

**THE MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD
OF THE TOWN OF MAMARONECK, JANUARY 13, 2016
HELD IN CONFERENCE ROOM C, OF THE TOWN CENTER
740 WEST BOSTON POST ROAD, MAMARONECK, NEW YORK**

Roll Call.

Present: Ralph M. Engel, Chairman, Edmund Papazian, Ellen Dunkin, George Roniger, Stephen Marsh, Ira Block, Eileen Weingarten, Donald J. Kravet, Alternate

Also Present: Lisa Hochman, Counsel, Anthony Oliveri P.E., Consulting Engineer, Elizabeth Paul, Environmental Consultant, Jaime Elkind-Eney, Liaison, David Goessl, Town Engineer, John H. Landi, Building Inspector

Absent/Excused: Ron Mandel, Alternate

CALL TO ORDER

The meeting was called to order at 8:01P.M.

Mr. Engel introduced the new Building Inspector, John H. Landi, to the Board.

Mr. Landi stated that he had been a builder for 30 years and then worked as a building inspector in Putnam Valley and Mount Kisco. He further stated that he will be available to come to any Planning Board meeting, if requested to do so.

MINUTES

The minutes of November 11, 2015 were discussed and technical corrections made.

The minutes of December 9, 2015 were discussed and technical corrections made.

Motion: To approve the minutes of November 11, 2015

Action: Approved

Moved by Ira Block, **Seconded by** George Roniger.

Vote: Motion carried by vote (**summary:** Yes = 7).

Yes: Edmund Papazian, Eileen Weingarten, Ellen Dunkin, George Roniger, Ira Block, Ralph M. Engel, Chairman, Stephen Marsh.

Motion: To approve the minutes of December 9, 2015

Action: Approved

Moved by Ira Block, **Seconded by** George Roniger.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

Yes: Eileen Weingarten, Ellen Dunkin, George Roniger, Ira Block, Ralph M. Engel, Chairman, Stephen Marsh.

Abstain: Edmund Papazian.

2. 2430 Boston Post Road Nordone and Sons Public Hearing

Motion: To open the public hearing

Action: Approved

Moved by Ellen Dunkin, **Seconded by** Stephen Marsh.

Joseph Nordone addressed the Board to request a Special Use Permit renewal, stating there are no changes to the proposed use.

Mr. Goessl stated that there have been no complaints or violations.

The Board discussed the request.

Ms. Dunkin questioned the renewal date.

Mr. Sam Nordone stated that he had been unwell and not in the office but when he realized that the special permit expired they put an application in right away.

Mr. Engel stated that approval should be retroactive to the renewal date of October 9th.

Motion: To close the public hearing

Action: Approved

Moved by Ira Block, **Seconded by** Stephen Marsh.

Motion: To approve the Special Use Permit

Action: Approved, **Moved by** Ellen Dunkin, **Seconded by** Stephen Marsh.

Vote: Motion carried by vote (**summary:** Yes = 7).

Yes: Edmund Papazian, Eileen Weingarten, Ellen Dunkin, George Roniger, Ira Block, Ralph M. Engel, Chairman, Stephen Marsh.

SPECIAL USE PERMIT RENEWAL – NORDONE & SONS AUTO BODY, INC.

WHEREAS, Nordone & Sons Auto Body, Inc. submitted an application for a Special Use Permit Renewal for use of the premises at 2430 Boston Post Road and known on the Tax Assessment Map of the Town of Mamaroneck as Block 503, Lot 421 to perform auto body and fender repair ; and

WHEREAS, this is a Type II action having no significant impact on the environment pursuant to 6 NYCRR§ 617 et seq., accordingly, no further action under SEQRA is required.

WHEREAS, a Public Hearing having been held on January 13, 2016 pursuant to notice; and

WHEREAS, the Planning Board having considered the application for the Special Use Permit Renewal, the plans and environmental analysis submitted by the applicant, comments and responses to questions by the applicant, comments of the Consulting Engineer to the Town and having heard interested members of the public;

NOW, THEREFORE, BE IT RESOLVED that this Board makes findings of fact as follows:

1. The proposed use as limited by the conditions set forth herein is in general harmony with the surrounding area and shall not adversely impact upon the adjacent properties due to traffic generated by said use or the access of traffic from said use onto or off of adjoining streets.
2. The operations in connection with the Special Use Permit Renewal will be no more objectionable to nearby properties by reason of noise, fumes, vibrations, flashing of lights or other aspects than would be the operations of any other permitted use not requiring a Special Use Permit Renewal.
3. The proposed Special Use Permit Renewal use will be in harmony with the general health, safety and welfare of the surrounding area by the nature of its particular location. It will not adversely impact upon surrounding properties or surrounding property values.

BE IT FURTHER RESOLVED, that this Board **APPROVES** the application of Nordone & Sons Auto Body, Inc. for a Special Use Permit Renewal for an automobile repair facility performing auto body and fender repair at the premises located at 2430 Boston Post Road subject to the terms and conditions set forth below:

1. Services on the premises shall be limited to auto body and fender repair. No repairs requiring breakdown of the motor, transmission or universal joint shall be permitted. Repairs to the electrical system shall not be performed, except as related to accidents and loss.
2. All heavy work shall be done on the upper level and only sanding, painting, polishing and reassembly of vehicles shall be performed on the lower level.
3. The applicant agrees to provide and maintain the pollution control services and activities as previously set forth in a memorandum from the Coastal Zone Management Commission, dated December 5, 1990, and such activities shall constitute conditions of this Special Permit.
4. Hours of operation shall be from 8:00 a.m. to 7:00 p.m. Monday through Saturday. However, drop-off and pickup shall be permitted outside of these hours.
5. No noise emanating from inside the building shall be audible outside the building and there shall be no externally audible public address system, bullhorns or walkie-talkies on the premises.
6. All lights, except for security lighting, shall be turned off when the premises are vacated for

the evening.

7. All lights for the driveway and parking area shall be directed towards the building.
8. All doors shall be kept closed while work is in progress, except for times when the vehicles are moving in and out of the building. All work shall be performed inside the building.
9. The applicant shall maintain and use reasonably available odor control technology.
10. The applicant shall promptly furnish current copies of all required permits and renewals or replacements thereof to the Building Department in the event that any permit is revoked or lapses, for any reason.
11. The applicant shall use a containment tracking material in the exterior drains ("pig mat" or equivalent) and to have the mats collected by an approved toxic waste removal company. In addition, the applicant shall place a small piece of absorbent material in the interior floor drain to collect any pollutants before they enter the sanitary sewer system.
12. The applicant shall maintain all necessary permits from the Westchester County Department of Health and the New York State Department of Environmental Conservation relating to air pollution emissions, waste disposal and spray painting processes.
13. This Special Use Permit is subject to the termination requirements set forth in Section 240-64 and 240-65 and the use restrictions set forth in section 240-31 of the Zoning Code of the Town of Mamaroneck.
14. This Special Use Permit shall expire on October 9, 2017

3. 2 Fairway Drive Fairway Corner (formerly Fairway Estates)

Mr. Engel asked if the applicant has all required documentation. Mr. Chairtou responded that he did not have the certification from the County health department. Mr. Engel stated that the public hearing can be opened but not voted upon until all required documents are received.

The Board discussed the application. The chair provided audience members with an opportunity to comment on the application.

Public Comments

Ronald Letizia, of 2 WellHouse Lane asked for an explanation of what is proposed.

Adam Kalish of 27 Doris Road asked about the driveway locations.

The wooden fence between 27 Doris and Fairway was discussed and Mr. Chairtou stated that he will replace the fence, assuming it is on his property.

Jeffery Melman of 22 Doris Road stated his concern with the same fence as well as landscaping.

The Board discussed landscaping.

Hugh Shelvin of 1 Wagon Wheel Road stated that he has lived across from the derelict house which has had a negative effect on property values and as soon as it is taken down it will improve the neighborhood.

Mr. Engel adjourned the matter to February 10th provided the board receives the necessary certifications before the meeting.

Other Business

A gentleman from 74 Sherwood Drive stated that he came for application 2 and didn't realize he could speak and wanted to register a complaint regarding paint odor emanating from the establishment. He further stated he has reported the condition to Westchester County Health Department.

Mr. Engel stated that the public hearing was already closed and asked Town staff to follow up.

New Business

Ms. Elkind- Eney stated that the language on the bottom of the public notices will inform the public to follow the matter on the web site.

Ms. Elkind- Eney stated that the first draft of the proposed residential site plan regulations will be put up on the web site and the Town Board would like the Planning Board's input.

Ms. Hochman asked that the proposed Planning Board checklists and site plan regulations be added to the February agenda under Other Business.

The Board discussed tardy renewals of special use permits and whether there should be a penalty for failure to timely renew.

Mr. Goessl stated they can issue a summons and he added that the building department can look at life safety issues and the building code.

Mr. Engel asked for a new site plan for the ACURA proposal when they return, as they may not be in compliance with the original plan.

Motion: To adjourn the meeting at 8:52P.M.

Action: Adjourned

Moved by Edmund Papazian, **Seconded by** Stephen Marsh.

Minutes prepared by

Francine M. Brill

Planning Board Secretary