

**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, SEPTEMBER 10, 2014 – 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 September 10, 2014. 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, October 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
STEWART STERK
LEE WEXLER**

ABSENT: **LOU MENDES**

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

CALL TO ORDER

Mr. Sjunnemark called the meeting to order at 7:10 p.m.

Mr. Sjunnemark stated that Mr. Ianniello would be arriving shortly.

Mr. Sjunnemark welcomed Daniel Gray, the new Village Building Inspector

APPROVAL OF MINUTES – July 9, 2014 meeting and July 23, 2014.

Review of Planning Board Minutes for July 9, 2014

On motion of Mr. Sterk, seconded by Mr. Wexler, the minutes of July 9, 2014 were approved.

Vote: 3-0
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The minutes of July 23, 2014 were tabled.

WETLANDS PUBLIC HEARING

Continued Public Hearing for 550 Shore Acres Drive – Phase 2 for docking facility – wetland permit.

Mr. Galvin said that Mr. Russo, Village Harbor Master, has reviewed the Amended Application to revise the Phase 2 docking facility and has no objections to it. He indicated that the Harbor & Coastal Zone Management Commission (HCZMC), at its September 9, 2014 meeting, granted the applicant's Amended Application for a marine structures permit pertaining to the revised Phase 2 docking facility and determined that the granting of such permit is consistent with the LWRP.

Mr. Dan Natchez, Daniel S. Natchez & Associates, client's representative, stated that Phase I and II for the house had been previously been approved subject to a formal resolution being approved. The dock will be twenty-five to thirty-five feet from the Federal Channel and will not interfere with navigation.

Mr. Natchez said the two sets of drawings, for the house and docking facility, were consolidated.

Mr. Galvin stated two draft Resolutions were prepared. One was for the previously approved Phase 1 and Phase 2 related to the house. The other is for the Phase 1 and 2 for the house and the reconfigured Phase 2 docking facility.

Mr. Galvin said Phase II of the house is for the garage that will be put on at a later date. A four-year permit was requested to allow time to raise funds for construction of the garage.

Mr. Sterk asked for confirmation that after construction of the house that the equipment and machinery be removed from the site. Mr. Natchez assured that it will be done. Mr. Sterk was satisfied that the proposed resolutions dealt with this issue.

Mr. Ianniello joined the meeting at 7:25 p.m.

Mr. Natchez said this is a single family home. The Village's right of way will be used for the rain garden.

Mr. Ianniello said that any requests for extension of time for the building permit will go to the building inspector.

Mr. Natchez said the HCZMC granted a marine structures permit with a four year term. The applicant is requesting a four year wetlands permit. Mr. Natchez said there is no time limit on the Village's wetlands permit presently. He said three years has been requested in the past.

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

Close Public Hearing

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

Vote: 4-0

TYPE II ACTION

On motion of Mr. Sterk, seconded by Mr. Ianniello, for the Amended Application, the Planning Board confirmed its previous determination that the application is a Type II action under SEQRA.

Vote: 4-0

LWRP CONSISTENCY

On motion of Mr. Sterk, seconded by Mr. Ianniello, for the Amended Application, the Planning Board confirmed its previous determination that the application is consistent with the Village's LWRP.

Vote: 4-0

On motion by Mr. Sterk, seconded by Mr. Ianniello, the following Resolution was adopted.

Vote: 4-0

RESOLUTION FOR AMENDED APPLICATION

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
(Adopted September 10, 2014)

RE: ALAN BARNET, 550 SHORE ACRES DRIVE
Resolution of Wetland Permit Approval

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

WHEREAS, on June 26, 2014, Alan Barnet, 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 seeking a wetland permit to allow the reconfiguration of the existing recreational docking facility, rehabilitation of existing shoreline interface, including partial removal of existing marine railway, creating a smaller launching ramp, installation of a temporary play area with a fence, the replacement of an existing 2,800 square foot residence with a smaller 2,500 square foot house with minor incursion of a proposed garage and existing patio in the wetlands buffer area and a reduction of over 1,100 square feet of impervious area for the subject property with accompanying documentation. Both the construction of the detached garage and the installation of a fenced-in temporary play area are proposed in a Phase 2 of the project. ("Application"); and

WHEREAS, the Applicant's property is located at 550 Shore Acres Drive ("Property"), situated within the R-10 Residential District; and

WHEREAS, the Planning Board conducted a site visit on July 12, 2014 at the Property and is familiar with the Property and all aspects of the proposed action and has been satisfied that the Application will conform to the requirements of the Village Code; and

WHEREAS, on July 16, 2014, the Village Harbor and Coastal Zone Management Commission ("HZCMC") granted the Applicant's request for a marine structures permit for the reconfiguration of the recreational docking facility, rehabilitation of existing shoreline interface, including the maintenance of the existing seawall and partial removal of an existing marine railway for the Property and determined that the granting of such permit is consistent with the Local Waterfront Revitalization Program ("LWRP") ; and

WHEREAS, a duly noticed public hearing was held on the Application by the Planning Board on July 23, 2014 and September 10, 2014 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, on August 20, 2014, the Applicant submitted an Amended Application to revise the proposed Phase 2 docking facility to relocate the proposed facility from the north and maintain the shoreside entry location of Phase 1, reduce the gangway from 80 feet to 60 feet, lengthen the fixed pier from 30 feet to 47 feet and reduce the width of the main portion of the fixed pier from 5 to 4 feet and reduce the overall length from 124 feet to 118 feet. The drawings for the revised Phase 2 docking facility show the facility maintains a buffer of 25 feet to 35 feet from the Federal Channel (Drawings (SD-03a and SD-03b revised August 19, 2014) ("Amended Application"); and

WHEREAS, on September 9, 2014 , the HZCMC granted the Applicant's Amended Application for a marine structures permit pertaining to the revised Phase 2 docking facility and determined that the granting of such permit is consistent with the LWRP; and

WHEREAS, the Planning Board continued its review of the Amended Application for the revised Phase 2 docking facility at its public hearing on September 10, 2014. The Planning Board has carefully reviewed the original and Amended Application and considered comments from the Planning Board's landscape consultant in a memorandum dated July 8, 2014, HCZMC's environmental wetland consultant in commentaries dated July 3, 2014 and August 13, 2014, and the Planning Board's attorney regarding wetland permit criteria. The Village Engineer has evaluated and recommended approval of the Applicant's submitted SWPPP prepared by Louis F. Lemond, P.E. dated June 18, 2014 ; and

WHEREAS, the Planning Board has evaluated the following set of plans dated June 18, 2014 and revised August 19, 2014 prepared by Louis F. Lemond, P.E. and a Long Form Environmental Assessment Form (EAF) and a Coastal Assessment Form (CAF) dated June 22, 2014 as submitted by the Applicant which forms a part of the Amended Application:

1. Drawing SD-01- "*Vicinity Map, Drawing Index & Based Upon Notes.*"
2. Drawing SD-02 – "*Existing Conditions Site Plan.*"
3. Drawing SD-03a – "*Proposed Conditions Site Plan Upland & Shoreline (Phase 1).*"
4. Drawing SD-03b – "*Proposed Conditions Site Plan Upland (Phase 2).*"
5. Drawing SD-03c – "*Proposed Conditions Site Plan Shoreline (Phase 2).*"
6. Drawing SD-03d – "*Proposed Conditions Shoreline Overlay (Phase 1 & 2).*"
7. Drawing SD-04a - "*Under Construction Sediment & Erosion Control Site Plan (Phase 1).*"
8. Drawing SD-04b - "*Under Construction Sediment & Erosion Control Site Plan (Phase 2).*"
9. Drawing D-01 - "*Proposed Planting Plan & Rain Garden Details.*"
10. Drawing D-02 – "*Existing & Proposed South Elevation.*"
11. Drawing D-03 – "*Existing & Proposed East Elevation.*"
12. Drawing D-04 – "*Driveway Detail & Under Construction Sediment & Erosion Control Details.*"
13. Drawing D-01-W – "*Dock Sections, Dock Details & Seawall Details.*"
14. Drawing D-02-W – "*Float Details.*"

WHEREAS, the Planning Board determined on July 23, 2014 and confirmed on September 10, 2014 that the Project is a Type II Action under SEQRA pursuant to 6 NYCRR. 617.5 (c) (10); and

WHEREAS, the Planning Board determined on July 23, 2014 and confirmed on September 10, 2014 that the Project is consistent with the policies of the LWRP, to the maximum extent practicable, pursuant to Chapter 240 of the Village Code.

WHEREAS, on September 10, 2014, on motion by Mr. Ianniello, seconded by Mr. Sterk and carried, the public hearing on the Application was closed; and

WHEREAS, the Planning Board has completed its review and evaluation of the Amended 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 related to the reconfiguration of the existing recreational docking facility, rehabilitation of existing shoreline interface, including partial removal of existing marine railway, creation of a smaller launching ramp, installation of a temporary play area with a fence, the replacement of an existing 2,800 square foot residence with a smaller 2,500 square foot house with minor incursion of a proposed garage and existing patio in the wetlands buffer area and the revised Phase 2 docking facility with the accompanying set of drawings referenced in the Resolution revised August 19, 2014 which constitute the Amended Application. The approval of this Amended Application is subject to the following conditions:
 - (a) The Applicant shall obtain all required permits from State and federal agencies prior to issuance of a building permit.
 - (b) The Applicants shall pay all outstanding consultant review fees in connection with the Planning Board review of this Application.
 - (c) Prior to the issuance of a building permit, a Construction, Maintenance and Inspection Agreement for the stormwater management facilities to be installed related to the replacement of an existing residence with a smaller house, the construction of a detached garage and other associated improvements at 550 Shore Acres Drive, in a form satisfactory to the Village Engineer and Village counsel, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Westchester County Clerk's Office.
 - (d) Prior to the issuance of a certificate of occupancy, the Applicant shall submit to the Building Department a copy of the fully executed Construction, Maintenance and Inspection Agreement with proof of its recording in the Westchester County Clerk's Office.
 - (e) The Planning Board's approval of the Wetland Permit shall be valid for a period of four (4) years, with an expiration date of September 10, 2018. The Planning Board may renew such wetland permit, for good cause shown, upon application by the Applicant at least three (3) months prior to the expiration of the original Wetland Permit. The Applicant shall only apply for a building permit for work to be commenced, diligently prosecuted and completed within 6 months of the issuance of the building permit, subject to extension for a maximum of two 3 month periods as provided in Section 126-13A of the Village Code.. The building permit shall detail the work to be done, time limits on commencement and completion of the work and require that all construction and related equipment and storage shall be removed from the site within 30 days after completion of construction.
2. When condition (b) has 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, all of the submitted drawings shall include a revision date of August 19, 2014. 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, and Sjunneemark
 Nays: None
 Absent: Mendes

PUBLIC HEARING

Continued Public Hearing for proposed 3 Lot Subdivision at 1017 Grove Street.

Mr. Dan Collins, Hudson Engineering, appeared for the applicant. Mr. Marc Castaldi, applicant, also was present.

Mr. Collins said the roadway will be 24 feet wide. A new layout for the three houses was presented to the board. The emergency turnaround shows that Village 45 foot and 42 foot ladder trucks will be able to turn around. He said there are no issues with the 24 foot road.

Mr. Collins said the houses will be two stories. The garage will be on the first floor.

Mr. Castaldi said the landscaping plan has been revised to provide Mrs. Metz with additional screening. Arborvitae will be added. The variety selected will grow tall and wide. He said there will be a line of demarcation in the rear of the property so that no building will go beyond that line.

Mr. Castaldi said the site plan addresses the location of the lots and building envelope. All three lots have been reduced in size. He mentioned that the lots are all 36 feet wide.

Discussion ensued about the footprint and if the garage should be included in the overall square footage. Mr. Castaldi said there is 400-square feet FAR exclusion for garages in the Village Code. He mentioned that many homes also have porches and that also should be excluded from the overall square footage since a porch is not livable space. He said that 1,500 square feet of livable space on the first floor is what they are seeking. Mr. Ianniello noted that the size of the two story homes could be in excess of 4,300 square feet. Mr. Castaldi confirmed that to be true.

Mr. Ianniello said the Board members all agree that the homes should be smaller and that the square footage for the three homes has yet to be agreed on. He said the board members' concern is that they will not fit into the neighborhood as it presently looks.

Mr. Wexler said the garage space should be included in the overall square footage. Between 1,500 and 1,700 square feet were mentioned as the size of the footprint on the first floor.

Mr. Sterk asked that the square footage of the surrounding homes be assessed and that the information be provided for the next meeting.

Mr. Castaldi said some of the homes are 80 years old and homes were not built then as they are today. Mr. Castaldi said he will provide something.

Ms. Oakley, Village Landscape Consultant, said that three Arborvitae have been added to screen Ms. Metz's property. Low shrubs will be added on the south side. Ms. Oakley said the tree on Ms. Donat's property will be protected during construction. She mentioned that the Village plant list is appropriate for the site. Ms. Oakley made additional suggestions regarding screening and other matters as set forth in her recent memorandum to the Planning Board

There was further discussion about the large tree at 670 Hampshire Road and that it could be damaged in construction.

Mr. Steinman said a bond could be posted as part of the building permit. He said, however, since the plans are not finalized that it is premature to make that decision.

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

Public Comments

Mr. William Cazzone, resident, said that the three houses could resemble three row houses and that is a concern. The houses will only be 14 feet apart which is close. He said that each of the three houses should have a 1,500 square foot footprint maximum. He applauded the board members for trying to preserve the neighborhood.

Mr. Sjunnemark said the Board of Architectural Review (BAR) will review the plans before any building commences.

Jocelyn Donat, resident, said her concern is the side setbacks. Also, the sizes of the houses are too large.

Susanne Metz – resident, stated drainage is a concern. The larger the homes, the greater the drainage issue becomes.

Mr. Carr said the storm water system will trap water from the site. There will be a vast improvement in water runoff based on his review. Additionally, the applicant will provide off-site improvements to Village stormwater infrastructure.

Mr. Galvin remarked that it is best for the board members to agree on one number for the square footage for the proposed homes. It would be simpler to administer.

Mr. Sjunneberg suggested 1,700 square feet for the main floor. Mr. Sterk disagreed and said they should be smaller.

Mr. Ianniello suggested 3,400 square feet for the entire structure including the garages. Mr. Castaldi reminded that the Code allows 400-square feet FAR exemption for a garage.

Mr. Wexler said the board is moving in the right direction by limiting the footprint of the houses.

Mr. Ianniello restated that he wants to set a maximum number for everything. Mr. Castaldi said the construction will be front and back as the three lots are narrow disallowing for left and right construction.

Mr. Ianniello asked that they rework the plans on the size of the homes. Mr. Ianniello requested that site sections with elevations be presented to the Planning Board.

The public hearing was continued to October 8th.

NEW BUSINESS

Review of Proposed Procedures for Land Use Board Coordination developed by the Village's Land Use Attorney

Mr. Steinman said he circulated to the Board the Land Use Board coordination procedures. He said there is an effort to get the HCZMC involved at an early stage to review consistency considerations and environmental issues. When an application is filed, there will be an automatic referral to the HCZMC. The HCZMC will then schedule a meeting for an informal discussion to give feedback to the applicant. He said this will help the Planning Board as well. Mr. Sterk commented that he does not believe so many matters have to go to multiple boards. Mr. Steinman said this decision has already been made. Chapter 240 is proposed to be amended to extend the current 30-day period for HCZMC consistency determinations.

Mr. Steinman stated that this procedure will not involve applications that are Type II actions under SEQRA.

Mr. Galvin indicated that proposed changes in Chapter 240, if approved, will provide for Type II actions to be automatically considered to be consistent with the LWRP policies, needing no further consistency vote by the Planning Board.

The Board agreed that this is a good procedure.

Discussion on rescheduling Planning Board Meeting of September 24, 2014 due to Jewish New Year.

Mr. Ianniello said the September 24th Planning Board meeting conflicts with the Jewish holiday and recommended that the board meet on Wednesday, October 8. Mr. Steinman noted that there are no new public hearings noticed for September 24th.

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the September 24th Planning Board meeting was cancelled and rescheduled to the next regularly scheduled Planning Board meeting on Wednesday, October 8th.

Vote: 4-0

RESOLUTIONS

A. Review of Draft Resolution for Site Plan Approval for replacement of seasonal locker rooms of same size in same footprint with addition of an outdoor boardwalk at 900 Rushmore Avenue, The Beach Point Club.

On motion by Mr. Sterk, seconded by Mr. Sjunneemark, the following resolution was adopted.

Vote 4-0

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted September 10, 2014

RE: Beach Point Club 900 Rushmore Avenue – Locker Room Reconstruction
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 June 2, 2014, Beach Point 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 Meeting September 10, 2014

of Mamaroneck Planning Board (“Planning Board”) an Application with accompanying documentation, seeking site plan approval for the demolition of 4,025 square feet of existing seasonal locker rooms and reconstruction of locker rooms with new structure of similar size in approximately the same footprint. Project includes a new welcome building (195 square foot) and outdoor boardwalk (“Application”); and

WHEREAS, the Applicant’s project is located at 900 Rushmore Avenue within the MR Zone; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the site plan 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 June 22, 2014, the Village’s Landscape Consultant in memoranda dated June 25, 2014, July 8, 2014 and July 23, 2014, and HCZM’s Environmental Consultant in a commentary via email dated July 22, 2014. The Village Engineer has evaluated and approved the Applicant’s SWPPP prepared by Larry Nardechhia, Jr., P.E., Consulting Engineer dated June 30, 2014 and revised August 22, 2014. The Village Engineer has verbally provided information to the Planning Board at its public meetings on the Application.

The Planning Board has reviewed the following set of plans dated May 29, 2014 and revised August 1, 2014 prepared by James G. Rogers, Architects, a Short-Form Environmental Assessment Form (“EAF”) dated June 2, 2014 and a Coastal Assessment Form (“CAF”) dated June 22, 2014 prepared by and submitted by the Applicant which form a part of the Application:

1. Drawing C 1.0 - “*Cover Sheet, Drawing List and Zoning Information*”
2. Drawing ST 1.0 - “*Overall Existing Site Plan*”
3. Drawing ST 1.1 - “*Overall Proposed Site Plan*”
4. Drawing G 1.0 and G 1.1 - “*Existing Site Images*”
5. Drawing A 2.0, 2.1 and 2.2 - “*Exterior Elevations*”
6. Drawing LS 1.0 - “*Landscape Plan*” prepared by Preservation Green
7. Drawing SE 1.1 - “*Site Lighting Plan and Details*”
8. Drawing SW-1 - “*Stormwater and Erosion Control*” prepared by Larry Nardechhia, Jr. P.E., Consulting Engineer, dated May 2, 2014 and revised August 1, 2014
9. Drawing SW-2 - “*Stormwater and Erosion Details*” prepared by Larry Nardechhia, Jr. P.E., Consulting Engineer, dated May 2, 2014 and revised August 1, 2014
10. Drawing SW-3 - “*Finishing and Grading Details*” prepared by Larry Nardechhia, Jr. P.E., Consulting Engineer, dated May 2, 2014 and revised August 1, 2014.

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

WHEREAS, duly advertised public meetings were held on the Application for a site plan approval on June 25, 2014, July 9, 2014 and July 23, 2014, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board determined on June 25, 2014 that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (2) and (7); and

WHEREAS, the Planning Board determined on July 23, 2014, that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 240 of the Village Code; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby approves the SWPPP and grants site plan approval to the Project subject to the following conditions:
 - (a) The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application.
 - (b) Prior to the issuance of a building permit, a Construction, Maintenance and Inspection Agreement for the stormwater management facilities to be installed onsite related to the replacement of seasonal locker rooms and an outdoor boardwalk at Beach Point Club (900 Rushmore Avenue), in a form satisfactory to the Village Engineer and Village counsel, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Westchester County Clerk's Office.
 - (c) Prior to the issuance of a certificate of occupancy, the Applicant shall submit to the Building Department a copy of the fully executed Constructed, Maintenance and Inspection Agreement with proof of its recording in the Westchester County Clerk's Office.
2. When condition (a) has 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, Wexler and Sterk
Nays: None
Absent: Mendes

B. Review of Draft Resolution for Wetland Permit for the installation of a swimming pool within the 100 foot wetland buffer at 1411 Flagler Drive

On motion by Mr. Sjunneemark, seconded by Mr. Sterk, the following resolution was adopted.

Vote 4-0

RESOLUTION

VILLAGE OF MAMARONECK PLANNING BOARD
(Adopted September 10, 2014)

RE: BARRIE and MARA ABRAMS, 1411 FLAGLER DRIVE
Resolution of Wetland Permit Approval and Chapter 186 Variance Approval

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

WHEREAS, on April 22, 2014, Barrie and Mara Abrams (Abrams), the Applicants, (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 seeking a wetland permit to allow the installation of a swimming pool (approximately 567 square feet) in the rear yard within the 100 foot wetland buffer with accompanying documentation and a variance from Chapter 186-5 Construction Standards A. General Standards (3) Encroachments pertaining to the introduction of approximately 50 cubic yards of fill below base flood elevation, ("Application"); and

WHEREAS, the Applicants' property is located at 1411 Flagler Drive ("Property"), situated within the R-20 Residential District; and

WHEREAS, a duly noticed public hearing was held on the Application by the Planning Board on May 14, 2014 at which time all those wishing to be heard were given the opportunity to be heard and the public hearing was closed on that date; and

WHEREAS, the Planning Board conducted a site visit on May 20, 2014 to familiarize themselves with the Property and all aspects of the proposed action; and

WHEREAS, after the Planning Board's site visit, the Applicants requested the Planning Board to reopen the public hearing to enable the Applicants to submit and the Planning Board to consider certain revisions to the Application; and

WHEREAS, at its meeting on May 28, 2014, the Planning Board granted the Applicants' request and voted to reopen the public hearing on the Application; and

WHEREAS, the duly noticed reopened public hearing on the Application was held on June 11, 2014 and July 23, 2014 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, consistent with discussions with the Planning Board at the July 23, 2014 public hearing, the Applicants have submitted further revised plans which (1) provide for the removal of a portion of the existing impervious concrete courtyard deck and its replacement with pervious (porous) concrete (replacing approximately 473 square feet of impervious concrete); (2) place the pool equipment on top of the garage roof; and (3) reduce the proposed pool to 467 square feet as shown on amended plans SD-01, SD-02, SD-03 and SD-04 dated April 17, 2014 and revised August 19, 2014 prepared by Louis F. Lemond, P.E. (“Further Revised Plans”); and

Whereas, the Planning Board has carefully reviewed the Application and considered comments in memorandums from the Village Planner dated May 12, 2014, the Village Landscape consultant dated May 26, June 11, 2014 and June 24, 2014 and comments by the Village Engineer provided at the Planning Board’s public hearings and as well as advice provided by the Planning Board’s attorney regarding wetland permit criteria; and

WHEREAS, on July 23, 2014, Mr. Sterk, seconded by Mr. Sjunneemark and carried, the reopened public hearing on the Application was closed; and

Whereas, the Planning Board has completed its review and evaluation of the Application, has fully considered the factors set forth in Village Code 192-14 E and reviewed the request for a variance from Chapter 186-5 Construction Standards A. General Standards (3) Encroachments (c) and, based upon the Further Revised Plans, determined that such standards and criteria have been satisfied; and

Whereas, after reviewing the Applicants’ Long-Form Environmental Assessment Form (EAF) prepared by Louis F. Lemond, P.E. dated April 20, 2014, the Planning Board determined on July 23, 2014, that the Project is a Type II Action under SEQRA pursuant to 6 NYCRR. 617.5 (c) (10); and

Whereas, the Planning Board reviewed the Applicant’s Coastal Assessment Form (CAF) dated April 20, 2014 prepared by the above mentioned Engineer and determined on July 23, 2014, that the Application, based upon the revisions to the Application discussed at the July 23, 2014 meeting, and now memorialized in the Further Revised Plans, is consistent with the policies of the LWRP, to the maximum extent practicable, pursuant to 240 of the Village Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

2. The Planning Board hereby grants a wetland permit and a variance from Chapter 186-5 Construction Standards A. General Standards (3) Encroachments (c) for the Application including the installation of an approximately 467 square foot swimming pool and removal of approximately 473 square feet of the existing impervious concrete courtyard deck and replacement with pervious (porous) concrete, placement of the pool equipment on top of the garage roof and other revisions to the Application pursuant to the Further Revised Plans as set

forth in the drawings SD-01, SD-02, SD-03 and SD-04 dated April 17, 2014 and revised August 19, 2014. This approval is subject to the following conditions:

- (a) The Applicants shall obtain all required permits from State and federal agencies prior to issuance of a building permit.
- (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: Sterk, Wexler, Sjunneemark, and Ianniello
 Nays: None
 Absent: Mendes

C. Review of Draft Resolution for nine (9) employee only accessory parking lot at 1127 West Boston Post Road.

On motion by Mr. Sjunneemark, seconded by Mr. Wexler, the following resolution was adopted.

Vote 4-0

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted September 10, 2014

RE: 1127 W. Boston Post Road Equinox Parking Lot
Resolution of Site Plan Approval

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

WHEREAS, on May 14, 2014, Equinox Mamaroneck, Inc., 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 the demolition of an existing, closed restaurant and provide a nine (9) space employee only parking lot for

use by the adjacent Equinox Fitness Center on a 4,539 square foot property (“Application”); and

WHEREAS, the Applicant’s project is located at 1127 West Boston Post Road within the C-1 General Commercial District; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the site plan 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 26, 2014, the Village’s Landscape Consultant in memoranda dated May 28, 2014 and June 11, 2014, from HCZMC’s Environmental Consultant in a commentary dated July 3, 2014; and

WHEREAS, the Village Engineer has evaluated and requested additional information concerning the Applicant’s Drainage memorandum prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. submitted July 3, 2014 and has evaluated and approved the Applicant’s SWPPP prepared by VHB, including the information requested dated August, 2014. He has verbally provided information to the Planning Board at its public meetings on the Application; and

WHEREAS, the Planning Board has reviewed the following set of plans dated May 14, 2014 and June 4, 2014 and final revision of August 28, 2014 prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. and a Short-Form Environmental Assessment Form (“EAF”) dated May 14, 2014 and a Coastal Assessment Form (“CAF”) prepared by Paul Noto, Attorney at Law dated May 8, 2014 as submitted by the Applicant which form a part of the Application:

1. Drawing C-01 - “Legend and General Notes”
2. Drawing C-02 - “Abutter’s List and Map”
3. Drawing C-03 - “Existing Conditions Plan“
4. Drawing C-04 - “Demolition Plan”
5. Drawing C-05 - “Layout, Materials and Landscape Plan”
6. Drawing C-06 - “Grading, Drainage and Utility Plan”
7. Drawing C-07 - “Site Details 1”
8. Drawing C-07 - “Site Details 2”
9. Drawing SL-1 - “Photometric Plan”

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

WHEREAS, duly advertised public meetings were held on the Application for a site plan approval on May 28, 2014, June 11, 2014 and July 9, 2014, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board determined on May 28, 2014 that the Project is an Unlisted Action and declared its intent to be lead agency for this application, circulated a Notice of Intent to be Lead Agency to involved and interested agencies including the Town of Mamaroneck on May 29, 2014, assumed Lead Agency status at its meeting on July 9, 2014 and issued a Negative Declaration for the proposed unlisted action on July 9, 2014; and

WHEREAS, the Harbor and Coastal Zone Commission (HCZM) determined on July 16, 2014, that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 240 of the Village Code.; and

WHEREAS, the application involves real property located in the Village of Mamaroneck, New York, County of Westchester as shown on the current Village Tax Assessor's Maps as parcels 9-56-2B, 3, 4A, 4B, 10, 11, (the "Premises"); and

WHEREAS, Chapter 342 of the Village of Mamaroneck Code entitled Zoning defines a LOT as:

A parcel of land not divided by streets, consisting of one or more lots as shown on a filed subdivision plat or on the Village Assessor's Map, devoted or to be devoted to a particular use or occupied or to be occupied by a building or buildings as permitted by this chapter, together with such open spaces as are required under its provisions, and having its principal frontage on a street or on such other means of access as may be deemed, in accordance with provisions of law, to be adequate as a condition of the issuance of a building permit for a building or buildings on such land; and

WHEREAS, certain parcels of land with an address of 1053 W. Boston Post Road as identified on the Village Tax Assessor's Map as parcels 9-56-3, 4A, 4B, 10 and 11 are currently aggregated as one zoning lot as that term is defined in Section 342-3B of the Village Zoning Code, which zoning lot is developed with a building and accessory parking utilized by Equinox ("LOT 1"); and

WHEREAS, a certain parcel of land with an address of 1127 W. Boston Post Road as identified on the Village Tax Assessor's Map as parcel 9-56-2B is currently a zoning lot as that term is defined in Section 342-3B of the Village Zoning Code, which zoning lot is immediately adjacent to LOT 1 and developed with a restaurant building and accessory parking ("LOT 2"); and

WHEREAS, the Application seeks site plan approval to demolish the restaurant building on LOT 2 and improve LOT 2 with parking accessory to the existing building, parking and current Equinox use of LOT 1; and

WHEREAS, the respective owners of Lot 1 and Lot 2 desire that Lot 1 and Lot 2 be treated as one zoning lot for purposes of the Village of Mamaroneck Zoning Code

(the “Zoning Lot”) and have agreed to record a Declaration to that effect in the Westchester County Clerk’s Office.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

3. The Planning Board hereby approves the SWPPP and grants site plan approval to the Project subject to the following conditions:
 - (a) The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application.
 - (b) Prior to the issuance of a building permit, the Applicant shall prepare a Declaration establishing the Zoning Lot in form satisfactory to Village counsel, and, once the form is approved, submit to the Building Department a fully executed copy of the Declaration with proof that the Declaration has been submitted for recording in the Westchester County Clerk’s Office.
 - (c) Prior to the issuance of a certificate of occupancy, the Applicant shall submit to the Building Department a copy of the fully executed Declaration with proof of its recording in the Westchester County Clerk’s Office.
 - (d) Prior to the issuance of a building permit, a Construction, Maintenance and Inspection Agreement for the stormwater management facilities to be installed related to the development of an accessory parking lot for Equinox employees at 1127 West Boston Post Road, , in form satisfactory to the Village Engineer and Village counsel, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Westchester County Clerk’s Office.
 - (e) Prior to the issuance of a certificate of occupancy, the Applicant shall submit to the Building Department a copy of the fully executed Construction, Maintenance and Inspection Agreement with proof of its recording in the Westchester County Clerk’s Office.

4. When condition (a) has 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, Wexler and Sterk
Nays: None
Absent: Mendes

ADJOURNMENT

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the meeting was adjourned at 10:05 p.m.

VOTE: 4-0

Respectfully submitted,

Anne Hohlweck
Recording Secretary