



**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY MARCH 24, 2021 7:00 PM ONLINE**

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on March 24, 2021. The full public record of this Meeting is the audio/video recording made of this https://lmcmedia.org/videos_list/village-of-mamaroneck-planning-board-meeting-03-24-21/

PLEASE BE ADVISED, that the next Meeting of the Planning Board of the Village of Mamaroneck is scheduled for April 14, 2021 at 7:00 P.M. online.

PRESENT: **KATHLEEN SAVOLT, CHAIR
CINDY GOLDSTEIN
RICHARD LITMAN
ELLEN STYLER
JOHN VERNI**

**FRANK TAVOLACCI, VILLAGE BUILDING INSPECTOR
AMBER NOWAK, VILLAGE ASSISTANT PLANNER
ASHLEY LEY, VILLAGE CONSULTING PLANNER
ESTEBAN GARCIA, VILLAGE CONSULTING ENGINEER
TERRESA BAKNER, VILLAGE PLANNING BOARD ATTORNEY
SUSAN OAKLEY – VILLAGE LANDSCAPE CONSULTANT
DENNIS DROGAN – VILLAGE ASSISTANT BUILDING
INSPECTOR**

EXCUSED: **NONE**

CALL TO ORDER

Chair Savolt called the meeting to order at 7:01 p.m. She introduced the Board members, staff and consultants. She noted that some documents and an application had been added to the agenda at the last minute.

1. APPROVAL OF MINUTES

- A. The Planning Board will review the minutes from the following meetings:**
January 13, 2021
January 27, 2021

February 10, 2021

On motion of Mr. Litman, seconded by Mr. Verni and carried, the Board approved the minutes of January 13, 2021 with the change noted by Chair Savolt on the last page.

Ayes: Ms. Goldstein, Mr. Litman, Ms. Styler, Mr. Verni, Chair Savolt

Nays: None

Abstain: None

Excused: None

On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the Board approved the minutes of January 27, 2021.

Ayes: Mr. Verni, Ms. Styler, Mr. Litman, Ms. Goldstein, Chair Savolt

Nays: None

Abstain: None

Excused: None

On motion of Mr. Verni, seconded by Ms. Goldstein and carried, the Board approved the minutes of February 10, 2021.

Ayes: Ms. Styler, Mr. Litman, Mr. Verni, Ms. Goldstein, Chair Savolt

Nays: None

Abstain: None

Excused: None

2. SITE PLAN REVIEW

- A. 594 Alda Road (Section 4, Block 75, Lot 14) located in the R-10 Zoning District – Consider Final Site Plan Approval** The applicant proposes to construct an in-ground swimming pool, terrace and fire pit. The project exceeds 1,000 sf of disturbance and requires a Stormwater Pollution Prevention Plan and Planning Board site plan approval. The action was classified as a Type II Action under SEQRA.

Michael Stein, P.E., stated that he believes that Mr. Garcia's concerns have been addressed. Mr. Garcia stated that he is comfortable with the plans and the SWPPP as they are now.

Chair Savolt noted that the Board members haven't seen the revised plans.

Ms. Goldstein asked about the 40% coverage restriction and the lighting plan referred to in AKRF's memo of February 23rd.

Mr. Stein stated that there will not be any exterior lighting. Ms. Ley stated that the plan was updated concerning the 40% coverage.

Chair Savolt asked about the proposed landscaping. She confirmed with Mr. Stein that there is an existing chain link fence that will be used as the pool security fence.

Mr. Stein stated that 4 new arborvitae will be planted.

Public Comment:

Sandra Schwarz, (the rear neighbor), asked for confirmation that the new arborvitae would be planted as the existing trees in that area are in terrible shape.

Mr. Stein stated that he's sure the homeowner would add additional trees if necessary.

Gary Kligman, the homeowner stated that that corner is shaded and prone to deer. I'll continually replace what needs to be replaced and spray with deer repellent. He noted that he'll have the un-connected fire hydrant removed.

Ms. Schwarz asked whose property the stockade fence is on.

Mr. Stein stated that it's right on the property line.

End of Public Comment

Ms. Bakner went through the changes to the draft resolution:

- The spelling of Mr. Kligman's name will be corrected
- In the 6th Whereas clause (highlighted in yellow) will read – the Applicant's engineer submitted a revised stormwater management plan dated March 24, 2021. This letter and the enclosed plans address the remaining concerns expressed by Kellard Sessions and Kellard Sessions provided a final memorandum dated March 24, 2021 finding
- Under the last Be It Further Resolved we've added the Applicant shall maintain the proposed new plantings of arborvitae shown in the plan

On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the Board approved the amended draft resolution.

Ayes: Ms. Styler, Mr. Litman, Mr. Verni, Ms. Goldstein, Chair Savolt

Nays: None

Abstain: None

Excused: None

Resolution of the Planning Board of the Village of Mamaroneck Approving the Application of Gary Klingman owner of 594 Alda Road (Section 4, Block 75, Lot 14) for a Swimming Pool, Terrace and Fire Pit

Moved by _____; Seconded by _____

WHEREAS, an application was submitted by Mr. Klingman, the owner of 594 Alda road (the "Applicant"), for the necessary permits to construct a residential in ground swimming pool, terrace, fire pit, fence, gate and associated drainage in the rear yard of his 0.329 acre lot (Section 4, Block 75, Lot 14) located in the R-10 Zoning District;

WHEREAS, the application for the proposed residential swimming pool, terrace, fire pit, fence, gate and associated drainage is on file at the Village Offices and consists of Sheets C-1 through C-4, prepared by Hudson Engineering and Consulting P.C., dated last revised 3/15/21, and supporting documents, such as the Stormwater Pollution Prevention Plan & Drainage Analysis, dated December 30, 2020;

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Approved

WHEREAS, the Building Inspector of the Village of Mamaroneck on January 29, 2021 determined that the Applicant required a Stormwater Management and Sediment Control Permit; a Stormwater Pollution Prevention Plan, and Site Plan Approval, as well as review by the Board of Architectural Review; and

WHEREAS, the Planning Board's planning consultant, AKRF, reviewed the criteria for swimming pools found in Chapter 300 of the Village Zoning Code and in a memorandum dated February 23, 2021 confirmed that the swimming pool meets these requirements; and

WHEREAS, the Planning Board's engineering consultant, Kellard Sessions, reviewed the application and drawings and prepared a memorandum dated February 9, 2021 providing comments on the site plans and supporting documents; and

WHEREAS, the Applicant's engineer submitted a letter dated March 13, 2021 responding to the Kellard Sessions' memorandum and providing revised C-1 through C-4 sheets and other information addressing the comments and concerns raised by Kellard Sessions and in a memorandum dated March 22, 2021, Kellard Sessions provided additional comments on the plans. The Applicant's engineer submitted a letter dated _____. This letter and enclosed plans addressed the remaining concerns expressed by Kellard Sessions and Kellard Sessions provided a final memorandum dated _____ finding that the Applicant's engineer's plans comply with the requirements of the Village of Mamaroneck Code, Chapter 294, Stormwater Management and Erosion and Sedimentation Control, and other sections, as applicable, as well as the NYS Department of Environmental Conservation Stormwater management Design Manual (last revised January 2015) and the NY State Standards and Specifications for Erosion and Sediment Control, dated November 2016; and

WHEREAS, the Village Planning Board's landscaping consultant, Susan Oakley of Terra Bella Land Design, reviewed the landscaping proposed for the project and in an email dated February 19, 2021 advised the Planning board that there are no landscaping issues and that the plan included a tree protection detail; and

WHEREAS, during the Village Planning Board meeting of February 24, 2021 an adjoining neighbor raised concerns about a pool that had previously been located at the property and the possibility that it caused a sink hole to occur on her property, which abuts the rear of 594 Alda Road, this past occurrence was thoroughly discussed and the Village Planning Board's engineer and the Village Building Inspector indicated that the subsidence could have resulted from the old pool leaking or from the burial of tree stumps at the time her property was developed; and

WHEREAS, other commenters raised concerns about noise, screening and stormwater and these issues were also addressed with the applicant agreeing to be considerate of his neighbors and to plant a few more trees at the rear of the property, as set

forth above the stormwater issues were evaluated by the Village Planning Board's engineer and any potential issues were addressed by changes to the project plans; and

WHEREAS, the Village Planning Board members thoroughly reviewed the application and the standards for site plan development set forth in Article IX of the Village Code, Chapter 342-76, including the specific provisions relative to swimming pools found in the Village Code at section 342-49 and in Chapter 300, and the requirements for stormwater management and erosion and sedimentation Control set forth in Chapter 294, as well as the application documents and plans and the advice provided by the Village Planning Board's consultants, and the Planning Board has completed its review of the standards and criteria and have determined that the applicable standards and criteria have been satisfied;

NOW, THEREFORE, BE IT RESOLVED, that the Application for the swimming pool, terrace, fire pit, fence, gate and associated drainage facilities are a Type II action pursuant to the SEQRA regulations found at 6 NYCRR Section 617.5(c)(12) which provides that "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes , fences, barns, storage sheds or other buildings not changing land use or density" are Type II actions pursuant to SEQRA; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants site development plan approval, issues the stormwater management and sediment control permit and approves the stormwater pollution prevention plan for the Swimming Pool and its drainage facilities as shown in the application documents and particularly on the design drawings C1 through C4 prepared by Hudson Engineering & Consulting, P.C. dated last revised 3/15/21, subject to the following conditions:

- 1) Prior to the issuance of a building permit, a Construction, Maintenance and Inspection Declaration for the stormwater management facilities to be installed, in a form satisfactory to the Village shall be fully executed and submitted to the Building Department with proof that the Declaration has been recorded in the Westchester County Clerk's Office; and
- 2) All application and consultant review fees shall be paid prior to the issuance of the building permit; and
- 3) The applicant shall obtain all required state, county and local permits and approvals prior to the issuance of the building permit.

Vote: Ayes: _ votes in favor: _____
 Nays: _

Kathleen Savolt, Chairperson

- B. 680 Barrymore Lane (Section 4, Block 79A, Lots 13, 14, 15) located in the R-15 Zoning District – Site Plan Review Application** The applicant proposes to construct an in-ground swimming pool and patio which requires a new retaining wall, grading and fill. The project exceeds 1,000 sf of disturbance and requires a stormwater pollution prevention plan and Planning Board site plan approval. The application was classified as a Type II Action under SEQRA. The application was approved by the Board of Architectural Review on March 18, 2021.

Michael Stein, P.E.:

He shared drawings on screen dated March 24, 2021

- We have ledge rock at a relatively shallow depth in most areas
- We did get down to a sufficient depth in a test hole right next to where the pool is going without ledge rock and had a fantastic percolation rate
- The stormwater system will involve culverts and additional storage into the culverts
- We've been working closely with Esteban to address his comments
- We've developed a landscape plan
- The access to the construction area will be off the driveway into the backyard
- The approximate limit of disturbance 4,620 sf

Mr. Garcia stated that he hasn't had a chance to review the revised drawings.

Chair Savolt went through the open items on Mr. Garcia's most recent memo.

Mr. Geary stated that all new patio areas will be bluestone set in stone dust. There will not be any patio areas set in concrete.

Mr. Stein:

- additional spot grading can be included where necessary
- we've put a barrier around the infiltration system
- an overflow can be added towards the front of the property
- there's a note on the plan regarding the pool discharge drawdown

Chair Savolt noted the previous issue of possible impact to the neighbor's trees.

Mr. Geary:

- I coordinated with my neighbor, we took down a Spruce that was leaning
- It will be replaced
- The Mulberry will remain, the roots will be cut back

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Approved

Ms. Oakley noted that the trees to remain and the tree protection notes should be on the plan. The Spruce that has been removed should be removed from the plan.

A majority of the Board didn't feel comfortable approving a resolution as the latest plans were submitted today and Mr. Garcia and Ms. Oakley didn't have time to review them and issue final memos.

The application was adjourned.

C. 1069 Bay Head (Section 9, Block 106, Lot 11) located in the R-20 Zoning District – Site Plan Review Application The applicant proposes to construct an in-ground swimming pool. The project exceeds 1,000 sf of disturbance and requires a stormwater pollution prevention plan and Planning Board site plan approval. The Planning Board will consider classifying the project as a Type II Action under SEQRA.

Michael Stein, P.E.:

He shared the drawings on screen.

- The results of percolation testing and groundwater separation were very good
- We'll infiltrate the runoff from the new impervious surfaces
- There'll be some minor regrading in the backyard
- An isolation row will be installed

Chair Savolt noted that Mr. Garcia and Ms. Oakley have submitted introductory memos with open issues.

Ms. Ley noted that on Sheet C-2, the lot coverage calculation needs to include the rear yard coverage.

On motion of Mr. Litman, seconded by Ms. Styler and carried, the Board classified the project as a Type II Action under SEQRA.

Ayes: Mr. Verni, Ms. Styler, Mr. Litman, Ms. Goldstein, Chair Savolt

Nays: None

Abstain: None

Excused: None

The application was adjourned.

D. 124 Palmer Avenue (Section 9, Block 31, Lot 14A) located in the C-2 Zoning District – Site Plan Review Application The applicant proposes to change the use of an existing 19,121 sf building previously used as a gym to an "office" use for an online sports cards marketplace. The application requires Planning Board site plan approval. The Planning Board will consider classifying the project as a Type II Action under SEQRA.

Andrew Spatz, Esq.

- We'd like to modify the existing building from an exercise club to an office assembly as provided by in 342-31 A (1)(E)
- Star Stock provides a marketplace for sports fans and card hobbyists to buy, sell and invest in their favorite athletes and sports teams

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Approved

- The cards are sent to, processed, graded and archived at 124 Palmer Ave.
- The cards are then vaulted at a different location
- The transactions are processed virtually
- Approximately 25 employees will be on location
- 22 of the employees will commute by public transportation
- Most of the internal infrastructure will stay the same

Ms. Ley noted that the proposed use of the site has been changed from office to assemblage. A special permit from the Zoning Board of Appeals is required as per Article X of the Code. Also, the Harbor Coastal Zone Management Commission will have to grant consistency.

Ms. Goldstein noted that as a former member of the Harbor Coastal Commission, they never dealt with applications like this one.

Ms. Ley stated that she will look into further.

Scott Greenberg, co-owner of Star Stock:

- We process and assemble people's card collections
- We put the cards in plastic sleeves and then put them in cardboard boxes to be shipped and stored
- There isn't any intense manufacturing involved

Chair Savolt asked if assemblage changes the parking requirement.

Brian Dempsey, Provident Design Engineering:
He shared the site plan on screen.

- He went through the interior floor plan
- There won't be any customers on site
- There won't be any large trucks
- The parking by Code is 1 space for every 2 employees = 13 spaces, which is what will be provided
- Only 3 spaces will be used by employees

On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the Board classified the project as a Type II Action under SEQRA.

Ayes: Mr. Verni, Ms. Goldstein, Mr. Litman, Ms. Styler, Chair Savolt

Nays: None

Abstain: None

Excused: None

3. EXTENSION REQUEST

- A. 526-530 Fayette Avenue (Section 8, Block 93, Lot 32B) located in the M-1 Zoning District** The applicant seeks an extension to the site plan approval granted March 2020 for redevelopment of the subject property.

On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the site plan approval extension was granted for a period of 1 year.

Ayes: Mr. Litman, Ms. Styler, Mr. Verni, Ms. Goldstein, Chair Savolt
Nays: None
Abstain: None
Excused: None

4. EXECUTIVE SESSION/ADVICE OF COUNSEL

A. EXECUTIVE SESSION

The Planning Board will hold an Executive Session meeting to seek the advice of legal counsel in connection with the existing, ongoing litigation against the Village Planning Board.

Chair Savolt noted that litigation involving Hampshire and AVC Properties will be discussed.

On motion of Ms. Goldstein, seconded by Mr. Litman and carried, the Board entered into Executive Session at 8:53 p.m.

Ayes: Mr. Verni, Ms. Goldstein, Ms. Styler, Mr. Litman, Chair Savolt
Nays: None
Abstain: None
Excused: None

On motion of Ms. Goldstein, seconded by Mr. Litman and carried, the Board returned from Executive Session at

All in favor?

Aye.

None opposed.

Ms. Styler excused.

5. ADJOURN MEETING

On motion of Ms. Goldstein, seconded by Verni and carried, the meeting was adjourned at

All in favor?

Aye.

None opposed.

Ms. Styler excused.

NOTE: Please be advised the Zoom video didn't come back on after the motion to go into Executive Session. I had to get the return and adjourn motions from the LMC video, which doesn't have a time stamp like Zoom does.

