

**THE MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD  
OF THE TOWN OF MAMARONECK, MAY 11, 2016  
HELD IN CONFERENCE ROOM C OF THE TOWN CENTER  
740 WEST BOATON POST ROAD, MAMARONECK, NEW YORK**

**Roll Call.**

**Present:** Ellen Dunkin, Acting Chair, Edmund Papazian, George Roniger, Stephen Marsh, Ira Block, Ron Mandel

Also Present: Lisa Hochman, Counsel to Planning Board, Anthony Oliveri P.E., Consulting Engineer, Elizabeth Paul, Environmental Consultant, Jaine Elkind-Eney, Town Board Liaison, David Goessel, Town Engineer

**Absent/Excused:** Ralph M. Engel, Chairman, Eileen Weingarten, Donald J, Kravet

**CALL TO ORDER**

The meeting was called to order at 7:30 P.M.

**1. MINUTES**

There was no quorum of the members present to approve the minutes of April 13, 2016. They were deferred to next month's meeting.

**2. 10 East Brookside – Wetlands and Watercourses Permit - Consideration**

Mr. Roniger recused himself and stepped down from the dais.

Benedict Salanitro, the applicant's engineer, addressed the Board, explaining that the applicants are planning to raise the house and build a small addition to the rear and must meet FEMA regulations. They have received ZBA approval for necessary variances and a CZMC finding of consistency with the local waterfront revitalization plan.

Mr. Salanitro further stated that the property is within a watershed area where the neighboring properties drain to it because it is the low spot in the area. Also the property is below the elevation of the road.

Mr. Salanitro stated that they discussed sub-surface detention with the CZMC and it was not considered practical. There will be a slight reduction in impervious surfaces but it will not make a difference in calculations. In order to alleviate flooding in the garage area and rear yard a mechanical system will be installed.

No grade changes are proposed.

The Board discussed mechanical pumping of water to the Sheldrake, water quality control measures that should be installed, what would happen downstream as a result, mechanical vs. gravity system as well as elevations and erosion control measures.

The size of the addition to the house was discussed.

The placement of the pump and catch basins were discussed with respect to water quality.

Ms. Paul noted that the plan the CZMC reviewed seems different than the plan proposed before the Planning Board and Mr. Salanitro stated that he would be willing to appear before the CZMC again to clarify.

Mr. Oliveri read his memo dated 5/11/2016 regarding water detention and water quality into the record and further suggested to satisfy CZMC the applicant should install four cultecs in rear of the property to provide water quality & detention.

Mr. Salanitro suggested a duplex pump system but added that they would install cultecs if required to do so. Mr. Salanitro stated he will return to the CZMC for clarification, prepare a wetlands letter, and asked the Board to set the Public hearing for June 8, 2016.

There were no public questions or comments.

The Board set the public hearing for June 8, 2016.

### **3. COSI, INC. – 1330 Boston Post Road - Special Use Permit Renewal – Public hearing**

**Motion:** To open the public hearing

**Action:** Approved

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

Mellissa Curry, manager of legal operations, licensing & permits, and Scott Sergiano the store manager appeared before the Board to answer any questions.

Mr. Goessl stated that all violations have been corrected.

The Board discussed the application.

Mr. Curry stated that her predecessor did not inform her that the store required a special use permit renewal but now that she knows she will make sure that the permit will be timely renewed going forward.

Ms. Goessl stated that the special use permit renewal application should be on the web site in the future.

Hours of operation were discussed.

There were no public questions or comments.

The draft resolution was discussed.

The Board stated that the expiration date of the renewal should be May 11, 2017.

**Motion:** To close the public hearing

**Action:** Approved

**Moved by** Edmund Papazian, **Seconded by** Ira Block.

**Motion:** To approve the requested special use permit renewal

**Action:** Approved

**Moved by** Edmund Papazian, **Seconded by** Ira Block.

**Vote:** Motion carried by unanimous vote (summary: Yes = 6).

**Yes:** Edmund Papazian, Ellen Dunkin, George Roniger, Ira Block, Ron Mandel, Stephen Marsh.

### **SPECIAL USE PERMIT RENEWAL**

#### **Cosi, Inc., 1330 Boston Post Road**

**WHEREAS**, Cosi, Inc. (the “Applicant”) submitted an application for a Special Use Permit Renewal for use of the premises at 1330 Boston Post Road and known on the Tax Assessment Map of the Town of Mamaroneck as Block 410 Lot 463 (the “Application”); and

**WHEREAS**, the Application seeks to continue to use the subject premises as a restaurant in a B-R zoning district; and

**WHEREAS**, Section 240-30.B.8 of the Zoning Code of the Town of Mamaroneck lists “Restaurants” as a specially permitted use in the B-R zoning district; and

**WHEREAS**, the original special use permit was granted on October 10, 2001 and, by its terms, expired two years after its issuance; and

**WHEREAS**, the Applicant failed to apply for a renewal of the original special use permit and such failure was discovered by the Town of Mamaroneck Department of Building in early 2016; and

**WHEREAS**, upon notification of its failure to renew the original special use permit, the Applicant submitted this Application; and

**WHEREAS**, upon inspection of the subject premises on April 13, 2016, it was noted that the Applicant failed to comply with the certain requirements of the fire code with respect to fire extinguishers, sprinklers and access to the rear exit of the premises; and

**WHEREAS**, the Applicant appeared before the Planning Board on April 14, 2016 but the Planning Board refused to open a public hearing because (i) the application was incomplete with respect to identity of the Applicant and (ii) an additional inspection was necessary to ensure that the fire code violations have been cured; and

**WHEREAS**, a duly noticed public hearing was opened on May 11, 2016; and

**WHEREAS**, such duly noticed public hearing was closed on May 11, 2016; and

**WHEREAS**, Dave Goessl, Town Engineer, confirmed that all violations of the Town building and fire codes have been corrected; 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**, 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.

**WHEREAS**, Section 240-62 of the Zoning Code of the Town of Mamaroneck provides that Planning Board shall not grant a special permit unless, it determines the standards stated therein have been met.

**NOW, THEREFORE, BE IT RESOLVED** that this Board makes findings of fact as set forth in Section 240-62 of the Zoning Code of the Town of Mamaroneck:

- A. That the proposed use is in general harmony with the surrounding area and shall not adversely impact upon adjacent properties due to the traffic generated by said use or the access of traffic from said use onto and off of adjoining streets.
- B. That the operations in connection with the special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, flashing of lights or other aspects than would be operations of any permitted use not requiring a special permit.
- C. That the proposed special permit use will be in harmony with the general health, safety and welfare of the surrounding area and that by the nature of its particular location it will not adversely impact upon surrounding properties or surrounding property values.
- D. That there are not existing violations of this chapter on the property which is the subject of the application.

**BE IT FURTHER RESOLVED**, that this Board hereby **APPROVES** the Application subject to the following terms and conditions:

- 1 Hours of operation will be from 7:00 a.m. to 9:00 p.m., seven (7) days a week.

2. This Special Use Permit shall expire on May 11, 2017.
3. 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.
4. The Applicant shall comply with all applicable and necessary permits from the Westchester County Department of Health and the New York Department of Environmental Conservation.

## **ADJOURNMENT**

Meeting adjourned at 8:27P.M.

Minutes prepared by

Francine M. Brill,

Planning Board, Secretary