

**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, MARCH 13, 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 March 13, 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, March 27, 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

LESTER STEINMAN, PLANNING BOARD ATTORNEY
BOB GALVIN, AICP, VILLAGE PLANNER

CALL TO ORDER

Chairman Ianniello called to order the meeting at 7:02 p.m.

APPROVAL OF MINUTES

Approval of Planning Board Minutes of February 27, 2013

On motion of Mr. Sterk, seconded by Mr. Sjunnemark, the minutes of February 27, 2013 were approved.

VOTE: 5-0

WETLANDS PUBLIC HEARING

A. Mamaroneck Beach & Yacht Club – Amended Wetland Permit Public Hearing and Site Plan Review for Seasonal Housing and Other Improvements

Mr. Sterk and Mr. Galvin recused themselves from this application.

Mr. Sjunnemark moved to open the Public Hearing, seconded by Mr. Mendes.

VOTE: 4-0

Mr. Steinman stated the Village Building Department has not completed their review of the submitted plans to determine zoning compliance.

Mr. Noto requested the Public Hearing be adjourned to March 27th.

At the Applicant's request, the Planning Board adjourned the public hearing to the March 27, 2013 meeting.

Mr. Sterk and Mr. Galvin rejoined the meeting.

NEW BUSINESS

A. 422 East Boston Post Road - Site Plan Review for Change of Use from Former Funeral Home to Office.

Mr. Gregg DeAngelis, architect, appeared for the applicant. He stated the building is vacant. This is a change of use from a former funeral establishment and residential apartment to a single tenant office building. The property is in a C-1 district. There will be minor work to the building exterior. Approximately eight employees will work on site. There will be five rear parking spaces including a handicapped space and three garage spaces. The proposed use requires 12 spaces with 4 spaces proposed to be land banked at the rear of the property. The entrance will be enhanced with a new walkway and a covered porch. Interior walls will be reconfigured for an open floor plan. The fencing will remain. The roof will be replaced. Siding will remain as is. Landscaping will remain with annual plantings to be added.

Mr. DeAngelis stated the storm water management plan is designed for a twenty-five year storm. The CUL TEC drainage units will be buried under the parking lot.

Mr. Greechan indicated that the fifteen-foot wide driveway is for a single use tenant, and recommended widening the driveway. He said that future tenants may need to come in and out of the driveway throughout the day.

Mr. Wexler addressed the lighting plan and said that flood lights or spot lights will throw off too much light and could spill over to neighboring properties. He suggested the lighting plan be reworked using shielded lights.

Mr. Galvin commented that the side property in a C-1 district is for sale.

Mr. Steinman discussed memorializing any proposed land banking of parking spaces by the recording of a declaration against the property. In this manner, present and future owners of the property would be on notice of this condition.

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), namely that the proposed use is a non-residential use under 4,000 square feet.

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: 5-0

LWRP Consistency

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

VOTE: 5-0

At the Planning Board’s request, the Applicant will investigate widening the driveway and planting additional trees. The matter was adjourned to March 27th.

RESOLUTION

A. Site Plan Resolution for 448 Mamaroneck Avenue - Smashburger

**RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted March 13, 2013**

RE: 448 Mamaroneck Avenue – Smashburger – Resolution of Amended Site Plan

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

WHEREAS, on February 1, 2013, Smash Partners Mamaroneck, 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 amended

site plan approval to conform the existing Site Plan to the as-built conditions, including installation of an ADA accessible ramp, and for additional landscaping in the area of the ramp (“Application”); and

WHEREAS, the Applicant is located at 448 Mamaroneck Avenue, within the C-2 Central Commercial District; and

WHEREAS, the Applicant operates an existing, 2,345 square foot restaurant in the first floor of a 2-story 8,800 square foot, new commercial building located at 448 Mamaroneck Avenue. The new commercial building was constructed pursuant to a site plan approved by the Planning Board on May 10, 2007. The Applicant received a special permit to operate its restaurant from the Zoning Board of Appeals on March 1, 2012. After approval of the special permit, the Applicant was required by the Village’s Building Department to provide secondary emergency access. Due to a difference in elevation from the access point to ground level, it necessitated the installation of the ADA accessible ramp. The ramp was situated partially in the Village’s r-o-w and required a license agreement between the Village and the Applicant. The Applicant is now seeking approval of the amended Site Plan to include the as-built ADA accessible ramp and, in response to the Planning Board, proposes additional landscaping in the area of the ramp. The purpose of the additional landscaping is to assist in screening the ramp from pedestrian and vehicular traffic. This proposed amended site plan (“Project”) is described and illustrated on the following site plan, planting plan and documents as submitted and subsequently revised by the Applicant which form a part of the Application:

1. “Site Plan and Planting Plan,” prepared by Zsolt S. Vamosi, R.A., as dated January 30, 2013 and revised February 26, 2013;
2. Coastal Assessment Form (“CAF”) dated January 9, 2013, and submitted pursuant to Local Law No. 30-1984;
3. Short-Form Environmental Assessment Form (“EAF”) dated January 9, 2013;
4. Application for Sidewalk Café Permit pursuant to Chapter 285 of the Village Code; 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 February 7, 2013, the Village’s Landscape Consultant in memos dated February 6, 2013 and February 27, 2013 and from the Planning Board’s Attorney;

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

WHEREAS, duly advertised public meetings were held on the application for a site plan approval on February 13, 2013 and February 27, 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 §342-44 of the Village Code on March 1, 2012; and

WHEREAS, the Planning Board determined on February 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 February 27, 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 conditions:

- a) Inclusion of a notation on the amended site plan indicating that the outdoor seating is subject to an annual Sidewalk Café Permit approved and issued by the Village Manager pursuant to Chapter 285 of the Village Code and not considered part of the amended site plan approval.
- b) The accessibility ramp and the installation and maintenance of the landscaping bed are subject to a fully executed License Agreement between the Village of Mamaroneck and the tenant (Smash Partners Mamaroneck LLC).
- c) New landscaping will be maintained and watered by tenant to ensure viability of new plantings. In the event any of the new plantings do not take root, dead materials will be replaced with like materials.
- d) 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, Mendes and Wexler
 Nays: None

PLANNING BOARD

Date: March 13, 2013

Michael Ianniello,
Chairman

ADJOURNMENT

There being no other business, the meeting was adjourned.

On motion of Mr. Sjunnemark, seconded by Mr. Sterk, the meeting was adjourned at 7:51 p.m.

VOTE: 5-0

Respectively submitted,

Anne Hohlweck
Recording Secretary