

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

**ROLL CALL**

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

**Also Present:** Lisa Hochman, Counsel to Planning Board, James Natareilli, Consulting Engineer, Elizabeth Paul, Environmental Planner, David Goessl, Town Engineer

**CALL TO ORDER**

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

**MINUTES**

The Minutes of June 8, 2016 were discussed.

**Motion:** To approve the minutes of June 8, 2016

**Action:** Approved

**Moved by** Edmund Papazian, seconded by Stephen Marsh

**Vote:** Motion carried by vote (summary; 5-2)

**Yes:** Ralph Engel, Chairman, Edmund Papazian, Eileen Weingarten, Ira Block, Stephen Marsh

**Abstained:** Ellen Dunkin, George Roniger

**2. 10 East Brookside Drive      Balagot Residence**

The board discussed the draft resolution.

Benedict Salanitro, the applicant's engineer appeared to represent the applicant.

**Motion:** To adopt the proposed resolution

**Action:** Approved

**Moved by:** Ellen Dunkin, Eileen Weingarten

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

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

On motion of Ellen Dunkin seconded by Eileen Weingarten the application of James Balagot (the “**Applicant**”) for approval of a wetlands and watercourses permit was APPROVED by the Planning Board of the Town of Mamaroneck (the “**Board**”) upon the following resolution, which was adopted by a vote of 6 to 0 with 1 abstention(s).

**WHEREAS**, the Applicant has applied for a Wetlands and Watercourses Permit pursuant to the Wetlands and Watercourses Protection Law of the Town of Mamaroneck (Local Law 6-2003) Town of Mamaroneck Code, Chapter 114 (the “**Wetlands Law**”); and

**WHEREAS**, the Applicant has applied for a permit under the Wetlands Law to raise and expand a single family home within the wetland buffer of the Sheldrake River (the “**Proposed Action**”); and

**WHEREAS**, the subject property is located at 10 East Brookside Drive, known on the Tax Assessment map of the Town of Mamaroneck as Block 214, Lot 304 (the “**Property**”); and

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

**WHEREAS**, the Coastal Zone Management Commission (“**CZMC**”) considered the Proposed Action at its May 2, 2016 meeting and issued a letter to the Board dated May 5, 2016 (the “**CZMC Letter**”), stating that the proposal is consistent with the policies of the Local Waterfront Revitalization Plan (LWRP); and

**WHEREAS**, the Planning Board conducted a Public Hearing pursuant to the Wetlands Law §114-7(C) on June 8, 2016; and

**WHEREAS**, David Goessl (the “**Town Engineer**”) and Dolph Rotfeld Engineering, P.C. (the “**Town’s Consulting Engineer**”) reviewed the following plans and determined that the Proposed Action complies with the Code of the Town of Mamaroneck:

- “Drainage and Erosion Control Plan for the Proposed Improvements at 10 East Brookside Drive, Larchmont, NY” prepared by Benedict A. Salanitro, P.E. PC revised 4/12/16
- Plans entitled “Balagot Residence” prepared by Marsella + Knoetgen Architects, PLLC, dated 11/10/15 and revised 1/19/16
- Topographic Land Survey prepared by Ramsay Land Surveying, P.C. dated 6/24/15

**WHEREAS**, in accordance with Wetlands Law §114-7(D), the Board has considered the following:

1. all available reports concerning the Proposed Action from other commissions, including the CZMC, and Town, County, State and/or Federal agencies;
2. all relevant facts and circumstances pertaining to the Proposed Action, including but not limited to:
  - a. any potential environmental impact of the Proposed Action;

*The Planning Board, relying in part on findings made by the CZMC, finds that the Proposed Action will reduce impervious surface and provide detention and treatment of stormwater runoff and, as such, would not increase flooding, cause soil erosion or negatively impact the wetlands buffer zone.*

- b. the alternatives to the Proposed Action; and

*The Planning Board finds that there is no feasible alternative because approximately 50% of the parcel is located within the wetlands buffer and no other locations exist that would be zoning compliant.*

- c. the impact of the Proposed Action on wetland functions and the benefits as set forth in Wetlands Law §114-1;

*The Planning Board finds that there will be no negative impact to wetland functions because no natural or other wetland vegetation currently exists on the Property and there will be some detention and treatment of stormwater runoff to enhance water quality of the Sheldrake River. In addition, Chapter 95 of the Town Code requires the bank of the river to be stabilized during and after construction.*

3. the availability of preferable alternative locations for the Proposed Action on the subject parcel;

*The Planning Board finds that, given the unique configuration of the lot, the Property offers no other reasonable locations, for development.*

4. the availability of further technical improvements or safeguards that could feasibly be added to the proposal;

*The Planning Board finds that, by lifting the existing structure and providing infiltrators for water quality treatment, the applicant has included sufficient improvements and safeguards necessary to minimize any impact to the watercourse and buffer zone.*

5. the possibility of avoiding reduction of the wetland's or watercourse's natural capacity to support desirable biological life, prevent flooding, control sedimentation and/or prevent erosion, facilitate drainage, and provide recreation and open space; and

*The Planning Board finds by lifting the existing structure above the base flood elevation, providing infiltrators for detention and treatment of stormwater and reducing the amount of impervious surface, the Proposed Action will not hinder the flow of the river, will not increase the peak rate of runoff and will not diminish opportunities for recreation or reduce open space.*

6. the extent to which the public or private benefit derived from such use may or may not outweigh or justify the possible degradation of the wetland or watercourse, the interference with the exercise of other property rights, and the impairment or endangerment of public health, safety, or welfare.

*The Planning Board finds that while the Proposed Action will benefit the Applicant, it will not degrade the wetland or watercourse or interfere with other properties.*

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board further finds, pursuant to Wetlands Law §114-7(E), based on the record before it, that the Applicant’s proposed regulated activity is consistent with the purposes of the LWRP and the Wetlands Law, as set forth in §114-1 AND that the action taken will minimize all adverse effects on such policy to the maximum extent practicable:

1. To preserve, protect and conserve the Town’s tidal and freshwater wetlands and watercourses; to prevent despoliation and destruction; to regulate their use and development; and to secure the natural benefits of wetlands and watercourses that is consistent with the general welfare and beneficial economic and social development of the town; and
2. To ensure maximum protection for wetlands and watercourses by discouraging degradation within them and within their buffers that may adversely affect these natural resources; and to encourage restoration of already degraded or destroyed wetlands, watercourse and buffers, and to ensure “no net loss” of wetlands and watercourse areas.

**BE IT FURTHER RESOLVED**, that the Planning Board **APPROVES** the Application as reflected in the following plans submitted in connection with the Application:

- “Drainage and Erosion Control Plan for the Proposed Improvements at 10 East Brookside Drive, Larchmont, NY” prepared by Benedict A. Salanitro, P.E. PC revised 5/13/16
- Plans entitled “Balagot Residence” prepared by Marsella + Knoetgen Architects, PLLC, revised 2/12/16
- Topographic Land Survey prepared by Ramsay Land Surveying, P.C. dated 6/24/15.

**BE IT FURTHER RESOLVED**, that the application of the Applicant for a Wetlands and Watercourses Permit is hereby **GRANTED**, subject to the following terms and conditions:

1. Appropriate measures shall be undertaken to control erosion and minimize water turbidity during construction, including stabilization of the riverbank.
2. All site work shall be in accordance with the latest revised plans submitted, as herein referenced.
3. All applicable county, state and regional permits, shall be obtained prior to the issuance of Town permits. In the event that such permit(s) require any modification to the approved plans, a determination shall be made by Town Engineer as to whether the modification is substantial and should be returned to the Planning Board.
4. Applicant will arrange a pre-construction meeting with the Town Engineer Environmental Planner and/or Building Inspector prior to any site disturbance.
5. The Applicant shall submit a schedule for all earthwork and land disturbance to the Town Engineer for approval prior to commencing site work. The Applicant shall notify the Town Engineer, Environmental Planner and/or Building Inspector at least 72 hours in advance of any site disturbance to inspect the installation of erosion and sediment control devices, and tree and stream protection measures.
6. Applicant shall furnish an “as built” topographical survey when site work is completed.
7. There shall be no letter of completion issued until there is full compliance with each condition contained within this resolution and the plans incorporated herein.
8. Work conducted under Town permits shall be open to inspection at any time, including weekends and holidays, by the Town of Mamaroneck Town Engineer, Building Inspector, Environmental Planner or their designated representative(s).
9. The Wetlands and Watercourses Permit shall expire two years from the date it is issued.
10. All permits shall be maintained and prominently displayed at the project site during the undertaking of the activities authorized by the permits.
11. Violations of any of the conditions imposed herein may result in revocation of the Wetlands and Watercourses Permit and any other permits the Town may deem appropriate.
12. The development must comply with Chapter 110 of the Town Code to the satisfaction of the Town Building and Engineering Department.

13. Prior to construction, the Applicant must install all sediment and erosion controls and clearly delineate the limits of disturbance along the Sheldrake River by use of silt or other fencing in the field, subject to approval by the Town Engineer, Environmental Planner and/or Building Inspector.
14. The Applicant must provide documentation and manifests with regard to the origin and make-up of fill materials to be deposited on the Property as proposed by this Application, to be reviewed and approved by the Building Inspector and Town Engineer.
15. The Applicant must submit for review and approval by the Town Engineer percolation test results for the proposed fill areas, once fill has been placed and prior to drywell installation.
16. The Applicant is required to furnish to the Town a bond or cash deposit in an amount equal to the estimated cost of the improvements within the buffer of the Sheldrake River. This can be combined with the Erosion and Sediment Control Permit bond to ensure satisfactory completion of the project and the rehabilitation of the affected or disturbed areas.
17. Any tree removed on the Property shall be replaced with another tree, to the satisfaction of the Town Environmental Planner.
18. The Applicant shall stabilize the riverbank during and after construction, to the satisfaction of the Town Environmental Planner and the Town Engineer.
19. 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 any successors or assigns in/of ownership interests in the Subject Property or any portion thereof.

**Vote:**

In Favor:       Ralph Engel, Chairman, Eileen Weingarten, Ellen Dunkin, Ira Block,  
Edmund Papazian, Stephen Marsh

Against:       None

Abstain:       George Roniger

This decision shall be filed with the Town Clerk.

## **NEW BUSINESS**

The Board discussed the new residential site plan law.

Mr. Goessl, stated there is a possible new application, if it is not submitted in time there will be no August meeting.

## **ADJOURNMENT**

On motion of Ms. Dunkin, seconded by Mr. Papazian the meeting was adjourned at 8:15PM

Minutes prepared by

Francine M. Brill  
Planning Board Secretary