

**THE MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD
OF THE TOWN OF MAMARONECK, MARCH 9, 2016
HELD IN CONFERENCE ROOM C, OF THE TOWN CENTER
740 WEST BOSTON POST ROAD, MAMARONECK, NEW YORK**

1. MINUTES

2.	2434 Boston Post Road Larchmont Car Wash	Public Hearing
	<i>Required Approval(s)</i>	<i>Special Use Permit Renewal</i>
	<i>Town Code</i>	<i>Section 240-60</i>
	<i>Location:</i>	2434 Boston Post Road
	<i>District:</i>	B-R
	<i>Project Description</i>	continuation of existing car wash

3.	2500 Boston Post Road Pepe Porsche	Public Hearing
	<i>Required Approval(s)</i>	<i>Special Use Permit Renewal</i>
	<i>Town Code</i>	<i>Section 240-60</i>
	<i>Location:</i>	2500 Boston Post Road
	<i>District:</i>	B-R
	<i>Project Description</i>	continuation of existing automobile dealership

4.	10 East Brookside Drive Balagot Residence	Consideration
	<i>Required Approval(s)</i>	<i>Wetlands & Watercourses</i>
	<i>Town Code</i>	<i>Chapter 114</i>
	<i>Location:</i>	10 East Brookside Drive
	<i>District:</i>	R-10
	<i>Project Description</i>	Lift existing home

Roll Call.

Present: Ralph M. Engel, Chairman, Edmund Papazian, 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, Jaine Elkind-Eney, Liaison, David Goessl.

Absent/Excused: Ellen Dunkin, Ron Mandel, Kevin G. Ryan, Counsel.

CALL TO ORDER

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

MINUTES

Motion: To approve the minutes of February 10, 2016

Action: Approved

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

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

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

Absent: Ellen Dunkin, Ron Mandel, Alternate

**2. 2434 Boston Post Road Larchmont Car Wash Public
Hearing**

Michael Lage, the general manager, addressed the Board requesting a renewal of their Special Use Permit.

David Goessl stated he inspected the car wash March 4th to verify signage and also drove by with the site plan and noticed that the pavement markings were no longer visible, the landscaping was good but the hours of operation do not match the previous approval.

Mr. Lage stated he would correct the hours of operation if required but would like to request the published hours.

Mr. Goessl stated that there are no complaints or violations.

The Board discussed the hours of operation. The previous hours of operation were 7:00a.m. To 8:00 p.m. Monday through Saturday and 8:00 a.m. to 6:00p.m. Sunday the website states that the hours for Sunday are now 7:00a.m. To 7:00 p.m.

Mr. Engel observed that the hours have already been in use and there have been no complaints.

There were no questions or comments.

Motion: To open the public hearing

Action: Approved

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

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

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

Absent: Ellen Dunkin, Ron Mandel, Alternate.

Motion: To close the public hearing

Action: Close Public Hearing, **Moved by** Ira Block, **Seconded by** Stephen Marsh.

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

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

Absent: Ellen Dunkin, Ron Mandel, Alternate.

Motion: To approve the special use permit renewal to October 9, 2017 with a change to the operating hours to 7a.m. to 7p.m. on Sundays and with the condition that the re-installation of markings shown on approved site plan shall be completed no later than April 9, 2016.

Action: Approved

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

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

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

Absent: Ellen Dunkin, Ron Mandel, Alternate.

SPECIAL USE PERMIT RENEWAL – LARCHMONT CAR WASH

WHEREAS, Larchmont Car Wash (the “Applicant”) submitted an application for a special use permit renewal for a car wash and the sale of related goods (the “Application”) at 2434 Boston Post Road; Block 503, Parcel 326.1 on the Assessment Map of the Town of Mamaroneck (the “Property”); and

WHEREAS, a duly noticed public hearing was held on March 9, 2016; and

WHEREAS, The Applicant has requested certain changes to the conditions of the previously issued and renewed Special Use Permit; and

WHEREAS, the Planning Board considered the Application, the plans, comments and responses to questions by the Applicant, the reports and comments of the Planning Board staff and consultants and heard interested members of the public; and

WHEREAS, the Planning Board has determined that the proposed action is a Type II action and that, therefore, no further action is required under SEQRA.

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 the Planning Board hereby APPROVES the Application subject to the following terms and conditions:

1. There shall be no signage placed on the rear of the site.
2. No gasoline shall be sold at the site.
3. Maximum hours of operation shall be from 7:00 a.m. to 8:00 p.m. Monday through Saturday and 7:00 a.m. to 7:00 p.m. on Sunday.
4. There shall be no externally audible public address system, bullhorns or walkie-talkies on the premises.
5. All lights, except for security lighting, shall be turned off at the close of business.
6. All lights, including those for the driveway, shall be directed toward the building and away from neighboring properties, particularly the residential properties to the rear.
7. This Special Use Permit Renewal shall expire October 9, 2017.
8. This Special Permit Renewal 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.
9. Re-installation of markings shown on approved site plan shall be completed no later than April 9, 2016.

3. 2500 Boston Post Road Pepe Porsche Public Hearing

Joseph Crocco, the applicant's architect and Mr. Pepe the manager addressed the Board.

Mr. Goessl stated that one directional arrow on the side of the building is confusing as it points one way when it is actually a two way thoroughfare. He recommended the arrow be removed. The applicant agreed to do so.

The Hours of operation were discussed. They are currently listed as follows.

SALES Monday - Thursday 9:00a.m. – 7:00p.m.

Friday 9:00a.m. - 6:00p.m.
Saturday 9:00 – 6:00p.m.

SERVICE Monday – Friday 7:30a.m. – 6:00p.m.
Saturday 8:00a.m. – 1:00p.m.

PARTS Monday – Friday 7:30a.m. – 5:00p.m.
Saturday 8:00 – 1:00 p.m.

Mr. Engel stated that the Board can approve 8:00p.m. on weekdays and an hour earlier on Saturday.

Ms. Paul stated that there are no environmental issues.

Mr. Block stated that the operation should be in compliance with all applicable State and Town laws.

Motion: To open the public hearing

Action: Approved

Moved by George Roniger, **Seconded by** Eileen Weingarten.

Motion: To close the public hearing

Action: Close Public Hearing

Moved by Ira Block, **Seconded by** Eileen Weingarten.

Motion: To approve the Special Use Permit to expire February 28, 2018 with the condition the arrow marking be removed.

Action: Approved

Moved by George Roniger, **Seconded by** Eileen Weingarten.

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

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

SPECIAL USE PERMIT RENEWAL - Pepe Porsche of Larchmont

WHEREAS, Pepe Porsche of Larchmont/Joseph R. Crocco (the “Applicant”) submitted an application for a Special Use Permit Renewal for use of the premises at 2500 Boston Post Road and known on the Tax Assessment Map of the Town of Mamaroneck as Block 503, Lot 123 as an auto dealership (the “Application”); and

WHEREAS, a duly noticed Public Hearing was held on March 9, 2016;

WHEREAS, the Planning Board considered the Application, the plans, comments and responses to questions by the Applicant, the reports and comments of the Planning Board staff and consultants and heard interested members of the public; and

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

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 hereby **APPROVES** the Application subject to the following terms and conditions:

- 1 Showroom hours of operation will be from 9:00 a.m. to 7:00 p.m. Monday through Thursday 9:00 a.m. to 6:00 p.m. Friday; 9:00 a.m. to 6:00 p.m. Saturday. No show room operation on Sunday
2. Hours of operation for automobile service shall be as follows: 7:30 a.m. to 6:00p.m. Monday through Friday; 8:00 a.m. to 1:00 p.m. Saturday; no automobile service hours on Sunday.
3. Hours of operation for parts shall be as follows: 7:30 a.m.to 5:00 p.m. Monday to Friday; 8:00 – 1:00 p.m. Saturday, no parts operations on Sunday.
5. This permit shall expire February 28, 2018.
6. 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 240-30B of the Zoning Code of the Town of Mamaroneck.
7. There shall be compliance with all necessary permits from the Westchester County Department of Health and the New York Department of Environmental Conservation.

4. 10 East Brookside Drive Balagot Residence Consideration

George Roniger recused himself and left the dais.

Frank Marsella the applicant's architect addressed the Board representing the owners.

Mr. Marsella gave an overview of the proposal stated the property is within the 100 year flood plain along the Sheldrake River. The nonconforming property is a 6000 square foot lot in an R-10 Zone.

The present owners bought the house in 2011 house and were unaware that it was flooded in 2007.

The elevation is at 56 feet and FEMA requires 60 feet.

The applicants would like to increase the 1900 sq. ft. house with a rear addition but realized they had to deal with the low part of the house to conform with flood elevations also. The plan is to lift the house 2 feet above the 60 foot elevation mark.

Mr. Marsella state that he has done several lift projects in Rye.

A number of variance's are required on the nonconforming house one of which is because the house would be considered 3 ½ stories once raised.

Photos of the applicant's house and the other house that were raised above flood elevation were presented.

Mr. Marsella stated that there will be little change to the look of the front of the house but will have a garage underneath.

Elevations were discussed.

Mr. Marsella stated they are lowering the garage so to not increase the steps to the first floor and create more mass by increasing the height more.

The basement will be a flow thru not habitable space, and the mechanicals are above flood elevation.

The Board discussed the proposed lift, and the effect on the neighbors, to which Mr. Marsella responded the neighbors house are larger and higher than the applicant's.

Mr. Marsella stated that the proposed lift is to preserve a majority of the house.

The area of disturbance was discussed.

Ms. Hochman stated that this is a Type 2 action and no coordinated review is necessary, SEQRA is not required. The applicant will go before the Zoning Board of Appeals for the requested

variances and referred to the Coastal Zone Management Commission for their consideration before returning to the Planning Board.

Mr. Engel stated the Planning Board will wait for the other board's approvals.

OTHER BUSINESS

Site Plan Law

The proposed site plan law was discussed.

Mr. Engel stated that the Town Board did not agree with the Planning Board's and Zoning Board's recommendation regarding % of the structure to be demolished and transfer of ownership. They recommended that to avoid staging of site plan approval it should run with the land. A lot of the problems may not be addressed as bulk and setbacks are a large problem.

Mr. Block stated that if there is a site plan approval requirement it gives the neighbors a chance to see and comment on the proposed construction.

Ms. Elkind-Eney stated the Town Board is trying to strike a balance between the rights of property owners and the rights of their neighbors. The Board may need to look at FAR. They may start off with a lower threshold and adjust over time.

Mr. Papazian stated site plan is putting a heavy burden on the property owner in terms of time and money.

Ms. Elkind-Eney requested that Board members come to the Town Board meeting to voice their opinions and give their suggestions.

Mr. Block stated that on a previous site plan the neighbors stated that sun and light and value of their home would be affected and the Planning Board stated they could not take that into account.

EXEMPTION

The Board discussed the exemption in the moratorium.

Fines were discussed, and Mr. Engel stated that money does not seem to be a deterrent, but the Building Department can withhold a permit or a Certificate of Occupancy if not in compliance.

ADJOURNMENT

Motion: To close the public hearing

Action: Approved

Moved by George Roniger, **Seconded by** Donald J, Kravet.

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

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

Absent: Ellen Dunkin, Ron Mandel, Alternate.

The next meeting is scheduled for April 13, 2016.

Minutes prepared by

Francine M. Brill
Planning Board Secretary

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