

**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY, May 14, 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 May 14, 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, May 28, 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
STEWART STERK
INGEMAR SJUNNEMARK
LEE WEXLER**

ABSENT: **LOU MENDES**

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

CALL TO ORDER

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

Mr. Ianniello stated the agenda will be taken out of order.

APPROVAL OF MINUTES – April 23, 2014 meeting

On motion of Mr. Sjunneemark, seconded by Mr. Sterk, the minutes of the meeting of April 23, 2014 were approved.

Ayes: Sterk, Wexler, Sjunneemark, Ianniello
Nays: None
Absent: Mendes

NEW BUSINESS

Referral of proposed TOD Zoning Code Amendments by the Board of Trustees to the Planning Board for their review and comment by May 30, 2014.

Mr. Frank Fish, BFJ Planning, appeared and gave an overview of their study on the proposed Zoning Code amendments. He stated that the Village's Attorney, Ms. Linda Whitehead of McCullough Goldberger et al, is drafting the final legislation. The Board of Trustees has voted to refer this matter to the Planning Board with a deadline of May 30, 2014 for a response with recommendations and comments.

Mr. Fish stated this study encompasses RM-3, 0-1 and C-1 from Mamaroneck Avenue to Van Ranst Place. He stated that zone 0-1, an office campus, 3 acre zone is being eliminated. C-1 (along Mamaroneck Avenue) allows for commercial and office use. Van Ranst Place will be kept residential at RM-3. Hoyt Avenue is proposed to be rezoned from M-1 to C-1, which was recommended by the updated Comprehensive Plan. Mr. Fish said that the TOD Overlay will also extend along Hoyt Avenue. On the existing map, R-20 is the park with the station having been rezoned to C-1 several years previously. Currently approximately 75 percent of the neighborhood's properties are non-conforming. It is the intent of the proposed area and bulk changes to the underlying zoning to reduce total non-conformity to below 30 percent. The overall density and height is not proposed to be changed.

Mr. Fish stated that the community meetings made clear the real desire by the residents of the Washingtonville neighborhood to make their homes conforming. The problem is primarily setbacks as well as lot size. Adjustments were made so that more owners will be 'As of Right' and will not have to go to the Zoning Board to get a variance. The TOD area includes RM-3 zoning plus overlay on the C-1 zone. The study also includes adjustments to RM-3. The C-1 zone has a lower FAR than RM-3. The base for FAR in the C-1 is 0.6 and 0.8 which can increase to 1.2 to match RM-3 with incentives.

Mr. Fish said the Board of Trustees also wanted to establish a Neighborhood Stabilization/Flood Mitigation Fund.

Mr. Sterk commented that RM-3 FAR maximum is 1.2 and will be 1.2. He said development should be steered to the TOD zone.

Mr. Fish stated there is greater flexibility with C-1. RM-3 borders C1 on both sides on Mamaroneck Avenue. The base FAR is 0.6 for C-1, and with affordable housing, one can go to 0.8. There is greater opportunity for development and increased incentives such as green design. Regarding development in RM-3, the use is only residential and does not allow mixed use. He said the Mayor did not want development to go into RM-3 further into the neighborhood. Mr. Sterk suggested moving the TOD Overlay into the RM-3 zone. Mr. Fish stated that a special permit will allow the density in the C-1 district.

Mr. Sterk noted that a Site Plan approval by the Planning Board and a special permit approval go hand in hand.

Mr. Fish said there is a current problem in the RM-3 zone in that it is a suburban type zone in an urban neighborhood. The whole zone, however, should not be changed. Instead, modifications to the yard requirements were proposed. Mr. Fish stated C-2 has more density. RM-3 changes pertain primarily to side yards, lot size and coverage. There is no change to overall density.

Mr. Galvin mentioned that some of the properties along Mamaroneck Avenue are split with the front portion of the property proposed for C-1 and the rear portion being proposed for RM-3 after re-zoning. Some of these properties can be zoned completely C-1 which would allow more flexibility while also providing more control in the TOD Overlay incentives.

Mr. Sterk said that the overlay can be extended into the rest of the RM-3 and then reduce what one can do 'As of Right' in the RM-3 district. The Overlay can then provide an incentive to accomplish green design and other TOD goals.

Mr. Ianniello remarked that the character of neighborhoods should be preserved.

Mr. Wexler addressed FAR bonuses and the possibility of the A&P being closed with a resulting food desert for the neighborhood.

Mr. Galvin mentioned that the A & P on Mamaroneck Avenue has two years left on their lease and the chain is currently in bankruptcy.

Mr. Fish said if provisions are made for grocery stores and they close or vacate afterwards then the developer will have achieved a bonus.

The Board indicated their support for this approach but believes that methods of ensuring, to the extent possible, the continued existence of a supermarket if it receives an increased FAR incentive.

Mr. Fish said the easier way to build is to raise a building and put parking underneath. Mr. Wexler said the Planning Board should make this recommendation. Mr. Galvin indicated that he would provide research from Urban Land Institute (ULI) to the Planning Board.

Mr. Ianniello said that added costs of building in a flood zone for ground floor retail should be taken into account.

The Board suggested that instead of using an actual square footage (3,000 sq. ft.) we may want to include commercial space as a percentage of the frontage along Mamaroneck Avenue.

Mr. Galvin mentioned that the 3,000 sq. ft. was used since anything above that would require a special permit from the ZBA. The Board members indicated that they felt that this should be handled by the Planning Board in site plan review and as part of any special permit process.

Mr. Wexler recommended that parking be reduced in TOD. Mr. Fish pointed out the reduced parking requirements in the proposed zoning.

Mr. Galvin said in C-2, one parking space is allocated per dwelling unit with ½ space in excess of one bedroom. In the proposed TOD zoning, a one bedroom would be one space with ¼ space in excess of one bedroom. Mr. Sterk suggested that RM-3 should not liberalize parking but have the possibility available in the TOD Overlay zone (which would be overlaid on top of the RM-3 zone as well as C-1). The Board expressed support for the reduction in parking in the legislation since it reflects actual experience with TODs and is in line with the overall TOD approach of creating more walkable neighborhoods and reducing emissions.

Mr. Steinman stated Mr. Galvin will compile the Board's comments and recommendations and prepare the letter for review by the Planning Board before submission to the Board of Trustees. Any additional comments or recommendations should be sent to Mr. Galvin.

OLD BUSINESS

WETLANDS PUBLIC HEARING

Public Hearing for wetland permit requesting installation of swimming pool (567 square feet) in the rear yard within the 100 foot wetland buffer at 1411 Flagler Drive.

Daniel Natchez, Daniel S. Natchez and Associates, appeared for the applicants and stated they are putting in a modest lap pool that is 567 square feet. He said there is no other alternative for placement of the pool, and it is entirely in the wetlands buffer zone. Mr. Natchez offered that the applicant would remove portions of the asphalt driveway, located outside the wetland buffer, and install permeable pavers as mitigation for the requested incursion into the wetland buffer.

Mr. Natchez stated the applicant is seeking a wetlands permit and a variance from Chapter 186 for 50 yards of fill. The pool will be above ground and part of the pool will be below ground. He said they have met all requirements for a variance. There is no other location for the pool. With regard to exceptional hardship, Mr. Natchez stated that many property

owners in the area have pools, none of them have been required to provide compensatory filling, and there would be no impact if the compensatory fill is not provided. He said the lap pool is five feet deep. Mr. Natchez mentioned the style of the house is Spanish Colonial.

Mr. Sjunneemark observed that what is being offered for mitigation is the removal of impervious surface outside the 100' buffer. Mr. Sterk commented that the compensatory reduction in impervious surface should come from within the buffer.

Mr. Ianniello inquired about the concrete terrace. He noted that it is large and within the 100 foot buffer zone. He questioned if 567 square feet of the terrace can be eliminated. Mr. Natchez responded that it would be a massive undertaking.

Mr. Carr said that the storm water pollution plan is compliant. He questioned certain dimensions of disturbance and asked if the numbers were accurate. The discharge of pool water into the sanitary sewer will not occur all at once. He noted the engineer's assessments are acceptable. Mr. Carr agreed with the applicant that 50 cubic yards of fill would have a de minimis impact on the floodplain.

Open Public Hearing

On motion of Mr. Sterk, seconded by Mr. Sjunneemark, the public hearing was opened.

Vote: 4-0

Mr. Natchez asked that earlier comments be included in the record of the public hearing.

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

Close Public Hearing

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

Vote: 4-0

Ms. Oakley, Village Landscape Consultant, stated there were no issues, no trees are being removed, and said no additional landscape will be added.

Mr. Galvin reviewed his May 12, 2014 memorandum to the Planning Board. He stated that this is a Type II action under SEQRA since it is an accessory use to a single family residence. With a Type II action, no further SEQRA review would be required.

SEQRA – TYPE II ACTION

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

Vote: 4-0

Mr. Wexler commented that he is not prepared to approve this application at this time.

A discussion ensued regarding whether the Planning Board, on prior similar applications, had accepted as mitigation a reduction in impervious surface outside the wetland buffer.

LWRP

Consistency with the LWRP was discussed. Both Mr. Sterk and Mr. Wexler stated they required more information on the incursion into the buffer zone for the lap pool and were unable to vote at this time.

Mr. Sterk said that there should be a one for one reduction of impervious surface in the 100 foot buffer zone. Previous applications were referenced where the applicant was able to achieve a one for one reduction.

Mr. Steinman suggested that the application be put over to the next meeting to allow sufficient time for the applicant to consider whether the pool can be reconfigured so as to eliminate the incursion into the wetlands buffer or whether mitigation can be provided within the wetland buffer. At the same time research can be conducted to determine whether the Planning Board has, in similarly situated cases, accepted the removal of impervious surface outside the wetland buffer as compensatory mitigation.

Mr. Sjunneemark inquired if there is any impervious surface in the back yard to take out. Mr. Natchez said no. He said they do not want to destroy the look of the house.

Mr. Sjunneemark suggested that the Board members visit the site. It was agreed that the Board members meet at 1411 Flagler Drive on Tuesday, May 20 at 7 p.m. Mr. Ianniello said the purpose of the visit is to consider a redesign of the pool.

Mr. Galvin indicated that he would prepare an agenda for the site visit and post it on the Village web site.

Mr. Ianniello said this matter will be adjourned to the May 28, 2014 Planning Board meeting.

PUBLIC HEARING

Continuation of adjourned public hearing for a proposed 2-lot subdivision for a two-family residence on each lot at 209 Grand Street in a R-4F district.

Mr. Paul Noto, applicant's attorney, appeared and stated the perc tests have been completed and drainage updates were submitted.

Mr. Carr said he met with the applicant's engineer prior to the meeting and noted there are some minor issues to be resolved. Additional details are required. He noted the parcel on the left side of the subdivision should be treated for storm water, and both sides of the home will be treated independently. The parking lot also needs to be treated for storm water runoff. Mr. Carr noted the engineer had test pits done to evaluate the treatment for the drainage.

Mr. Michael Mastrogiacomo, applicant's engineer, stated the soil can handle the capacity and the drainage system is for a 100- year storm event which is well beyond what is required. Mr. Mastrogiacomo agreed to provide the additional data and stormwater treatment requested by Mr. Carr.

Mr. Ianniello addressed parking and noted that one must back in and back out of the driveway. The engineer said the existing stone wall will be taken out to ease getting in and out of the driveway, and noted there is a one-car garage on the premises.

Mr. Ianniello noted that the new home has a usable rear yard whereas Lot A is a parking lot with no real backyard. The Village Engineer commented that the application requires on-site parking. Mr. Ianniello remarked that there is excessive asphalt which is unattractive and no real backyard on Parcel A.

Mr. Sterk suggested tandem parking and to pull the driveway all the way back, rather than have three cars parked adjacent to one another. The applicant's engineer was receptive to the suggestion and said that it can be accomplished. Mr. Sterk mentioned with tandem parking there would need to be a way to turn around. Mr. Ianniello asked that a few sketches be prepared.

Mr. Gerety said that tandem parking was permissible but the 5 foot setback requirements for the parking and driveway must be met.

Ms. Oakley noted that the rear wall serves as a sound barrier which is good, and is better served than putting in trees.

Mr. Ianniello recapped and asked the applicant to redesign the parking area, update the drainage plan, and meet with Susan Oakley to review changes in the landscaping plan resulting from a change in the driveway configuration.

Mr. Galvin stated that he has reviewed the construction drawing requirements in the subdivision regulations. It appears that these relate to subdivisions with roads and not minor subdivisions. Once a preliminary plat approval is obtained, it would appear that the applicant can begin to prepare a final plat with County Health Department approval.

Mr. Ianniello said this application will be adjourned to the May 28, 2014 Planning Board meeting.

ADJOURNMENT

On motion of Mr. Sterk, seconded by Mr. Sjunneberg, the meeting was adjourned at 8:50 p.m.

VOTE: 4-0

Respectfully submitted,

Anne Hohlweck
Recording Secretary