

**VILLAGE OF MAMARONECK
PLANNING BOARD SPECIAL MEETING MINUTES
THURSDAY, DECEMBER 18, 2014 – 7:00 PM
HARBOR ISLAND BEACH PAVILION, MAMARONECK, NY**

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on December 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 Meeting of the Planning Board of the Village of Mamaroneck is scheduled for Wednesday, January 14, 2015 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: **INGEMAR SJUNNEMARK, ACTING CHAIRMAN**
 LOU MENDES
 LEE WEXLER

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

RECUSED: **STEWART STERK**

CALL TO ORDER

Mr. Sjunneemark called the meeting to order at 7:03 p.m.

Mr. Sjunneemark stated that Mr. Sterk has recused himself from this application.

New Business

Request to extend previously approved 2010 Site Plan for Mamaroneck Beach & Yacht Club. This site plan had previously been extended by the Planning Board at its meeting on December 9, 2013.

Mr. Paul Noto, applicant’s representative, stated that he read the Draft Resolution that contains much history. He said there have been a number of lawsuits that were filed and withdrawn. In 2013, stipulations were entered into between the applicant and the Village, and also with the applicant, Village of Mamaroneck, and Shore Acres Property Owners Association (SAPOA).

Mr. Noto said the stipulations are relevant to their request for an extension of time. He said the key point is that building permits shall be suspended and no construction undertaken until the 2010 plan validation is determined. The Club can then proceed with the 2010 plan, or go with the 2013 plan.

Mr. Noto said the 2013 plan is an Amended Site Plan. If it is not approved, there is a fall back provision in the stipulation of December to proceed to modify the 2010 Plan with a smaller Yacht Dock Master building. He said a Draft Supplemental Environmental Impact Statement (DSEIS) will be filed on or before February 13, 2015. The new design plan is for the easement to go over or under the bridge. The Town of Rye engineers are working with TRC Engineers. There is a gas line and water main line going across the bridge. He noted that the plans are costly to develop. He mentioned that the Club has been involved in over 30 appeals recently which have reduced the Club's resources. He said that the Club is getting a second opinion from an engineer.

Mr. Noto said the applicant would like for the Planning Board to make a determination on the 2013 Amended Site Plan so that they can go forward with either Plan A or Plan B. The applicant is requesting a one-year extension of time. He said that there could be difficulty for the applicant to get construction financing, as there could be new litigation.

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

Public Comments

Sue McCrory, resident, asked for a status on the litigation filed to establish ownership of the ½ acre in question. She suggested that the 2010 plan be pursued. She said the sewer line was recently repaired and cannot be replaced. Mr. Noto confirmed that to be accurate. She said the number of seasonal residences should be dropped. She rephrased from her recent letter to the Planning Board that the applicant is asking that the old zoning laws apply.

Dan Natchez, resident, President of SAPOA, noted the DSEIS is not filed. He said that some of what has been said this evening is disingenuous. The Draft Resolution states that this is a Type II action. Mr. Natchez disagreed as the entire project is not a Type II action and not consistent with the LWRP. He said the Village has been expeditious in looking into various situations as they arise, but the applicant has not. He mentioned that there is difficulty getting information on the bridge. The bridge was rebuilt and filed with the Department of Transportation (DOT). He said the plans are available.

Mr. Noto responded to the questions. He said they have received correspondence from New York State OGA, and received the ownership deeds for the ½ acre in question. The deeds were filed with the Westchester County Clerk. He mentioned that TRC has had difficulty in obtaining information on the bridge from the Town of Rye but they are making some progress. He said the applicant will adhere to the February 13, 2015 deadline to file

the DSEIS with the Planning Board. He noted that the applicant is in the 11th year on this matter.

Mr. Wexler inquired what the alternate plan is, if there is no approval for the 2013 amended site plan.

Mr. Noto said the stipulation is complex.

Mr. Steinman added that there are complex variations and one cannot give a simplistic response to that question. Litigation will most likely be reinstated. Either the 2013 Amended Site Plan or 2010 Site Plan will be approved. He said there will be a three to five year time frame. Mr. Noto remarked that there is potential for additional litigation.

Mr. Noto said there was an agreement in 2013 to reduce the size of the overall project. The following projects can proceed and do not require further approvals. The beach units were reduced from eleven to six units based on eliminating one floor of the building. The remaining six units will be 1,250 square feet less. The footprint will not be modified. The parking areas will be reconfigured. Construction phasing was revised. In the 2013 submission, Plan A and Plan B was mapped out. However, situations can occur along the way that can sidetrack the project.

Mr. Steinman stated that he was asked to prepare an alternate resolution. He read into the record the changes in the alternate resolution that differ from the original draft resolution.

Mr. Wexler remarked on the outstanding fees that will be split 50/50. Mr. Steinman said this is pursuant to Board of Trustees direction from a few years ago that fees relating to this application be split.

TYPE II ACTION

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

Vote: 3-0

LWRP CONSISTENCY

On motion of Mr. Wexler, seconded by Mr. Mendes, the policies are determined to be consistent with the local LWRP.

Vote: 3-0

MOTION FOR APPROVAL FOR A ONE-YEAR EXTENSION OF TIME

On motion of Mr. Wexler, seconded by Mr. Mendes, the applicant's request for a one-year extension of time on the 2010 Site Plan for Mamaroneck Beach & Yacht Club was approved commencing December 9, 2014 with the condition that the DSEIS be submitted to the Planning Board by April 1, 2015.

Vote: 3-0

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted December 18, 2014

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

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

WHEREAS, on November 17, 2014, 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 two-year 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 residences 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 (“2010 Site Plan Approval Resolution”); 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 Planning Board’s 2010 Site Plan Approval Resolution required that construction

be commenced within eighteen (18) months of the date of that Resolution and that constructed be completed no later than December 8, 2016; and

WHEREAS, the Applicant had previously requested, and the Planning Board, by Resolutions dated May 9, 2012, December 12, 2012 and December 11, 2013, had previously granted extensions of time to both commence and complete construction for one additional six-month period and two additional one year periods, ending on December 9, 2014 and June 8, 2019 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 Planning Board's 2010 Site Plan Approval Resolution 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 Draft Supplemental Environmental Impact Statement (DSEIS) to incorporate this new information; and

WHEREAS, on December 2, 2013, the Applicant submitted the requested additional materials and the Planning Board reopened the public hearing on December 11, 2013, to consider these additional submittals; and

WHEREAS, on February 12, 2014, the Planning Board adopted a Final Scope for the Supplemental Environmental Impact Statement; and

WHEREAS, the Applicant has not yet submitted the Draft Supplemental Environmental Impact Statement for Planning Board review and acceptance but has advised the Planning Board that such document would be submitted to the Planning Board within the next 90 days; and

WHEREAS, the Planning Board has carefully examined the Applicant's request for a further extension of approvals and received and reviewed comments and recommendations from the Planning Board's Attorney and the public; and

WHEREAS, the Planning Board's granting of the requested extension would not constitute a new determination by the Planning Board regarding the validity of the December 2010 Site Plan and would be intended to maintain the status quo pending the Applicant's completion of the SEQRA process and the Planning Board's determination of the

Applicant's 2013 Amended Site Plan and Wetland Permit application; and

WHEREAS, a duly advertised public meeting was held on December 18, 2014 at which the Applicant's request for an 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 18, 2014 that the requested extensions constitute a Type II action under SEQRA; and

WHEREAS, the Planning Board determined on December 18, 2014 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 2010 Site Plan Approval Resolution, and as extended in the Planning Board's May 9, 2012, December 12, 2012 and December 11, 2013 Resolutions, will be for a period of one year, and shall expire December 9, 2015, provided that on or before April 1, 2015, the Applicant has submitted the DSEIS to the Planning Board. Otherwise, the extension granted hereby shall expire on April 1, 2015.

(b) The further extension of time to complete construction as provided in the 2010 Site Plan Approval Resolution, and as extended in the Planning Board's May 9, 2012, December 12, 2012 and December 11, 2013 Resolutions, will be for a period of one year and shall expire on June 8, 2020, provided that, on or before April 1, 2015, the Applicant has submitted the DSEIS to the Planning Board. Otherwise, the extension granted hereby shall be limited to the number of days between the date of the adoption of this resolution and April 1, 2015.

(c) Except as otherwise provided herein, all conditions of the original site plan approval, as specified in the 2010 Site Plan Approval Resolution, shall remain in effect.

(d) The Applicant shall pay 50% of outstanding consultant review fees in connection with Planning Board review of this application.

VOTE: Ayes: Sjunneemark, Wexler and Mendes

Nays:

Abstain: Sterk

ADJOURNMENT

On motion of Mr. Wexler, seconded by Mr. Mendes, the meeting was adjourned at 7:34 p.m.

Vote: 3-0

Respectfully submitted,

Anne Hohlweck
Recording Secretary