

**MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANAGEMENT
COMMISSION OF THE VILLAGE OF MAMARONECK HELD December 16, 2009 AT 7:30 P.M. IN THE
COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK**

PRESENT: Mr. Steve Goldstein
Mr. Anthony Weiner, Vice Chairman
Mr. Carl Birman
Ms. Laura Schneider
Mr. Tim Keebe
Mr. Bert Seigel

ABSENT: Mr. Peter Jackson

ALSO PRESENT: Ms. Christie McEvoy- Derrico, Village Attorney

The meeting was called to order at 7:40 P.M.

Old Business

1. **Mamaroneck Boats and Motors – Rushmore Avenue – Replacement of Pilings (Tabled to January 2010).**
2. **John J. Scarlato, Jr. Architect for 541 Wagner Avenue – One story living room/dining room addition.**
3. **AW Oakwood LLC /Andrew Weiss 803 Oakwood Road – Relocation of an aluminum ramp, timber floating dock and modification and relocation of a timber floating dock.**

New Business

1. **Evans Associates – Richard and Caroline Alter - 1000 Taylors Lane Evans Associates Environmental Consulting Inc. Development of a 3 lot subdivision. One of the proposed lots contains an existing single family residence.**
2. **Tracy Strayer - 1316 Stonybrook Avenue – removal of a single family home and replace with new single family home.**

OLD BUSINESS

1. **Mamaroneck Boats and Motors – Rushmore Avenue – Replacement of Pilings (Tabled to January 2010).**
2. **John J. Scarlato , Jr. Architect for 541 Wagner Avenue – One story living room/dining room addition.**

John Scarlato applicant's architect of 541 Wagner Ave. appeared and addressed the Board. Mr. Scarlato gave an overview of the plan, addition of a living room and dining room on the front of the house, one story gabled toward the road. The plan is consistent with the neighborhood and has received Board of Architecture approval. The perk test has been done and the dry wells resized, depth of the drain can be addressed.

Mr. Goldstein state that the engineer and Mr. Furey should work out the details.

There were no questions from the Board or the Public.

On motion of Mr. Weiner, seconded by Mr. Keebe voted that this is a Type 1 action under SEQRA, 6-0.

On Motion of Mr. Weiner seconded by Mr. Keebe the Board determined that this is consistent with the LWRP, 6-0.

3. AW Oakwood LLC /Andrew Weiss 803 Oakwood Road – Relocation of an aluminum ramp, timber floating dock and modification and relocation of a timber floating dock.

John Hilts of PO box 47 Roaton Conn. appeared and addressed the Board. Mr. Hilts stated that they are trying to work with the neighbors and showed them the DEC and ACoF E permits the relocation of the floating dock and the new placement of the davit 8 feet south of previous location. The DEC and army corp. of engineers gave permits to replace the existing bulkhead no further than 18 inches of the current position. The floating dock and ramp will be removed and stored off site during construction. The floats will be relocated south of the current position.

Mr. Goldstein stated that The EEA report was favorable.

Mr. Weiss the owner stated that he had a meeting with a number of the neighbors at McMichael's boat yard, the neighbors are not concerned with the bulkhead but were not happy with the location of the docks so they plan to move it 15 feet south closed to the house and reposition the davit.

Mr. Seigel asked what will happen if nothing is done and Mr. Weiss responded that the bulkhead would eventually collapse.

Mr. McMichael's gave another option which would require Mr. Weiss to dredge.

Mr. Goldstein read a short statement from the harbor master into the record indicating concern for maneuverability of a 28 foot boat.

Mr. Hilts stated that they are not going any further into the fairway but they are encroaching into it

The Board discussed the depth of the water, the placement of the floats, the boat and the encroachment into the fairway as well as possible dredging, and required the applicant to supply answers about alternative measures.

Mr. Hilts stated that there are regulations against dredging above the mean low water line, and it is highly unlikely that the State and Federal permits would be granted to dredge. Mr. Hilts stated that the NYSDEC and the A.C.of E. do not like boats and floats to sit on the bottom as this causes damage to the environment.

The Board discussed the davit and its placement.

Mr. Goldstein asked if anyone from the public had any comments or questions.

John Leitner of 750 Rushmore stated that the fairway cannot be violated; the previous property owner put his boat on the inside of the float so there would be no interference. He also stated that the davit placement would be entirely visible from his large kitchen window.

Jennifer Mavery of 705 The Crescent stated that she is in favor of the repair to the seawall but not the placement of the docks or davit which would diminish the open space and impact her view. Ms. Mavery stated that there is an agreement regarding the fairway.

Mr. Goldstein asked the Village Attorney to search the Town records for information on the fairway, and asked the neighbors involved to submit any document.

Dan Natchez stated that in 1992 the commission set a 20 foot fairway which has been renewed by the commission. There was a less than amicable agreement therefore the commission set the fairway to allow clear access. Mr. Natchez state that the NYS DEC and A.C. of E. allows boats and docks to be in mud flats.

Mr. Mavery of 705 The Crescent stated he would like the seawall to be repaired and the dock and float be moved further from his property.

Sue McCrawery of 720 The Crescent stated that here has been a lot of change in the configuration of the creek.

Mr. Goldstein stated that he would like to see the placement of the fairway on the plan as well as the water depth.

The matter was adjourned to January 20, 2010.

NEW BUSINESS

- 1. Evans Associates – Richard and Caroline Alter - 1000 Taylors Lane, Evans Associates Environmental Consulting Inc. Development of a 3 lot subdivision. One of the proposed lots contains an existing single family residence.**

Alan Plich of 205 Amity Road, Bethany, New York, appeared and addressed the Board. Mr. Plich stated that the Alters are requesting a subdivision permit.

Mr. Goldstein stated that Otter Creek is a critical environmental area.

Mr. Plich stated that in 2001 the fresh water wet lands were delineated by the NYSDEC as G2. The Village and stated regulations require a 100 foot buffer and no structures will be located within the buffer.

Mr. Goldstein stated that the Planning Board has declared intent to be Lead Agency.

Mr. Plich stated that they developed a storm water management plan showing how the lots could be developed with surface recharges below grade. Mr. Plich explained that the recharges treat storm water runoff to improve water quality attenuation lessening downstream impacts.

Mr. Goldstein requested that retention and runoff calculations for Lot 2 to be confirmed as well.

Ms. Derrico the Village attorney stated that the Board must wait for Mr. Fureys report.

The Board discussed the life span of the chambers and maintenance.

The Board discussed the application and Mr. Goldstein stated when the Planning Board requires that applicant can come back before the commission for a consistency review.

Mr. Goldstein asked if there were any questions or comments from the public.

Daniel Natchez of Daniel S. Natchez and Associates, 916 E. Boston Post Road, Mamaroneck appeared and addressed the Board representing Barbara & Barry Novak the owners of the property across the wetlands from the applicants. Mr. Natchez stated that the Planning Board has declared intent to be Lead agency and the applicant filed a consistency application.

Mr. Goldstein stated that comments should go to the Planning Board.

Mr. Natchez responded that his comments are relevant to The LWRP. He further stated that the NYSDEC will not make a determination unless the Village of Mamaroneck requests one.

Mr. Natchez stated that there are freshwater wetland issue and Tidal wetland issues to be considered. The development encroaches into the tidal area. Mr. Natchez submitted for the record a letter stating the Novak's are not opposed to the subdivision but are concerned with the impact to McGit Pond which they own and maintain.

Mr. Birman had to leave.

Mr. David Friedman of 941 Soundview Drive an environmental lawyer and neighbor of the Novak's, stated that the pond and creek are beautiful fragile eco systems and it is important to preserve water quality and the scenic views.

Mr. Keebe suggested that the applicant and neighbor work together before they come back before the Commission, in an effort to resolve all concerns.

The matter was adjourned to January 20, 2010.

Ms. Derrico left.

2. Tracy Strayer - 1316 Stonybrook Avenue – removal of a single family home and replace with new single family home.

Vinnie of Westchester Modular appeared and addressed the Board. He summarized the application stating they want to demolish the existing house and replace it with a modular home. The drainage calculations are in the package and all runoff will be contained on the property at 0 perk rate, the existing asphalt driveway will be gravel.

Mr. Goldstein stated that Mr. Fureys memo indicated 100% retention, no perk test necessary and that he was pleased with the system.

The Board discussed the square footage of the existing and proposed houses. The original house had flooded and the new house elevation will be raised. The neighbors are happy with the plan. And construction should last 2-3 months.

On motion of Mr. Weiner, seconded by Mr. Keebe the Board voted that this is a Type II action.

Ayes: Goldstein, Weiner, Keebe, Schneider, Seigel
Nays;

On motion of Mr. Weiner, seconded by Mr. Keebe the Board voted that this matter is consistent with the LWRP.

Ayes: Goldstein, Weiner, Keebe, Schneider, Seigel
Nays;

MINUTES

The minutes were postponed.

New Business

On motion of Mr. Weiner, seconded by Ms. Schneider Mr. Goldstein was nominated as chairman to the Harbor Coastal Zone Management Commission.

Ayes: Goldstein, Weiner, Keebe, Schneider, Seigel
Nays;

ADJOURNMENT

On motion of Mr. Weiner, seconded by Mr. Keebe the meeting was adjourned at 10:25 P.M.. to January 20, 2010.

Minutes prepared by
Francine M. Brill