

November 5, 2008

**MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE
TOWN OF MAMARONECK HELD ON NOVEMBER 5, 2008 AT 8:15 PM IN
THE COURT ROOM OF THE TOWN, 740 W. BOSTON POST ROAD,
MAMARONECK, NEW YORK**

PRESENT:

**Supervisor Valerie M. O’Keeffe
Councilwoman Phyllis Wittner
Councilman Ernest C. Odierna
Councilwoman Nancy Seligson
Councilman David J. Fishman**

ALSO PRESENT:

**Christina Battalia, Town Clerk
Stephen V. Altieri, Town Administrator
William Maker, Jr., Town Attorney**

WORK SESSION

Supervisor O’Keeffe and Councilman Fishman arrived late to the Work Session. Supervisor O’Keeffe was attending a meeting with Governor Patterson, Councilman Fishman was attending the Frank McGuire Award’s Dinner at which Mamaroneck’s Coach, Mike Chapparelli, was the recipient.

Safe Rides Program

Elise Geithner, Peter Kaplan and Sarah Monaghan, Student Board Members for Safe Rides, addressed the Board. Also present was Detective Robert Reynolds. They gave the Board an overview of their work reestablishing the Safe Rides Program. They asked the Board to approve the use of the Kiosk at Myrtle Boulevard and N. Chatsworth as their base station on Friday and Saturday evenings. The Board asked Detective Reynolds if the Police Department was ‘on board’ with the Safe Rides Program. Detective Reynolds responded enthusiastically, yes. The Board approved the use and commended the Safe Rides Members for their diligent work.

Town of Mamaroneck Fire Chiefs

Chiefs David Commender, Sean McCarthy and Brendan Collins addressed the Board. At a recent meeting of Sound Shore Fire Chiefs there was discussion with the Thruway Authority regarding the upgrading/retrofitting of the hydrants along the Interstate 95 Sound Shore corridor. The Thruway would like to proceed with retrofitting the hydrants with a uniform STORZ connection. This would enable any Sound Shore Fire Department responding along the 95 to hook up to the hydrants much more quickly, providing greater fire suppression capabilities. The Board further discussed recommendations by the Fire Chiefs to ‘piggy back’ this upgrade/retrofit with STORZ hydrants in the Town of Mamaroneck near multiple dwellings, schools and businesses.

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This retrofit could be completed as an inter municipal project. The Chiefs noted that the Village of Larchmont has mandated that all new construction have the retrofitted hydrant. The Chiefs would like to meet with the various water authorities involved and will report back to the Board.

The Chiefs also asked the Board to review the requirement that multiple dwellings and schools have a NOX lock box in place, in order for the Fire Department to quickly enter buildings. Chief Commender will be forwarding the recent Local Law passed by the Village of Mamaroneck to Bill Maker for review.

Request - Mamaroneck Public Library

The Supervisor received correspondence form the Mamaroneck Library requesting financial support to help preserve *The Daily Times*. The Library is currently working on a project to image *The Daily Times* for preservation as well as space saving purposes. Supervisor O’Keeffe will be contacting the Library Director, Susan Benton, to notify her that the Town does not have additional funds for this project.

Legislation – Murray/Myrtle & N. Chatsworth Avenue

The Board reviewed the Local law as prepared by Bill Maker for the upcoming Public Hearing on November 19, 2008.

Leaf Disposal Agreement – City of New Rochelle

The Board reviewed a proposal to enter into an agreement with the City of New Rochelle to utilize an alternative to the Hommocks Ice Rink parking lot, at Five Island Park. The memorandum prepared for discussion by Mr. Altieri was superseded by a meeting with the County on October 30, at which the Town learned that the fee charged by the County will increase from \$13.49 per ton to \$15.00 per ton effective April 1, 2009. The Board asked Mr. Altieri to have a further discussion with the County to determine if they would consider locking in prices thru 2009.

Miscellaneous Items

The Board briefly discussed, additional lighting at the train station stairwell, a Department of Environmental Conservation determination on dredge material at the Gardens’ Lake and shared services with the Village of Larchmont.

CALL TO ORDER

The regular meeting of the Town Board was called to order by Supervisor O’Keeffe at 8:30 PM she then pointed out the location of exits.

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PUBLIC PRESENTATION - Property Revaluation Report

Mr. Altieri noted that as part of the Town's ongoing discussion and investigation with respect to reassessment in the Town of Mamaroneck, the Town has asked Thomas Frey, of Frey Consulting Services, Inc., to do a presentation to the Town of an analysis of reassessment procedures and possible impacts. Mr. Frey has already completed a reassessment report which residents can view on the Town's web-site.

The Town would like to hold two more information sessions at the Villages of Larchmont and Mamaroneck Board meetings.

Mr. Frey gave a Power Point presentation highlighting his reassessment report.

**PUBLIC HEARINGS— Amendment to the Business- Mixed Use Business District
Petition to Amend Special Permit for FCD Mamaroneck, LLC
Regulation of Large Propane Tanks**

The following notices of Public Hearings were entered into the record:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on November 5, 2008, at 8:15 PM or as soon thereafter as is possible in the Court Room of the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider the "2008 Amendment to the Business-Mixed Use Business District" Law.

Purpose:

This law amends the requirements regarding maximum floor area ratio for non-residential uses and maximum building coverage in the Business-Mixed Use Business District.

The full text of this Local law may be examined and copies obtained at the Town Clerk's office during regular hours (Monday through Friday, 8:30 AM to 4:30 PM, or until 4:00 PM during June, July and August) at 740 W. Boston Post Road Mamaroneck, New York

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: October 20, 2008

November 5, 2008

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on November 5, 2008, at 8:15 PM or as soon thereafter as is possible in the Court Room of the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider the Petition to Amend Special Permit for FCD Mamaroneck, LLC.

The full text of this Local law may be examined and copies obtained at the Town Clerk's office during regular hours (Monday through Friday, 8:30 AM to 4:30 PM, or until 4:00 PM during June, July and August) at 740 W. Boston Post Road Mamaroneck, New York

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: October 20, 2008

Supervisor O'Keefe noted that this Public Hearing remains open from a previous meeting and asked Mr. Maker to summarize the Petitions before the Board this evening.

Mr. Maker explained that FCD Mamaroneck, LLC has petitioned the Town Board to amend certain portions of the Zoning Ordinance's Code for Business-Mixed Use Business District to change the maximum building coverage from 55% to 60% and the maximum floor area ratio for nonresidential uses (excluding structured parking) from .15 to .16.

FCD Mamaroneck, LLC is also petitioning, should the Zoning Amendment be approved, to amend the special permit in order to allow the moving of 11 parking spaces from the site of LaVilletta to the area previously agreed upon to sell to FCD Mamaroneck, LLC.

Mr. Maker noted that it is mandatory for the Town Board to refer an amendment to the Zoning Code to the Planning Board, whose advisory opinion the Board has received.

The Advisory opinion of the Planning Board was entered into the record as follows:

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The Planning Board
Of The Town Of Mamaroneck

FCD Mamaroneck LLC Petition To Amend The Town Zoning Ordinance
And Amend Special Permit
Advisory Opinion

WHEREAS, by Local Law No. 9-2005 the Town Board amended the requirements of the B-MUB zoning district in a manner consistent with a Statement of Findings dated March 2, 2005, issued pursuant to the State Environmental Quality Review Act, by which the Town Board determined that the proposed amendments were warranted because of public benefits that would be created, these being (1) the creation of in-perpetuity workforce housing, (2) a commitment by the Forest City Daly Mamaroneck, LLC (the "Applicant") to fund a municipal parking deck that will help to alleviate a long-standing parking shortage in the Washington Square area, and (3) the general physical and visual upgrading of the area (the "B-MUB Zoning Code Amendment");

WHEREAS, the B-MUB Zoning Code Amendment included setting a maximum FAR for commercial use and a maximum building coverage within the B-MUB zoning district, both of which would permit the existing retail center, to remain and be in compliance with zoning requirements (the existing retail center, located at 15-19 Madison Avenue, as shown on Applicant's Approved Site Plan pursuant to the Special Permit granted on October 18, 2006, as amended April 2, 2008, hereinafter referred to as the "Existing Retail Center");

WHEREAS, On October 18, 2006, the Applicant was granted a special permit (the "Special Permit") by the Town Board in accordance with Section 240-25.F of the Mamaroneck Town Code for the construction of a mixed-use development located adjacent to Maxwell Avenue, Madison Avenue and Byron Place in the Town of Mamaroneck on a 2.18-acre site (the "Development Site");

WHEREAS, the Special Permit was amended on April 2, 2008 to extend the building permit dates to April 18, 2011 for filing a building permit application and to October 18, 2011 to obtain such building permit;

WHEREAS, on September 15, 2008, the Applicant petitioned the Town Board to (1) amend section 240-25.E(1)(c) of the Town Code to increase the maximum floor area ratio for non-residential uses from 0.15 to 0.16; (2) amend section 240.25.E(1)(e) of the Town Code to increase the maximum building coverage from 55% to 60%; and (3) amend the Special Permit by relocating 11 of the required parking spaces from the land where the LaVilletta restaurant is located to the land along Byron Place that the Town has contracted to sell to the Applicant, collectively referred to herein as the "Proposed Amendments";

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WHEREAS, Town Code section 240-25.F requires the Town Board to obtain the advisory opinion of the Planning Board in connection with an application for an amendment to a special permit under that section;

WHEREAS, Town Code section 240-92.B requires the Town Board to refer any proposed amendment of the zoning code to the Planning Board for a report thereon;

WHEREAS, Town Code section 240-25.F(3) gives the Planning Board discretion as to whether to hold a public hearing in connection with the section 240-25.F referral from the Town Board;

WHEREAS, Town Code section 240-25.F(3) requires the Planning board to review a proposed 240-25.F application in accordance with Chapter 177 of the Town Code;

WHEREAS, Chapter 177 of the Town Code typically requires the Planning Board to refer applications there under to various agencies of the Town and County of Westchester;

WHEREAS, section 177-17 of the Town Code provides the Planning Board with the discretion to waive certain information requirements of Chapter 177;

WHEREAS, on September 22, 2008, Town Attorney, William Maker, Jr., issued a memo to the Chair of the Planning Board and its members transmitting the Applicant's petition for the Proposed Amendments;

WHEREAS, representatives of the Applicant appeared before the Planning Board on October 15, 2008, at which time the Planning Board considered their statements as well as the written materials previously provided;

WHEREAS, the Applicant stated that as a result of a legal dispute with the owners of LaVilletta restaurant, they were requesting a reduction in the size of the Development Site from 2.18 acres to 2.04 acres and further requesting an amendment to the Special Permit to relocate 11 proposed parking spaces to a different location within the Development Site;

WHEREAS, as a result of the reduction in size of the Development Site, the Applicant has requested that the Town Board amend the text of the B-MUB zoning district in order to: (1) increase maximum building coverage from 55% to 60% and (2) increase the maximum FAR from .15 to .16;

WHEREAS, the Applicant stated that the relocation of the 11 parking spaces is consistent with the Applicant's commitment to increasing the general parking supply of the area;

WHEREAS, the 11 parking spaces will be relocated to a triangular parcel of land on Byron Place, as depicted on the Proposed Site Plan, attached as Exhibit 3 to Applicant's Petition to Amend Special Permit and Amend Zoning District Text, received by the Town Board on September 15, 2008 (the "Byron Place Parcel");

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WHEREAS, the Byron Place Parcel is owned by the Town and contracted for sale to the Applicant;

WHEREAS, the Applicant has proposed that the 11 parking spaces on Byron Place be managed by the Town so as to maximize their utility in serving parking needs in the area;

WHEREAS, under the original Special Permit, the Applicant proposed to increase the size of the parking area in front of the Existing Retail Center to 60 parking spaces;

WHEREAS, the Existing Retail Center currently provides 49 parking spaces;

WHEREAS, under the proposed reconfiguration associated with the Proposed Amendments, the Existing Retail Center will continue to provide 49 parking spaces;

WHEREAS, the Owner of the Existing Retail Center requested that the proposed 11 parking spaces to be relocated to Byron Place be specially designated by the Town with appropriate signage stating that such 11 spaces are for exclusive use by patrons of the Existing Retail Center during its hours of operation;

WHEREAS, the Proposed Amendments are *de minimis*;

WHEREAS, by letter dated October 10, 2008 to the Administrator of the Town of Mamaroneck, the Town of Mamaroneck Fire Department stated that it has no objections to the Proposed Amendments, provided that the Applicant complies with the following drawings prepared by Divney Tung Schwalbe, LLP (1) Proposed Site Plan Modification, SK-1, dated October 9, 2008, and (2) Fire Truck Access, SK-2, dated October 6, 2008 and (3) the satisfaction of all of the conditions contained in a meeting report as prepared by Divney Tung Schwalbe, LLP, dated August 8, 2006;

WHEREAS, Tom Torre, representing LaVilleta restaurant, stated that negotiations are underway between the restaurant and the Applicant and there has been no resolution of the aforesaid legal dispute;

WHEREAS, Brian Oos , representing FCD Mamaroneck LLC, confirmed that negotiations are continuing between the Applicant and LaVilleta restaurant;

WHEREAS, members of the Planning Board expressed concern that action on the Proposed Amendments may be premature, because such amendments would be unnecessary if the Applicant successfully completes its negotiation with LaVilleta restaurant;

WHEREAS, Andrew Tung, representing the Applicant stated that the Proposed Amendments are a practical precondition to provide certainty in the event that negotiations between the Applicant and LaVilleta are

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unsuccessful, and would allow the development to proceed in a timely manner;

WHEREAS, the Town Board has scheduled a public hearing for this application to take place on November 5, 2008;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Town Code, section 240-25.F(3), the Planning Board has waived its right to hold a public hearing concerning the Proposed; and be it

FURTHER RESOLVED, that in accordance with Town Code section 177-17, the Planning Board has waived the requirement to obtain information as to the advisory opinions of other Town and County agencies with respect to this *de minimis* action; and be it

FURTHER RESOLVED, that in accordance with Town Code section 240-92.B, the Planning Board is of the opinion that the Proposed Amendments are consistent with the comprehensive plan of land use for the Town of Mamaroneck and in furtherance of the purposes set forth in section 240-2 of the Town Code; and be it

FURTHER RESOLVED, that based upon its careful consideration of the written submissions and oral testimony presented at its regular meeting of October 15, 2008, it is the opinion of the Planning Board that the Proposed Amendments should be granted by the Town Board; and be it

FURTHER RESOLVED, that, notwithstanding the foregoing opinion, if the legal dispute between the Applicant and LaVilleta restaurant is timely resolved in a manner consistent with the current Special Permit and B-MUB zoning district regulations, it is the opinion of the Planning Board that the Town Board should not act on the Proposed Amendments.

Mr. Maker noted that as Westchester Administrative Code requires all adjacent municipalities have been duly noticed. The Town Clerk is also in receipt of correspondence from Westchester County Deputy Commissioner, Edward Burroughs, who states these amendments do not change the County's previous recommendations for this project.

Mr. Joel Sachs, Counsel to Forest City, addressed the Board noting that present with him this evening were Andrew Tung, Planning and Engineering Consultant and David Levy, Principal of Forest City Residential.

Mr. Sachs commented on Mr. Maker's accurate summary, adding that the special permit issued by the Town required 60 parking spaces; we are now proposing moving (11) eleven of those spaces to a parcel already under contract to purchase from the Town. Mr. Sachs noted this is still in compliance with the Zoning Ordinance for the total number of required parking spaces.

Supervisor O'Keeffe noted the opinion of the Planning Board which recommended that while negotiations were continuing between Forest City and

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the property owners of LaVilletta Restaurant that the Town not make a motion to amend the Zoning Code.

Mr. Levy addressed the Board stating that negotiations with LaVilletta have ceased completely and their attorneys have been notified.

Mr. Tom Tory, representing his parents, the owners of the property where LaVilletta is situated addressed the Board. His understanding is that negotiations were still continuing and that an agreement had been reached between his parents and Forest City. He stated his confusion as to why this amendment is before the Town Board at this time, further requesting the Board defer any motion on this matter.

Supervisor O’Keeffe, stated that whatever relationship you have with Forest City is not a matter for the Town Board and is irrelevant to the matter before the Board. The matter before the Town today is between the Town and Forest City.

Ned Ferrarone addressed the Board. He is the owner of the property where New York Sports Club is situated and whose parking would be affected by the new parking arrangement. He stated he has no objection to the zoning amendment or amendment to the Special Permit.

The Board reiterated its intent for the use of the parking spaces at Byron Place and Mr. Maker would incorporate this into the resolution for the Special Permit.

On motion of Councilwoman Wittner, seconded by Councilman Odierna, the Public Hearing was unanimously closed.

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

**RESOLUTION APPROVING THE 2008 AMENDMENT OF
SECTION 240-25 OF THE CODE OF THE TOWN OF MAMARONECK**

Whereas, on May 25, 2005, the Town Board enacted Local Law No. 9-2005 by which it amended section 240-25 of the Code of the Town of Mamaroneck, thereby changing the requirements of the B-MUB zoning district in a manner consistent with the Findings it had made pursuant to State Environmental Quality Review Act on March 2, 2005; and

Whereas, on June 21, 2006, the Town Board enacted Local Law No. 13-2006 by which it amended both paragraph E (1) (b) of section 240-25 and the last sentence of section 240-56A of the Code of the Town of Mamaroneck, thereby amending the height limitations in the B-MUB zoning district; and

Whereas, in so amending the height limitations in the B-MUB zoning district, the Town Board found that the change in height allowed by Local Law No. 13-2006 would not have a significant adverse impact on the

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environment for the reasons stated in its June 21, 2006 Supplemental Findings Statement; and

Whereas, on October 18, 2006, the Town Board adopted a resolution wherein it issued a Special Permit to FCD Mamaroneck, LLC for the construction of a mixed-use development, subject to the conditions and requirements contained in the Town Board's October 18, 2006 resolution ("Special Permit"); and

Whereas, on April 2, 2008, the Town Board adopted a resolution whereby it granted the First Amendment to the Special Permit; and

Whereas, on September 15, 2008, FCD Mamaroneck LLC petitioned the Town Board for amendments to section 240-25 of the Code of the Town of Mamaroneck which, if granted, (i) would change the maximum building coverage in the B-MUB zoning district from 55% to 60% and (ii) would change the maximum floor area ratio for nonresidential uses (excluding structured parking) in the B-MUB zoning district from .15 to .16; and

Whereas, FCD Mamaroneck LLC's petition also asked that if the requested rezoning were approved, the Town Board grant a second amendment to the Special Permit which would relocate eleven (11) parking spaces called for by the Special Permit from the land where the LaVilletta restaurant is located to the land along Byron Place that the Town has contracted to sell to FCD Mamaroneck, LLC; and

Whereas, at its meeting held on September 17, 2008, the Town Board referred FCD Mamaroneck LLC's petition to the Planning Board for a report with the respect to the requested rezoning as required by section 240-92B of the Code of the Town of Mamaroneck and for a report with respect to the request for a second amendment to the Special Permit as required by section 240-25F of the Code of the Town of Mamaroneck; and

Whereas, on October 15, 2008, the Planning Board entertained the referral from the Town Board and resolved "that the Proposed Amendments [which include amendments to the zoning ordinance of the Town of Mamaroneck] are consistent with the comprehensive plan of land use for the Town of Mamaroneck and in furtherance of the purposes set forth in section 240-2 of the Town Code" and further resolved ". . . that the Proposed Amendments should be granted by the Town Board" but further resolved "that, notwithstanding the foregoing opinion, if the legal dispute between [FCD Mamaroneck, LLC] and LaVilletta restaurant is timely resolved in a manner consistent with the current Special Permit and B-MUB zoning district regulations, it is the opinion of the Planning Board that the Town Board should not act on the Proposed Amendments"; and

Whereas, the Town Board has received the Planning Board's Advisory Opinion and after due notice conducted a public hearing on November 5, 2008 on FCD Mamaroneck LLC's request (i) to change the maximum building coverage in the B-MUB zoning district from 55% to 60% and (ii) to change the maximum floor area ratio for nonresidential uses (excluding

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structured parking) in the B-MUB zoning district from .15 to .16 and its request for a second amendment to the Special Permit which would relocate eleven (11) parking spaces called for by the Special Permit from the land where the LaVilletta restaurant is located to the land along Byron Place that the Town has contracted to sell to FCD Mamaroneck, LLC; and

Whereas, the notices required to be sent by sections 277.61 and 277.71 of the Administrative Code of the County of Westchester were mailed to the Westchester County Planning Board, the Clerk of the City of New Rochelle, the Clerk of the Village of Larchmont, the Clerk of the Village of Mamaroneck, the Clerk of the Village of Scarsdale, the Clerk of the Town of Harrison and the Clerk of the Town of Rye more than ten (10) days before November 5, 2008; and

Whereas, by letter dated October 16, 2008 addressed to Carol J. Braiotta, Town Attorney Office, Edward Burroughs, the Deputy Commissioner of the Westchester County Planning Board, advised “that the proposed project changes [called for by FCD Mamaroneck, LLC’s application for amendments to the zoning ordinance] do not significantly change our previous recommendations for this project”, i.e. that FCD Mamaroneck, LLC’s application is a matter for local determination, and

Whereas, at the public hearing all persons wishing to be heard were given an opportunity to address the Town Board either orally or in writing; and

Whereas, the public hearing was closed on November 5, 2008; and

Whereas, the Town Board notes that the Planning Board recommended the approval of FCD Mamaroneck, LLC’s request for rezoning but recommended that the Town Board not act on the request should a dispute between FCD Mamaroneck, LLC and the owner of the property on which the LaVilletta restaurant is situated be timely resolved; and

Whereas, the Town Board has determined that whatever dispute may exist between FCD Mamaroneck, LLC and the owner of the property on which the LaVilletta restaurant is situated does not change the fact that FCD Mamaroneck, LLC’s request for rezoning is appropriate; and

Now on the motion of Councilman Ernest Odierna, seconded by Councilwoman Phyllis Wittner

BE IT RESOLVED, that the Town Board, in its capacity as Lead Agency, hereby supplements the Findings which it made on March 2, 2005 as supplemented by the Supplemental Findings which it made on June 21, 2006 as follows:

1.0 REAFFIRMATION OF THE MARCH 2, 2005 SEQRA FINDINGS AS SUPPLEMENTED BY THE SUPPLEMENTAL FINDINGS MADE ON JUNE 21, 2006

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Except where amended either explicitly or by implication by these Supplemental Findings, the Town Board restates and confirms the facts found, the findings made and the conclusions drawn in its March 2, 2005 SEQRA Findings, as supplemented by the Supplemental Findings which it made on June 21, 2006.

2.0 SUPPLEMENTAL FINDINGS

Upon review of the submissions made by FCD Mamaroneck LLC with its petition for the requested zoning amendments and the advisory opinion rendered by the Planning Board, the Town Board determines that the findings which the Town Board made on March 2, 2005 as Lead Agency under the State Environmental Quality Review Act as supplemented on June 21, 2006 remain valid since the facts upon which those findings were made have not changed substantially. At issue here are amendments to the zoning ordinance which would allow minor increases in the maximum floor area ratio and in the maximum building coverage in the B-MUB zoning district. The proposed amendments will not have any adverse impact upon the environment and therefore there is no reason to prepare a supplemental environmental impact statement in connection with this application for rezoning.

3.0 CONCLUSION

The Town Board finds and certifies that the requirements of 6 NYCRR Part 617 have been met, as listed below.

1. The Town Board has given due consideration to the petition of Forest City Mamaroneck, LLC dated September 15, 2008(text and graphics) and the undated Advisory Opinion of the Planning Board and the correspondence from Deputy Commissioner Edward Burroughs of the Westchester County Planning Board dated October 16, 2008 and the information provided by the petitioner and the opinions expressed by the public in writing or orally by the persons who spoke at the November 5, 2008 public hearing.

2. This Supplemental Findings Statement has been prepared pursuant to and as required by 6 NYCRR Part 617 and considers the relevant environmental impacts.

3. This Supplemental Findings Statement weighs and balances relevant environmental impacts with social, economic, and other considerations.

4. This Supplemental Findings Statement provides a rationale for the Lead Agency's Decision; and

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BE IT FURTHER RESOLVED that within five (5) business days of the adoption of this resolution, the Town Administrator or other duly authorized person (i) shall cause this resolution to be filed in the office of the Town Clerk and (ii) shall cause a copy thereof to be sent by first-class mail, telefax or electronic mail to FCD Mamaroneck, LLC and to all agencies which are considered either an interested or an involved agency under the regulations promulgated by the New York State Department of Conservation pursuant to the State Environmental Quality Review Act.

The above was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O’Keeffe	Aye

On motion of Councilman Ernest Odierna, seconded by Councilwoman Phyllis Wittner

Local Law No. 9 - 2008

This local law shall be known as the “2008 Amendment to the Business-Mixed Use Business District” Law.

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

Section 1 – Purpose:

This law amends the requirements regarding maximum floor area ratio for non-residential uses and maximum building coverage in the Business-Mixed Use Business District.

Section 2 – Amendment to an existing section of the Code of the Town of Mamaroneck:

Section 240-25 E. (1) (c) of the Code of the Town of Mamaroneck hereby is repealed in its entirety and the following substituted in its place:

“§240-25. Business-Mixed Use Business District: B-MUB

...

“(c) Maximum floor area ratio (FAR) for nonresidential uses (excluding structured parking) shall be 0.16.

Section 3 – Amendment to an existing section of the Code of the Town of Mamaroneck:

Section 240-25 E. (1) (e) of the Code of the Town of Mamaroneck hereby is repealed in its entirety and the following substituted in its place:

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“§240-25. Business-Mixed Use Business District: B-MUB

...
“(e) Maximum building coverage shall be 60%.”

Section 4 – 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 5 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O’Keeffe	Aye

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

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE SPECIAL PERMIT ISSUED BY THE TOWN BOARD TO FCD MAMARONECK, LLC ON OCTOBER 18, 2006

Whereas, on October 18, 2006, the Town Board adopted a resolution wherein it issued a Special Permit to FCD Mamaroneck, LLC for the construction of a mixed-use development, subject to the conditions and requirements contained in the Town Board’s October 18, 2006 resolution (“Special Permit”); and

Whereas, on April 2, 2008, the Town Board adopted a resolution whereby it granted the First Amendment to the Special Permit; and

Whereas, on September 15, 2008, FCD Mamaroneck LLC petitioned the Town Board for amendments to section 240-25 of the Code of the Town of Mamaroneck which, if granted, (i) would change the maximum building coverage in the B-MUB zoning district from 55% to 60% and (ii) would change the maximum floor area ratio for nonresidential uses (excluding structured parking) in the B-MUB zoning district from .15 to .16; and

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Whereas, FCD Mamaroneck LLC's petition also asked that if the requested rezoning were approved, the Town Board grant a second amendment to the Special Permit which would relocate eleven (11) parking spaces called for by the Special Permit from the land where the LaVilletta restaurant is located to the land along Byron Place that the Town has contracted to sell to FCD Mamaroneck, LLC; and

Whereas, at its meeting held on September 17, 2008, the Town Board referred FCD Mamaroneck, LLC's petition to the Planning Board for a report with respect to the request for rezoning as required by section 240-92B of the Code of the Town of Mamaroneck and for a report with respect to the request for a second amendment to the Special Permit as required by section 240-25F of the Code of the Town of Mamaroneck; and

Whereas, on October 15, 2008, the Planning Board entertained the referral from the Town Board and resolved "that the Proposed Amendments [which include a second amendment to the Special Permit to relocate eleven (11) parking spaces called for by the Special Permit from the land where the LaVilletta restaurant is located to the land along Byron Place that the Town has contracted to sell to FCD Mamaroneck, LLC] are consistent with the comprehensive plan of land use for the Town of Mamaroneck and in furtherance of the purposes set forth in section 240-2 of the Town Code" and further resolved ". . . that the Proposed Amendments should be granted by the Town Board" but further resolved "that, notwithstanding the foregoing opinion, if the legal dispute between [FCD Mamaroneck, LLC] and LaVilletta restaurant is timely resolved in a manner consistent with the current Special Permit and B-MUB zoning district regulations, it is the opinion of the Planning Board that the Town Board should not act on the Proposed Amendments"; and

Whereas, the Town Board has received the Planning Board's advisory opinion and after due notice conducted a public hearing on November 5, 2008 on FCD Mamaroneck LLC's request (i) to change the maximum building coverage in the B-MUB zoning district from 55% to 60% and (ii) to change the maximum floor area ratio for nonresidential uses (excluding structured parking) in the B-MUB zoning district from .15 to .16 and its request for a second amendment to the Special Permit which would relocate eleven (11) parking spaces called for by the Special Permit from the land where the LaVilletta restaurant is located to the land along Byron Place that the Town has contracted to sell to FCD Mamaroneck, LLC; and

Whereas, the notices required to be sent by sections 277.61 and 277.71 of the Administrative Code of the County of Westchester were mailed to the Westchester County Planning Board, the Clerk of the City of New Rochelle, the Clerk of the Village of Larchmont, the Clerk of the Village of Mamaroneck, the Clerk of the Village of Scarsdale, the Clerk of the Town of Harrison and the Clerk of the Town of Rye more than ten (10) days before November 5, 2008; and

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Whereas, by letter dated October 14, 2008 addressed to William Maker, Town Attorney, Edward Burroughs, the Deputy Commissioner of the Westchester County Planning Board, advised “that the proposed project changes [called for by FCD Mamaroneck, LLC’s application for a second amendment to the Special Permit] do not significantly change our previous recommendations for this project”, i.e. that FCD Mamaroneck, LLC’s application is a matter for local determination, and

Whereas, by letter dated October 8, 2008 addressed to Mr. Stephen Altieri, David G. Commender, the Chief of the Town of Mamaroneck Fire Department, advised that the Department has no objection to FCD Mamaroneck, LLC’s revised plan so long as FCD Mamaroneck, LLC’s plan provides the items mentioned in Chief Commender’s letter and FCD Mamaroneck, LLC abides with all of the conditions contained in the Fire Department’s memorandum dated August 8, 2006, and

Whereas, at the public hearing all persons wishing to be heard were given an opportunity to address the Town Board either orally or in writing; and

Whereas, the public hearing was closed on November 5, 2008; and

Whereas, on November 5, 2008, the Town Board supplemented its Findings as Lead Agency under the State Environmental Review Act with respect to the amendments to the Town’s zoning ordinance proposed by FCD Mamaroneck, LLC in its petition and concluded that the proposed amendments will not have any adverse impact upon the environment and therefore there is no reason to prepare a supplemental environmental impact statement in connection with FCD Mamaroneck, LLC’s application for rezoning (“2008 Supplemental Findings”); and

Whereas, after making the 2008 Supplemental Findings on November 5, 2008, the Town Board enacted a local law which, in the B-MUB District, increased the maximum building coverage to 60% and the maximum floor area ratio for nonresidential uses (excluding structured parking) to 0.16; and

Whereas, the Town Board notes that the Planning Board recommended the approval of FCD Mamaroneck, LLC’s request for a second amendment to the Special Permit but recommended that the Town Board not act on the request should a dispute between FCD Mamaroneck, LLC and the owner of the property on which the LaVilletta restaurant is situated be timely resolved; and

Whereas, the Town Board has determined that whatever dispute may exist between FCD Mamaroneck, LLC and the owner of the property on which the LaVilletta restaurant is situated does not change the fact that FCD Mamaroneck, LLC’s requests for a second amendment to the Special Permit is appropriate;

BE IT RESOLVED that for the reasons stated in the 2008 Supplemental Findings, the Town Board determines that the relocation of eleven (11) parking spaces called for by the Special Permit from the land where the LaVilletta restaurant is located to the land along Byron Place that the Town has

November 5, 2008

contracted to sell to FCD Mamaroneck, LLC is a minor matter that will not have any adverse impact upon the environment. Therefore there is no reason to prepare a supplemental environmental impact statement in connection with this application for a second amendment to the Special Permit; and

BE IT FURTHER RESOLVED that a second amendment to the Special Permit as presented in the petition of FCD Mamaroneck, LLC dated September 15, 2008(text and graphics) is granted on condition that:

(a) all of the terms and conditions expressed in the letter dated October 8, 2008 from David G. Commender, the Chief of the Town of Mamaroneck Fire Department to Mr. Stephen Altieri be complied with, and

(b) the parking spaces along Byron Place and the roadway giving access thereto be configured to conform to the **PROPOSED SITE PLAN MODIFICATION** prepared by Divney, Tung and Schwalbe known as Drawing No. SK-1 dated October 9, 2008 and the **FIRE TRUCK ACCESS** prepared by Divney, Tung and Schwalbe known as Drawing No. SK-2 dated October 6, 2008, and

(c) all of the terms and conditions expressed in the meeting report prepared by Divney, Tung and Schwalbe dated August 8, 2006 be complied with, and

(d) though FCD Mamaroneck, LLC or its successor will own the area on which the eleven (11) parking spaces will be constructed, the Town of Mamaroneck will control the use of those parking spaces and the Town of Mamaroneck will retain whatever revenue may be generated by the use of those parking spaces; and

BE IT FURTHER RESOLVED that within five (5) business days of the adoption of this resolution, the Town Administrator or other duly authorized person (i) shall cause this resolution to be filed in the office of the Town Clerk and (ii) shall cause a copy thereof to be sent by first-class mail, telefax or electronic mail to FCD Mamaroneck, LLC and to all agencies which are considered either an interested or an involved agency under the regulations promulgated by the New York State Department of Conservation pursuant to the State Environmental Quality Review Act.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O'Keefe	Aye

November 5, 2008

REGULATION OF LARGE PROPANE TANKS

NOTICE OF PUBLIC HEARING
“Regulation of Large Propane Tanks” Law

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on November 5, at 8:15 PM or as soon thereafter as is possible in the Court Room of the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider the adoption of a local law entitled “Regulation of Large Propane Tanks” Law.

Purpose:

Over the Memorial Day weekend, a leaking underground propane tank was detected. Due to the professionalism of the Town’s personnel, the propane tank was emptied and the leaking gas burned off without injury either to person or property. If this corrective action had not been taken, the tank may have exploded and caused damage not only to the home on which the tank was installed but to neighboring properties and people as well. Because of the poor condition of the tank, it took over 24 hours for the gas to be burned off. Throughout this time, Town personnel were required to remain on site, causing the Town to incur thousands of dollars in overtime compensation. The cost would have been even higher had not so many of the responders been volunteers willing to sacrifice their time on a holiday weekend.

This incident has alerted the Town Board to the necessity of examining the use of propane and other hazardous substances within the Town, and if warranted, developing regulations to control such use and a procedure for recovering the cost incurred by the Town for responding to the discharge of propane or other hazardous substances within the Town. In order to study the issue, the Town Board has determined that it is necessary to impose a moratorium upon the installation of propane tanks with a capacity for 50 or more pounds of propane.

The full text of this Local law may be examined and copies obtained at the Town Clerk's office during regular hours (Monday through Friday, 8:30 AM to 4:30 PM, or until 4:00 PM during June, July and August) at 740 W. Boston Post Road Mamaroneck, New York

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: October 18, 2008

November 5, 2008

Mr. Maker noted that he has received additional comments from Mr. DiGiorgio of Paraco Gas, regarding a New York State Statute for 2010 compliance. Mr. Maker will consider integrating this into another draft of the Local Law for the Board to review.

Mr. Harding of Paraco Gas, spoke briefly and was present for any questions. He briefly addressed the New York State Statute under the Department of Transportation pertaining to underground tanks.

On motion of Councilwoman Wittner, seconded by Councilman Fishman, it was unanimously

RESOLVED, that the Mamaroneck Town Board does hereby adjourn the Public Hearing on the "Regulation of Large Propane Tanks" Law, until December 3, 2008, at 8:15 PM or as soon thereafter as is possible in the Court Room of the Town Center, 740 W. Boston Post Road, Mamaroneck, New York.

BOARD OF FIRE COMMISSIONERS

The meeting was called to order by Commissioner O'Keeffe and on motion of Commissioner Odierna, seconded by Commissioner Wittner, the Board of Fire Commissioners was unanimously declared open.

Present were the following members of the Commission:

Commissioner:	Valerie M. O'Keeffe
Commissioner:	Phyllis Wittner
Commissioner:	Ernest C. Odierna
Commissioner:	Nancy Seligson
Commissioner:	David J. Fishman

1. FIRE CLAIMS

Commissioner Odierna presented fire claims for authorization of payment, thereafter on Commissioner Odierna's motion, seconded by Commissioner Wittner, 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:

2434 CW Corp	\$	16.50
AAA Emergency Supply Co. Inc.	\$	182.38
AAA Emergency Supply Co. Inc.	\$	71.40

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AAA Emergency Supply Co. Inc.	\$	42.00
AAA Emergency Supply Co. Inc.	\$	30.00
A & J Auto Parts	\$	364.40
Amazon.com	\$	22.57
ARC Auto Body Supplies	\$	96.95
Avaya	\$	66.81
Avaya	\$	51.89
Brewer Hardware	\$	318.89
Brewer Hardware	\$	81.55
Cablevision	\$	79.17
Con Edison	\$	262.95
Crown Trophy	\$	45.00
Fire Academy FSA	\$	141.98
G. & K. Services	\$	135.27
Gabrielli Truck Sales	\$	399.00
Gabrielli Truck Sales	\$	399.00
Gabrielli Truck Sales	\$	399.00
Gabrielli Truck Sales	\$	404.00
G.C. Reliable Service Inc.	\$	1,450.00
G.C. Reliable Service Inc.	\$	1,200.00
Ikon	\$	212.13
Motorola	\$	78.00
Mount Vernon Iron Works	\$	542.00
Mount Vernon Iron Works	\$	172.00
NYS Academy of Fire Science	\$	221.00
Noco Energy Corp.	\$	971.40
Noco Energy Corp.	\$	557.07
Pitt Stop Auto Parts	\$	34.50
Poland Springs	\$	88.82
Proftech	\$	109.19
R & F Trophies	\$	305.00
Rickert Lock & Safe Co.	\$	95.00
RNR Contracting Corp.	\$	650.00
Sound Shore Contracting Inc.	\$	150.00
Sound Shore Pest Control	\$	195.00
Technical Electronics Inc.	\$	15.00
Technical Electronics Inc.	\$	15.00
The Tool Nut	\$	259.98
Town of Mamaroneck P.F.F.A.	\$	330.12
Tri-City Auto Parts	\$	143.67
Verizon	\$	420.46
Verizon	\$	399.78
Verizon Wireless	\$	272.64

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Winzer Corp.	\$	27.45
W.J.W.W.	\$	100.00
	\$	12,609.42

The above resolution was put to a roll call vote:

Commissioner Fishman	Aye
Commissioner Seligson	Aye
Commissioner Odierna	Aye
Commissioner Wittner	Aye
Commissioner O'Keefe	Aye

2. Other Fire Department Business

The Commissioner's noted the wonderful community service work the Fire Department does in preparing and delivering Thanksgiving dinners to residents in need.

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

AFFAIRS OF THE TOWN

1. Authorization – New York State DOT Agreement – Myrtle/North Chatsworth Intersection

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

**RESOLUTION
TRAFFIC IMPROVEMENT
MYRTLE BOULEVARD & NORTH CHATSWORTH**

Authorizing the implementation, and funding in the first instance 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Traffic Improvement at Myrtle Boulevard and North Chatsworth Avenue in the Town of Mamaroneck, Westchester County, identified as PIN 8758.81 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of

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the costs such program to be borne at the ratio of 100% Federal funds and 00% non-federal funds; and

WHEREAS, a Resolution adopted by the Town of Mamaroneck on January 5, 2005, approved and agreed to advance the Project by making a commitment of 100% of the costs of the preliminary engineering work.

WHEREAS, the Town of Mamaroneck desires to advance the Project by making a commitment of 100% of the federal share of the costs of construction, construction inspection and construction supervision work for the Project or portions thereof.

NOW, THEREFORE, the Mamaroneck Town Board, duly convened does hereby

RESOLVED, that the Mamaroneck Town Board has previously approved the subject project; and it is hereby further

RESOLVED, that the Mamaroneck Town Board hereby authorized the Town of Mamaroneck to pay in the first instance 100% of the federal cost of the construction, construction inspection and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$123,913 (\$143,913 minus previous \$20,000) was appropriated from Capital Project 24-07 Account #H3197-4-3310.5002.

RESOLVED, that in the event the full federal share of costs of the project exceeds the amount appropriated above, the Mamaroneck Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Administrator thereof, and it is further

RESOLVED, that the Mamaroneck Town Administrator be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Town of Mamaroneck with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

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RESOLVED, this Resolution shall take effect immediately.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O’Keeffe	Aye

- 2. Set Public Hearing - Traffic Committee Recommendations
Handicapped Parking Space Copley Road
No Parking Zone – Murray Avenue at Forest Avenue**

On motion of Supervisor O’Keeffe, seconded by Councilman Fishman, it was unanimously

RESOLVED, that the Mamaroneck Town Board does hereby set the date for a Public Hearing on the recommendation of the Traffic Committee for a Handclapped parking Space on Copley Road near the Alden Road Apartments, for December 3, 2008, at 8:15 PM or as soon thereafter as is possible in the Court Room of the Town Center, 740 W. Boston Post Road, Mamaroneck, New York, 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.

On motion of Councilwoman Seligson, seconded by Councilman Fishmam, it was unanimously

RESOLVED, that the Mamaroneck Town Board does hereby set the date for a Public Hearing on the Traffic Committee recommendation for a ‘No Parking Zone’ on Murray Ave near Forest Ave, for November 19, 2008, at 8:15 PM or as soon thereafter as is possible in the Court Room of the Town Center, 740 W. Boston Post Road, Mamaroneck, New York, and

BE IT FURTHER,

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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.

3. Authorization - Pryer Manor Road Easements

On motion of Councilwoman Seligson, seconded by Councilwoman Wittner, it was

RESOLVED, that the Mamaroneck Town Board does hereby approve the Sanitary Sewer Easement between Cheryl and David Brause, of 20 Pryer Manor Road, Larchmont, New York 10538 and the Town of Mamaroneck, and

BE IT, FURTHER

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Town Administrator to execute said Easement on behalf of the Town, and

BE IT, FURTHER

RESOLVED, that the Mamaroneck Town Board does hereby approve the Sanitary Sewer Easement between Mara and Jeffrey Talpins, of 22 Pryer Manor Road, Larchmont, New York 10538 and the Town of Mamaroneck, and

BE IT, FURTHER

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Town Administrator to execute said Easement on behalf of the Town.

4. Authorization – Inter Municipal Agreement - City of New Rochelle - Leaf Disposal

The Board noted its discussion of this matter during Work Session, adding that due to an increase in the fee charged by the County from \$13.49 to \$15.00 per ton, the Board will defer this matter until Friday November 7, 2008.

5. Authorization - Establish Capital Project - Richbell Road Playground

On motion of Councilwoman Seligson, seconded by Councilwoman Wittner, the following was unanimously approved,

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WHEREAS, the Town Board has received a Community Block Grant from the Westchester County Department of Planning for a playground at Richbell Road , and

WHEREAS, the low bid received for this project was \$142,302.00 of which \$115,000.00 will be funded through a Community Block Grant from the Westchester County Department of Planning.

NOW, THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Town Comptroller to establish Capital Project #27-08, Account #H.7197.7140.5002 in the amount of \$150,000.00 for the Richbell Road Playground Project.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O’Keeffe	Aye

6. Resolution – Consolidation of Community Services – Village of Mamaroneck

On motion of Councilwoman Wittner, seconded by Councilman Odierna, the following was unanimously approved:

WHEREAS, the Town of Mamaroneck and Village of Mamaroneck have evaluated the consolidation of its respective Community Service/Senior Programs, and

WHEREAS, it has been determined that through consolidation the quality and diversity of programming for our senior citizen population and those residents in need of outreach services is significantly improved, and

WHEREAS, consolidation will also provide greater value to the taxpayers of the Town through cost savings and greater economies of scale, and

WHEREAS, the Board of Trustees of the Village of Mamaroneck on October 27, 2008 adopted a resolution approving the consolidation of programs and authorizing the transfer to the Town all current Westchester County Grant contracts for funding of various community service/senior programs.

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NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Mamaroneck hereby approves the proposed plan for the consolidation of the Town of Mamaroneck and Village of Mamaroneck Community Service and Senior Citizen Programs, and

Be It Further

RESOLVED, that the Town Administrator is hereby authorized to coordinate the consolidation, including the assignment and transfer of personnel in accordance with the consolidation plan provided to the Town Board

7. Authorization - License Agreement – Westchester County Clerk

On motion of Councilwoman Wittner, seconded by Supervisor O’Keeffe, the following was unanimously approved

WHEREAS, the County desires to provide a license for remote access to the County Clerk’s land records and legal files, and

WHEREAS, the Town of Mamaroneck desires a license for the privilege of utilizing such remote access to the County Clerk’s records.

NOW, THEREFORE, BE IT

RESOLVED, that the Mamaroneck Town Board does hereby approve the Licenses Agreement between the County of Westchester and the Town of Mamaroneck for said remote access to the County Clerk’s records, and

BE IT, FURTHER

RESOLVED, that the Mamaroneck Town Board does hereby authorize the Town Administrator to execute said License Agreement on behalf of the Town.

8. Salary Authorizations - Recreation

On motion of Councilwoman Seligson, seconded by Councilman Fishman, it was

RESOLVED, that as provided for in the 2007 Town Budget the Town Board does hereby authorize the payment of salary to the following:

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HOMMOCKS POOL

Stephanie Allen Alt. Manager \$17.00/hour effective retroactive to 10/21/08
Christopher Heiss Lifeguard \$8.50/hour effective retroactive to 10/21/08

HOMMOCKS PARK ICE RINK

Adam Piscitello EMT \$12.00/hour effective 10/31/08

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O'Keefe	Aye

9. Authorization to enter into Litigation – 6 Homer Avenue

On motion of Councilman Odierna, seconded by Councilwoman Seligson, it was

RESOLVED, that the Town Board does hereby authorize the Counsel to the Town to commence litigation in the name of the Town, against the owner of 6 Homer Ave, Town of Mamaroneck, NY, for the purpose of establishing the Town's right to a stormwater sewer easement through the real property known as 6 Homer Ave, in the Town of Mamaroneck.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O'Keefe	Aye

November 5, 2008

10. Certiorari

On motion of Councilman Odierna, seconded by Councilwoman Wittner, the

RESOLVED, that the Town Board does hereby
approve the following Settlement of Certiorari as
recommended by the Town Attorney:

Dominick Stallone
656 Van Ranst Place
Mamaroneck, NY, 10543

Block: 822 Lot: 362

Town of Mamaroneck/Village of Mamaroneck

Year	<u>Current Assessment</u>	<u>Reduced Assessment</u>
1996	\$13,400	\$13,400
1997	\$13,400	\$13,400
1998	\$13,400	\$13,400
1999	\$13,400	\$13,400
2000	\$13,400	\$13,400
2001	\$13,400	\$12,000
2002	\$13,400	\$10,300
2003	\$13,400	\$9,200
2004	\$13,400	\$9,200
2005	\$13,400	\$13,400
2006	\$13,400	\$8,400
2007	\$13,400	\$7,600

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O'Keefe	Aye

APPROVAL OF MINUTES

October 1, 2008 and October 15, 2008

On motion of Councilman Odierna, seconded by Councilwoman Seligson, it was
unanimously

November 5, 2008

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board minutes from the meetings of October 1, 2008 and October 15, 2008.

ORAL COMMUNICATIONS

None

WRITTEN COMMUNICATIONS

None

SUPERVISOR'S REPORT

Supervisor O'Keeffe gave a brief report on her meeting this afternoon with Governor Patterson at the Westchester County Center. Supervisor O'Keeffe and other State and Local Officials were asked to be present for a discussion of the State Budget.

The meeting will be aired Thursday, November 6th at 8:00PM.

REPORT OF COUNCIL

Councilman Odierna noted the Town's all day budget session this Friday, November 7th, beginning at 8:30AM. He noted the many Veteran's Day services being held next week.

Councilwoman Seligson attended the Zoning Board of Appeals on October 23 and the Senior Citizen's Oktoberfest on October 29th.

Councilman Odierna attended the Human Rights Commission Meeting, noting the Martin Luther King, Jr. celebration will be held on January 14, 2009.

ADJOURNMENT

On motion of Councilwoman Wittner, seconded by Councilman Fishman the meeting was unanimously adjourned at 11:50PM.

Submitted by
Christina Battalia, Town Clerk