

MINUTES OF THE REGULAR MEETING AND WORK SESSION OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON MAY 18, 2016, BEGINNING AT 5:00PM IN CONFERENCE ROOM A AND CONTINUING AT 8:00 PM IN THE COURT ROOM OF THE TOWN CENTER, 740 W. BOSTON POST ROAD, MAMARONECK, NEW YORK

PRESENT: Supervisor Nancy Seligson  
Councilman Ernest C. Odierna  
Councilwoman Abby Katz  
Councilwoman Jaine Elkind Eney  
Councilman Thomas A. Murphy

ALSO PRESENT: Christina Battalia, Town Clerk  
Stephen V. Altieri, Town Administrator  
Connie Green O'Donnell, Assistant Town Administrator  
William Maker, Jr., Town Attorney

CALL TO ORDER - WORK SESSION

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz , the Work Session was unanimously opened at 5:00PM.

Taken Out of Order

Baldwin Avenue Parking

The Town Board reviewed a second draft of legislation for Baldwin Avenue, and a memo from Mr. Altieri dated May 13, 2016, which takes into account the comments received from the public at the previous Town Board Meeting. The Town Board reviewed the changes in the new draft. Councilwoman Elkind Eney favors enacting legislation for Baldwin Avenue that is similar to the Washington Square, noting that the major concern is commuters parking on Baldwin Avenue. The Town Board moved to set a public hearing. This item was added to the Agenda for this evening.

Presentation – Microgrid Report

Additionally Present: Frank Owens, Mitch Green and Mark Manley

Mr. Altieri explained that Booz Allen will not be attending as there was a misunderstanding on their part as to the meeting date. The Board took the opportunity of having representatives from the Sustainability Collaborative to give some feedback on the Booz Allen feasibility study. Mr. Owens began with a recap, stating that Booz Allen was hired through a grant to study three potential locations: Town Center, Mamaroneck High School, and Sarah Neuman Nursing home. The concept for a micro grid is twofold, in that the three buildings' would first be connected through hard wire, then the installation of a generator to supply these three buildings with energy, should there be a loss of power. Booz Allen determined that installing a large generator at the Town Center was too costly and did not give a sufficient return on investment. The Sustainability Collaborative felt the Booz Allen study was not creative enough, for instance there was no consideration of the benefit to the community in having continued use of three critical facilities should there be a significant power outage. This benefit goes beyond a simple cost analysis. The recommendation is to have someone else take a look at this concept. Mr. Owen's also explained some possible options and issues, adding that review of some additional feasibility models would be a good idea.

Mark Manley, a resident who works with Black & Veatch, addressed the Town Board. He noted some very good videos on microgrids that he encourages the Board to watch. Mr. Altieri will contact Booz Allen and see if they can be rescheduled for the June 1, 2016 meeting, but his recommendation is to move from them as they are just not being creative enough at the local level.

On motion of Councilman Murphy, seconded by Councilwoman Elkind Eney, the Board unanimously agreed to enter into an Executive Session to discuss the disposition of property.

**EXECUTIVE SESSION**

**Disposition of Property**

On motion of Councilwoman Katz, seconded by Councilman Odierna, the Board unanimously agreed to resume the Work Session.

**2015 Financial Audit**

Alan Kassay of O'Connor Davies presented the Town Board with the 2015 Financial Audit. Mr. Kassay and the Town Board went through the document in detail. They also reviewed the Communication of Internal Control Matters Identified in the Audit. There will be a presentation to the public at the Regular Meeting this evening.

**Private Roads**

The Town Board received a letter from Anthony Lucas, President of the Bonnie Briar Association (BBA) as a follow up to the meeting of May 4<sup>th</sup>, at which Members of the Association spoke with the Town Board about repaving the Bonnie Briar Section of the Town. Supervisor Seligson noted that she informed Mr. Lucas that the Town Board received his email moments before the meeting, and therefore could not read it prior to convening. The Town noted that this section of Town is all private roads, therefore, the Town cannot expend taxpayer money for repaving. The Board discussed possible alternatives, one being the Bonnie Briar Association (BBA) would contract with the Town and then apportion the cost to the residents of the Association. Mr. Altieri was advised to prepare a cost estimate for discussion at the June 1<sup>st</sup> meeting.

On motion of Councilman Murphy, seconded by Councilman Odierna, the Board unanimously agreed to enter into an Executive Session to discuss the employment history of a particular employee and certiorari.

**EXECUTIVE SESSION**

**Employment History of a Particular Employee  
Certiorari**

On motion of Councilman Murphy, seconded by Councilman Odierna, the Board unanimously agreed to resume the Work Session.

**ADDED ITEM**

**Residential Site Plan Law**

The Town Board reviewed the draft legislation for this evening's Public Hearing.

**CALL TO ORDER - REGULAR MEETING**

The Regular Meeting of the Town Board was called to order by Supervisor Seligson at 8:00 PM, she then pointed out the location of the exits.

Supervisor Seligson noted that the Town Board met for a worksession beginning at 5:00 o'clock this evening, adding this is an open meeting that all residents' are welcomed to attend.

**PRESENTATION - United States Coast Guard**

Mike Reidy of the US Coast Guard Auxiliary Flotilla in Mamaroneck told the audience about Personal Floatation Devise (Life Jacket) Awareness Day, reminding the public of the importance of wearing life jackets.

The Town Board donned their life jackets for a photograph.

**PRESENTATION - Ice Breaker Tournament**

Dan Demasi addressed the audience and spoke about the recent fundraiser. This wonderful event raised \$18,000 for the installation of showers in the locker rooms at the Hommocks Ice Rink. Mr. Demasi thanked the many volunteers, the community and Town for all their help and support in, once again, providing for a wonderful event.

**PRESENTATION – 2015 Financial Audit**

Alan Kassay, of O'Connor Davies presented the 2105 Financial Audit to the public.

**CITIZEN'S COMMENTS**

Supervisor Seligson asked if anyone in the audience would like to address the Board, and there was not.

**PUBLIC HEARING (S) – Site Plan Approval of Residential Development Law**

The following Notice of Public Hearing is entered into the record as follows:

**NOTICE OF PUBLIC HEARING**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 130 of the Town Law of the State of New York, and pursuant to a resolution of the Mamaroneck Town Board adopted on May 4, a Public Hearing will be held on Wednesday, May 18, 2016 at 8:00 PM or as soon thereafter as is possible at the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider: "Site Plan Approval of Residential Development" Law

**Section 1 – Purpose.**

This chapter is enacted to ensure that proposed development and use of land will preserve and protect environmental features, have a harmonious relationship with existing or permitted uses of contiguous land and of adjacent neighborhoods, enhance the appearance of the community and make sure that the health, safety, comfort, convenience and general welfare of the public is fully considered.

The full text of this Amendment is stated below and can also be examined and copies obtained at the Town Clerk's office during regular hours, Mon-Fri, 8:30 AM to 4:30 PM, In June, July and August until 4:00 PM at 740 W. Boston Post Road Mamaroneck, NY

PLEASE TAKE FURTHER NOTICE that at the Public Hearing all persons interested will be given an opportunity to be heard and that all persons are invited to submit written comments at or prior thereto.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF MAMARONECK

CHRISTINA BATTALIA  
TOWN CLERK

Published: May 11, 2016

On motion of Councilman Murphy, seconded by Councilwoman Elkind Eney, the Public Hearing was unanimously opened.

Supervisor Seligson asked if anyone wished to comment on the proposed Local Law.

Howard Kozzin, of 24 Howell Avenue, addressed the Town Board. Mr. Kozzin explained that he moved to the Town of Mamaroneck to be closer to his children, and purchased property on Howell Avenue with the

plan of renovating it. He and his wife are very concerned that having filed all the appropriate paper work, and await the erosion control permit, they may have to start from scratch if this law is enacted. He is requesting that he be grandfathered with respect this law. The Town Board stated they were sympathetic to his situation, and that they were open to a July 1, 2016 effective date for this law.

Donald Mazin, Attorney at Law, addressed the Town Board. Mr. Mazin asked the Town Board to consider the hardship caused by added review. The additional process can run for a very long time and hopes the Board can find a way to streamline the process to minimize what he deems to be undue hardship to applicants.

Jonathan Sacks, a Member of the Zoning Board of Appeals, addressed the Board. He echoed the comments of Mr. Mazin with respect to timing. He noted the example of the Mt. Pleasant Legislation with respect to a 'forced' schedule by the Town and by the applicant, even if it can't be legislated, than at minimum create a policy.

The Town Board noted that they too did not want a lengthy process, but some of this is legislated and beyond the Board's control.

Charles Gottlieb, of the law firm of Cuddy and Feder, addressed the Board. Mr. Gottlieb asked for confirmation that the exemption stipulated in section 178-4 (i) would remain in the law should it be passed this evening.

Mr. Maker confirmed that it was.

Mitch Green, 6 Meadow Place, addressed the Board. Mr. Green read his prepared statement of proposed modifications to the law. Mr. Green cited seven proposed medication that address, demolition, site disturbance area, flood zone, site grading, grandfathered conditions, footprint expansion and trees.

Each Town Board Member made comments with respect to the work they have done in drafting this legislation. They appreciate the public comment and tried where they thought applicable to include it. They stated that they determined it was wise to move forward with what they and the residents felt most strongly about, with the understanding that this could be looked at again in the future. They also stated that there were issues raised that the Board thought better to address by reviewing and considering the amendment of other Town Zoning Laws. The Town Board also thanked the Town Departments and the various Boards' and Commissions' for their valuable input.

On motion of Councilwoman Katz, seconded by Councilwoman Elkind Eney, the Public Hearing was unanimously closed.

On motion of Councilman Murphy, seconded by Councilwoman Elkind Eney, it was unanimously

RESOLVED, that the Mamaroneck Town Board finds that the adoption of the proposed local law Site Plan Approval of Residential Development Law, is hereby declared to be a Type II Action, with no impact under the New York State Environmental Quality Review Act (SEQRA) and requiring no further action.

The above resolution was put to a roll call vote:

|             |     |
|-------------|-----|
| Murphy      | Aye |
| Elkind Eney | Aye |
| Katz        | Aye |
| Odierna     | Aye |
| Seligson    | Aye |

On motion of Councilman Murphy, seconded by Councilwoman Elkind Eney, the following Local law was approved:

Local Law No. 6 - 2016

This local law shall be known as the "Site Plan Approval of Residential Development Law of the Town of Mamaroneck" Law.

BE IT ENACTED by the Town Board of the Town of Mamaroneck

**Section 1 – Purpose:**

This chapter is enacted to ensure that proposed development and use of land will preserve and protect environmental features, have a harmonious relationship with existing or permitted uses of contiguous land and of adjacent neighborhoods, enhance the appearance of the community and make sure that the health, safety, comfort, convenience and general welfare of the public is fully considered.

**Section 2 – Adoption of a new chapter of the Code of the Town of Mamaroneck:**

The Code of the Town of Mamaroneck hereby is amended by creating a new chapter that provides as follows:

**Chapter 178**

**Site Plan Review of Residential Development**

**§ 178-1. Title.**

This chapter shall be known as the "Site Plan Approval for Residential Development Law of the Town of Mamaroneck" Law.

**§ 178-2. Purpose.**

This chapter is enacted to ensure that proposed development and use of land will preserve and protect environmental features, have a harmonious relationship with existing or permitted uses of contiguous land and of adjacent neighborhoods, enhance the appearance of the community and make sure that the health, safety, comfort, convenience and general welfare of the public is fully considered.

**§ 178-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated below:

**FOOTPRINT, BUILDING**

The outline of the imaginary line formed by the vertical downward extension of the ends of the roof of a building or structure that is intended to shelter, house or enclose people, animals or property. This definition applies both to one-family and two-family dwellings and to accessory buildings or structures that have a roof.

**FOOTPRINT, OTHER IMPROVED SURFACES**

The outline of any improved surface that is not a building or a structure that is intended to shelter, house or enclose people, animals or property, such as, but not limited to driveways, patios, walkways, tennis courts and swimming pools.

**FOOTPRINT, AREA**

The square footage of the area lying within a footprint of a building or structure or the area lying within the footprint of an improved surface that is not a building or a structure.

**MAP**

A map of (a) the parcel, (b) the properties that abut the parcel, (c) the properties immediately across the street and (d) the streets that the parcel abuts. To determine whether a property is "immediately across the street from the parcel", the lot lines of the parcel shall be projected across the streets on which the parcel abuts. Any property that such extension touches shall be considered a property "immediately across the street from the parcel". If the parcel is a corner lot, the lot that is cater-cornered from the parcel also shall be considered a property that is "immediately across the street from the parcel".

**PARCEL**

The single lot that is the subject of a site plan application.

**PRINCIPAL USE**

A one-family or a two-family dwelling.

**RESIDENTIAL SITE PLAN**

A map prepared to the specifications, and containing the necessary elements required by the Town Code for either the development of a parcel with a one-family or a two-family dwelling and/or an accessory use for a one-family or a two-family dwelling or (b) the regrading of a parcel only. The map shall show the arrangement, layout, grading, landscaping and design of the proposal and the other elements required to be shown by this chapter. In this chapter the words "site plan" is synonymous with "residential site plan".

**SITE DISTURBANCE, AREA**

The square footage of the area of a parcel where construction and/or regrading is proposed.

**§ 178-4. Proposed Improvements Subject to this Chapter; Proposed Improvements Exempt from this Chapter.**

**A. The following improvements shall be subject to this chapter:**

- (1) Any construction on a vacant parcel unless exempted by § 178-4 C. (1). A vacant parcel includes an improved parcel whose principal use has been removed.
- (2) Construction on an improved parcel where seventy (70%) percent or more of the square footage of the existing principal use has been or is proposed to be removed.
- (3) Where the area of site disturbance of the parcel when divided by the area of the parcel equals or exceeds for parcels in the:

|                                      |      |
|--------------------------------------|------|
| R-6 zoning district                  | 45%  |
| R-7.5 and R-10 zoning districts      | 40%  |
| R-20, R-30 and R-50 zoning districts | 35%. |

**B. Notwithstanding § 178-4 A, if within three (3) years after a certificate of occupancy or a certificate of compliance is issued with respect to a parcel for work that did not require site plan approval, an application is made by or on behalf of one or more of the owners to or for whom such certificate was issued for a permit to do more work on that parcel, and if the work proposed by that application, when combined with the work for which such certificate had been issued, would have required site plan approval if both projects had been proposed at the same time, the work proposed shall require site plan approval.**

**C. The following activities shall be exempt from this chapter:**

- (1) Construction on a parcel created by a subdivision plat that was approved by the Planning Board on or after November 1, 2013 but before January 1, 2016. This exemption shall not apply to a parcel meeting the description contained in the preceding sentence for construction that is proposed to be done after the initial certificate of occupancy or certificate of compliance for improvements on such parcel is issued.
- (2) Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- (3) Routine landscaping maintenance activity in areas that already have been cultivated.
- (4) Repair or repaving of existing walls, driveways, patios, walkways, tennis courts and swimming pools, provided the parcel is not regraded in the process.
- (5) Emergency activity needed to be done immediately in order to protect life, property or natural resources.
- (6) Reconstruction of a principal use that has been destroyed by fire or other casualty provided the reconstructed principal use is located within the same footprint of the destroyed principal use.
- (7) Construction undertaken pursuant to a building permit issued before the day on which this law becomes effective.

**D. This law shall not apply to a parcel for which an application for a building permit, complete in all respects, was filed with the building department before the day on which this law becomes effective.**

**§ 178-5. Designation of the Planning Board.**

The Town Board grants the Planning Board the authority to review and approve, approve with modifications and/or specific conditions or disapprove site plans and the other powers set forth in § 274-a, Subdivision 1a, of the Town Law of the State of New York.

**§ 178-6. Application procedure.**

The procedure for site plan approval shall involve a three-stage process: a conference prior to the submission of a site plan application, attendance at meetings of the Planning Board to allow it to consider the site plan application and to advise the applicant of any other information that the applicant must supply in order for the Planning Board to have all of the information it needs in order to make a decision and a public hearing before the Planning Board. The Planning Board may adopt such rules and regulations as it deems necessary to implement this procedure.

**§ 178-7. Pre-submission conference.**

Prior to submitting a site plan application:

(1) the applicant shall meet in person with the Building Inspector or the Director of Building Code Enforcement and Land Use Administration, the Town Engineer and such other members of the Town staff or outside consultants as the Town staff considers appropriate based upon the nature of the application to discuss the applicant's proposal in order that subsequent steps be undertaken with a clear understanding of the Planning Board's requirements for reviewing the site plan application, and

(2) the applicant must show that any variance or special permit required in order to develop the parcel in accordance with the proposed site plan has been granted or, in the case of a special permit that an application therefor has been submitted. If an application for a required special permit has not been submitted, the applicant must represent that an application therefor will be submitted to the Planning Board when the site plan application is submitted.

**§ 178-8. Contents of application; filing.**

A. Within six months of the pre-submission conference, 19 copies of the application for site plan approval shall be filed with the Building Inspector or the Director of Building Code Enforcement and Land Use Administration, accompanied by a detailed development plan prepared by a licensed architect or professional engineer, under professional seal, drawn upon a certified survey of the parcel, prepared by a licensed surveyor. The plan shall contain:

(1) A deed recorded in the office of the Westchester County Clerk showing that the applicant is the owner of the parcel. If the applicant is not the owner, the owner shall submit a letter authorizing a representative or a contract vendee to proceed with the application and consenting to the application for site plan approval.

(2) The Map which shall show all of the improvements on the parcel and on the other properties shown on the Map.

(3) The location of any zoning district lines lying within the area shown on the Map.

(4) The length, width, height, location and design of the existing buildings and structures on the parcel that are not designated for demolition or removal. The length and width of the other improved surfaces on the parcel. The area of the footprint of the existing buildings and structures on the parcel. The area of the footprint of the other improved surfaces on the parcel.

(5) The length, width, height, location and design of the buildings and structures proposed for the parcel. The length and width of the other improved surfaces proposed for the parcel. The area of the footprint of the buildings and structures proposed for the parcel. The area of the footprint of the other improved surfaces proposed for the parcel.

(6) Any proposed division of any building into units for separate occupancy.

(7) The distances between existing buildings or structures on the parcel and the distances between existing buildings and structures and other improved surfaces on the parcel.

(8) The distances between the buildings or structures that will exist on the parcel after all construction or regrading is completed and the distances between the buildings and structures and other improved surfaces that will exist on the parcel after all construction or regrading is completed.

(9) A topographical map showing (a) both the existing topography and the proposed final grade elevations at intervals of two feet or less and the existing grade on properties that abut the parcel for a distance of ten (10) feet from each of the parcel's lot lines, and (b) detailed information on the methods proposed to be used to retain, stabilize and/or refurbish regraded areas.

(10) The location of all existing watercourses, intermittent streams, wetland areas, rock outcrops, wooded areas and other significant existing features that lie within the perimeter of the Map.

(11) The location of all existing and proposed parking areas and driveways.

(12) The location and description of all existing and proposed site improvements, including but not limited to drainage pipes, drains, culverts, ditches, bridges or other drainage works, retaining walls and medians, dividers, fences, utilities, septic systems, lighting, generators, central air conditioning equipment and mechanical equipment for swimming pools. Drainage information shall be provided under seal, by either a New York State licensed professional engineer or a New York State licensed landscape architect.

(13) The location of all existing and proposed easements.

(14) The location, height, quality and design of all landscaping and buffer areas.

(15) Letters or permits from other agencies having jurisdiction containing comments on the proposed site plan, as well as a certification from the Building Inspector or the Director of Building Code Enforcement and Land Use Administration that the proposed site plan meets all requirements of Chapter 240, Zoning, of the Town Code or, if it fails to meet all such requirements, those variances or special permits that are necessary in order for the applicant to obtain a building permit if a site plan application is approved.

B. If the site plan indicates that the total proposed action will not be constructed at the same time, a supplementary plan shall be submitted simultaneously with the site plan, indicating what portions of the proposed action shall be constructed in the future.

C. No building permit can be issued after the first anniversary of the date that the Planning Board approves a site plan application. If there is no substantial change in the condition of the parcel and/or its environs, the Planning Board, after conducting a public hearing, may authorize the issuance of a building permit after the first anniversary of the date that the Planning Board approved a site plan application but before the second anniversary thereof.

#### § 178-9. Referral of applications.

The Secretary of the Planning Board shall forward one copy of the site plan application to the Town Engineer, the Building Inspector, the Director of Building Code Enforcement and Land Use Administration, the Westchester Joint Water Works, and other local, state, county, regional and federal agencies having jurisdiction, as well as to any consultants that the Planning Board, in its discretion, deems necessary or appropriate for a thorough review of the application. The Planning Board may, but is not compelled to, consider the failure of the Westchester Joint Water Works, to submit comments upon the site plan application within forty-five (45) days after such application is forwarded to them to be an indication that such non-responding entity has no objection to the site plan application.

#### § 178-10. Public hearing and action by Planning Board.

##### A. Public hearing

(1) The Planning Board shall conduct a public hearing on a site plan application within sixty-two (62) days after a properly completed site plan application has been received.

(2) In its discretion the Planning Board may waive the public hearing but to do so, the Planning Board must make written findings setting forth the reasons why such waiver will not be deleterious to the public health, safety or general welfare, is appropriate for the particular site plan and is not inconsistent with the purpose of this chapter.

(3) Before the public hearing can be opened, the applicant must demonstrate compliance with the notification procedures contained in Chapter 144.

##### B. Action by Planning Board

(1) Within sixty-two (62) days from the date that the public hearing is closed or waived, the Planning Board shall approve, disapprove or approve with modifications and/or specific conditions the site plan application.

(2) Planning Board disapproval shall include written findings explaining the grounds for disapproving the site plan application.

(3) An application to amend an approved site plan shall follow the same three-stage process as the original application but need only contain documents and information which directly relate to the amendment under consideration. However, the amendment will be considered in the context of the entire site plan previously approved. The fact that a public hearing was waived upon the original application does not automatically mean that a public hearing on the amendment will be waived. Each application will be judged on its own merits and by its potential impacts.

#### § 178-11. Integration of other procedures.

The Planning Board shall, where practical, integrate the site plan review process with the requirements of other applicable local laws, ordinances and requirements.

**§ 178-12. Standards for Reviewing Site Plans.**

The Planning Board shall consider the following standards in reviewing a site plan application and may modify or add those restrictions or conditions to its approval that it determines to be necessary or prudent when applying these standards to the site plan application.

A. Screening and landscaping. All structures, recreational and parking areas shall be reasonably landscaped and/or screened so as to minimize, to the extent practical, the impact on the peace, comfort or repose of reasonable persons of normal sensitivities residing on the lots shown on the Map. The scale and quality of the landscaping and screening on the parcel shall be harmonious with the character of, and serve to enhance the neighborhood.

B. Environmental quality. All bodies of water, wetlands, steep slopes, hilltops, ridge lines, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value shall be preserved insofar as possible. Soil erosion shall be prevented insofar as possible. Flood hazard shall be minimized. Air quality shall be within legal limits. The Planning Board shall require that all potentially ecological disruptive elements of site preparation, such as blasting, diversion of watercourses and the like, be conducted according to the highest standards of professional care.

C. Drainage. There shall be a stormwater pollution prevention plan or surface water and erosion control plan that complies with the requirements of Chapter 95 of the Town Code.

D. Location and dimension of buildings. The location, arrangement, size and design of the buildings and structures shall be comparable to each other and with the parcel as a whole.

E. Impact of the proposal on adjacent land uses. The impact of noise, glare or other features that disrupt the peace, comfort or repose of reasonable persons of normal sensitivities residing on adjacent and neighboring properties shall be minimized to the extent practical both during construction and after construction is complete.

F. Trees. The proposed site plan shall specify the trees exceeding six (6) inches in diameter at a height of four (4) feet above the ground that the applicant proposes to cut down and must demonstrate to the Planning Board's satisfaction why he or she wishes to remove each such tree as it is the Planning Board's duty to minimize the number of trees of the aforementioned caliper that will be removed.

G. Regrading. Regrading shall comply with the conditions set forth in § 95-11 of the Town Code and shall be designed so that the final grade of the parcel does not alter the natural drainage patterns in such a way as to increase or concentrate current runoff from the parcel onto the street or onto the lots that border the parcel.

H. Staging. The Planning Board shall designate the area of the parcel where the materials and the equipment to be used shall be stored during construction and the location of portable sanitary facilities that may be installed during construction. The area so designated shall be the area that in the judgment of the Planning Board, will minimize, to the extent practical, the impact on the peace, comfort or repose of persons residing on adjacent and neighboring properties and will reasonably protect the remainder of the parcel from being disturbed.

**§ 178-13. Filing of approved site plan.**

A. The applicant shall submit 5 hardcopies, and one digital copy (both in pdf and tiff format) of an approved site plan.

B. If a site plan is approved with modifications and/or specific conditions, the approved site plan shall be revised by the applicant to include all modifications and conditions imposed by the Planning Board.

C. Approved site plans shall be signed and dated by the Town Engineer who shall submit one signed copy of the approved site plan to the Building Inspector or the Director of Building Code Enforcement and Land Use Administration.

**§ 178-14. Fees.**

Every application for site plan approval shall be accompanied by the fee set forth in § A250-1. Should the Planning Board consider it necessary to hire consultants for technical review and/or on-site inspection, the applicant shall be required to reimburse the Town for such services or pay those consultants directly.

**§ 178-15. Waiver of requirements.**

If due to the particular character or the limited nature of the development for which site plan is sought, or due to special conditions peculiar to the parcel, or if strict compliance with this chapter will cause extraordinary and unnecessary hardship, the Planning Board may waive or vary the submission of a site plan application or of certain information otherwise required as part of the application. The Planning Board also may waive or vary such submission or requirements if, in its opinion, to do so will be consistent with the goal of promoting the public health, safety, comfort, convenience and general welfare of the public. The findings for granting such waiver or a variance shall be entered into the public record.

**§ 178-16. Minor Revisions.**

The Town Engineer or the Building Inspector or the Director of Building Code Enforcement and Land Use Development may approve minor revisions to an approved site plan, necessitated by field conditions encountered during the course of construction that could not have been anticipated during the approval process, so long as such revision will not materially change the approved site plan and will not adversely impact the neighboring properties or the environment.

**§ 178-17. Approval required for issuance of permits.**

A. No building permit shall be issued for the development of a parcel that requires site plan approval until a signed site plan is delivered to the Building Inspector or the Director of Building Code Enforcement and Land Use Administration.

B. No certificate of occupancy or compliance for any structure or use upon or within the parcel shall be issued until all of the required conditions of the site plan approval have been met. The Building Inspector or the Director of Building Code Enforcement and Land Use Development may revoke any such certificate if the parcel ceases to conform to the approved site plan and conditions attached thereto.

**§ 178-18. Penalties for offense.**

Any violation of this chapter shall constitute a violation and be punishable by a fine not less than two hundred fifty and no/100ths (\$250.00) dollars and not more than five hundred and no/thrs (\$500.00) dollars for each such violation, except that commencing construction of, or placing any structure on a parcel which requires site plan approval or an amendment to an approved site plan without first obtaining site plan approval shall constitute a violation and be punishable by a fine not less than five hundred and no/thrs (\$500.00) dollars and not more than two thousand five hundred and no/100ths (\$2,500.00) dollars.

**Section 3 – Severability:**

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

**Section 4 – Effective Date:**

This Local Law shall become effective upon the later of its filing with the Secretary of State or July 1, 2016.

The above resolution was put to a roll call vote:

|             |     |
|-------------|-----|
| Murphy      | Aye |
| Elkind Eney | Aye |
| Katz        | Aye |
| Odierna     | Aye |
| Seligson    | Aye |

The following Notice of Public Hearing is entered into the record as follows:

**NOTICE OF PUBLIC HEARING**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to Section 130 of the Town Law of the State of New York, and pursuant to a resolution of the Mamaroneck Town Board adopted on May 4, 2016 a Public Hearing will be held on Wednesday, May 18, 2016 at 8:00 PM or as soon thereafter as is possible at the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider: "Adding Two Accessible Parking Spaces on Washington Square"

Section 1 – Purpose.

The purpose of this local law is to act to create two new, accessible parking spaces on Washington Square.

The full text of this Amendment is stated below and can also be examined and copies obtained at the Town Clerk's office during regular hours, Mon-Fri, 8:30 AM to 4:30 PM, In June, July and August until 4:00 PM at 740 W. Boston Post Road Mamaroneck, NY

PLEASE TAKE FURTHER NOTICE that at the Public Hearing all persons interested will be given an opportunity to be heard and that all persons are invited to submit written comments at or prior thereto.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF MAMARONECK

CHRISTINA BATTALIA  
TOWN CLERK

Published: May 11, 2016

On motion of Councilman Odierna, seconded by Councilman Murphy, the Public Hearing was unanimously opened.

Supervisor Seligson asked if anyone wished to comment on the proposed Local Law.

Mr. Math, of Washington Square, addresses the Board. Mr. Math believes these spaces are needed and hopes the Board votes in favor of them.

Elinor Fine, of 1 Washington Square addressed the Board. Ms. Fine stated there are plenty of spaces on the other streets, adding we really need more on Washington Square.

On motion of Councilman Murphy, seconded by Councilwoman Elkind Eney, the Public Hearing was unanimously closed.

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz, it was unanimously

**RESOLVED**, that the Mamaroneck Town Board finds that the adoption of the proposed local law Adding Two Additional Parking spaces on Washington Square, is hereby declared to be a Type II Action, with no impact under the New York State Environmental Quality Review Act (SEQRA) and requiring no further action.

The above resolution was put to a roll call vote:

|             |     |
|-------------|-----|
| Murphy      | Aye |
| Elkind Eney | Aye |
| Katz        | Aye |
| Odierna     | Aye |
| Seligson    | Aye |

On motion of Councilwoman Katz, seconded by Councilman Murphy, the following Local law was approved:

Local Law No. 7 – 2016

This local law shall be known as the “Adding Two Accessible Parking Spaces on Washington Square” Law.

BE IT ENACTED by the Town Board of the Town of Mamaroneck as follows:

Section 1 – Purpose.

The purpose of this local law is to act to create two new, accessible parking spaces on Washington Square.

Section 2 – Creation of accessible parking spaces on Washington Square

In addition to the accessible parking space created by Local Law No. 3-2014, there shall be two (2) more accessible parking spaces on Washington Square. One shall be on the west side of Washington Square, 25 feet from the intersection of the west side of Washington Square and the south side of North Chatsworth Avenue. The other shall be on the east side of Washington Square and shall be 25 feet north of the entrance to the property known by the postal address of 2 Washington Square. These two accessible parking spaces shall be in addition to, not replace, the accessible parking space created by Local Law No. 3-2014.

Section 3 – Signs to be erected and painting to be done

An appropriate sign or signs shall be erected on Washington Square indicating the location of each accessible parking space. If deemed appropriate by the Superintendent of Highways, any of the accessible parking spaces also may be painted to indicate the area restricted to accessible parking.

Section 4 – Severability

Should any court of competent jurisdiction declare any provision of this Local Law invalid or unconstitutional, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 5 – Effective Date

This Local Law shall become effective on the date that it is filed in the office of the Secretary of State.

The above resolution was put to a roll call vote:

|             |     |
|-------------|-----|
| Murphy      | Aye |
| Elkind Eney | Aye |
| Katz        | Aye |
| Odierna     | Aye |
| Seligson    | Aye |

**BOARD OF FIRE COMMISSIONERS**

The Meeting was called to order by Commissioner Seligson, and then on motion of Commissioner Katz, seconded by Commissioner Elkind Eney, the Board of Fire Commissioners was unanimously declared open.

Present were the following Members of the Commission:

|               |                   |
|---------------|-------------------|
| Commissioner: | Nancy Seligson    |
| Commissioner: | Ernest C. Odierna |
| Commissioner: | Abby Katz         |
| Commissioner: | Jaine Elkind Eney |
| Commissioner: | Thomas A. Murphy  |

1. FIRE CLAIMS

On motion of Commissioner Elkind Eney, seconded by Commissioner Katz, it was

RESOLVED that this Commission hereby authorizes payment of the following Fire Department Claims as approved by the Fire Chief and audited by the Comptroller's Office:

| <u>VENDOR</u>                  | <u>DESCRIPTION</u>  | <u>AMOUNT</u>          |
|--------------------------------|---|------------------------|
| AAA Emergency Supply Co        | Fire Extinguisher Inspection, Pressurized Water Fire ext. 1/2 gal P/W valve   | 61.00                  |
| AAA Emergency Supply Co        | Air bags testing & service, Mask test machine calibration                     | 1,170.00               |
| AAA Emergency Supply Co        | 2.5 gal water can & bracket, heavy duty vehicle bracket to secure water can   | 366.00                 |
| AAA Emergency Supply Co        | Fire hooks, extinguisher inspection & recharge, gas meter, mask cleaner spray | 1,087.50               |
| Argento & Sons, Inc.           | Lawn mower  | 369.99                 |
| Amazon.Com                     | Pendaflex, index cards, saw battery, Windows tablet cases, Lithium battery    | 207.76                 |
| AT & T Mobility                | Wireless Service 3/12/16 - 4/11/16  | 360.87                 |
| Bound Tree Medical LLC         | Defib Pads, Gloves large & extra large - EMS supplies                         | 160.00                 |
| Broadway Minerva Cleaners, LLC | Gear inspection and repair of Bunker Pants & Coats 4/1 & 4/23/16              | 366.75                 |
| Byram Mason Supply             | Stihl FS90 trimmer & weed attachment, 2 cycle oil                             | 447.88                 |
| Brewers                        | Contractor trash bags   | 11.69                  |
| Cablevision                    | Cable services for 4/23-5/22/16   | 198.04                 |
| CIT Finance LLC                | Xerox copier contract - April 2016  | 247.35                 |
| Clean Air Company, Inc.        | Labor & travel charge for inspection of plymovent hose drop, parts, sensors   | 27.20                  |
| Con Edison                     | Fire HQ svc 3/31 - 4/29/16  | 311.61                 |
| Grainger                       | Toilet paper, scrubber sponge   | 86.27                  |
| Grainger                       | Tarps, facial tissue, cleaning supplies, trash bags                           | 454.89                 |
| Home Depot                     | Chair, table, trellis, sprinkler - outdoor supplies                           | 397.85                 |
| Home Depot                     | Wood planter  | 122.96                 |
| Ready Refresh                  | Rental for water coolers at FD HQ - April 2016                                | 114.96                 |
| New England Uniform            | Lieutenant Cassidy uniform items  | 444.00                 |
| New England Uniform            | White dress glove, black mourning bands, dress ties, long sleeved shirt       | 356.00                 |
| New England Uniform            | Long sleeve tee shirts  | 457.50                 |
| Town of Mam'k PFF              | Life Ins for Career Staff for 2 pay periods in April 2016 (12 firefighters)   | 188.64                 |
| Town of Mam'k Fire Dept.       | Meals for Acquired Structure Drill  | 160.00                 |
| Uni First Corp.                | Hand towels, wet mop, spray dispenser, purell etc. - 4/8/16                   | 34.38                  |
| Uni First Corp.                | Hand towels, wet mop, spray dispenser, purell etc. - 4/15/16                  | 74.12                  |
| Uni First Corp.                | Hand towels, wet mop, spray dispenser, purell, clean rugs - 4/22/16           | 34.38                  |
| Uni First Corp.                | Hand towels, wet mop, spray dispenser, purell, clean rugs - 4/29/16           | 32.60                  |
| Uni First Corp.                | Rug Cleaning, Hand towels, wet mop, spray dispenser, purell etc. - 5/6/16     | 91.22                  |
| Verizon                        | Fire HQ svc 4/10/16 - 5/9/16  | 233.38                 |
| Villa Maria Pizza              | Meal for Education Class: MTA 100 perso, Multi Agency                         | 500.00                 |
| Villa Maria Pizza              | Meal for Department Meeting 4/14/16   | 129.10                 |
| Villa Maria Pizza              | New member drill meal - 5/4/16, Fast drill meal 4/25/16 & 10/29/15            | 164.43                 |
| Westech Elevator Services      | Maintenance for month of May 2016   | 175.00                 |
|                                |   | 0.00                   |
| <b>Total:</b>                  |   | <b><u>9,645.32</u></b> |

The above resolution was put to a roll call vote:

|                          |     |
|--------------------------|-----|
| Commissioner Murphy      | Aye |
| Commissioner Elkind Eney | Aye |
| Commissioner Katz        | Aye |
| Commissioner Odierna     | Aye |
| Commissioner Seligson    | Aye |

2. Other Fire Department Business

Commissioner Elkind Eney announced that it was Annual EMS Appreciation Week. President Ford began this in 1974. Our thank you and appreciation goes out to all our EMS personnel. Councilwoman Elkind Eney announced that it was also National Police week. This was instituted in 1962 by President John F. Kennedy to honor those who have paid the ultimate sacrifice. We are fortunate to have such dedicated police protecting us every day. Our thanks and appreciation goes out to them and we hope they all stay safe. We are lucky that all of our emergency services coordinate and work together so well.

There being no further business to come before the Commission, on motion of Commissioner Murphy, seconded by Commissioner Katz, the Commission unanimously adjourned and the Town Board reconvened.

AFFAIRS OF THE TOWN

1. Authorization – Storm Drain Easement – 38 Marbourne Drive

On motion of Councilman Odierna, seconded by Councilwoman Elkind Eney, the following was approved,

WHEREAS, in early 2015, the Highway Department was notified of an icy roadway condition in the vicinity of Marbourne Drive, and it was determined that a concrete pipe located at 38 Marbourne Drive had become fully clogged, and

WHEREAS, based on review of property records it was determined that a municipal stormwater easement agreement was never executed, and

WHEREAS, this easement agreement will allow the Town to perform work on the stormwater pipe at 38 Marbourne Drive for the purpose of maintaining and repairing the stormwater drainage system.

NOW THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby approve the Easement Agreement between Balasa Prasad and Vasantha Prasad, the owners of the property at 38 Marbourne Drive and the Town of Mamaroneck, and

BE IT, FURTHER

RESOLVED, that the Mamaroneck Town Board does hereby approve payment to Mr. and Mrs. Prasad, in the amount of \$4,660.00 for work they completed to remedy the defective stormwater drainage system.

The above resolution was put to a roll call vote:

|             |     |
|-------------|-----|
| Murphy      | Aye |
| Elkind Eney | Aye |
| Katz        | Aye |
| Odierna     | Aye |
| Seligson    | Aye |

2. Authorization – Transfer of Funds Mamaroneck Swim Club

On motion of Councilwoman Elkind Eney, seconded by Councilman Murphy, it was

RESOLVED, that the Mamaroneck Town Board does hereby authorize the transfer of funds in the amount of \$900.00 from the Mamaroneck Swim Club Trust Fund for the purchase of new lane markers at the Hommocks Pool, as outlined by the Town Comptroller in the following schedule:

BUDGET AMENDMENT - TRANSFER FROM TRUST FUND TO GENERAL FUND

5/18/2016 TOWN BOARD MEETING

GENERAL TOWN WIDE FUND (FUND A)

INCREASE BUDGET:

|             |                          |       |
|-------------|--------------------------|-------|
| A.0000.5041 | TRANSFER FROM TRUST FUND | \$900 |
| A.7180.4162 | MAMARONECK SWIM CLUB     | \$900 |

*\* (REPRESENTS USE OF SWIM CLUB TRUST FUND DONATIONS FOR A NEW LANE FOR MAM'K SWIM CLUB)*

\* TRUST A/C # T.0000.0033 (SWIM CLUB TRUST FUND) (\$900.00)

The above resolution was put to a roll call vote:

|             |     |
|-------------|-----|
| Murphy      | Aye |
| Elkind Eney | Aye |
| Katz        | Aye |
| Odierna     | Aye |
| Seligson    | Aye |

3. Authorization – On Line Payment Agreement Traffic Violations

On motion of Councilman Murphy, seconded by Councilwoman Elkind Eney, it was

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Town Administrator to execute an agreement with nCourt for the establishment of an on-line payment system for traffic violations.

The above resolution was put to a roll call vote:

|             |     |
|-------------|-----|
| Murphy      | Aye |
| Elkind Eney | Aye |
| Katz        | Aye |
| Odierna     | Aye |
| Seligson    | Aye |

4. Settlement of Certiorari

DEFERRED

5. Set Meeting Date for July and August

On motion of Councilman Murphy, seconded by Councilman Odierna, it was unanimously

RESOLVED, that the Mamaroneck Town Board does hereby set the July Town Board meeting for Monday, July 18, 2016 and the August meeting for Monday, August 8, 2016.

6. Set Public Hearing – Baldwin Avenue Parking

On motion of Councilwoman Katz, seconded by Councilwoman Elkind Eney, it was unanimously

RESOLVED, that the Mamaroneck Town Board does hereby set the date for a Public Hearing on the “ Restricted and Metered Parking on Baldwin Avenue” Law, for June 1, 2016 at 8:00PM in the Court Room of the Town Center, and

BE IT FURTHER,

RESOLVED, that the Town Clerk is hereby authorized to publish the notice of said hearing in a newspaper appointed as an official newspaper, and that said Notice, be posted.

#### APPROVAL OF MINUTES – April 20, 2016

On motion of Councilwoman Elkind Eney, seconded by Councilwoman Katz, it was unanimously

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board Minutes from the meeting of April 20, 2016.

#### SUPERVISOR'S REPORT

*I'm sorry to say we lost a great resident and friend last week. Former Fire Chief Joseph C. Mirabella passed away at the age of 58. We were all shocked and saddened by his sudden death. Joe served as Fire Chief twice and did a superb job. We send our sympathies and condolences to his two children Jennifer and Joe and to our entire fire dept. We have had some happy events in the Town as well. The Larchmont Gardens Civic Association held the annual Kentucky Derby which has to be the cutest event in Town. Children buy a rubber duck and put their name on it. All the ducks, about 100 of them, are tossed into the brook (which is really the Sheldrake River) and "race" to toward the next two bridges. They are then scooped up and first, second and third place winners are announced and awarded. At Home on the Sound held their annual gala and honored Joe Soriano, 40-year owner of House of Flowers florist in the Village of Mamaroneck. I helped represent Sustainable Westchester which received a US EPA Merit Award for the CCA program last Friday at EPA Region 2 Headquarters in downtown Manhattan. The Larchmont Mamaroneck Summit meeting yesterday focused on history of the Town of Mamaroneck. Former Supervisor Valerie O'Keeffe, Jack Coughlin and Jim Whittemore spoke about growing up in the Town. The new website is expected to be launched at the end of June. I'm working on a new reinstated newsletter that should be mailed out in the beginning of June. Exciting recycling news: The Town is now able to accept plastic coated containers such as those for OJ, milk or broth for recycling!*

#### WRITTEN COMMUNICATIONS

None

#### REPORT OF COUNCIL

Councilman Murphy reminded residents of the upcoming Memorial Day events, adding that this is an important time to remember those that served and died for our Country.

Councilman Odierna noted his attendance at a number of funerals. These are always sad events. He was sorry to have missed Derby Day, adding that he was attending Coast Guard Training.

Councilwoman Katz noted the wonderful Derby Day at the Brook. Councilwoman Katz thanked Chris Genitos, for coming up with this wonderful idea. Councilwoman Katz attended the Summit, at which three well known senior citizens' in our community gave a wonderful historical presentation about growing up and living in our Community. Councilwoman Katz thanked everyone involved in the US Postal Service Food Drive. This year the Postal Service allowed our local Food Pantry to collect the food on their behalf, so we were grateful that the food stayed in our Community.

Councilwoman Elkind Eney reminded residents that this week is National Hurricane Preparedness Week. The National Weather Services has posted the seven steps to take now to prepare. The Town will get this link up on the Town's website. Councilwoman Elkind Eney attended the Chamber of Commerce Meeting, at which they discussed the successful Wine Trail. The Village of Mamaroneck has a new program called ArtsLive, adding that she attended the unveiling of the first installation of art pieces in front of the Police Station. At

the Larchmont Chamber of Commerce, which she attended, they discussed upcoming summer events, specifically a big sidewalk sale coordinated with Race Week. The Recreation Department is working on the Fall brochure, and asked her to announce that they are still looking for Counselors for the Summer Camp Programs. Councilwoman Elkind Eney attended the Planning Board Meeting, at which two applications are progressing. Councilwoman Elkind Eney attended the At Home of the Sound Gala, adding that this is a wonderful event for a great organization that helps senior age in place. She attended the STEMTASTIC event, thanking the Fire Department Members for being at the event to demonstrate fire safety. Councilwoman Eney also attended the KenDuckyDerby and the Summit.

Supervisor Seligson also added that the Sustainability Committee had volunteers at the STEMtastic Event demonstrating sustainable programs.

Councilwoman Elkind Eney also noted that was a Docent at the Larchmont Historical Society's House Tour. Five beautiful homes were showcased at this wonderful fundraiser.

Councilwoman Katz thanked the residents for coming out and supporting the School Budget.

Supervisor Seligson noted that the Town Board met on Monday, May 16<sup>th</sup>, in order to set a public hearing on Sewer District Bonding for June 1, 2016.

#### CITIZENS' COMMENTS

George Roniger addressed the Town Board. Mr. Roniger noted the upcoming Annual Meeting of the Larchmont Gardens' Civic Association, at which Supervisor Seligson is scheduled to speak about the Town. Mr. Roniger encouraged the Supervisor to address the site plan law with residents so they have a better understanding.

#### ADJOURNMENT

On motion of Councilman Murphy, seconded by Councilwoman Elkind Eney, the meeting was unanimously adjourned at 10:20 PM

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Submitted by  
Christina Battalia, Town Clerk