

**THE MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD  
OF THE TOWN OF MAMARONECK, FEBRUARY 10, 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, Ron Mandel, Alternate

**Also Present:** Lisa Hochman, Counsel, Anthony Oliveri P.E., Consulting Engineer, Elizabeth Paul, Environmental Consultant, David Goessl Town Engineer.

**Absent:** Jaine Elkind-Eney, Town Board Liaison

**CALL TO ORDER**

The meeting was called to order at 8:00P.M.

**MINUTES**

**Motion:** To approve the minutes of January 13, 2016

**Action:** Approved

**Moved by** Ira Block, **Seconded by** Ellen Dunkin.

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

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

**2. 2 Fairway Drive Fairway Corner (Formerly Fairway Estates)**

**Motion:** To open the public hearing

**Action:** Approved

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

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

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

Michael Chairtou addressed the Board, stating he has submitted all required documents to the Board and is here to have the Plat signed.

The Board discussed the fence and Mr. Chairtou assured the Board that if the fence is on his property it will be replaced.

There were no public questions or comments.

**Motion:** To close the public hearing

**Action:** Approved

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

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

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

The Board discussed the draft resolution and Ms. Hochman shared comments she received from staff and Board members previously.

Corrections were made and it was stated that a Certificate of occupancy will not be issued until landscaping is completed and approved.

**Motion:** To approve the subdivision.

**Action:** Approved

**Moved by** Ellen Dunkin, **Seconded by** Eileen Weingarten.

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

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

#### **RESOLUTION APPROVING PROPOSED FINAL SUBDIVISION PLAT**

On motion of Ellen Dunkin seconded by Eileen Weingarten, the application of Michael Charitou (the "**Applicant**") for approval of a final subdivision was APPROVED WITH CONDITIONS by the Planning Board of the Town of Mamaroneck (the "**Board**") upon the following resolution, which was adopted by a vote of 7 to 0, with 0 abstention(s).

**WHEREAS**, the subject property is located at Block 33, Lot 967, Section 3, with a street address of 2 Fairway Drive in the Town of Mamaroneck (the "**Subject Property**"); and

**WHEREAS**, the Applicant filed an application for the subdivision of one lot into three lots and the construction of three new single family homes (the "**Proposed Action**"); and

**WHEREAS**, the Coastal Zone Management Commission of the Town of Mamaroneck (“**CZMC**”) reviewed the Proposed Action at its meeting on July 27, 2015 and issued a letter dated August 11, 2015 stating that the proposal is consistent with the Local Waterfront Revitalization Plan (the “**CZMC LETTER**”); and

**WHEREAS**, the CZMC Letter further stated: “In order to discourage any potential pumping of groundwater from the basements, it [is] strongly suggested that the foundations be tightly waterproofed and that the footing drains be connected to independent infiltrators that overflow to daylight”; and

**WHEREAS**, a public hearing on the *preliminary layout* was conducted by the Board on December 9, 2015, after due notice; and

**WHEREAS**, in a memo to the Planning Board dated January 12, 2016, the Town Consulting Engineer, Anthony Oliveri P.E., stated that the Applicant’s submission satisfied the requirements of Section 190-8 of the Town Code and found the proposed improvements to be satisfactory; and

**WHEREAS**, Section 190-8(A) of the Code (*Submission of final layout; certificate of approval*) provides that before the Board accepts submission of the final layout of the subdivision plat, the subdivider shall obtain the approval without qualification of the Westchester County Department of Health, Westchester Joint Water Works No. 1 or any other agency having jurisdiction in the premises (together, the “**Necessary Certifications**”); and

**WHEREAS**, on February 10, 2016, the Applicant confirmed that the Necessary Certifications have been secured; and

**WHEREAS**, the Proposed Action is an unlisted action pursuant to the New York State Environmental Quality Review Act (“SEORA”) and the Environmental Quality Review regulations found in Chapter 92, Article 1 of the Town (“MEQR”); and

**WHEREAS**, at the December 9, 2015 public meeting of the Board, the Board approved a resolution authorizing a determination of non-significance of the Proposed Action (the “**Negative Declaration**”); and

**WHEREAS**, a copy of the Negative Declaration is on file in the Building Department; and

**WHEREAS**, a public hearing on the application for *final* subdivision approval was conducted by the Board on February 10, 2016 at the Town Center on West Boston Post Road, Mamaroneck, New York, after due notice; and

**WHEREAS**, the public hearing on the final plat was closed on February 10, 2016; and

**WHEREAS**, the Planning Board has considered the Application; comments and responses to questions by the Applicant and its representatives; the memos, letters, reports and comments of the Town's Consulting Engineer and CZMC; and has heard and read testimony and reviewed other

submissions from interested members of the public and their consultants and counsel.

**NOW, THEREFORE, BE IT RESOLVED**, that approval of the Proposed Action is hereby **Granted With Conditions** to the Applicant for the subdivision of the Subject Property in accordance with the following conditions and specifications and provisions:

**I. General Requirements and Conditions.**

1. All site work shall be in accordance with the latest revised plans submitted, as referenced in Section I.12 hereof, and shall comply in all respects with applicable town, county, state and federal requirements.
2. All applicable county, state and regional permits, shall be obtained prior to the issuance of any Town permits. In the event that such permit(s) require any modification to the plans approved by this resolution, a determination shall be made by the Town Engineer and Town Building Inspector as to whether the modification is substantial and, therefore, must be returned to the Board for its consideration and approval.
3. Applicant will arrange a pre-construction meeting with the Town Engineer and Town Building Inspector prior to any site disturbance.
4. Prior to initial commencement of site disturbance or recommencement of site disturbance after a hiatus, the Applicant shall submit a schedule for all earthwork and land disturbance to the Town Engineer for approval. The Applicant shall notify – in person – Town Engineer and Town Building Inspector at least 72 hours in advance of any site disturbance in order to facilitate and arrange for inspection of construction, including but not limited to the drainage infrastructure, erosion and sediment control devices, and tree and stream protection measures, as needed.
5. Applicant shall furnish an “as built” survey when site work is completed.
6. There shall be no letter of completion issued to any individual lot until such lot fully complies with each condition contained within this resolution and the plans incorporated herein applicable to such lot(s).
7. All pavements, including portions of driveways within the right-of-way of the proposed road, shall be constructed according to Town specifications, as may be applicable.
8. All work within the right-of-way, including all subsurface infrastructure work shall be improved in accordance with Town standards and specifications and offered for dedication to the Town.
9. {INTENTIONALLY OMITTED}

10. Prior to the issuance of a building permit, the Applicant must submit for review by the Towns Engineer a complete set of construction drawings.
11. The term “Applicant” as used herein in connection with the intent to impose a future obligation or condition shall include the Applicant, as defined above, and/or any successor or assign in/of ownership interest of the Subject Property or any portion thereof.
12. The development of the Subject Property shall, in all respects, conform to the following:
  - Final Subdivision Plat for 2 Fairway Drive, Town of Mamaroneck prepared by Larry J. Nardecchio, Jr. P.E. dated December 10, 2015 including the Title Sheet as last revised on January 2, 2016
  - Survey prepared by Big Apple Land Survey dated July 17, 2015
  - Grading, Landscaping, Layout & Utility Plan prepared by Larry J. Nardecchio, Jr. P.E. dated December 10, 2015, as last revised on January 2, 2016
  - Erosion Control & Storm Water Management Plan prepared by Larry J. Nardecchio, Jr. P.E. dated November 4, 2015
  - Construction Details prepared by Larry J. Nardecchio, Jr. P.E. dated November 4, 2015 as last revised on January 2, 2016

## **II. Special Requirements and Conditions.**

### **A. Water Retention and Drainage.**

1. The Applicant must in all respects comply with the Surface Water, Erosion and Sediment Control Law of the Town Code, Chapter 95 (the “**Erosion & Sediment Control Law**”).
2. Detailed design and construction shall be consistent with the plans hereinabove referenced.
3. Applicant shall install erosion control measures to the satisfaction of the Town Engineer.
4. Prior to the issuance of a building permit, Town Engineer and Town Building Inspector shall make a written determination that each such lot complies with the applicable requirements of Chapter 95 of the Town Code.

### **B. Utilities.**

1. The utility plans shall be coordinated with the landscaping plan, if any, to avoid interference with placement and subsequent growth of plantings and the conduct of repair and maintenance activities.
2. Within the Subject Property, all new power, telephone and cable lines shall be installed underground.

### **C. Construction.**

1. Compliance with Town Code. Erosion and sediment control practices and tree protective measures shall be followed in accordance with Chapters 95 and 207 of the Town Code.

2. {INTENTIONALLY OMITTED}

3. Hours of Construction.

Construction (other than rock removal, which shall be conducted only during those hours authorized in accordance with the Section 106-58.1 of the Town Code) shall take place only during the times specified in Section 141-7 of the Town Code.

4. Traffic. During construction, Applicant shall, to the reasonable satisfaction of the Town Engineer, Town Highway Superintendent and Town Building Inspector, comply with the latest edition of the Manual for Uniform Traffic Control Devices.

5. Rock Removal. All rock removal and mechanical chipping shall be undertaken only in complete accordance with means and procedures approved by the Town Building Inspector and/or Town Engineer, as well as in strict compliance with the Town Code, including the applicable provisions of Chapter 106 thereof.

6. Blasting. Blasting, if any, shall in all respects comply with applicable provisions of Chapter 106 of the Town Code.

**D. Landscaping.**

1. Landscape plans for individual lots will be submitted in connection with applications for building permits for such lots and shall be consistent with the landscape plan, if any. No trees shall be removed, and no tree removal permit shall be issued prior to the issuance of a building permit for such lot. No certificate of occupancy shall be issued until the Town Environmental Planner approves an individual landscape plan for such lot.

2. The Applicant shall remove the existing, deteriorated wood fence on the Subject Property.

**E. Required Documents and Inspections.**

The Applicant shall provide one set of approved drawings to the Town Building Department and one copy to the office of the Town Engineer.

**F. Performance and Maintenance Bonds.**

Prior to the issuance of any permits, the Applicant shall post with the Town a performance bond or other security consistent with the provisions of New York State Town Law Section 277(9)(c), in form acceptable to the Town Attorney, in an amount equal to 100% of the cost of all required infrastructure construction, including but not limited to, drainage infrastructure, curbs, utilities and sediment and erosion control. Such performance bond shall be renewed annually until such time as the Town Engineer determines that construction pursuant to the approved plans is complete.

## **NEW BUSINESS**

### **1. CHECKLIST**

The proposed checklists for special use permit, site plan, subdivision and watercourses permit application were discussed and additional revisions were proposed. It was agreed that the Building Department should begin to use the modified checklists immediately and to let Ms. Hochman and or/ the Chair know to the extent it is determined that any additional changes are necessary.

### **2. SITE PLAN REVIEW**

Mr. Engel stated the Town Board is looking for input from the Town land use boards.

The Board reviewed and discussed the draft language for the proposed local law, which had been emailed earlier to the members.

Board members discussed the sequence of the application review process and it was noted that the site plan review process could add time and expense to development proposals.

The Board members discussed the types of development they want to bring into the process. It was suggested that the standards to be applied should be written with precision and clarity to provide adequate guidance.

Fines for offences were discussed, as well as enforcement mechanism.

**Motion:** To close the meeting at 10:44 P.M

**Action:** Approved

**Moved by** Ellen Dunkin, **Seconded by** Edmund Papazian.

## **ADJOURNMENT**

The meeting was adjourned at 10:44P.M.

Minutes Prepared by

Francine M. Brill

Planning Board Secretary