

MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION OF THE VILLAGE OF MAMARONECK HELD ON SEPTEMBER 17, 2008, AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT: Mr. Steven Goldstein, Chairman
Mr. Lewis Fechter
Mr. Daniel Gallagher
Mr. Morton Heilman
Mr. Mark Karell
Mr. Anthony S. Weiner, Vice Chairman
Ms. Janet Insardi, Village Attorney
Trustee Liaison Toni Ryan
Mr. Keith Furey, Engineering Consultant for the Village
Ms. Michelle Nannen, M.S., Environmental Consultant for the Village
Ms. Laura Schwanof, RLA, Environmental Consultant for the Village

ABSENT: Mr. Carey Sleeper

Chairman Goldstein called the meeting to order at 7:35 p.m.

OLD BUSINESS:

MAMARONECK BEACH AND YACHT CLUB –TO OBTAIN A PERIMETER PERMIT FOR A DOCKING FACILITY

No representatives of applicant Mamaroneck Beach and Yacht Club were present at the meeting. The Commissioners discussed the applicant’s request for an adjournment and the status of the application.

On a motion by Mr. Weiner, seconded by Mr. Fechter, it was proposed that the Mamaroneck Beach and Yacht Club matter be adjourned to the next regular meeting of the HCZMC on October 15, 2008.

Ayes: Goldstein, Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

MAMARONECK UNION FREE SCHOOL DISTRICT – CAPITAL IMPROVEMENT PROJECTS TO ALL SCHOOL BUILDINGS

Chairman Goldstein has recused himself from the review of this application and turned the gavel over to Mr. Weiner.

Ms. Syrette Dym, AICP, Saccardi & Schiff, Inc, 445 Hamilton Avenue, White Plains, Ms. Meryl Rubinstein, Assistant Superintendent for Business Operations for the Mamaroneck Union Free School District, Mr. Anthony Cattalano, 709 West Avenue, White Plans, William Aniskovich, President, The WBA Group, 116 Montowese Street, Branford, CT were present to represent the applicant School District.

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The Commissioners discussed the applicant's plans and received responses to their questions, which included questions regarding storm water plans, concerns about the high water table and grading and to where water drains. The applicant's representatives responded to questions from the Commissioners regarding the applicant's updated coastal assessment form. Mr. Furey advised the Commissioners that he had reviewed the submissions made by the School District. He said the plans contemplated reduced run-off and that the plans were comprehensive. Ms. Schwanof, the applicant's landscape architect, also advised that the plans were comprehensive and dealt sufficiently with run-off water management.

On motion of Mr. Fechter, seconded by Mr. Heilman:

WHEREAS, the Harbor and Coastal Zone Management Commission has reviewed and evaluated the proposed project of applicant Mamaroneck Union Free School District as it relates to property in the Village of Mamaroneck as described in the application submitted to the Harbor and Coastal Zone Management Commission, together with all attachments thereto submitted by or on behalf of the applicant's consultants; and

WHEREAS, the nature of the project is that of a TYPE I ACTION; and

WHEREAS, the Harbor and Coastal Zone Management Commission finds that nothing in the project described in the Proposed Application presents any significant adverse environmental impact, subject to the conditions that (1) the final plans that are prepared following completion of the applicant's public financing and prior to the commencement of construction are consistent with the plans submitted to HCZMC for consideration at this meeting and (2) the applicant will review said final plans with the Village's engineering consultants prior to the commencement of construction and, if requested, meet with HCZMC to demonstrate to HCZMC and its consultants such consistency.

NOW THEREFORE BE IT RESOLVED that the Harbor and Coastal Zone Management Commission has completed its review and evaluation and hereby grants its NEGATIVE DECLARATION under SEQRA regarding applicant Mamaroneck Union Free School District proposed plan as it relates to property in the Village of Mamaroneck described in the application submitted to the Harbor and Coastal Zone Management Commission, together with all attachments thereto submitted by or on behalf of the applicant's consultants, subject to the foregoing conditions.

Ayes: Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

Excused: Goldstein

On motion of Mr. Weiner, seconded by Mr. Heilman:

BE IT RESOLVED that the Harbor and Coastal Zone Management Commission has completed its review and evaluation of the proposed project of applicant Mamaroneck Union Free School District as it relates to property in the Village of Mamaroneck as described in the application submitted to the Harbor and Coastal Zone Management Commission, together with all attachments thereto submitted by or on behalf of the applicant's consultants and has determined that the proposed project is consistent with the Village of Mamaroneck's Local Waterfront Revitalization Program, subject to the conditions that (1) the final plans that are prepared following completion of the applicant's public financing and prior to the commencement of construction are consistent with the plans submitted to HCZMC for consideration at this meeting and (2) the applicant will review the said final plans with the Village's engineering

consultants prior to the commencement of construction and, if requested, with meet with HCZMC to demonstrate to HCZMC and its consultants such consistency.

MAMARONECK BOATS AND MOTORS, INC. – 622 RUSHMORE AVENUE – REPAIR OF BULKHEAD

Mr. Goldstein returned to the meeting. Mr. Weiner returned the gavel to Mr. Goldstein.

Mr. Daniel Natchez, Gary Deutermann and Scott Deutermann were present to represent the application.

Mr. Furey said he had received and reviewed the plans regarding the request to replace the northwest bulkhead. Mr. Furey said he had inspected the site and advised that there was significant lateral deflection and that a “blow-out” of the bulkhead was possible. He said that there was no purpose served by implementing temporary stop gap measures to avoid excavation, since excavation would be required in the future with similar environmental impact. Mr. Natchez discussed the DEC’s views on bulkhead repairs and HCZMC’s consultants spoke about DEC concerns.

Following discussion with other Commissioners, Mr. Goldstein suggested that HCZMC might consider providing a negative declaration and consistency finding if the applicant were to work with the Village’s engineers and consultants to finalize a remediation plan dealing with all violations on the applicant’s premises and worked diligently to remediate all such violations. Mr. Natchez spent time explaining this proposal to his clients.

At 9:10, Mr. Goldstein adjourned the meeting so that the Commissioners could meet privately to discuss legal matters.

At 9:35, the meeting was reconvened by Mr. Goldstein.

On motion of Mr. Gallagher, seconded by Mr. Heilman:

BE IT RESOLVED that the Harbor and Coastal Zone Management Commission has considered the application of applicant Mamaroneck Boats & Motors, Inc. to perform emergency repairs to its deteriorating northwest bulkhead and, in recognition that collapse of the bulkhead may be imminent and based on advice of HCZMC’s consultants as to the danger and significance of this risk, the Harbor and Coastal Zone Management Commission has determined that the application for repair of applicant’s northwest bulkhead should be segmented from all other projects of the applicant that are before HCZMC at this time.

Ayes: Goldstein, Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

On motion of Mr. Gallagher, seconded by Mr. Weiner:

WHEREAS, the Harbor and Coastal Zone Management Commission has completed its review and evaluation of the proposed project of applicant Mamaroneck Boats and Motors, Inc. as it relates to

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repair of the deteriorating northwest bulkhead as described in the application submitted to the Harbor and Coastal Zone Management Commission dated June 8, 2008, together with all attachments thereto submitted by or on behalf of the applicant's consultant Daniel Natchez; and

WHEREAS, the nature of the project is that of an UNLISTED ACTION allowing independent SEQR evaluations and determinations by the various agencies having jurisdictions over varying aspects of the project; and

WHEREAS, the Harbor and Coastal Zone Management Commission finds that nothing in the project described in the proposed application to repair applicant Mamaroneck Boats and Motors Inc.'s northwest bulkhead presents any significant adverse environmental impact, subject to the conditions that (1) the applicant works diligently with the Village's engineers and consultants to finalize a remediation plan dealing with all noted issues, violations, and potential violations on the applicant's entire premises, including implementation of improved grading to prevent run-off and obtaining all permits required for applicant's commercial fuel tank location and operation, (2) applicant works diligently to remediate all such issues and applicant regularly advises the Village's designated consultant of progress with remediation and (3) applicant works diligently with all parties, including the Village's Environmental Consultant and NYS DEC, to remedy all outstanding issues.

NOW THEREFORE BE IT RESOLVED that the Harbor and Coastal Zone Management Commission has completed its review and evaluation and hereby grants its NEGATIVE DECLARATION under SEQRA regarding applicant Mamaroneck Boats and Motors Inc.'s proposed plan as it relates to property described in the application dated June 8, 2008, together with all attachments thereto submitted by or on behalf of the applicant's consultant Daniel Natchez, subject to the foregoing conditions.

Ayes: Goldstein, Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

On motion of Mr. Gallagher, seconded by Mr. Heilman:

BE IT RESOLVED that the Harbor and Coastal Zone Management Commission has completed its review and evaluation of the proposed project of applicant Mamaroneck Boats and Motors, Inc. as it relates to repair of the deteriorating northwest bulkhead as described in the application submitted to the Harbor and Coastal Zone Management Commission dated June 8, 2008, together with all attachments thereto submitted by or on behalf of the applicant's consultant Daniel Natchez, and has determined that the proposed project is not inconsistent with the Village of Mamaroneck's Local Waterfront Revitalization Program, subject to the conditions that (1) the applicant works diligently with the Village's engineers and consultants to finalize a remediation plan dealing with all violations on the applicant's entire premises, including implementation of improved grading to prevent run-off and obtaining all permits required for applicant's commercial fuel tank location and operation, (2) applicant works diligently to remediate all such violations the final plans and applicant regularly advises the Village's designated consultant apprised of progress with remediation and (3) applicant works diligently with NY DEC to remedy all outstanding violations.

Ayes: Goldstein, Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

HARVEY ROSS – 616 FAIRWAY AVENUE

In recognition of the fact that Mr. Furey did not receive the applicant's documentation before the meeting, on a motion by Mr. Weiner, seconded by Mr. Gallagher, it was proposed that the application of Harvey Ross be adjourned to the next regular meeting of the HCZMC on October 15, 2008.

Ayes: Goldstein, Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

BEACH POINT CLUB – 900 RUSHMORE AVENUE – PERIMETER PERMIT AND MODIFICATION OF RECONFIGURATION PERIMETER AND DOCKING FACILITY

Chairman Goldstein recused himself from the review of this application citing his membership in Beach Point Club. Mr. Goldstein turned the gavel over to Mr. Weiner.

Mr. Daniel Natchez and Randy Ruder, General Manager of the applicant, were present to represent the application.

Mr. Natchez and Mr. Ruder responded to questions from the Commissioners regarding the current and proposed location and configuration of the docks. Mr. Weiner sought clarification of some of the responses in the applicant's EAF submission and regarding LWRP compliance. Mr. Goldstein advised the applicant that an escrow fund needed to be established to cover costs associated with review of the application materials by the Village's consultants.

On a motion by Mr. Weiner, seconded by Mr. Fechter, it was proposed that a public meeting date of October 15, 2008 be set for applicant Beach Point Club's application.

Ayes: Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

Absent: Goldstein

BEACH POINT CLUB – 900 RUSHMORE AVENUE – RELOCATION OF EXISTING PADDLE TENNIS COURTS AND ADDITION OF A THIRD AND A WARMING HUT

Mr. Goldstein returned to the meeting. Mr. Weiner returned the gavel to Mr. Goldstein.

Mr. Randy Ruder was present to represent the application.

Mr. Goldstein noted that this application should be heard together with applicant's other application at the next meeting.

On a motion by Mr. Weiner, seconded by Mr. Fechter, it was proposed that this Beach Point Club matter be adjourned to the next regular meeting of the HCZMC on October 15, 2008.

Ayes: Goldstein, Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

OTHER MATTERS

The Commissioners discussed ways to improve and streamline the HCZMC application process.

ADJOURNMENT:

There being no further business to come before the Board, on a motion by Mr. Heilman and seconded by Mr. Gallagher the meeting was adjourned.

Ayes: Goldstein, Fechter, Gallagher, Heilman, Karell and Weiner

Nays: None

PREPARED BY:

DANIEL J. GALLAGHER

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO
CLERK-TREASURER