

**DRAFT**  
**VILLAGE OF MAMARONECK**  
**PLANNING BOARD MEETING MINUTES**  
**WEDNESDAY, JULY 9, 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 July 9, 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, July 23, 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:**                   **INGEMAR SJUNNEMARK, ACTING CHAIR**  
                                  **STEWART STERK**  
                                  **LEE WEXLER**  
                                  **LOU MENDES**  
**EXCUSED:**                 **MIKE IANNIELLO**

**BOB GALVIN, AICP, VILLAGE PLANNER**  
**LESTER STEINMAN, PLANNING BOARD ATTORNEY**  
**ANTHONY CARR, VILLAGE ENGINEER**

**CALL TO ORDER**

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

Mr. Sjunnemark stated Mr. Ianniello will not be present this evening and he had been requested by the Chair to serve as Acting Chair for this evening’s meeting.

**APPROVAL OF MINUTES – June 25, 2014 meeting**

On motion of Mr. Sterk, seconded by Mr. Mendes, the minutes of the June 25, 2014 meeting were approved.

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

## **OLD BUSINESS**

**Continuation of Site Plan review of proposal to demolish existing , closed restaurant in a C-1 commercial district and provide a 9 space employee only accessory parking lot for use by the adjacent Equinox Fitness Center. Review and determination of SEQRA for this Unlisted action.**

Mr. Galvin stated this matter was referred to the Town of Mamaroneck. No comments were returned. The Town of Mamaroneck did not respond to the Planning Board's Notice of Intent to be Lead Agency. He said Westchester County Planning also had no comments. The HCZM Commission and NYSDEC responded and had no objections to the Planning Board being lead agency. Mr. Galvin stated that the Planning Board can now assume lead agency status for this application. There were no significant traffic or storm water management issues remaining. As an Unlisted action, consistency will be determined by the Harbor & Coastal Zone Management Commission (HCZMC).

Mr. Steinman said a draft Resolution will be prepared, and based on the Part II of the short form EAF, the Village Planner's review indicated that the proposed application has no significant environmental impact. He recommended that the Planning Board make a Neg. Dec. for this proposed action.

### **Lead Agency Intention**

On motion of Mr. Sterk, seconded by Mr. Mendes, the Planning Board will assume lead agency for the purposes of a SEQRA review for this application.

Vote: 4-0

### **Negative Declaration**

Mr. Sterk moved, seconded by Mr. Mendes, to declare a negative declaration under SEQRA to build a nine (9) space employee only accessory parking lot for use by the adjacent Equinox Fitness Center.

Vote: 4-0

Mr. Carr remarked that he had no objection to the storm water management system as designed. The analysis and calculations were all good.

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

## **Public Comment**

Ms. Luba Senatorova, Equinox Fitness representative, praised the Board members for moving the project along in a timely manner, and for resolving the open items. She stated she looks forward to receiving Site Plan approval at the July 23, 2014 Planning Board meeting.

**Site Plan Review for proposed demolition of 4,025 square feet of existing seasonal locker rooms and replacement with new structures of same size in same footprint. Additionally, a new welcoming building is proposed to be added and an outdoor boardwalk. The property is the Beach Point Club located at 900 Rushmore Avenue in an MR zone.**

Mr. Randy Ruder, Beach Point Club manager, appeared and stated that the landscaping plan has been updated. He said that he and his landscape architect worked with Ms. Oakley to finalize the plan. Specimen names were added and/or removed as required. He said the Village does not favor tree up-lights which will be removed from the Site Plan. The sconces, however, will be kept and reduced in number from ten to seven. The sconces are placed on the interior of the building.

Mr. Wexler addressed the unshielded wall fixtures and suggested that a covering be put on to reduce the glare. Mr. Ruder said that is the style of lights throughout the property. Mr. Ruder said the lighting fixtures will be modified or replaced with another type of fixture. Mr. Ruder commented that the boardwalk area has lighted rails.

Ms. Oakley, Village Landscape Consultant, stated she was satisfied with the revisions to the landscape plans.

Mr. Galvin said Mr. Carr will address the SWPPP document.

Mr. Carr said the area is in a flood zone. Treating water quality will be addressed at the next meeting.

Mr. Ruder asked for confirmation that when he returns on July 23, 2014, that the light fixture modification is the only open item. Mr. Sjunnemark responded yes.

## **WETLANDS PUBLIC HEARINGS**

### **1411 Flagler Drive - Continuation of Public Hearing for Wetland Permit from 6/25/14**

**Wetland Permit review of revised plans for installation of a swimming pool in the rear yard within the 100 foot wetland buffer at 1411 Flagler Drive in a R-20 residential district**

Mr. Dan Natchez, Daniel S. Natchez and Associates, applicant's representative, stated at the applicant's request the public hearing be adjourned to the July 23, 2014 Planning Board meeting.

On motion of Mr. Sterk, seconded by Mr. Mendes, the public hearing for a wetlands permit for a swimming pool in the rear yard within the 100 foot wetland buffer at 1411 Flagler Drive was adjourned to July 23, 2014.

Vote: 4-0

## **PUBLIC HEARING**

**Public Hearing continued from Planning Board meeting of June 11, 2014 for proposed 3 lot subdivision located at 1017 Grove Street.**

### **The Planning Board will review alternate layout for the subdivision**

Mr. Dan Collins, Hudson Engineering, and Mr. Marc Castaldi, the developer, appeared.

Mr. Collins stated they have greatly reduced the amount of pavement by reconfiguring the driveways. In the latest design, the driveways are on opposite sides of the buildings. As a result, there is more area for landscaping. The buildings have been staggered and moved away from surrounding residences. The 50 foot Right of Way will be offered to the Village. Mr. Collins said Lots 1 and 3 remain the same. The storm water management plan will be the responsibility of the individual lot owners. There will be a maintenance agreement with the individual lot owners and the Village. The plans are both Code and Zoning Compliant. Mr. Collins said recent meetings were held with Mr. Carr, Mr. Sarnoff, and Mr. Galvin.

Mr. Sterk remarked that the revised plans are a great improvement.

Mr. Carr said the cul de sac is not required to be paved. Mr. Sterk said no waiver is necessary for a turn around. Mr. Steinman said this street must stand on its own and must meet all Village Code requirements.

Mr. Sjunneemark commented that the houses are all different sizes on Wood Street and remarked that the houses which the developer built on Wood look good. He stated that we should not be against development as the Village gains in its tax base, acquires new residents, etc. He said the shape of the proposed property is difficult to build on. Mr. Mendes said that the proposed landscape plan will conceal parts of the homes and the homes will not stand out greatly when the project is completed.

Mr. Wexler said he prefers that two homes be built rather than three. Mr. Castaldi remarked that there will be more impervious surface if two homes are built.

Mr. Sterk suggested more landscaping be planted along Grove Street.

Ms. Oakley said on the north and south property lines, there is a mix of deciduous small trees and evergreen shrubs. She said at the rear of the property there will be arborvitaes and Lyland Cypress. There will be Birch trees between the new homes. Large trees will provide a good buffer.

Mr. Mendes asked if all three homes will have the same value. Mr. Castaldi responded no. He said each lot is a different size. Mr. Wexler asked about the driveway width. Mr. Castaldi said between 12 feet and 14 feet which is standard.

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

### **Public Comments**

Ms. Suzanne Metz said that the subdivision is shaping up nicely. She expressed concern about Lot 3 which is about eight feet between the proposed new construction and her property line. Mr. Castaldi remarked that her house is built right to the property line. Ms. Metz asked if the house on Lot 3 can be shifted back. The Board members discussed and said the shifting could be only be a few feet back which would not make much difference in increasing her privacy. Ms. Oakley said arborvitaes can be put in to give the homeowner the privacy she is seeking. Ms. Metz was satisfied with the suggestion.

Mr. Wexler asked about the size of the homes. Mr. Castaldi said it is not finalized but he said the footprint is 1,500 square feet and the homes will be 2 ½ stories with an unheated attic. He said the FAR of homes in the R-5 can be 0.55 of the lot area.

The Board members addressed a limitation on the size of houses to be built. Mr. Castaldi said that the three properties near the site have large lots and the size of those homes can be greatly enlarged without having to come before the Planning Board. They only need to go to the Building Department for a building permit. Mr. Castaldi did not want to limit what a future homeowner could do should they wish to expand their home. He mentioned that a pool would be considered an accessory structure.

Mr. Galvin suggested that Mr. Steinman come up with coverage and other concepts to address the Board's concerns on limiting building sizes. These will be presented at the next Planning Board meeting.

Mr. Sterk said this is not a site plan but a subdivision. Mr. Sterk said he would like to see a line at the rear and footprint limitation.

Mr. Carr said the Storm Water Management Plan needs to be updated.

Mr. Sjunnemark said the public hearing will be continued at the July 23, 2014 Planning Board meeting.

## **NEW BUSINESS**

### **Preliminary discussion on wetland permit for Upland Site Work and House Replacement for residence located at 550 Shore Acres Drive in R-10 Residential District. Planning Board will set public hearing for July 23, 2014 in conformity to noticing by the applicant.**

Mr. Dan Natchez, Daniel S. Natchez and Associates, appeared for the applicant for a preliminary discussion. He said the house is a tear down and a new, smaller house will be built at the present location. The work conforms to FEMA requirements. The applicant wishes to move quickly to build. He said there are two separate applications. One application is for the house and upland site work including rain gardens and the second is for the docking facility. He said they would like the public hearing to take place on July 23, 2014.

Mr. Steinman said this is a single wetlands permit, and a single CAF. The consistency determination for both should be a single application. Mr. Steinman said the phases need to be addressed. He said the time period for the temporary fence needs to be made known. Mr. Steinman suggested consolidating the applications and to consolidate the CAF and EAF.

Mr. Natchez said HCZMC issues the permit for the docking facility.

Mr. Sterk stated that the Planning Board should have the option of approving the applications separately as needed. He felt that the Phasing shown in the applications provided the Planning Board with an overview of the total potential impact.

Mr. Natchez said the single story house is in the A zone. The upkeep of the house has been deferred and deemed unlivable in its present condition. A small portion of the patio is in the wetlands buffer zone. The house is 2,800 square feet and is being reduced to 2,500 square feet. The shape of the house is square. It will be moved closer to the road. He said 154 square feet is in the wetlands 100 foot buffer zone. Phase I will involve building the house, and Phase II will involve building the detached garage. The proposed house will be a modular house.

Mr. Sterk remarked that the garage appears large. Mr. Natchez said it is a standard two-car garage.

Mr. Natchez said the first floor of the house is for storage and there will be 1 ½ stories above. There will be a pitched roof. The driveway will be impervious surface. A license is  
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required from the Village for the location of rain gardens to be located partially in the Village r-o-w. The gardens will be able to take on the overflow of water from the street. The base of the garage will not be raised. On the waterside is a marine railway that is deteriorating. He said the rails are functional, but the mechanism is not. There are wooden bulkheads. A portion of this area will be filled and a kayak ramp put in. The top portion of a small section of the seawall needs maintenance. The plans for the docking facility are not finalized. It will be narrowed to eight feet. In Phase II, the garage will be moved to the north. The Harbor Master has seen the plans. Mr. Natchez said the eighty foot gangway was a concern for the Harbor Master. It is held in place by piles. There will be a total of 153 cubic yards of clean fill.

Mr. Sjunneemark suggested that a site visit take place. The Board members were agreeable to meet at 550 Shore Acres Drive on Saturday, July 12 at 10 a.m.

### **Public Hearing**

On motion of Mr. Sterk, seconded by Mr. Wexler, the public hearing is scheduled for Wednesday, July 23, 2014 at 7:00 p.m.

Vote: 4-0

### **RESOLUTIONS**

#### **Resolution for Preliminary Plat for 2 lot Subdivision located at 209 Grand Street.**

RESOLUTION  
VILLAGE OF MAMARONECK PLANNING BOARD  
(Adopted July 09, 2014)

**RE: 209 Grand Street – 2 Lot Subdivision**  
**Resolution of Preliminary Plat Approval**

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

WHEREAS, on May 3, 2013, BB&G Construction 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 to subdivide an existing lot containing an existing two family residence ("Premises") into two lots and to construct a new two-family residence on the newly created lot ("Application"); and

WHEREAS, the Applicant's property is located at 209 Grand Street ("Property"), situated within the R-4F 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 subdivision plat 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 28, 2013 as well as in memorandums from the Village Landscape Consultant dated May 28, 2013, April 19, 2014, May 13, 2014 and June 10, 2014 and from the Village Engineer dated May 29, 2013. The Village Engineer has evaluated and approved the Applicant's SWPPP and verbally provided information to the Planning Board at its public meetings on the Application; and.

WHEREAS, the Planning Board has requested and reviewed additional revised subdivision plats from the Applicant regarding landscaping, location of cultecs on each lot and parking configurations. The Planning Board also reviewed the following set of plans dated June 29, 2012 with final revision dated June 18, 2014, a Short-Form Environmental Assessment Form ("EAF") dated April 17, 2013 and a Coastal Assessment Form ("CAF") dated February 26, 2014 and a Stormwater Pollution Prevention Plan ("SWPPP") (dated June 5, 2014) prepared by Mastrogiacomo Engineering, P.C. as submitted by the Applicant which forms a part of the Application:

1. Drawing-1- *"Tax Assessment Map, Subdivision: Notes and Title Sheet."*
2. Drawing C-100 - *"Existing Conditions & Site Demolition Plan."*
3. Drawing C-200- *"Proposed Subdivision Layout Plan."*
4. Drawing C-300 - *"Proposed Grading & Erosion Control Plan."*
5. Drawing C-400- *"Proposed Utility & Drainage Plan & Stormwater Design Computations."*
6. Drawing C-500 - *"Village of Mamaroneck Standard Details."*
7. *Coastal Assessment Form ("CAF")* dated February 26, 2014 and submitted pursuant to Local Law No. 30-1984;
8. *Short-Form Environmental Assessment Form ("EAF")* dated April 17, 2013.

WHEREAS, a duly advertised public hearing on the application was opened on May, 29, 2013, and continued on June 12, 2013, January 22, 2014, April 9, 2014, May 14, 2014, May 28, 2014 and June 11, 2014 and closed on June 11, 2014 at which the opportunity for public comment was offered to all interested parties; and

WHEREAS, on June 12, 2013 the Planning Board determined that the Project was an unlisted action under SEQRA on and directed issuance of a Notice of Intent to be Lead Agency on October 8, 2013, assumed Lead Agency status at its meeting on January 22, 2014 and after a



review of the EAF, issued a Negative Declaration for the proposed unlisted action on January 22, 2014; and

WHEREAS, the Zoning Board of Appeals heard Applicants' request on July 23, 2013, September 12, 2013, October 3, 2013 and closed the public hearing on December 5, 2013 for variances for lot area and side yard requirements in an R-4F zone per Article V, Section 342-27 and variance from Section 342-11D (Lot requirements; subdivision and non-conforming lots) related to the Project and after hearing testimony, and reviewing additional written submissions from the Applicant, approved said variances on February 6, 2014; and

WHEREAS, the Harbor and Coastal Zone Commission (HCZM) determined on March 19, 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 Planning Board has completed its review and evaluation of the application and the preliminary plat and has fully considered the factors set forth in Village Code and determined that such standards and criteria have been satisfied:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the application for approval of a preliminary subdivision plat composed of C-200, *Proposed Subdivision Layout Plan*, C-300 *Proposed Grading & Erosion Control Plan*, C-400 *Proposed Utility & Drainage Plan & Stormwater Design Computations* and C-500 *Village of Mamaroneck Standard Details*, prepared by Mastrogiamaco Engineering, P.C. revised June 18, 2014 for the subdivision of property located at 209 Grand Street into two lots with one lot containing an existing two family residence ("Premises") and the construction of a new two-family residence on the second, newly created lot, is hereby conditionally approved subject to compliance with the following conditions which must be satisfied prior to the Planning Board Chairman's signing of the final linen:

1. The Applicants shall pay all outstanding consultant review fees in connection with the Planning Board review of this Application.
2. The payment of a recreation fee of \$8,125.00 for one newly created lot pursuant to Section A 348-13 of the Village Code in accordance with the subdivision recreation fee schedule established under Chapter A347, Fees in the Village Code.
3. The submission by the applicant of an agreement, in recordable form subject to the approval of the Village Engineer and Village's land use board's counsel, concerning the construction, maintenance and inspection of the features of the stormwater management system for each of the two lots and bonding requirements for maintenance of the stormwater management system on each of the two lots.
4. Preparation, submission and Planning Board approval of a final subdivision plat in conformity with the requirements of A 348-20 of the Village of Mamaroneck Subdivision Code.

5. Approval of the water supply and wastewater disposal system by the Westchester County Department of Health.
6. Approval by the Planning Board, acting upon the advice of the Village Engineer, of the Stormwater Pollution Prevention Plan (“SWPPP”) for a land development activity pursuant to Chapter 294 of the Village Code
7. The Applicant shall satisfy all such additional conditions of final subdivision approval as the Planning Board may deem appropriate.

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

**Resolution for Etre Wetland Permit related to recreational dock and maintenance of seawall and associated riprap for residence located at 558 Shore Acres Drive in R-10 district.**

RESOLUTION  
VILLAGE OF MAMARONECK PLANNING BOARD  
(Adopted July 9, 2014)

**RE: ROBERT and SUSAN ETRE, 558 SHORE ACRES DRIVE**  
**Resolution of Wetland Permit Approval**

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

WHEREAS, on May 7, 2014, Robert and Susan Etre, 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 reconfiguration of a recreational docking facility and permission to maintain an existing seawall/riprap with accompanying documentation, including a Long-Form Environmental Assessment Form (“EAF”) and a Coastal Assessment Form, and annexed Plans (SD-01, SD-02, SD-03, D-01) prepared by Lemond and Associates, dated April 29, 2014 and Hydrographic Survey prepared by Michael W. Finkbeiner, PLS dated October 27, 2013, (“Application”); and

WHEREAS, the Applicants’ property is located at 558 Shore Acres Drive (“Property”), situated within the R-10 Residential District; and

WHEREAS, a duly noticed public hearing was held on the Application by the Planning Board on May 28, 2014, and June 25, 2014, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, on June 6, 2014, the Applicants submitted an amended application to approve and reconfigure the existing docking facility by moving the existing dock shoreward, creating a “T” float relatively parallel to the Federal Channel and reducing the number of piles to a maximum of four steel piles with diameters up to fourteen inches, among other revisions to the Application, and to approve an existing seawall and associated riprap at the Premises as shown on amended plans SD-01, SD-02, SD-03 and D-01 last revised on June 6, 2014 (“Amended Application”); and

WHEREAS, the Village Harbor and Coastal Zone Management Commission (“HZCM”) determined on June 18, 2014, that the Applicants’ requested structures permit was a Type II action under the New York State Environmental Quality Act (“SEQRA”) and deemed it to be consistent with the Local Waterfront Revitalization Program (“LWRP”) and, also on that date, granted approval of the Amended Application for a marine structures permit for the reconfiguration of the recreational docking facility and the maintenance of the existing seawall and associated riprap; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the amended wetland permit will conform to the requirements of the Village Code; and

Whereas, the Planning Board has carefully reviewed the Amended Application and considered the review by the Harbor and Coastal Zone Commission provided through the Commission’s minutes for May 21, 2014 and June 18, 2014 and including its resolution adopted on June 18, 2014, comments from the Village Planner and Village Engineer provided at the Board’s meeting of May 28, 2014 and the Environmental Consultant to the HZCM in memorandums dated May 20, 2014 and June 10, 2014, and , the Planning Board’s attorney regarding wetland permit criteria; and

WHEREAS, on June 25, 2014, Mr. Sterk, seconded by Mr. Sjunnekmark and carried, the public hearing on the application was closed; and

Whereas, the Planning Board has completed its review and evaluation of the amended 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; and

Whereas, the Planning Board determined on June 25, 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 June 25, 2014, that the Project is consistent with the policies of the LWRP, to the maximum extent feasible, pursuant to 240 of the Village Code.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Board hereby grants a wetland permit for the reconfiguration of a recreational docking facility, including moving the facility shoreward, creating a “T” float, the installation of up to four steel piles, and the maintenance of an existing seawall and associated riprap and other revisions to the Application as set forth in the drawings SD-01, SD-02, SD-03 and D-01 dated June 6, 2014 which constitute the Amended Application. 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 Mendes  
              Nays: None  
              Absent: Ianniello

**ADJOURNMENT**

On motion of Mr. Sterk, seconded by Mr. Wexler, the meeting was adjourned at 9:33 p.m.

VOTE: 4-0

Respectfully submitted,

Anne Hohlweck  
Recording Secretary