

**MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANAGEMENT
COMMISSION OF THE VILLAGE OF MAMARONECK HELD SEPTEMBER 15, 2010 AT 7:30 P.M. IN THE
COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK**

PRESENT: Mr. Carl Birman, Chairman
Mr. Anthony Weiner
Ms. Laura Schneider
Mr. Jim Bilotta
Mr. Peter Jackson
Mr. Bert Siegel

ABSENT: Mr. Cary Sleeper

The meeting was called to order at 7:30P.M.

OLD BUSINESS:

1. Evans Associates – Richard & 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. **(No new material received - Table)**
2. Vincent Monte-Santo – 652 Shore Acres Drive – Installation of a replacement float – Public Hearing
3. Shore Acres Point Corporation – 504 The Parkway – Perimeter Permit and Seawall Maintenance – Daniel S. Natchez and Associates - Public Hearing

NEW BUSINESS:

1. Mamaroneck Beach and Yacht Club – 700 South Barry Avenue – Perimeter Permit
2. Paul & Rosa Ferrante – 640 Shore Acres Drive – Shoreline Interface Rehabilitation & Stabilization, Float and Anchor Replacement, as well as Retaining, Reconfiguring and Maintaining the Existing Floating Docking Facility and Establish a Reconfiguration Perimeter – Daniel S. Natchez & Associates.
3. Sherrie Rizzuto – 1367 Flagler Drive – Repair Storm Damaged Sea Wall – Abe Gutman, Architect
4. Al Nolletti – Nolles Ridge Subdivision – 800 Fenimore Road – Proposed Seven Lot Subdivision which includes one conservation lot and six buildable lots; includes an access road, utilities, stormwater pond and retaining walls – Hahn Engineering.

The Meeting was called to order at 7:30p.m.

OLD BUSINESS

1. **Evans Associates- Richard & 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.

On Motion of Mr. Jackson, seconded by Mr. Siegel the matter was tabled to October 20, 2010.

Ayes: Birman, Weiner, Jackson, Schneider, Siegel, Bilotta
Nays: None
Absent: Sleeper

2. Vincent Monte-Santo – 652 Shore Acres Drive – Installation of a replacement float

Mr. Monte-Santo of 652 Shore Acres Drive appeared. Mr. Monte-Santo gave a history of his property and the docks that were in existence for 30 years. One of the floats is in disrepair and Mr. Monte-Santo was told that it cannot be repaired, that it needs to be replaced. A new float was put in place and he subsequently received a citation as he was not aware that he needed a permit to replace the float. The float is one foot bigger than that which was replaced. The floats are anchored and the anchors (mushroom) may have been replaced and serviced over time. There are guy-wires going to the middle float.

Mr. Weiner asked if this was the first time the floats were repaired. Mr. Monte-Santo stated that he has completed many repairs, but no replacement was ever done. An anchor may have been replaced over the years. He cannot honestly recall if an anchor was replaced. Mr. Siegel asked if the float was the same size. Mr. Monte-Santo stated that it is one foot bigger. The same gangway to this float is being used. As well as the same anchors and guy wires. Mr. Weiner asked if three floats are needed. Mr. Monte-Santo stated that there have always been three floats and they are needed to get to deep water.

Mr. Birman stated that Mr. Furey, Mr. Hoeger and Mr. Russo have all opined on this application. Mr. Hoeger had no issues with this application. Mr. Furey stated that this is a Type II action under SEQRA and that Mr. Russo had no issues with the application. It is not an impediment to navigation. Mr. Furey had no issue with this application.

Mr. Birman asked that the resolutions be modified that this is a retroactive approval to work previously completed.

Mr. Birman stated that the Commission received reports the Village Consulting Engineer and the Harbor Master. The Environmental Consultant had no comments. Mr. Furey stated that this is a replacement in kind, a Type II action under SEQRA and that the Harbor Master opined that this is not an impediment to navigation. Mr. Birman requested that the resolution states that the work previously completed is a Type II action.

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

WHEREAS, the Harbor & Coastal Zone Management Commission has reviewed and evaluated the previously completed project 652 Shore Acres Drive in the Village of Mamaroneck, as more fully described in the application September 9, 2009 together with all attachments, thereto submitted by or on behalf of Vincent Monte-Sano; and

NOW THEREFORE BE IT RESOLVED that the Harbor & Coastal Zone Management Commission has completed its review and evaluation of said project at 652 Shore Acres Drive in the Village of Mamaroneck, as more fully described in the application dated September 9, 2009 together with all attachments thereto submitted by or on behalf of Vincent Monte-Sano and has determined that the previously completed project is a Type II action under SEQRA and not inconsistent with the LWRP.

Ayes: Birman, Weiner, Jackson, Schneider, Siegel
Nays: None
Recused: Bilotta
Absent: Sleeper

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

NOW THEREFORE BE IT RESOLVED that the Harbor & Coastal Zone Management Commission grants the structures permit for the replacement float at 652 Shore Acres Drive in the Village of Mamaroneck as more fully described in the application dated September 9, 2009.

Ayes:	Birman, Weiner, Jackson, Schneider, Siegel
Nays:	None
Recused:	Bilotta
Absent:	Sleeper

3. Shore Acres Point Corporation – 504 The Parkway

Mr. Dan Natchez appeared for the applicant, with Mr. Dan Goldberg, Chairman of the Boats and Floats Committee and member of the Board of the Shore Acres Point Corporation. Mr. Natchez stated that there are no records in the Village of the floats at the Shore Acres Point Club ever being permitted. The floats have been in their relative existing condition and position to the early 1950s. The Club is before the HCZM for the following reasons:

1. To obtain permits (structures & perimeter) for the existing docks, with proposed modifications.
2. To allow fingers of main float be extended.
3. To obtain permits (structures & perimeter) for the swim float and small non-powered crafts float
4. To maintain the seawall, as this also does not appear in the Village's records, including beach nourishment of up to 15 cubic yards of sand.

Mr. Natchez stated that they are not planning any work on the seawall; they are just trying to get everything on the Village's books.

The configuration of the docks was discussed with the Harbor Master and the application submitted to the Commission. The docks have shifted and during low tide rest on a rock outcropping. The Club is looking to the future and in that vein is applying to add floats to where moorings currently exist. Shore Acres does not have the ability to dock larger boats in the current float configuration as the basin has been dredged in tiers. They believe that this is a reasonable approach, as docks on pilings now exist in the Village.

(Mr. Bilotta joined the meeting at 8:05 p.m.)

Mr. Russo, the Village's Harbor Master appeared. He has several concerns on this application. He believes that their kayaks (or small crafts) dock can be reconfigured. The proposal would create a dock roughly 76 feet long by 20 feet wide. At low tide, all of the docks would be sitting on the mud, except one. The view of the harbor would be ruined as the craft would block any view of the water. Mr. Russo is also concerned that these docks sitting on the mud during low tide would trap and collect garbage. He propped that an exiting dock that is currently unused on one side, be used for kayak storage and eliminating one of the proposed docks. Mr. Siegel stated that the club currently has 44 kayaks and asked how these will be handled. Mr. Natchez stated that the plan is to have these on the proposed newly located floats.

Mr. Natchez stated that the DEC does not have issue with floats sitting in mud; they do have issue with floats sitting on or in close proximity to rock outcroppings. If the floats are extended 5 to 20 feet from where they are existing, they will be on the rocks. Mr. Natchez believes that relocating the docking facility will help in that boaters will not cut the channel and run over the rocks. He also believes that the trapping of garbage is a non issue, as the water will continue to flow and go around the floats.

Mr. Russo's main concern in adding floating docks is safety in navigation. Right now, the Village handles all of the mooring applications; including those at the clubs. There are six service and two work floats existing in the Harbor, in both the east and west basin. The service floats do not have boats permanently docked at them during the season. Boats are only on these floats for 5-7 days. No service or work floats have been added in the last 10-15 years.

Mr. Dan Goldberg, Chair of the Boats and Floats Committee at Shore Acres appeared. In his opinion there are boats on the service and work floats at all times. Mr. Goldberg had photos taken the day before at the boats docked at the service and/or work floats. Mr. Goldberg stated that one of the reasons for the reconfiguration of the docks is so that both sides can be used for the docking of boats. He also stated that it is easier for a boater to park their boat at a dock, rather than a double mooring, particularly at Shore Acres as they are affected by winds more so than those in the Harbor.

Mr. Russo disagrees with Mr. Goldberg's comments. Boats are permanently docked at the work floats; but not at the service floats. In Mr. Russo's opinion, there is a vast esthetic difference between moorings and docks. He also does not understand the reasoning to adding 1500 square feet of docks to accommodate only 4 more boats. Mr. Russo also stated that there were empty spaces at Shore Acres docks during the season. Mr. Goldberg stated that all mooring and dock spaces are taken; people may have had their boats out. Mr. Russo also disagrees that it is easier to dock at boat than to moor it, especially if you are trying to dock between two boats. Mr. Russo has safety concerns as the area in which the floats are going to be added is the narrowest part of the channel and if large boats are docked on these floats, the channel will be made that much narrower. The visibility in this area will considerably decrease, making it dangerous for boats, especially small boats entering and exiting the harbor.

Mr. Furey stated that currently the Village rents the mooring spots and subleases them to their members. The Harbor Master is responsible for the administration of these spots. Mr. Furey has concern with replacing mooring spots in control of the Harbor Master with docks that will be administered by the Club. He also feels that doubling the amount of floats in the Harbor, which is what would happen if this application is approved, is not a good thing.

Mr. Hoeger stated that there are no objections as far as the environmental point of view.

Mr. Birman asked about the difference between having these floats on anchors instead of pilings. Mr. Goldberg stated that they suggested using anchors for esthetic reasons.

Mr. Calusian of The Parkway appeared. Mr. Calusian stated that unfortunately most of the neighbors have ignored the meeting. He supports the Harbor Master's view that these floats would be a detriment to the esthetics and directly block their views. This is what he and his neighbors invested in when they purchased their properties and he feels that the residents are not being represented. He also stated that it is now difficult to navigate this area to get to their property and he feels that these docks will make this task more difficult.

When asked, Mr. Natchez stated that all those within 400 feet were duly notified of this public hearing in compliance with the law.

Mr. Birman asked the Commission if they would consider having a work session with Mr. Natchez and Mr. Goldberg to try and come up with a plan that would suit the Club and the Village, as there are several applicants waiting to be heard this evening. Mr. Natchez feels that there are issues that need to be more thoroughly discussed with the Board and he believes that a public work meeting is a good idea. Mr. Weiner proposed that the hearing is adjourned. Mr. Birman agreed that a public work session will be scheduled before the next regularly scheduled meeting in October.

On motion of Mr. Jackson, seconded by Mr. Wiener:

RESOLVED that the Public Hearing on the application of the Shore Acres Point Corporation be and is hereby adjourned to the October meeting of the HCZM, with the possibility of a public work session taking place with Shore Acres Point Corporation before said meeting.

Ayes: Birman, Weiner, Jackson, Schneider, Siegel, Bilotta
Nays: None
Absent: Sleeper

NEW BUSINESS:

1. Mamaroneck Beach and Yacht Club – 700 South Barry Avenue – Perimeter Permit

Mr. Paul Noto appeared on behalf of the Club. Mr. Noto stated that the Yacht Club has retained the services of Mr. Benedict Salanitro as a consulting engineer. As Mr. Weiner is involved in litigation with Mr. Salanitro, Mr. Noto asked that Mr. Weiner recuse himself. Mr. Wiener did recuse himself from these proceedings.

Mr. Noto requested that the Commission schedule a public hearing on their perimeter permit application for the October meeting. Mr. Noto made one additional submission to the application which is a letter from the DEC dated August 28, 1989. Mr. Noto also asked that if there are any questions that he could answer before the public hearing, he would be happy to do so. Ms. Derrico feels that they are following the letter of the law in scheduling the public hearing; however, this Commission has not always worked in this way and that if there are any questions that could clear up any issues the Commission has with the application or any additional information requested before the public hearing, it would not be improper to raise those issues or ask questions.

Mr. Birman stated that the drawings have not changed since the last time the Club was before the Commission seeking emergency repairs to the docks. Mr. Noto stated that is correct, as the Club has been seeking a perimeter permit since 2008. As part of the conditions to obtain approval of the emergency dock repairs, a perimeter permit application had to be filed before November of 2010. Mr. Noto stated that giving the permits that pre-date the existence of the Commission, the Club feels that what they are applying for is fair. Mr. Noto further stated that the navigatable water is not being blocked.

On motion of Mr. Jackson, seconded by Ms. Schneider:

RESOLVED that a Public Hearing on the Mamaroneck Beach and Yacht Club application be and is hereby scheduled for the October 20, 2010 Meeting of the Harbor and Coastal Management Zone Commission.

Ayes: Birman, Jackson, Schneider, Siegel, Bilotta
Nays: None
Recused: Weiner
Absent: Sleeper

Mr. Golub appeared. He asked that the meeting be adjourned until a time when the Harbor Master can attend, as he has material input. Mr. Birman stated that this is the first time since he has been on the Commission that Mr. Russo attended the meeting and he does not want to set a precedent. Mr. Noto stated that they have no objection adjourning this to November. Mr. Bilotta believes that any questions of the Harbor Master can be done by mail or email before the October meeting. Mr. Russo stated that he will be in Mamaroneck during the month of October and can answer any questions that residents have on this application.

2. Paul & Rosa Ferrante – 640 Shore Acres Drive

Mr. Weiner recused himself from this application.

Mr. Dan Natchez appeared on behalf of the applicant to request a public hearing for a structures permit to be held at the October 20 meeting of the Commission. Mr. Natchez gave a brief description of the project. Mr. Natchez informed the Commission that they did approve of this work in 2005 when the home was owned by the Robertson’s; however, they never went forward with the project. The Ferrante’s would like to complete the project. Mr. Birman asked why this process needs to be done again. Mr. Natchez informed him that it is because the building permit acquired after the project was approved is only good for six months with two three month renewals if needed. The Ferrante’s wanted to make sure that the work was done with a new building permit. Mr. Natchez stated that there is one addition to the application that was approved for the Robertson’s and that is for the end float. This was not in the original approval. There are changes to the gangway and pilings are being put in place of chains and anchors.

On motion of Mr. Jackson, seconded by Mr. Siegel:

RESOLVED that the public hearing on the Ferrante application at 604 Shore Acres Drive be and is hereby scheduled for the October 20, 2010 meeting of the Harbor and Coastal Zone Management Commission.

Ayes:	Birman, Jackson, Schneider, Siegel, Bilotta
Nays:	None
Recused:	Weiner
Absent:	Sleeper

3. Sherrie Rizzuto – 1367 Flagler Drive

Mr. Daniel Natchez and Mr. Abe Gutman, Engineer for the applicant appeared. Mr. Natchez stated that the application was re-filed as there was an error on the first application filed. Mr. Natchez gave a brief description on the application, which is to excavate behind the storm damaged sea wall and repair this wall; strengthening the wall and replacing the French drain. This application will be going to the Planning Board next week, where they hope to get a wetlands permit. The only potential waterside work could possibly be re-pointing. The DEC stated that that is maintenance and they do not permit this work in our region; which is Region III. The entire seawall is being covered in the application, although the entire wall may not need to be repaired. A trench will extend for about 5 feet from the wall. The removed soil will be stored on the property, which will comply with the Village on erosion control. Mr. Weiner asked that a silt fence and hale bales be placed around the removed soil. Mr. Gutman stated that is not shown visually, but this is stated in the notes of the plan.

Ms. Schneider asked how the work will be completed if there are other areas of the wall that are found to be in need of repair. Mr. Gutman stated that they are only anticipating repairing three to four sections, however, when the wall is opened up, they may find that more of it is in need of repair. Mr. Gutman stated that the type of repair will be the same as what is needed to fix the three to four sections; it may just take place in the entire wall.

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

WHEREAS, the Harbor and Coastal Zone Management Commission has reviewed and evaluated the proposed project for repair of a damaged sea wall at 1367 Flagler Drive in the Village of Mamaroneck as more fully described in the application dated July 29, 2010, together with all attachments thereto submitted by or on behalf of Sherri Rizzuto; and

WHEREAS, the Harbor & Coastal Zone Management Commission has deemed this to be a **TYPE II ACTION** under SEQR; and

WHEREAS, the Commission has considered and evaluated the impacts of the proposed action for consistency purposes; and

NOW THEREFORE BE IT RESOLVED that the Commission, after conferring with its consultants, has completed its review and evaluation of the proposed project and hereby adopts its **NEGATIVE DECLARATION** under SEQR for the proposed project at 1367 Flagler Drive as more fully described in the application dated July 29, 2010 together with all attachments thereto submitted by or on behalf of Sherri Rizutto.

Ayes:	Birman, Weiner, Jackson, Schneider, Siegel, Bilotta
Nays:	None
Absent:	Sleeper

On the Motion of Mr. Weiner, seconded by Mr. Jackson:

WHEREAS, the Harbor & Coastal Zone Management Commission has reviewed and evaluated the proposed project for 1367 Flagler Drive in the Village of Mamaroneck, as more fully described in the application dated July 29, 2010 together with all attachments, thereto submitted by or on behalf of Sherri Rizutto; and

WHEREAS, the Harbor & Coastal Zone Management Commission adopted a **NEGATIVE DECLARATION** under SEQR; and

NOW THEREFORE BE IT RESOLVED that the Harbor & Coastal Zone Management Commission has completed its review and evaluation of said project at 1367 Flagler Drive in the Village of Mamaroneck, as more fully described in the application dated July 29, 2010 together with all attachments thereto submitted by or on behalf of Sherri Rizutto and has determined that the proposed Project is not inconsistent with the Village of Mamaroneck's Local Waterfront Revitalization Program subject to the applicant obtaining all other necessary approvals.

Ayes:	Birman, Weiner, Jackson, Schneider, Siegel, Bilotta
Nays:	None
Absent:	Sleeper

4. AI Nolletti – Nollis Ridge Subdivision – 800 Fenimore

Mr. Jackson recused himself on this application.

Mr. Albert Nolletti appeared. His application is quite far away from the water; however, he was told by the Building Inspector that the approval of the Commission was needed. The Planning Board declared itself Lead Agency and made the SEQRA determination. Mr. Furey gave background on this application. It is a proposed seven lot subdivision with one conservation lot, which has been in front of the Planning Board for over one and one-half years. This was determined to be a Type I action by the Planning Board. This application went through a Part I, Part II and Part III of the long form EAF. Mr. Furey has copies of the statement of findings and determination made by the Planning Board. There is a proposal for a storm water pocket pond to take care of the Part II requirements. The plans that the Commission are looking at are the finalized layout approved by the Planning Board. In order for them to move forward in their process, they need a Consistency Review by the HCZM. At the bottom of the site is a mapped wetlands and the storm water pocket pond has been located within that wetlands. The applicant applied for a received an Army Corps of Engineers permit to locate that pocket in the wetlands. Mr. Furey stated that the HCZM needs to look at this only in relation to its consistency with the LWRP before the Planning Board can move forward.

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

RESOLVED that the Public Hearing on the application of the Nolles Ridge Development be and is hereby scheduled for the October 20, 2010 Harbor and Coastal Zone Management Commission meeting.

Ayes: Birman, Weiner, Schneider, Siegel, Bilotta
Nays: None
Recused: Jackson
Absent: Sleeper

MINUTES

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

RESOLVED that the Draft Minutes of the June and July 2010 Meetings be and are hereby approved.

Ayes: Birman, Weiner, Jackson, Schneider, Siegel, Bilotta
Nays: None
Absent: Sleeper

Mr. Birman stated that he took over the remainder of Mr. Goldstein's tenure as Chairman in June when Mr. Goldstein resigned his position on the Commission. Mr. Birman further stated that he has found the time commitment the position of Chairman takes to be too onerous with his job and family commitments. He will therefore continue to serve as Chair until the end of the term, which is in December of 2010 and is notifying the Commission that he is not interested in being reappointed as the Chair at that time.

Ms. Derrico informed the Commission that there will most likely be an application dealing with the Mamaroneck Beach and Yacht Club seasonal housing being heard by the Planning Board at their September 23 meeting, that the Commissioners may want to attend or watch to get familiar with the application.

Ms. Derrico also asked that the agenda be marked whether or not an application is for a public hearing or not. Mr. Birman agreed that the agenda be marked. Mr. Weiner believes that it is not always the worst thing for an applicant to attend the meeting to schedule the public hearing on their application as there may be questions or concerns that can be addressed before the hearing, therefore, not holding up approvals when the hearing takes place. Ms. Derrico believes that this would just be for full disclosure reasons, not to preclude an applicant from appearing.

Part Two of the HCZM training has been scheduled for September 28.

ADJOURNMENT

On motion of Mr. Weiner, seconded by Mr. Bilotta the meeting was adjourned at 10:30 p.m.

Minutes prepared by
Sally J. Roberts
Deputy-Clerk