

MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION OF THE VILLAGE OF MAMARONECK HELD ON NOVEMBER 19, 2008, AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT: Mr. Steven Goldstein, Chairman
Mr. Morton Heilman
Mr. Mark Karell
Mr. Cary Sleeper
Mr. Anthony S. Weiner, Vice Chairman
Trustee Liaison Toni Ryan
Ms. Janet Insardi, Village Attorney
Mr. Keith Furey, Engineering Consultant for the Village
Ms. Denise Harrington, Environmental Planner

ABSENT: Mr. Daniel Gallagher

Chairman Goldstein called the meeting to order at 7:39 p.m.

OLD BUSINESS:

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

Chairman Goldstein said the applicant has requested an adjournment and that they will notify the Commission when they have compliance with the NYSDEC.

On a motion by Mr. Weiner, 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 recused himself from the review of this application citing his membership in the Beach Point Club. Mr. Goldstein turned the gavel over to Mr. Weiner.

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

Ms. Insardi discussed the SEQRA determination of the Planning Board and said the application for the paddle structure was not before any Board. Ms. Insardi said the Planning Board should circulate a notice that they are Lead Agency.

Mr. Natchez gave a copy of an e-mail to Mr. Weiner regarding the Planning Board declaring themselves as Lead Agency.

Ms. Insardi said it looks like the HCZMC did receive a copy of this so the Planning Board can declare themselves as Lead Agency. The HCZMC can go forward on the paddle structure and treat the structure under SEQRA.

Mr. Millards said he was recommended to not put in the basketball courts.

Ms. Harrington referenced a memorandum dated October 14th regarding the details to the roof of the warming hut. Ms. Harrington said we need to know where the gutters were going to and there needs to be some slight amendments to the forms. Ms. Harrington reviewed the changes to be made to forms B-5, C-4, A-11, A-1 and B-25.

Mr. Furey discussed the storm leaders and said it annotates connections of leaders to the stormwater system and the elevated pervious courts have gravel under them which improves the stormwater system.

On a motion by Mr. Sleeper, seconded by Mr. Heilman, that the application of the Beach Point Club – 900 Rushmore Avenue, (just the paddle tennis courts), is consistent with the LWRP, and approval is conditional upon the applicant updating the forms as noted by Ms. Harrington.

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

Mr. Natchez discussed the second part of the application and noted that at the last meeting question were raised by the Commission and they have all been addressed. Mr. Natchez said they have been working on the long form EAF, which was not submitted, but corrections were made.

Ms. Harrington said the main changes were to provide a description of acreage perimeter. Ms. Harrington said the form reflects a difference of acreage.

Mr. Natchez said all the n/a's have been corrected.

Ms. Harrington said in correspondence from the DEC it indicated that it was in an archaeologically sensitive area.

Mr. Natchez said the DEC says that goes out on every letter they send regarding Mamaroneck.

Mr. Natchez said the entire area has been dredged. The area was dredged so there would not be anything archaeologically sensitive in the area. Mr. Natchez said every Building Permit that came before the HCZMC would have to go through the process because the DEC stamps all Mamaroneck applications as archaeologically sensitive.

Ms. Harrington asked why the applicant answered “no” for archaeological impact on the long EAF.

Mr. Natchez said because it was dredged.

Ms. Insardi said the applicant needs to answer the next question on the long EAF, that there is no impact.

Mr. Weiner said he thinks the HCZMC can determine there is no archaeological impact.

With regards to the terms of the perimeter, Mr. Weiner asked if the applicant is looking for 10’ going out.

Mr. Natchez said the marina has to be reconfigured at some time because boats have changed and will continue to change. Mr. Natchez said the 10’ is significant to provide the room needed for navigation.

Mr. Natchez said there is a rock outside of the breakwater on the eastern side. Mr. Natchez suggested that they are not making a significant impact. Mr. Natchez said the anticipation is that we lose one of the fingers as we push things out, which will cause us to lose two spaces. The additional 10’ will allow us to get the 2 spaces back. Mr. Natchez discussed what has happened in the past and moving the breakwater out.

Mr. Heilman said he has trouble accepting the 10’ extension beyond the pilings and asked where the 10’ comes from.

Mr. Natchez said they got the 10’ from conceptual designs of what they would do to reconfigure the marina. The applicant is reconfiguring at this time based on what they have to work with.

Mr. Heilman said he does not like arbitrarily setting a perimeter beyond what exists.

Mr. Sleeper referenced the meeting regarding this issue that was held a year and a half ago and said it was clear that navigation inside was difficult and dangerous. Mr. Sleeper said this is one of the reasons the applicant is asking for the 10’ at this time. Mr. Sleeper said he would give the applicant the 10’ now.

Mr. Weiner said a perimeter permits allows the applicant to not have to keep coming back to the HCZMC. Mr. Weiner said the Beach Point Club needs to be able to navigate and asked how many slips there were.

Mr. Natchez said there were 44 rentable slips. Mr. Natchez said the perimeter permit does not allow them to go to 45 slips. If the applicant wanted to do that they would have to come back to the HCZMC.

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Mr. Heilman said nothing he suggested would prevent the Club from changes within the perimeter.

Mr. Weiner said the perimeter permit allows the applicant to move things around within limits.

Mr. Sleeper said he has no problem with extending it 10'.

Mr. Natchez said in the definition of perimeter permit it says that no structure or boat is to go past wherever you put that line.

Mr. Heilman said if the applicant came before the HCZMC and said they were moving the pilings out 10' it would justify the perimeter permit.

Ms. Insardi said at this time she didn't know if the HCZMC had received proof that the property owners within 400' have been notified.

Mr. Natchez said he has submitted proof of the notification and posting to the Clerk's office.

Ms. Harrington said approval should be conditional upon the following:

- No boat is to extend beyond the edge of the northern pilings on the exterior slips
- Did it impact the wetlands when the gangway was relocated (the mapping of the wetlands shown was from 1974)

Mr. Natchez said the DEC requirement on the mapping was to show the 1975 mapping. Mr. Natchez said the 1975 mapping was incorrect and noted that there has not been any marsh in that area.

Ms. Harrington said the applicant is asking for pre-approval of an existing structure and that in the future the HCZMC should be informed of the previous work. Ms. Harrington said no structures should be located over the inter-tidal marsh.

Mr. Natchez said it is there because of the rock ledge.

Ms. Harrington said the HCZMC intent is to preserve the wetlands.

Mr. Natchez said that would not be a problem.

Mr. Natchez commented on the mud flats.

Mr. Weiner said he has a note regarding a conversation EEA Inc. had with the Harbor Master regarding the pump out facility/system.

Mr. Natchez said it would be difficult engineering the facility. No sewer line goes out there, so it would not be simplistic.

Mr. Weiner asked if in the future if the Beach Point Club does work down there would they object to providing a pump-out station.

Mr. Natchez said they would not object to that.

Mr. Heilman said every effort should be put into repairing pump-out stations and asked Trustee Liaison Ryan to convene that to the Mayor and Board of Trustees.

Trustee Liaison Ryan said she would speak with the Mayor and Board of Trustees.

On a motion by Mr. Sleeper, seconded by Mr. Karell, that under SEQRA the application of the Beach Point Club – 900 Rushmore Avenue, (for structures and perimeter), is a Type I action and negative declaration, conditional upon the items mentioned being addressed by the applicant.

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

On a motion by Mr. Sleeper, seconded by Mr. Karell, to approve the application of the Beach Point Club – 900 Rushmore Avenue, (for structures and perimeter), for a perimeter permit as depicted in the latest drawing, SD-4, (last revised 11-19-08), for 44 boat slips.

Ayes: Karell, Sleeper and Weiner
Nays: Heilman
Absent: Gallagher
Abstains: Goldstein

Mr. Natchez asked for three certified copies of the resolution.

Mr. Weiner turned the gavel over to Mr. Goldstein.

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

Mr. Dan Natchez and Mr. Scott Duderma were present to represent the application.

Mr. Natchez said he is here to address the concerns of the HCZMC.

Chairman Goldstein asked what was going to be done with the seawall on the west side.

Mr. Natchez said he is waiting on approval of a bank loan.

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Chairman Goldstein asked if the applicant has submitted plans to the Building Department for preliminary review.

Mr. Furey said the Building Department is all set.

Mr. Natchez said they are anticipating having the work done in January.

Mr. Natchez discussed submitting the list of what the applicant believes needs to be done to the HCZMC.

Chairman Goldstein reference a memorandum dated 11-18-08 and asked Ms. Harrington if the list was complete.

Ms. Harrington said the list does cover most issues, but that some issues have not been addressed which are noted in the 11-18-08 memorandum.

Chairman Goldstein asked if all the issues would be addressed if they took Mr. Natchez' list and the items mentioned in the 11-18-08 memorandum. The Commission and Mr. Natchez discussed addressing the issues.

Ms. Harrington reviewed more changes from the 11-18-08 memorandum.

Mr. Natchez said he is well aware of what the issues are.

Ms. Harrington said the issues are then covered with the combination f the two memorandums.

Chairman Goldstein said now that we have established a list we need a remediation schedule.

Mr. Natchez said he will continue to process this as expeditiously as they can.

Chairman Goldstein asked if the applicant could take care of the fuel tank.

Mr. Natchez said the tank will be addressed.

Chairman Goldstein said there are a lot of environmental concerns that need to be addressed.

Mr. Natchez said the tank complies with all Codes and that the issue of the bollards will be up to the HCZMC.

Chairman Goldstein said another issues is the boat racks encroaching on the neighbor's property.

Chairman Goldstein said the applicant should continue to work with EEA Inc.

Ms. Insardi said the application should be adjourned to the January 2009 meeting of the HCZMC.

Chairman Goldstein said he does not want to leave it open-ended.

Mr. Natchez said he might have something by February or March, but not by January.

Chairman Goldstein told Mr. Natchez he could do some of the items on the list.

Mr. Natchez said they cannot do this piecemeal and noted that the other Boards require for everything to be done correctly.

Mr. Weiner agreed with Chairman Goldstein and that we should keep the application moving.

On a motion by Mr. Sleeper, seconded by Mr. Karell, that the HCZMC appoint a Liaison with Mr. Natchez regarding the application of Mamaroneck Boats and Motors, Inc. – 622 Rushmore Avenue, and have the Liaison report back to the HCZMC and tell the HCZMC if they feel the applicant needs to come before the Board.

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

Mr. Weiner said he would volunteer to be the Liaison with Mr. Natchez with regards to the application of Mamaroneck Boats and Motors, Inc. – 622 Rushmore Avenue.

On a motion by Mr. Weiner, seconded by Mr. Sleeper, to adjourn the application of Mamaroneck Boats and Motors, Inc. – 622 Rushmore Avenue, to the February meeting of the HCZMC, with the possibility of it being adjourned to a later date based on conversations between Mr. Weiner and Mr. Natchez.

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

COVINGTON/ALBERT – 804 HOWARD AVENUE – DEMOLITION OF EXISTING FLOOD DAMAGED RESIDENCE. CONSTRUCTION OF NEW TWO-FAMILY RESIDENCE IN COMPLIANCE WITH FEMA – JASON TAYLOR (NEW APPLICATION INCLUDED)

Mr. Jason Taylor, Architect, was present to represent the application.

Chairman Goldstein said he has a note from the Village Engineer that the application was referred to the Zoning Board of Appeals for a variance.

Mr. Taylor said that is correct.

Chairman Goldstein said the Village Engineer is waiting to receive the drainage calculations.

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Mr. Taylor said there was a typo on the charts. Mr. Taylor spoke with the Village Engineer about the typo earlier. A symbol was turned on the chart. When the typo is corrected the application is within limits.

Chairman Goldstein asked if this was a two-family house.

Mr. Taylor said it was a two-family house in a one-family zone. Mr. Taylor said it didn't meet the minimum lot area per dwelling unit. The building is fine with regards to setbacks, height, etc., and that the property per dwelling unit is the only thing that is not right.

Mr. Furey confirmed that there was a typo on the charts and said the drainage system is actually a better drainage system than what exists. Mr. Furey said FEMA compliance is important and this application would comply.

Mr. Taylor said the building is hurricane and flood proof.

Mr. Furey said the applicant has handled the engineering issues and that if the Zoning Board of Appeals grants a variance, he has no issues.

Ms. Insardi asked if the house itself is in the flood plane.

Mr. Taylor said a corner of the lot is, but not the house.

On a motion by Mr. Weiner, seconded by Mr. Sleeper that under SEQRA the application of Covington/Albert – 804 Howard Avenue is a Type I action and negative declaration, with no environmental impact.

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

On a motion by Mr. Weiner, seconded by Mr. Heilman that the application of Covington/Albert – 804 Howard Avenue is consistent with the LWRP.

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

NEW BUSINESS:

JOHN & MARY LEITNER – 750 RUSHMORE AVENUE – PROPOSED ADDITION TO EXISTING DETACHED GARAGE – MARK MUSTACATO ASSOCIATES

Mr. Mark Mustacato, Architect, was present to represent the application.

Mr. Mustacato reviewed what is being proposed. Mr. Mustacato said they have received Zoning Board of Appeals variances. Mr. Mustacato discussed the flood plane and runoff. The runoff is designed to create a rain garden under the existing to pick-up the runoff.

Chairman Goldstein said there is some runoff that is being addressed by the rain garden.

Mr. Furey said this is designed to maintain a 25 year storm which is more than adequate.

Mr. Furey said on the site plan Mr. Mustacato needs to indicate where the “A” Zone ends.

Mr. Weiner asked what the space above the garage is to be used for.

Mr. Mustacato said it will be used for space and said the roof was designed to match the existing house. Mr. Mustacato showed the HCZMC the drawing and explained why the roof is being raised.

On a motion by Mr. Weiner, seconded by Mr. Karell that under SEQRA the application of John and Mary Leitner – 750 Rushmore Avenue is a Type I action and negative declaration, with no environmental impact.

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

On a motion by Mr. Weiner, seconded by Mr. Heilman that the application of John and Mary Leitner – 750 Rushmore Avenue is consistent with the LWRP and the applicant should indicate the extend of the flood plan on the drawings.

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

COLEMAN McCARTHY (BARNACLE BBQ, INC.) – 181 E. BOSTON POST ROAD – MODIFICATION OF EXISTING RESTAURANT AND OUTDOOR SEATING

Mr. Coleman McCarthy was present to represent the application.

Mr. McCarthy gave an overview of the application.

Chairman Goldstein asked what the deck was made of.

Mr. McCarthy said the deck was made out of wood and is about 7' off the ground. Mr. McCarthy said stairs will be added to the back.

Mr. Heilman asked if the deck extends further over the building into the parking lot and what size the deck was.

Mr. McCarthy said the deck does extend over the building and it is 42' x 18'. Mr. McCarthy said he would be putting up sails and greenscreening.

Mr. Heilman asked how many parking spaces there were.

Mr. McCarthy said there were 65 parking spaces.

Mr. Furey said the deck is the roof of the existing shed.

Mr. Heilman said then it does not extend beyond what currently exists.

Mr. Furey said it does not extend out beyond what exists. Mr. Furey said the applicant has improved the parking and handicap parking.

On a motion by Mr. Weiner, seconded by Mr. Sleeper, that under SEQRA the application of Coleman McCarthy (Barnacle BBQ, Inc.) – 181 E. Boston Post Road is an unlisted action and negative declaration.

Ayes: Goldstein, Heilman, Karell, Sleeper and Weiner

Nays: None

Absent: Gallagher

On a motion by Mr. Weiner, seconded by Mr. Sleeper that the application of Coleman McCarthy (Barnacle BBQ, Inc.) – 181 E. Boston Post Road is consistent with the LWRP of the Village of Mamaroneck.

Ayes: Goldstein, Heilman, Karell, Sleeper and Weiner

Nays: None

Absent: Gallagher

RUEDIGER FLIK – 835 TAYLORS LANE – MINOR ALTERATION BY ENCLOSING EXISTING IMPERVIOUS PORCH AREA – DANIEL S. NATCHEZ AND ASSOCIATES

Mr. Dan Natchez was present to represent the application.

Mr. Natchez said they are extending over and replacing the deck that is currently there and that there is no increase of runoff.

Mr. Furey said there is no impact on drainage and no effect from an engineering perspective.

Mr. Weiner asked about the view from the neighbors' property.

Mr. Natchez said there is no significant change in the view now matter how you look at it.

Chairman Goldstein asked if there was any change in the height or any reflective materials.

Mr. Natchez said there was not and that BAR was cancelled for tomorrow.

On a motion by Mr. Weiner, seconded by Mr. Sleeper, that under SEQRA the application of Ruediger Flik – 835 Taylors Lane is a Type I action and has a negative impact on the environment.

Ayes: Goldstein, Heilman, Karell, Sleeper and Weiner

Nays: None

Absent: Gallagher

On a motion by Mr. Weiner, seconded by Mr. Sleeper that the application of Ruediger Flik – 835 Taylors Lane is consistent with the LWRP of the Village of Mamaroneck.

Ayes: Goldstein, Heilman, Karell, Sleeper and Weiner

Nays: None

Absent: Gallagher

MAMARONECK TRAIN STATION – INFORMATION TO FOLLOW

Mr. John Verni, Esq. was present to represent the application.

Ms. Insardi said this is a re-zoning and that the Board of Trustees has declared itself Lead Agency. Ms. Insardi said the Planning Board has made favorable comments regarding the application.

Mr. Verni gave an overview of the Train Station history and showed the HCZMC pictures of other train stations.

Mr. Verni said he is here on referral from the Village Board and has been before the Planning Board.

Mr. Verni said they have a 99 year lease agreement with the MTA and also use of the 11 parking spaces.

Mr. Verni said he is requesting a C-1 commercial zone and that the Trains Station as shown on the FEMA map, is not in the flood plane zone.

Mr. Verni said because of the height of the building it was not impacted by the flood.

Mr. Verni said the gutters will be replaced and that the Train Station is up for a zone change in December.

Mr. Furey said the stormwater exits to Sheldrake.

Ms. Insardi said a recommendation can be forwarded to the Board of Trustees.

Mr. Furey said he will check the stormwater maps to check the direction.

Chairman Goldstein said they should consider issues that are already there.

Mr. Verni said he is not increasing the footprint of the building and that this was a historic preservation.

Chairman Goldstein asked how the surface water in the parking area would be handled.

Mr. Verni said the parking lot is the MTA's property and they maintain it.

Mr. Furey said we still need to know what direction the surface water is going.

Chairman Goldstein said they need separators before the water goes to Sheldrake.

Mr. Weiner said we need to talk to the MTA regarding this to see how this is being mitigated.

Mr. Weiner asked if there is wheelchair accessibility for the second floor.

Mr. Verni said the second floor will have a new entrance in the back, built for ADA compliance.

Chairman Goldstein asked if there would be any reason to move from the first to second floor.

Mr. Verni said there would not.

Mr. Heilman asked about the restaurant.

Mr. Verni said people want coffee and the restaurant will serve the commuters.

Mr. Weiner said he would like to figure a mechanism to get the MTA here to discuss the mitigation and that he is pleased that the applicant is restoring the building.

Mr. Karell asked about the storage of rainwater.

Mr. Verni said he hadn't thought of that.

Mr. Karell suggested the use of historic rain barrels and that the water could be used to water the grass when it's not raining

Mr. Verni said the Architect was Mr. Steve Tilly and he was very green.

Mr. Weiner asked if the applicant planned on having public accessible bathrooms.

Mr. Verni said that depends on the tenant.

APPROVAL OF MINUTES

The minutes of October 15, 2008 will be adjourned to the next meeting of the HCZMC in December.

OTHER BUSINESS

NOLLES RIDGE – 800 FENIMORE ROAD – PROPOSED SUBDIVISION

Ms. Insardi said this is a development in a wetland and there is a disturbance of the wetland.

Mr. Weiner asked if the application can come before the HCZMC next month.

Mr. Furey said there has been no formal application submitted.

Mr. Furey said the road comes through the wetland. It is not a well draining area and we have the opportunity to improve that via this application.

Ms. Insardi said there is encroachment.

Mr. Sleeper said as a realtor he does not see this as a viable product.

Mr. Furey said there would have to be a bridge with a stream going under it and not a road.

Mr. Weiner said if the lines are accurate there is a lot of encroachment.

Mr. Sleeper asked if the Village needed this as open space.

Mr. Furey said no.

Mr. Weiner said we can conceivably discuss the bridge and mitigation.

ADJOURNMENT

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

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

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PREPARED BY:

ELIZABETH A. DREAPER
SECRETARY

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO
CLERK-TREASURER