently in place. She pointed out that the plants put in are not the proper species for the wetlands area. She stated the property line should be delineated once the plants are taken out. The retaining wall should be removed along with the row of 10 seven-foot Arborvitae. The gravel area and plants on Village land should be restored to lawn and parkland.

Mr. Natchez interjected that the applicant does not know who put up the wall. He said the railroad ties will be removed along with the gravel parking area. Mr. Natchez stated the parks foreman said to leave the plants in place.

Mr. Wexler queried why the parking area is separate from the plantings in that the gravel will be removed, but the plants may not be taken out.

A discussion ensued regarding the Planning Board's wetland permit jurisdiction and the removal of plantings and other incursions into Village property that are located outside the wetland buffer area.

Mr. Galvin noted that the parks supervisor likes the plants and said the Village will make a determination. The plantings should be a separate matter from the Wetlands Permit.

Mr. Gerety said there are on-going negotiations and no decision has been made. He said this is up to the Village to decide and there is no time frame for a decision.

Mr. Galvin stated that a violation notice was issued to the Spadaro's.

Mr. Sterk noted that no construction should commence without an approval or an Agreement between the Village and the Spadaros.

Mr. Gerety noted the applicants cannot use their dock.

Mr. Spadaro commented that the plants keep people off his property which became a nuisance.

Mr. Carr mentioned the seawall calculations are near completion and are expected shortly.

Mr. Steinman stated that there are a number of moving parts and suggested that the Planning Board authorize counsel and staff to prepare a Resolution of conditional approval Village of Mamaroneck

Planning Board

December 11, 2013

Page 4 of 12

of the application. Mr. Carr will get the seawall calculations soon and that should be noted in the Resolution.

Close Wetlands Public Hearing

On motion of Mr. Sterk, seconded by Mr. Sjunneberg, the Wetlands public hearing was closed.

VOTE: 5-0

Mr. Galvin stated this is a Type II action and has been voted on.

LWRP Consistency

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

VOTE: 5-0

The Planning Board directed counsel and staff to prepare a resolution of conditional approval consistent with the recommendations made by Ms. Oakley and providing that no certificate of occupancy shall be issued until the applicant complies with the conditions of the Planning Board's resolution except as certain of those conditions may be modified by a written agreement between the applicant and the village relating to the removal of plantings and other incursions into Village property.

Reopening of Public Hearing for the limited purpose of reviewing and accepting public comment on a proposal to construct a new sewage pump station and sanitary force main on Mamaroneck Beach & Yacht Club property located at 555 South Barry Avenue.

Mr. Galvin stated this matter has been removed from the agenda.

PUBLIC HEARINGS

Continued Public Hearing for Site Plan Review and Special Permit for 6 apartments in a C-2 District under chapter 342-50-B. Application is for one story retail on Mamaroneck Avenue, with secure access from Mamaroneck Avenue to a four story residential building with six residential units with vehicular/pedestrian access from Library Lane. Six on-grade parking spaces provided on-site with additional three spaces to be acquired in the municipal parking lot across the street on Library Lane.

Paul Noto, Esq., appeared for the applicant and stated that new façade drawings have been submitted. Mr. Noto requested that the Planning Board adopt a negative declaration under SEQRA to enable the applicant to appear before the Harbor & Coastal Zone Management Commission (HCZMC) next week for a consistency determination. Mr. Noto asked if the Board members had any questions.

A discussion ensued regarding the changes to the building façade. Mr. Ianniello and Mr. Mendes stated that the new façade treatment is an improvement.

Mr. Mendes addressed the false windows with frosted glass. He noted that it is not complimentary to the structure. Mr. Ianniello stated the windows are too large, and should be consistent with the windows on the opposite side. The windows also should resemble the look of existing windows that are along Mamaroneck Avenue.

Mr. Joe Forte stated that Mr. Rex Gedney will address the windows at the next meeting. Mr. Ianniello asked that they return to the next meeting on January 8, 2014 with updated plans.

Mr. Galvin stated this is an Unlisted Action and no significant adverse impacts have been identified.

Motion to Declare Negative Declaration

Mr. Sterk moved to declare this action as a Negative Declaration under State Environmental Quality Review Act (SEQRA), seconded by Mr. Sjunneemark.

Vote: 5-0

The public hearing was continued to January 8, 2014.

NEW BUSINESS

Site Plan Review for one story, 2,228 square foot commercial structure in C-1 zone on currently vacant lot located at 651 East Boston Post Road (intersection of S. Barry Avenue and E. Boston Post Road). Building provides single space interior with option of subdividing into two separate retail spaces. Development proposes new sidewalks, planters, low green areas and buffer planting between the site and adjacent residential property.

Mr. Joseph Genzano appeared for the applicant. Michael Kudrzycki, architect, also was present. The architect stated this is retail property located at the southwest corner of Barry Avenue and Boston Post Road and will be a one-story building. There are small buildings all around the area. The building is close to the corner of the site, and ties into the frontage of Village of Mamaroneck

houses in the area. The building is 16 feet high, and has a flat roof. The front and back are equal. There are two entrances in the front and two entrances in the rear. The building is 2,200 square feet. It can be divided into two different retail spaces.

The architect said there will be planters in front that will serve as rain gardens that will store and absorb water. There will be 600 square feet of rain gardens that will hold flowers and filter water. There will be flood lights in the parking area that will face the site. Down lights will be mounted on the building, and will serve as accent lights. The garbage area is located at the southwest corner.

Mr. Genzano said the proposed landscaping will serve as a buffer all round. Arborvitaes will be planted. There will be a rear retaining wall.

Mr. Mendes addressed the overall look of the building. He said when one is entering Mamaroneck, this building it is one of the first buildings one sees. He said it looks boxy and not attractive considering it is highly visible. He noted the proposed exterior stucco will get dirty. He suggested adding dentil molding. The Board of Architectural Review (BAR) will look at the facade and make a determination. He said the building lacks interest.

The architect noted the building is below FAR. The building is not a massive structure. Mr. Ianniello said to consider a second story on the building.

Mr. Galvin noted the tree on So. Barry Avenue that will not be put in as there is a utility pole in place needs to be removed from the plan. Mr. Galvin asked that an Amended Plan be filed.

Mr. Ianniello asked if there will be roof solar panels, and a bike rack put in. The architect responded no.

Mr. Ianniello addressed the traffic pattern off of South Barry and asked how vehicles will exit the site to Boston Post Road. The architect said there is room to back out ones' vehicle. Different traffic patterns were discussed. Mr. Ianniello addressed parking spaces 8, 9 and 10 and noted space #1 would have difficulty turning to exit the parking area. He asked that they come up with a workable turning solution. Mr. Genzano was agreeable to eliminating certain spaces. Six spaces are required.

Mr. Wexler noted the landscape looks great along the property line. He recommended that the islands within the parking lot will be enhanced by putting in trees to break up the mass of the parking lot.

Ms. Oakley, Village Landscaping Consultant, said she liked the landscaping plan and discussed the plan at length. She noted the street trees proposed are Bradford Pears that are weak trees and could be damaged during storms. She suggested a larger variety be put

Village of Mamaroneck

Planning Board

December 11, 2013

Page 7 of 12

in for street trees and will recommend species. She mentioned there are no overhead utility lines on this side of South Barry Avenue the will interfere with large trees. Ms. Oakley noted the plant schedule is inconsistent. The architect said it will be updated.

Mr. Anthony Carr stated the Stormwater management system is adequate and complies with the Village Code. A utilities plan is required on gas and electric. Presently, they have submitted a drainage plan. Letters from Westchester Joint Water Works are necessary after they test for adequate domestic and fire pressure, and Westchester County Department of Environmental Facilities (DEF) after reviewing sewage capacity. Curbing on South Barry Avenue may need to be removed as it could get damaged by street equipment. Signage needs to be addressed.

Mr. Ianniello asked that the plans be reworked according to the recommendations made by the Planning Board.

The matter was adjourned to January 8, 2014.

SEQRA – TYPE II ACTION

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

VOTE: 5-0

MBYC Request for Extension of Time (for a 12 month period) for commencement and completion of construction pursuant to December 9, 2010 Planning Board Resolution.

Mr. Sterk and Mr. Galvin recused themselves and left the meeting.

The Draft Resolution for a one-year extension of time was prepared and made available for the Board members to review.

Mr. Wexler inquired when the last extension of the site plan was approved. Mr. Noto said one year ago.

Mr. Steinman noted this is the third extension and, based upon pending litigation regarding the 2010 Plan and the Planning Board's continuing review of a revised 2013 Plan, recommended that the Planning Board adopt the one-year extensions of time requested by the applicant.

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

Public Comments

Village of Mamaroneck
Planning Board
December 11, 2013
Page 8 of 12

Mr. John Hofstetter, resident and former Village Trustee, stated this request for an extension is due to errors made on the part of MBYC. The sewer line was inefficient, there is an ownership issue, ½ acre of land is in dispute as to whether it is State land or the Club's land, and overall the application has substantially changed. In his opinion, it is a new application. He said the Board should not give out a 10-year permit. The Zoning Board ruled the application non-compliant. There are issues with the sewage line traveling under navigable waters that is a liability issue for the Village.

Mr. Stuart Tiekert, resident, stated there should be a cap put on Consultant's fees. This matter could go on forever he pointed out at the taxpayer's expense. Many of the problems are of the Club's own making.

Mr. Daniel Natchez, resident, President, Daniel S. Natchez and Associates, referenced a letter to the Planning Board from Debra Cohen, Esq., SAPOA Counsel, and read Ms. Cohen's letter into the record. He agreed with the fees suggestion that will take the burden off of the taxpayers.

Recess

Mr. Ianniello asked for a brief recess at 9:20 p.m. to receive advice of counsel. The Planning Board returned to the meeting at 9:45 p.m.

SEQRA - TYPE II ACTION

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

VOTE: 4-0

LWRP Consistency

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

VOTE: 4-0

Approval of One-Year Extension

On motion by Mr. Sjunneemark, seconded by Mr. Mendes, the Resolution to extend the time for commencement of construction for an additional twelve month period from December 9, 2013 to December 9, 2014 and to extend the time to complete construction for an Village of Mamaroneck

Planning Board

December 11, 2013

Page 9 of 12

additional twelve month period from June 8, 2018 to June 8, 2019 was approved with the WHEREAS clause in the resolution pertaining to the extension not constituting a new determination by the Planning Board to be restated as a Resolved clause.

VOTE: 4-0

The Resolution is included as follows:

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted December 11, 2013

RE: Mamaroneck Beach & Yacht Club – Resolution of Extension of Site Plan Approval

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

WHEREAS, on December 09, 2013, the Mamaroneck Beach & Yacht Club, 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 12-month extension of the time to commence and complete construction as provided in a site plan approval previously granted and extended by the Planning Board for 23 new seasonal residences and other improvements to the Club property located at 555 South Barry Avenue (“Property”); and

WHEREAS, the Planning Board granted site plan and wetland permit approval of the Applicant’s original application to construct 23 seasonal residences at the Property (four within the renovated clubhouse and 19 within two new seasonal residence buildings), as well as a new yacht club/dockmaster’s building, a new recreation building and pool complex and associated parking and infrastructure modifications, in a resolution dated December 9, 2010; and

WHEREAS, the Planning Board issued findings pursuant to the State Environmental Quality Review Act (SEQRA) on November 29, 2010, related to the original application; and

WHEREAS, the Village of Mamaroneck Harbor and Coastal Zone Management Commission (HCZMC) 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 Applicant had previously requested and the Planning Board by Resolution dated May 9, 2012 had previously granted an extension of time to both commence and complete construction for a six-month period ending on December 9, 2012 and June 8, 2017 respectively; and

WHEREAS, the Applicant thereafter requested and the Planning Board by Resolution dated December 12, 2012 granted a further extension of time to both commence and complete construction for a one (1) year period ending on December 9, 2013 and June 8, 2018 respectively; and

WHEREAS, on February 1, 2013, the Applicant submitted an Amended Site Plan and Wetland Permit application to reflect changes in conditions since the 2010 approvals and accomplish changes including elimination of five units and one story from the beach seasonal residence building, revisions to the proposed recreational building and a proposed larger yacht club/dockmaster's building; and

WHEREAS, the Planning Board deliberated on the 2013 Amended Site Plan and Wetland Permit application in a public hearing held open for several months in 2013, as well as at additional meetings open to the public; and

WHEREAS, subsequent to the closing of the public hearing, various issues arose regarding the existing sanitary sewer system on the project site, and the Planning Board directed the Applicant to submit additional materials, including a Draft Scope for a Supplemental Environmental Impact Statement (SEIS) to incorporate this new information; and

WHEREAS, the Planning Board has carefully examined the Applicant's request for 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 December 11, 2013 at which the request for extension of approvals was heard and all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board determined on December 11, 2013 that the requested extensions constitute a Type II action under SEQRA; and

WHEREAS, the Planning Board determined on December 11, 2013 that the requested extensions are consistent with the policies of the 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 the Applicant's request for extension of approvals subject to the following conditions:
 - (a) The further extension of the time to commence construction as provided in the December 9, 2010, site plan approval and as extended in the Planning Board's May 9, 2012 and December 12, 2012 Resolutions will be for a period of twelve (12) months, and shall expire December 9, 2014.

- (b) The further extension of time to complete construction as provided in the December 9, 2010, site plan approval and as extended in the Planning Board's May 9, 2012 and December 12, 2012 Resolutions will be for a period of twelve (12) months and shall expire on June 8, 2019.
- (c) Except as otherwise provided herein, all conditions of the original site plan approval, as specified in the Planning Board resolution dated December 9, 2010, shall remain in effect.
- (d) The Applicant shall pay 50% of outstanding consultant review fees in connection with Planning Board review of this application.

And be it further

RESOLVED, that the Planning Board's granting of the requested extension does not constitute a new determination by the Planning Board regarding the validity of the December 2010 Site Plan approval and is intended to maintain the status quo pending the resolution of outstanding litigation challenging the validity of the December 2010 Site Plan approval and/or the Planning Board's determination of the Applicant's 2013 Amended Site Plan and Wetland Permit application.

VOTE: Ayes: Ianniello, Sjunneemark, Wexler and Mendes
Nays:
Abstain: Sterk

PLANNING BOARD
Village of Mamaroneck

Date: December 13, 2013

Michael Ianniello, Chairman

Adjournment

On motion of Mr. Sjunneemark, seconded by Mr. Mendes, the meeting was adjourned at 10:00 p.m.

VOTE: 4-0

Respectfully submitted,

Anne Hohlweck
Recording Secretary