

DRAFT MINUTES NOT TO BE USED AS AN OFFICIAL DOCUMENT

MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION OF THE VILLAGE OF MAMARONECK HELD ON OCTOBER 15, 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. Mark Karell
Mr. Anthony S. Weiner, Vice Chairman
Ms. Janet Insardi, Village Attorney
Mr. Keith Furey, Engineering Consultant for the Village
Ms. Laura Schwanof, Landscape Architect

ABSENT: Mr. Morton Heilman
Trustee Liaison Toni Ryan

Chairman Goldstein called the meeting to order at 7:40 p.m.

OLD BUSINESS:

MAMARONECK BEACH AND YACHT CLUB – 700 SOUTH BARRY AVENUE – RECONFIGURE AND MAINTAIN DOCKAGE WITHIN AN EXISTING MARINA

Chairman Goldstein acknowledged receipt of a letter from Mr. Paul Noto, Esq, dated October 15, 2008, requesting for an adjournment to the November meeting. The applicant is still working with the NYSDEC to resolve some outstanding issues.

Chairman Goldstein said the Village Attorney will be asked to notify the applicant that they are behind in escrow.

On a motion by Mr. Gallagher, seconded by Mr. Karell, it was proposed that the Mamaroneck Beach and Yacht Club matter be adjourned to the next regular meeting of the HCZMC on November 19, 2008 and that the Village Attorney will notify the applicant that they are behind in escrow.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner
Nays: None
Absent: Heilman

BEACH POINT CLUB – 900 RUSHMORE AVENUE – PERIMETER PERMIT AND MODIFICATION OF AN ESTABLISHED RECONFIGURATION PERIMETER AND DOCKING FACILITY – DANIEL S. NATCHEZ & ASSOCIATES AND RELOCATION OF TWO EXISTING PADDLE TENNIS COURTS PLUS THE ADDITION OF A THIRD AND A WARMING HUT – RANDY RUDER

Chairman Goldstein acknowledged receipt of a letter from Mr. Daniel Natchez, dated October 15, 2008, requesting an adjournment to the November meeting. The application of the Beach Point Club will be adjourned to the next regular meeting of the HCZMC on November 19, 2008.

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

Chairman Goldstein has recused himself and Mr. Weiner is the acting Chairman.

The Village Attorney said the Board made a plan of consistency.

The plans submitted were conceptual. The applicant needs to submit final plans and they will be reviewed by the Village Engineer and the Board.

MAMARONECK BOATS AND MOTORS, INC. – 622 RUSHMORE AVENUE – REPLACEMENT OF PILINGS & BULKHEAD REPLACEMENT

Chairman Goldstein has returned to the position of Chairman.

Chairman Goldstein said the applicant needs to go through the list.

Mr. Daniel Natchez was present to represent the application.

Mr. Natchez said they will go out this week and the list be done for review.

Chairman Goldstein said the application should be adjourned to the next meeting so the applicant can work on the list.

Mr. Natchez said they will need three certified copies of the resolutions to proceed.

Ms. Schwanof asked the applicant about the DEC.

Mr. Natchez said the outstanding issues with the DEC do not involve the bulkhead to the west. The DEC issued a permit consistent with what was submitted to the Board. Mr. Natchez said they need the resolutions to get started.

Chairman Goldstein said the resolutions should be done tonight.

On a motion by Mr. Weiner, seconded by Mr. Karell, it was proposed that the Mamaroneck Boats and Motors, Inc. matter be adjourned to the next regular meeting of the HCZMC on November 19, 2008.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

HARVEY ROSS – 616 FAIRWAY AVENUE – REMOVE EXISTING ONE-STORY FRAME RESIDENCE, ADDED DETACHED GARAGE, BUILD NEW TWO-STORY FRAME RESIDENCE

Mr. Dan [REDACTED] was present to represent the application.

Mr. [REDACTED] reviewed the application as follows:

- Drawings were shown to the HCZMC
- Applicant came up with 3,500 +/- to pick up the amount of pervious surface
- Applicant has stockpile detail to show there is no increase in the runoff
- Discussed the construction schedule
- Discussed the amount of wells
- Percolation test us pretty uniform throughout the site

Ms. Schwanof asked Mr. [REDACTED] if he had a separate soil log. Mr. [REDACTED] said he did not.

Ms. Schwanof asked what the bottom elevation was. Mr. [REDACTED] said it is four feet and six inches of gravel.

Ms. Schwanof asked about the diameter of the tree and if the tree was still alive. Mr. [REDACTED] said the tree was taken out.

Chairman Goldstein asked if there was anything in the Code regarding the removal of a tree of that size.

Ms. Insardi asked when the tree was removed. Mr. [REDACTED] said the tree was removed two weeks ago.

Ms. Insardi said in the future the Board may want to review that and asked if a permit was required. Ms. Schwanof said that under SEQRA if a tree is one hundred years old there are restrictions in place.

Mr. Gallagher asked if the Tree Committee should look at this in the future. Mr. [REDACTED] said they did not go to the Tree Committee.

Ms. Insardi said the Board looks at the entire project, including the removal of trees.

Ms. Schwanof a tree of 45” in diameter and above would be under question.

Ms. Insardi said under SEQRA tree removal would be part of project.

Mr. Gallagher said you usually have to replace a tree that is removed with a comparable one.

Ms. Insardi asked if there were any plans to replace the tree that was removed.

The applicant said they had no plans for that now but could provide plans for replacing the tree.

Ms. Schwanof said if the applicant can get all bamboo out and replace with native trees it can compensate of the loss of the longer tree. Ms. Schwanof said she can supply the applicant with a list of appropriate trees.

The applicant said the problem is the bamboo goes beyond his property.

Ms. Schwanof said the applicant would have to get the neighbor's approval.

Mr. Carl Alterman addressed the HCZMC and said the tree that was taken down was gorgeous and was not in the Village's right of way. Mr. Alterman said the Village does have a tree law and wants the applicant to replace the tree with something equivalent to what was taken down.

The applicant asked what fits the criteria.

Chairman Goldstein said the Environmental Consultant will work with the applicant to determine that.

On a motion by Mr. Gallagher, seconded by Mr. Karell, that under SEQRA the application of Harvey Ross – 616 Fairway Avenue is an unlisted action and negative declaration.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

On a motion by Mr. Karell, seconded by Mr. Fechter, that the application of Harvey Ross – 616 Fairway Avenue is consistent with the LWRP and approval is conditional upon the applicant working to replace vegetation and the two trees that were removed.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

NEW BUSINESS:

MATEO LVOFF – 1065 NINE ACRES LANE – PROPOSED SEAWALL IMPROVEMENTS AS WELL AS RENOVATION OF EXISTING RESIDENCE, INCLUDING NEW SECOND FLOOR, EXPANSION OF POOL PATIO & RELATED WORK – DANIEL S. NATCHEZ & ASSOCIATES

Mr. Dan Natchez, Mr. Paul Millards and Mr. Manual Delgado/Architect were present to represent the application.

Mr. Millards reviewed the application as follows:

- Discussion of the seawall with the DEC and the 50' buffer
- Raising the seawall to enclose the pool structure
- Discussion of the existing cabana

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- Regarding the 50' buffer, there is no increase in the impervious surface
- Main renovation is in the house – rooms will be rearranged and a second floor will be added
- All the work on the house is within the existing footprint
- The bump out on the kitchen extends out to provide access on the south side of the house and it does not interfere with the pervious surface
- Discussion of erosion area and flood issues
- Discussion of adding stair area to connect to the pool
- Meets all zoning requirements
- Is not doing FAR
- Discussion of setbacks
- The application has been filed with the DEC
- Regarding the memo from Mr. Furey – they have been working on the issues Mr. Furey mentioned and they have submitted the approval of the immediate neighbors

Ms. Schwanof asked about the elevation of the existing seawall.

Mr. Millards said by increasing the existing seawall it will come to approximately 13'.

Ms. Schwanof asked if the applicant has reviewed any visuals from the waterfront towards the single family home.

Mr. Millards said the photos are all existing photos.

The HCZMC discussed the drawings and the plans.

Mr. Millards said they are raising the 90' center wall section of the retaining wall. Mr. Millards showed the HCZMC a hand drawn perspective of the elevations.

The HCZMC discussed the fence on the west side of the pool.

Mr. Natchez said you have to have a non-climbable area.

Mr. Millards discussed the fences and said the thought was to raise the seawall and said the fence would expose the existing seawall. There would be 13' of stockade fencing.

Chairman Goldstein asked Mr. Furey if his concerns have been addressed. Mr. Furey said what the applicant appears to be doing with the fence complies.

Mr. Natchez said the State wants the Board's opinion.

Mr. Furey discussed his concerns about the draining of the sanitary sewer and the sewage drainage of the pool with the shower. Mr. Furey discussed his concerns about the amount of water being thrown into the system and said we do not have separate sewer systems.

Mr. Millards said regarding connection to drainage, it was recommended that it goes directly to the drainage system.

Mr. Furey said the stormwater management is more than adequate.

Mr. Natchez said they can add to the resolution to engineer a solution for the present water going into the system and that the pool water connection has to go before the Building Department.

Ms. Schwanof discussed her concerns regarding consistency and would like the applicant to provide a panoramic of the neighboring homes.

On a motion by Mr. Fechter, seconded by Mr. Gallagher, that under SEQRA the application of Mateo Lvoff – 1065 Nine Acres Lane is a Type I action and negative declaration, subject to the applicant complying with the following conditions: that an engineering solution to prevent the flood water from going into the sanitary sewer system; solution for the pool water to be determined as per Westchester County and the HCZMC's review; stopping the discharge water from going into the Long Island Sound and that the resolution is satisfactory to Mr. Furey.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

On a motion by Mr. Fechter, seconded by Mr. Weiner, that the application of Mateo Lvoff – 1065 Nine Acres Lane is compliant with coastal consistency.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

MARK MUSTACATO – 1030 SEVEN OAKS LANE – PROPOSED ONE FAMILY RESIDENCE

Mr. Mark Mustacato and Mr. Eric Abraham/property owner were present to represent the application.

Mr. Mustacato reviewed the application as follows:

- Application is for a one family residence
- Area is not in the flood plane
- Runoff calculations and 25 year storm plan was submitted
- Discussion of erosion control
- No trees are being removed

Mr. Furey said the stormwater management plan is fine and the 25 year storm plan is more than sufficient.

Mr. Weiner asked regarding the stormwater mitigation, where does the runoff from the property itself go.

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Mr. Mustacato said he wasn't planning on changing the plan of drainage.

Mr. Furey said the water is collected offsite before the impervious surface.

Mr. Weiner said the HCZMC has been working towards keeping water off of the property.

The resident of Seven Oaks Lane asked the HCZMC if the residents of Seven Oaks Lane would be protected against any situation that arises with regards to water tables and discussed the size of the house,

Mr. Furey said the water table in the soil fluctuates seasonally. Mr. Furey explained the ground water tables. Mr. Furey said the units store water and 80% of what they do is store water using chambers. Mr. Furey said this will not have an adverse effect on the neighbors.

The HCZMC and the residents in attendance discussed the plans.

Ms. Insardi said the applicant needs to supply info to the HCZMC and Village that there are no deed restrictions on setbacks.

Chairman Goldstein said this might not be in character with the neighborhood.

The HCZMC discussed flood insurance rates and flood maps.

Ms. Insardi said deed restrictions would be relevant to the SEQRA determination.

Mr. Abraham said they currently comply to all zoning requirements and restrictions that apply.

Mr. Weiner said the Building Department has recognized that many things have been allowed to slide. They are still trying it figure out if the proper notification was given to the neighbors.

The HCZMC discussed the square footage of the lot and what it involves.

Mr. Mustacato said the square footage if the basement level and above and that there is no signage required by the ARB.

Chairman Goldstein said it is a big factor if this is in character with the neighborhood.

Ms. Insardi said pursuant to SEQRA it is in the purview of the HCZMC to look into the character of the neighborhood.

Mr. Gallagher said this has been considered in other applications.

Mr. Fechter said he does not feel that architectural integrity should be in front of the HCZMC.

Ms. Insardi said the State does give the HCZMC the authority to make these decision with regards to square footage.

A resident of Seven Oaks Lane said he would like the setback to be 35' because the current plan will destroy his sunroom.

Ms. Insardi said in the future we may want to get feedback from the neighbors.

Chairman Goldstein said the applicant agreed to a 5' setback and he is concerned if this fits into the character of the neighborhood.

Chairman Goldstein asked the HCZMC if they felt they had enough information to move forward on this application tonight.

Mr. Weiner said no, he would like clarification of what is going on with the neighborhood association.

On a motion by Mr. Karell, seconded by Mr. Weiner, that under SEQRA the application of Mark Mustacato – 1030 Seven Oaks Lane is an unlisted action.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

On a motion by Mr. Gallagher, seconded by Mr. Weiner, that the application of Mark Mustacato – 1030 Seven Oaks Lane is compliant with coastal consistency with the following restrictions: the lot will be setback a minimum of 35' from the front lot line to be consistent with other houses in the neighborhood and this is binding upon approval of the neighborhood association.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

DAVID & MARJORIE KAUFMAN – 917 TAYLORS LANE – CONSTRUCTION OF A PERGOLA/PAVILION ADJACENT TO EXISTING POOL AND PATIO – LOUIS FUSCO ARCHITECTS

Mr. Louis Fusco/Landscape Architect was present to represent the application.

Mr. Fusco reviewed the proposed plans.

Mr. Weiner asked if the pavilion was the only think being built.

Mr. Fusco said yes and discussed the elevation of the house.

Mr. Furey said there is a 300' buffer.

Ms. Insardi stabilizing the adjacent patio it might be a DEC issue.

Mr. Furey discussed the retaining walls.

Ms. Insardi asked if the applicant has made a DEC application.

Mr. Fusco said they have not made a DEC application.

Mr. Karell asked what the crest of the hill is.

Ms. Schwanof said it depends on the abrupt change in grade and would bring this to the DEC reviewer.

Mr. Fusco said the ARB approved this last week.

Ms. Schwanof said we need a jurisdictional determination by the DEC.

Chairman Goldstein said impervious surface is always a concern of the HCZMC.

Ms. Schwanof said this should go to the DEC and the application should be adjourned to the next meeting of the HCZMC.

Chairman Goldstein asked if the HCZMC had any concerns about the application.

Mr. Furey discussed his concerns about the calculations.

Mr. Weiner discussed his concerns about the patios and what is currently there.

Mr. Fusco said the patios will be the same they are just being replaced.

Chairman Goldstein discussed his concerns about runoff.

Ms. Schwanof discussed her concerns about the wetlands staying in the best state.

Mr. Fusco said he will proceed with the DEC application.

Chairman Goldstein said the application for David & Marjorie Kaufman – 917 Taylors Lane will be adjourned to an unspecified date.

COVINGTON/ALBERT – 804 HOWARD AVENUE – DEMOLITION OF EXISTING FLOOD DAMAGED RESIDENCE, CONSTRUCTION OF NEW TWO FAMILY RESIDENCE IN COMPLIANCE WITH FEMA – JASON TAYLOR

On a motion by Mr. Gallagher, seconded by Mr. Karell, it was proposed that the Covington/Albert – 804 Howard Avenue matter be adjourned to the next regular meeting of the HCZMC on November 19, 2008.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

ED BROUT – 514 ALDA ROAD – EXPAND EXISTING DRIVEWAY, INSTALL RETAINING WALL, CONSTRUCT ARBOR AND REPAVE DRIVEWAY – KEVIN E. MOLNAR

Mr. Kevin Molnar and Mr. Joe Calletti were present to represent the application.

Mr. Molnar reviewed the application.

Chairman Goldstein asked how the discharge was being handled.

Mr. Molnar said it drains down the driveway to the far right of the property and that there is a large retaining wall.

Mr. Gallagher asked about the 20% increase in the impervious surface of the existing driveway.

Mr. Furey said the applicant should have stormwater runoff for 25 years. If snowmelt is being used then there will be an ice problem on Alda Road. Mr. Furey would like to see the water stored but that would be very difficult if on a ledge. Mr. Furey said if the applicant is going to snowmelt then they have to collect it.

Mr. Molnar asked what the options are.

Mr. Furey asked if there was a catch basin.

Mr. Molnar said there is a catch basin approximately 20' from the driveway.

Mr. Furey asked if we can catch it in the trench drain and flow it into the catch basin.

Mr. Gallagher asked where the water from the house goes.

Mr. Furey said there is almost a 3' natural soil infiltration.

Mr. Weiner asked about the hot tub and arbor.

Mr. Molnar explained the arbor with the open roof and said that concrete will have to be poured.

Ms. Insardi said on the EAF it states that it's developed.

Mr. Molnar said there are undeveloped areas.

On a motion by Mr. Weiner, seconded by Mr. Karell, that under SEQRA the application of Ed Brout – 514 Alda Road is a Type I action and negative declaration.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

On a motion by Mr. Weiner, seconded by Mr. Karell, that the application of Ed Brout – 514 Alda Road is consistent with the LWRP with the following restrictions: the water is collected at the end of the driveway, 25 year stormwater is provided and that the stormwater plan is reviewed and approved by the Building Department and the Village Engineer.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

APPROVAL OF MINUTES

On a motion by Mr. Gallagher, seconded by Mr. Weiner the minutes of September 17, 2008 were approved as amended.

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

ADJOURNMENT:

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

Ayes: Goldstein, Fechter, Gallagher, Karell and Weiner

Nays: None

Absent: Heilman

PREPARED BY:

ELIZABETH A. DREAPER
SECRETARY

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO
CLERK-TREASURER