

**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, JANUARY 8, 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 January 8, 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, January 22, 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
FRANK FISH, BFJ PLANNING**

CALL TO ORDER

Chairman Ianniello called the meeting to order at 7:05 p.m.

APPROVAL OF MINUTES – December 11, 2013 Planning Board Meeting

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the minutes of the Regular Meeting of December 11, 2013 were approved.

VOTE: 5-0

OLD BUSINESS

Continuation of Site Plan for Murphy Brothers Application to redevelop portion of their property at 416 Waverly Avenue for a Self Storage Facility.

Paul Noto, Esq., applicant's attorney, reviewed the history of the application. He stated they were granted a variance from the ZBA on October 3, 2013. On November 20, 2013, Harbor & Coastal Zone Management Commission (HCZMC) made a consistency determination. On January 9, 2013 the Planning Board issued a negative declaration under SEQRA. Mr. Noto said there were a few minor changes since the last Planning Board meeting.

Ms. Kim Martelli, applicant's architect, stated they increased the setback on Waverly Avenue to eight feet. There will be a five foot walkway to the entrance of the building.

Mr. Sjunneemark inquired about the three foot setback from other property owners on west and south sides. Ms. Martelli said the setback will be the same on all sides.

Mr. Ianniello inquired about the parking circulation. Ms. Martelli said it allows for two-way circulation in front of the self storage facility. She said the traffic will be controlled and that there will be a right turn only onto Fenimore Road when exiting the parking lot.

Mr. Wexler noted the exit is narrow onto Fenimore Road and landscaping has been added on the other side. Ms. Martelli said there will be low planters in that area which will allow for good sight distance.

Mr. Wexler said that the design is a great improvement. He mentioned both curb cuts seem to be twice the size than what is needed. Mr. Wexler suggested that the curb cuts be narrowed. The sidewalk can then be restored. Mr. Sjunneemark said the curb cut on the left could be eliminated.

Mr. Carr reported that the Village put in the curb cuts and it was part of the streetscape project. Mr. Galvin suggested one way curb cuts reduced to 18 – 22 feet subject to type of truck traffic proposed.

Ms. Susan Oakley's January 8, 2014 memorandum on landscaping was discussed. She noted that the plant species were not indicated on the plan. Plant schedules were missing such as the number of plants, size of, etc. She suggested replacing the Ash trees as they are prone to a disease that cannot be treated. She mentioned that two of the three azaleas will work. One of the three azaleas specified could grow up to ten feet in height and should not be used. The plants around the building foundation will be irrigated.

Ms. Martelli said she will work with Ms. Oakley on the landscape plan.

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Mr. Wexler inquired if the height of the building has changed. Mr. Noto responded no. Mr. Galvin noted the building height is within the required zoning height limitation in the M-1 district.

Mr. Wexler addressed signage. He noted there are three different signs and they need to be described. Ms. Martelli stated LED lights will be used. There will be one illuminated light on the building corner, and no illuminated graphics. There will be no additional lights around the three signs, and there are no moving letters on the signage. Maximum height of the letters will be eighteen inches.

Mr. Mendes inquired about the terra cotta tiles being used. Ms. Martelli stated that it is a good look, the material used holds up in cold climates and she has previously used them with favorable results.

Ms. Martelli stated lanterns, wall sconces and soffit lighting will be used, and sensor lighting during off hours. She noted the facility will not be open 24 hours daily, but will operate on a set schedule. Mr. Wexler said to add the lighting plan and cut details to the drawing.

Mr. Ianniello asked that all pages of the plans reflect the same date for consistency even if certain pages had no changes.

Mr. Ianniello read a letter from Mr. Alan Stern of Jastar Realty, LLC into the record. In summary, he stated Mr. Stern was against the construction work. The setback on Waverly Avenue should be as far back as possible as this building is the tallest building in the industrial zone.

Mr. Ianniello summarized and requested the Applicant to examine reduced curb cuts on Fenimore Road, finalize the landscaping plan, and to provide lighting plan details for the next meeting.

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

Public Comments

Stuart Tiekert, resident, commented on the trees and said that larger trees will fare better. He said it is a 'hot' area and smaller trees and shrubs will not do well. He said the Village has a list of recommended trees. The tree at the intersection of Fenimore and Waverly should be moved back approximately 25 feet since it is too close to the corner.

The application was adjourned to the next Planning Board meeting on January 22, 2014.

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., applicant's attorney, appeared and stated there were some minor changes to the plan. He said they have gone to the HCZMC and received consistency on December 18, 2013.

Mr. Rex Gedney, applicant's architect, stated the two east elevations have been changed. He addressed the additional windows.

Mr. Ianniello stated the updated plan is a complete improvement and it looks great. He thanked Mr. Mendes for taking note of the boxy look of the building, and the windows that were originally proposed. All Board members concurred that the updated design looks much better. There are center windows on each floor and in the lobby as well.

Mr. Carr said the stormwater plan is good. He noted the utilities plan is still outstanding and he is working with their engineer to finalize the drawings.

Mr. Gedney said there is a transparent black aluminum fence. From Mamaroneck Avenue, there will be a secure gate leading back to the courtyard. The gate is simple. The walkway is open and uncovered and is five feet off the sidewalk. There will be 24-hour concierge service.

Mr. Ianniello asked about the door from the entrance to the courtyard and if it is secured. He recommended that both gates be secured.

Mr. Carr said "Will Serve" letters from Westchester Joint Water Works are required after they test for adequate pressure, and from Westchester County Department of Environmental Facilities (DEF) after reviewing sewage capacity.

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

Mr. Ianniello recommended that the Public Hearing remain open.

Mr. Hirsch, owner, stated that he thought he would receive an approval this evening as he believed everything had been submitted.

Mr. Noto said the utilities plan will be finalized before the next meeting on January 22nd.

Mr. Galvin said he and Mr. Steinman will prepare the Draft Resolution to move along the process.

Mr. Galvin addressed the roof garden. Mr. Hirsch said the roof garden plan was submitted weeks ago and was approved. Mr. Galvin asked about those details. Mr. Gedney said the landscape architect is not present but said there will be planters on the 1,700 square foot roof. The species of plants are unknown at this time. There will be solar panels on the roof as well. Mr. Ianniello stated Ms. Oakley will work with their landscape architect to finalize the plants. Mr. Hirsch said the materials and layout of the roof garden were submitted previously. Mr. Steinman advised that no formal approval has yet been given by the Planning Board.

Mr. Ianniello said the roof garden details need to be noted on the plan.

Mr. Ianniello asked that they return to the next Planning Board meeting with the requested information.

The Public Hearing was adjourned to the next meeting on January 22, 2014.

RESOLUTIONS

Resolution authorizing one year extension of site plan for 5 residential multifamily units with one below market rate unit at 208 W. Boston Post Road (John Lese, applicant).

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted January 8, 2014

RE: Harbor Mews 208 West Boston Post Road – Resolution of Extension of Site Plan and Special Permit Approval

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

WHEREAS, on November 21, 2013, John H. Lese Construction & Development Management Services, 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 twelve-month extension of site plan and special permit approval for proposed infill housing located at 208 West Boston Post Road (“Property”); and

WHEREAS, the Planning Board granted site plan and special permit approval of the Applicant's original application to construct five condominium housing units at the Property, in a resolution dated December 9, 2010; and

WHEREAS, the Planning Board made a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on October 14, 2010, related to the original application; and

WHEREAS, the Village of Mamaroneck Harbor and Coastal Zone Management Commission (HZCM) 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 previously granted, in resolutions dated November 16, 2011, May 23, 2012, November 28, 2012 and May 8, 2013, the Applicant's requests for six-month extensions of site plan and special permit approval for the Project, and the latest of those extensions is scheduled to expire on December 9, 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 Applicant's request for an 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 the request for extension of approvals on December 11, 2013, at which time all those wishing to be heard were given an opportunity to be heard.

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 extension of site plan and special permit approval will be for a period of twelve (12) months, and shall expire December 9, 2014.
 - (b) All conditions of the original site plan and special permit approval, as specified in the Planning Board resolution dated December 9, 2010, shall remain in effect.
 - (c) Any approval of a future renewal shall be subject to a complete submission of plans by the applicant and review by the Planning Board.

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

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

Resolution approving Wetland Permit and Site Plan for Shore Acres Point Clubhouse Reconstruction at 504 The Parkway.

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
(Adopted January 8, 2014)

**RE: SHORE ACRES POINT CLUBHOUSE RECONSTRUCTION
504 The PARKWAY
Resolution of Site Plan and Wetland Permit Approval**

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

WHEREAS, on September 11, 2013, the Shore Acres Point 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 a site plan and wetland permit to reconstruct the applicant's Clubhouse damaged by Super Storm Sandy, including all building code upgrades ("Application"); and

WHEREAS, the Applicants' property is located at 504 The Parkway ("Property"), situated within the R-20 Residential 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 and wetland permit 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 memorandums dated September 10, 2013 and October 2, 2013, the Planning Board's environmental wetland consultant in a commentary dated October 3, 2013 and from the Village Engineer in a memorandum dated November 14, 2013, and has evaluated the following set of plans dated August 22, 2013 prepared by Arthur Jay Wexler/Architect and a Short-Form Environmental Assessment Form ("EAF") and a Coastal Assessment Form ("CAF") dated August 12, 2013 as submitted by the Applicant which form a part of the Application:

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1. Sheet a-1- *“Proposed Plot Plan, Shore Acres Point Club.”*
2. Sheet a-1P – *“Proposed Plot Plan showing Parking Layout on Existing Gravel Parking Area.”*
3. Sheet a-2 – *“In Progress Plan of Grade level and Foundation Plan .”*
4. Sheet a-3 – *“In Progress Plan of Main Level.”*
5. Sheet a-4 – *“In Progress Plan of Roof.”*
6. Sheet a-5 – *“In Progress North and South Side Elevations.”*
7. Sheet a-6 – *“In Progress East and West Side Elevations .”*
8. Sheet S-1 - *“Site Plan, Details & Notes “* prepared by Benedict A. Salanitro, P.E., Consulting Engineer, dated August 19, 2013.
9. Sheet LA-1 – *“Planting Plan”* prepared by Studio Design Associates Inc., Landscape Architects, dated November 4, 2013 and revised November 26, 2013.

Whereas, duly advertised public hearings on September 9, 2013, October 9, 2013, November 13, 2013 and December 11, 2013 at which the opportunity for public comment was offered to all interested parties; and

WHEREAS, the Zoning Board of Appeals issued a special permit for an annual membership club in an R-20 residence district pursuant to the provisions of §342-21 A (7) of the Village Code on December 6, 2013; and

WHEREAS, the Planning Board determined on September 11, 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; and

Whereas, the Planning Board has completed its review and evaluation of the site plan and wetland permit 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 site plan and wetland permit for the reconstruction of the Clubhouse, including all building code upgrades at 504 The Parkway, subject to the following conditions:

- (A) The following Phase I and Phase II planting schedules shall be adhered to as indicated on Sheet LA-1 *“Planting Plan”* revised November 26, 2013. If Phase I plantings are

completed in the fall of 2014, Phase II plants shall be added eighteen months thereafter. If Phase I plantings are completed in the Spring of 2015, Phase II plants shall be added twenty-four months thereafter; and

(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 site plan.

VOTE: Ayes: Ianniello, Wexler, Sjunneberg and Mendes
Nays: None
Abstain: Sterk

Resolution approving Wetland Permit for Joseph Spadaro related to the Restoration of Existing Shoreline Interface and Reconfiguration of the Entrance to Recreational Docking Facility located at 426 Rushmore Avenue. Wetland Permit for 426 Rushmore Avenue.

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
(Adopted January 8, 2014)

RE: JOSEPH SPADARO, 426 RUSHMORE AVENUE
Resolution of Wetland Permit Approval

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

WHEREAS, on August 28, 2013, Joseph Spadaro, 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 a wetland permit for restoration of existing shoreline interface and reconfiguration of the entrance to the recreational docking facility (“Application”); and

WHEREAS, the Applicants’ property is located at 426 Rushmore Avenue (“Property”), situated within the R-15 Residential District; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the wetland permit 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 memorandums dated October 10, 2013, December 2, 2013, and a memorandum dated November 10, 2013 summarizing the results of a site visit by the Planning Board at the Property, the Planning Board's environmental wetland consultant in commentaries dated September 13, 2013 and October 16, 2013, from the Planning Board's landscape consultant in memorandums dated October 22, 2013 and December 9, 2013, from the Village Engineer in memorandums dated September 18, 2013 and October 14, 2013, and from the Village Manager in a memorandum dated December 18, 2013 informing the Board of the discussions underway between the Applicant and the Village addressing the encroachment of plantings on Village Parkland, and has evaluated the following set of plans dated prepared by Louis F. Lermond, P.E. and a Long-Form Environmental Assessment Form ("EAF") and a Coastal Assessment Form ("CAF") dated August 28, 2013 as submitted by the Applicant which form a part of the Application:

1. Drawing SD-01 "Vicinity Map and Drawing Index" dated August 21, 2013 and revised October 4, 2013.
2. Drawing SD-02 – "Based Upon Notes" dated August 21, 2013 and revised October 4, 2013.
3. Drawing SD-03 – "Existing Conditions Site Plan" dated August 21, 2013 and revised October 4, 2013, December 4, 2013, December 12, 2013 and December 24, 2013.
4. Drawing SD-04 – "Proposed Conditions Site Plan" dated August 21, 2013 and revised October 4, 2013, December 4, 2013, December 12, 2013 and December 24, 2013.
5. Drawing SD-0 – "Sediment and Erosion Control Site Plan" dated August 21, 2013 and revised October 4, 2013 and October 17, 2013.
6. Drawing D-01 – "Under Construction Details" dated August 21, 2013 and revised October 4, 2013 and October 17, 2013.
7. Drawing D-02 - "Under Construction Details" dated August 21, 2013.
8. Drawing D-03 – D-05 "Seawall Details" dated August 21, 2013.
9. Stormwater Pollution Prevention Plan (SWPPP) dated October 4, 2013.
10. SEQRA Long-Form Environmental Assessment Form (EAF) dated August 28, 2013.
11. Coastal Assessment Form (CAF) dated August 28, 2013.

Whereas, a duly advertised public hearing was held on October 3, 2013 and continued on November 13, 2013 and December 11, 2013 and closed on that later date at which the opportunity for public comment was offered to all interested parties; and

Whereas, the Planning Board held a duly noticed Site Visit at 26 Rushmore Avenue on November 3, 2013 to view the existing conditions on the Property; and

WHEREAS, the Harbor and Coastal Management Commission on November 20, 2013 approved a marine structures permit for the Project and determined that the Project was consistent with the Village's Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the Planning Board determined on September 25 2013, that the Project is a Type II Action pursuant to 6 NYCRR. § 617.5(c) (5); and made a determination on December 11, 2013 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 Planning Board has completed its review and evaluation of the wetland permit 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 for the restoration of the existing shoreline interface and reconfiguration of the entrance to the recreational docking facility at 426 Rushmore Avenue, subject to the following conditions:

- a) No Certificate of Occupancy (CO) shall be issued by the Building Department until plantings (including shrubs, but not trees) within the area of concern as circled on SD-03 "*Proposed Conditions Site Plan*" revised December 24, 2013 are removed per the Planning Board's resolution and the area reseeded with grass unless otherwise changed by determination made through the Village Manager's Office; and
- b) The Applicant 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 Applicant, 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 site plan and conditions of the resolution.

VOTE: Ayes: Ianniello, Wexler, Sjunneemark, Sterk and Mendes
Nays: None

WETLANDS PUBLIC HEARING

Public Hearing will be reopened 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. Sterk and Mr. Galvin recused themselves and left the meeting.

Recess

Mr. Ianniello called for a brief recess at 9:20 p.m. to seek advice of counsel.

The Planning Board returned to the meeting at 9:35 p.m.

Debra Cohen, Esq. came forward and raised a point of order regarding alleged deficiencies in the notice of public hearing as also set forth in correspondence from Daniel Natchez on behalf of SAPOA.

Mr. Steinman stated that he reviewed the letter submitted by Daniel S. Natchez and advised that the published Notice of Public Hearing was appropriate. He stated that there will be a Resolution considered tonight by the Planning Board that will address the SEQRA process and reopening of the public hearing. According to that Resolution, written comments on the Draft Scope will be accepted until the end of business on January 31, 2014. He then requested that the applicant grant a two-week extension of the time for the Planning Board to adopt a Final Scope.

Paul Noto, Esq., applicant's attorney, stated "We consent to the two-week extension".

Mr. Steinman then reviewed the principal points of the Resolution as follows:

(A) To reopen the public hearing for the limited purpose of reviewing and accepting public comment on the proposed replacement and new construction of a pumping station and sewer force main on the MBYC property ("Proposed Sewer Construction");

(B) Adopt a Positive Declaration under the New York State Environmental Quality Review Act ("SEQRA") setting forth that the Proposed Sewer Construction has the potential for one or more significant adverse impacts on the environment not addressed or not adequately addressed in the Draft or Final Environmental Impact Statement previously

submitted to, review, and accepted by the Planning Board relating to the proposed improvements to the existing Club facility. Adoption of the Positive Declaration requires the Applicant to prepare a Draft Supplemental Environmental Impact Statement (“DSEIS”);

(C) Authorizing the Chairman of the Planning Board, with the assistance of staff, counsel, and consultants, to circulate, file, and publish the Positive Declaration in accordance with the SEQRA regulations and to provide notice to involved and interested agencies and the public of the Draft Scope for the DSEIS (“Draft Scope”) and the time for submission of written comments on the Draft Scope; and

(D) To set January 31, 2014 as the date until which the Planning Board will accept written comments on the Draft Scope.

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted January 8, 2014

Re: Mamaroneck Beach and Yacht Club — Resolution to Reopen Public Hearing and
Adopt a Positive Declaration

WHEREAS, on January 14, 2004, the Mamaroneck Beach and Yacht Club ("MBYC") submitted an application to the Planning Board to improve its existing Club facility, including alterations to the main clubhouse, the introduction of new seasonal residences within the renovated clubhouse and in two new seasonal residence buildings, a new yacht club/dockmaster's building, a new recreation building and pool complex, and associated parking and infrastructure modifications at its property located at 555 South Barry Avenue, Mamaroneck, New York (" Proposed Development"); and

WHEREAS, on June 22, 2006, the Planning Board adopted a positive declaration requiring the preparation of a Draft Environmental Impact Statement for the Proposed Development; and

WHEREAS, on January 25, 2007, the Planning Board accepted MBYC's Draft Environmental Impact Statement ("DEIS") as adequate for public review; and

WHEREAS, on December 9, 2010, the Planning Board adopted a resolution granting final site plan approval and a wetlands permit for the 2010 Amended Site Plan; and

WHEREAS, on July 26, 2007, the Planning Board accepted MBYC's Final Environmental Impact Statement ("FEIS"); and

WHEREAS, on October 26, 2007, the Planning Board adopted a Findings Statement for the Proposed Development; and

WHEREAS, on June 16, 2010, the Findings Statement was annulled per Order and Judgment from the New York State Supreme Court; and

WHEREAS, on September 17, 2010, MBYC submitted an Environmental Narrative and Amended Site Plan and Wetlands Permit application for the Proposed Development ("2010 Amended Site Plan") dated September 13, 2010, subsequently revised and resubmitted on October 21, 2010; and

WHEREAS, on November 29, 2010, the Planning Board adopted a Findings Statement for the 2010 Amended Site Plan; and

WHEREAS, on December 2, 2010, the Harbor and Coastal Zone Management Commission made a finding of consistency of the 2010 Amended Site Plan with the Village's Local Waterfront Revitalization Plan; ("LWRP"); and

WHEREAS, litigation was commenced challenging the Planning Board's December 9, 2010 Resolution approving the 2010 Amended Site Plan and the Harbor and Coastal Zone Management Commission's December 2, 2010 Resolution determining the consistency of the 2010 Amended Site Plan with the LWRP and that proceeding and other related proceedings regarding the 2010 Amended Site Plan remain pending to date; and

WHEREAS, on February 1, 2013, MBYC submitted an Environmental Narrative and Amended Site Plan and Wetland Permit Application dated January 29, 2013 for the Proposed Development ("2013 Amended Site Plan") to reflect changes in conditions since the 2010 approvals and accomplish changes to the 2010 Amended Site Plan including the elimination of five units and one story from the beach seasonal residence building, revisions to the proposed recreation building and a larger yacht club/dockmaster's building; and

WHEREAS, public hearings on the 2013 Amended Site Plan were held by the Planning Board on March 13, April 10, May 8, May 29, June 12, and June 26, 2012 at which latter date the public hearing was closed; and

WHEREAS, on July 18 and July 31, 2013, the Planning Board conducted further deliberations on the 2013 Amended Site Plan; and

WHEREAS, subsequent to the close of the public hearing, in August, 2013, various issues arose regarding the existing sanitary sewer system on the MBYC property; and

WHEREAS, on November 13, 2013, the Planning Board received a memorandum from the Village Engineer and Building Inspector regarding the sanitary sewer system issues on the MBYC property ("Sewer System Issues Memorandum"); and

WHEREAS, on December 2, 2013 and December 31, 2013 MBYC submitted a revised Amended Site Plan, a draft Scoping Document ("Draft Scope") and a supplement to the Environmental Narrative dated February 2013 relating to the proposed replacement and new construction of a pumping station and sewer force main on the MBYC property ("Proposed Sewer Construction"); and

WHEREAS, in view of these developments, the Planning Board considered (1) the need to re-open the public hearing to review and allow public input on the Proposed Sewer Construction; and (2) the need for the preparation of a Supplemental Environmental Impact Statement ("SEIS") to analyze the impacts on the environment of the Proposed Sewer Construction; and

WHEREAS, under Section 617.9 (a) (7) of the Department of Environmental Conservation's regulations promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), a lead agency may require an SEIS limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in an environmental impact statement that arise from changes proposed for the project; newly discovered information or a change in circumstance related to the project; and

WHEREAS, the Planning Board having reviewed MBYC's December 2 and December 31, 2013 submissions and the Sewer System Issues Memorandum and having received memoranda and other advice from staff, counsel and consultants, determines that the Proposed Sewer Construction constitutes a change in the project and is based upon newly discovered information that may include the potential for one or more significant adverse environmental impacts not addressed or inadequately addressed in the Draft or Final Environmental Impact Statements previously submitted to, reviewed and accepted by the Planning Board relating to the Proposed Development; and

WHEREAS, the Planning Board has reviewed the attached Positive Declaration prepared for the Proposed Sewer Construction.

NOW, THEREFORE BE IT

RESOLVED, that the Public Hearing on the 2013 Amended Site Plan previously closed on June 26, 2013 is hereby re-opened and the Public Hearing will be continued on January 8, 2014 for the limited purpose of reviewing and accepting public comment on the Proposed Sewer Construction; and be it further

RESOLVED, that the Planning Board, acting as Lead Agency for the environmental review of the 2013 Amended Site Plan under SEQRA, adopts the contents and conclusions set forth in the attached draft Positive Declaration regarding the potential for one or more

significant adverse impacts on the environment if the Proposed Sewer Construction is approved; and be it further

RESOLVED, that the Chairman of the Planning Board is authorized to complete and sign the Positive Declaration declaring as set forth therein that the Proposed Sewer Construction may result in one or more significant impacts on the environment not addressed or inadequately addressed in the Draft or Final Environmental Impact Statements previously submitted to, reviewed and accepted by the Planning Board relating to the Proposed Development; and be it further

RESOLVED, that the Chairman of the Planning Board, with the assistance of staff, counsel, and consultants, is authorized to circulate, file and publish the Positive Declaration in accordance with NYS Department of Environmental Conservation Rule 617.12 (6 NYCRR §617.12) of the SEQRA regulations and to provide notice to involved and interested agencies and the public of the Draft Scope and the time for submission of written comments on the Draft Scope; and be it further

RESOLVED, that written comments on the Draft Scope may be submitted to the Planning Board through and including January 31, 2014; and be it further

RESOLVED, that the Chairman of the Planning Board, with the assistance of staff, counsel, and consultants, is authorized to take such other and further action as may be necessary or appropriate to the Planning Board's discharge of its obligations as Lead Agency.

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

Re-Open Public Hearing

On motion of Mr. Sjunneemark, seconded by Mr. Mendes, the Public Hearing on the Wetlands and Site Plan Application for Mamaroneck Beach and Yacht Club (MBYC) was reopened for the limited purpose set forth in the above described Resolution.

Vote: 4-0

Mr. Steinman stated the Public Hearing will not be completed this evening. The Public Hearing will remain open pending the continuation of the SEQRA process. He said the applicant's representatives are prepared to make a presentation.

Mr. Noto stated in August 2013, there was a sewer leak from the sewer line and was promptly repaired. Between August and November, meetings were held among Village staff and the engineer to discuss long-term solutions to replace the line. He said this will be resolved by engineers.

Mr. Noto stated the project engineer, Tom Holmes, will discuss the technicalities of the sewer line and the replacement of same. Mr. Noto said the Village Engineer has provided guidance to the MBYC. Filings were submitted by December 2, 2013. He said the Club chooses to go with the preferred alternative that was submitted. There are other alternatives as well. He said they prepared a Draft Scope. After the Scope, a Draft SEIS will be prepared. He said they are obligated to consider alternatives and they have prepared three. There will be a Public Hearing on the Draft SEIS. Mr. Noto said their engineer will now give a brief summary of their preferred alternative.

Mr. Tom Holmes, project manger, discussed the sanitary sewer system. He said the Club has many buildings on the existing site plan and they all drain their sewage from east to west and west to east to an existing sewage pump station under Otter Creek. The pump station discharges through a Force Main that goes under Otter Creek and out to Alda Road into a municipal sewer system. In August 2013, a leak in the Force Main under Otter Creek was detected. Within two days, it was repaired. Several tests have been conducted and there have been no further leaks after the repair. In investigating, it was learned the Force Main actually skirts the Great Lawn as opposed to going through the Great Lawn. A permanent solution and one that the Club owners want to pursue is to replace the Force Main and sewer pump station from the east end to west end. The gravity sewer is from east to west. The pump station will be moved to higher ground as it is in a flood area. There will be trench-less excavation in drilling under Otter Creek that is being proposed. Mr. Holmes said he only saw photos of the break and was not on site.

The Force Main will be replaced under Otter Creek, and a 4 inch line will go along the same line connecting to the Alda Road municipal sewer.

Mr. Carr inquired about the single walled pipe. Mr. Holmes gave details and said the life expectancy of the replacement work will be one hundred years. It is a polyethylene pipe within a pipe.

Mr. Ianniello inquired if there will be a leak detection device. Mr. Holmes responded no.

Mr. Carr interjected that the Westchester County Department of Health (DOH) will approve the sewer line because of the volume of daily discharge being greater than 2,500 gallons. The Village will weigh in and give guidance.

Mr. Ianniello inquired about crossing South Barry Avenue Bridge as an alternative. Mr. Holmes said that it is an option. An evaluation was done and it was determined that going that route will be much longer but is do-able. He said the shortest alignment and most direct connection is to use the same path that is presently used.

Taylor's Lane was discussed as an option. He said there are no municipal sewers on Taylor's Lane to Alda Road. There will be a new pump station and the old pump station will be removed. A Geotechnical survey will be done that will go six-feet deep. Salt water will not affect the polyethylene pipe. The 4 inch pipe with the liner will equal 6 inches.

Mr. Sjunnemark inquired about the length of time for the installation. Mr. Holmes said the drilling will take a few days, however, the installation of the pump station is involved. The existing system will remain operative while installing the new system. He said the six feet depth is a regulatory requirement.

Mr. Frank Fish commented on the applicant's Draft Scope and said that the document will be circulated to the involved agencies, including the County Department of Health (DOH). The scope should include a Geotechnical Report.

Mr. Carr noted that the County will approve the Force Main connection on Alda Road, and will not approve the work until the Mamaroneck Planning Board approves, and completes SEQRA.

Mr. Wexler inquired if there is monitoring. Mr. Holmes responded no. He said the break location was shallow, the repair has been made, and there is no urgency.

Mr. Sjunnemark inquired about adding the sequence of construction to the Draft Scope.

Mr. Carr stated that the means of leak detection should be part of the Scope.

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

Public Comments

Barbara Mann, resident, objected to the sewer line under Otter Creek, and recommended that another alternative be used. She stated that she will not allow the sewer line to run under her property.

Sue McCrory, resident, asked for clarification on the project sponsor named MBYC. She stated that they are not a legal entity. The Corporation funding sponsor should be clarified in the Scope. Also, the ½ acre disputed parcel should be addressed in the DSEIS. The flood zone of the site keeps changing. It should be changed to an 'A' zone and be part of the Scope. Also, the capacity of the sewer line needs to be addressed. She noted the Club has Village of Mamaroneck

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many different members such as singles, social, juniors, yacht club members, etc. The tennis club is a separate business entity and not part of the Club.

Debra Cohen, Esq. Attorney for SAPOA, questioned who has authority to oversee the survey regarding the gas and water lines that were not mapped correctly. She stated that there is less than 30 days to review and submit comments on the Draft Scope. Ms. Cohen also commented that it would be a fundamental flaw to rely on the 2010 Site Plan as the existing condition.

Allison Mawe, resident, stated the houses on Taylors Lane are mostly on septic systems.

Bertram Siegel, resident, mentioned the Club makes maximum use of the sewer pipes and pumping station. There is continuous activity going on at the Club for youth, members, adults, social events, etc., and stated that some events such as weddings draw a large volume of people. He stated that a 'leak protection' mechanism should be put on and is important. Capacity at peak load should be evaluated in the SDEIS.

Victor Tafur, resident, submitted written comments on the Draft Scope. He stated that all alternatives should be fully examined and that dredging and filling requires federal permitting. He also mentioned that filing a Notice of Appearance to speak is unnecessary, in his opinion.

Mr. Daniel Natchez, resident, President, Daniel S. Natchez and Associates, submitted a marked up copy of the Draft Scope with comments. He stated that the sewer line break was in July. He queried how long it was leaking. He said the leak was not new nor a fresh leak. Survey information needs to be updated. All permits should be listed. He requested more time for comments to be submitted on the Draft Scope.

Mr. Ianniello thanked the residents for their comments. He stated the Public Hearing will be continued at a date to be set in the future.

Adjournment

On motion of Mr. Sjunneberg, seconded by Mr. Mendes, the meeting was adjourned at 10:04 p.m.

VOTE: 4-0

Respectfully submitted,

Anne Hohlweck
Recording Secretary