

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

PRESENT: Mr. Carl Birman, Chairman
Ms. Laura Schneider
Mr. Jim Bilotta
Mr. Anthony Weiner
Mr. Bert Siegel
Mr. Sven Hoeger, Environmental Consultant
Ms. Kathy Zalantis, Esq.

ABSENT: Mr. Cary Sleeper
Mr. Peter Jackson – arrived at 7:45 p.m.

EXCUSED: Mr. Keith Furey, Consulting Engineer

The meeting was called to order at 7:38 p.m.

OLD BUSINESS

- 1) Shore Acres Point Corporation – 504 The Parkway – Perimeter and Seawall Maintenance – Daniel S. Natchez and Associates – **Public Hearing asked to be adjourned to January meeting.**
- 2) Al Nolletti – Nolles Ridge Subdivision – 800 Fenimore Road – Proposed Seven Lot Subdivision which includes one conservation lot and six buildable lots; an access road, utilities, stormwater pond and retaining walls – Hahn Engineering. **Coastal Consistency Certification asked to be postponed to January meeting.**

NEW BUSINESS

- 1) Jack and Marty Pisco – 437 Melbourne Avenue – subdivide one lot into two. **Consistency Review**

Chairman Birman explained that the Shore Acres Point Corporation public hearing will be adjourned to the January meeting as requested by the applicant.

With regard to Nolles Ridge Subdivision – 800 Fenimore Road – Mr. Al Nolletti, and his engineer, Mr. Jim Hahn have requested a postponement until January since Mr. Hahn cannot be here this evening and he wanted to respond to some community concerns and, also, the applicant received a copy of an e-mail from the NY Dept. of State and they wanted to respond to that e-mail as well.

Chairman Birman advised the applicant that they would certainly not be penalized for postponing their application until January; however, he did request that the applicant not count the time towards the 30 days, as outlined in the Village Code. Chairman Birman stated that he did receive a commitment from Mr. Nolletti to that affect and the application will be put off until January.

Chairman Birman also noted, with respect to the Nolles Ridge application, that extensive records and many submissions have been received within the past 48 hours. Ms. Roberts, Deputy Clerk, had compiled a listing of all such documentation which Chairman Birman will circulate to everyone tomorrow for their review.

Mr. Weiner mentioned that he spoke to the State today and the State has sent a letter to Mr. Nolletti's representatives which they felt would be important for them to be able to make a decision on consistency and a 60 day time limit has been given, which is February 14th. The Commission should be receiving a copy of this letter, according to Mr. Weiner.

NEW BUSINESS

- 2) Jack and Marty Pisco – 437 Melbourne Avenue – subdivide one lot into two.
Consistency Review

Chairman Birman introduced Ms. Martha McCarty, attorney, 910 East Boston Post Road, for the applicant, and confirmed with her that the applicant has already been before the Planning Board and that the Planning Board has declared itself the lead agency for this application. Ms. McCarthy stated that they are through with SEQRA and she believes a Negative Declaration has been issued. They are waiting for the Harbor Commission's decision before making a final determination on consistency.

Chairman Birman confirmed with Ms. McCarthy that he was advised by counsel that the Planning Board determined the application to be an unlisted action and mentioned that the form which was submitted by the applicant listed the application as a Type II, which is incorrect.

Ms. McCarty presented herself to the Commission and requested that Mr. Weiner recuse himself due to the crossover from other applications for which there had been problems. Mr. Weiner stated that since he has no conflict with the current applicant, he has decided not to recuse himself.

Ms. McCarty gave an overview of the application, stating that this application is in regards to 437 Melbourne, and there is currently one house on the premises and the application is a request for knocking the one house down and building two houses on the lot. There will not be a need for any variances on this property.

Mr. Furey has reviewed the storm water management plan. Each property will have a gravel driveway with a trench drain and three cultec chargers in front of the house and two in the back of the house. The soil and the grass will be directed to pitch to those cultec chargers as well as the drains from the roof leaders. There will also be a best management practices update with regard to the silt which will be excavated. The mature trees on the property will be protected in order to survive the construction.

Chairman Birman questioned the differences in construction practices for mature trees. Ms. McCarty stated that they are protected with fencing and the roots are also protected. Ms. McCarty did mention that one very old, dead tree was taken down.

Mr. Siegel questioned the difference between saving the trees versus planting new trees. Ms. McCarty stated that the Planning Board has deemed it necessary to replace any trees which may be destroyed during the construction process with trees of a like type.

Ms. McCarty approached the Commission and pointed out on the plans which trees were of concern.

Mr. Weiner questioned the height of the garages. Mr. Jack Pisco explained that the official plans have yet to be drawn but that they will meet code. Mr. Weiner questioned, based on the FAR, how large the houses can be. Mr. Pisco responded that they can be between 2,500 – 2,700 sq. ft. which includes both floors but not the basement, nor does it include the single story garage.

With regard to the perk tests, Mr. Weiner questioned whether there was a pre-soak, who did the perk test and why the perk test wasn't done to the depth of the cultecs, which are 39" below the surface. Mr. Pisco responded the test was done 36" down. Mr. Weiner stated that the perk test was done improperly. Mr. Salanitro, engineer, was requested to come down to the meeting to further explain the perk test issue.

With regard to the application form on page 3, Mr. Weiner stated that there is no information regarding the depth of the water table. Ms. McCarty explained that on page 5, currently the applicant filled the form out incorrectly. There should be 4-6 proposed off street parking spaces.

Mr. Weiner noted that on page 7, energy use will be increased since a house was being added. Ms. McCarty agreed.

Mr. Salanitro entered the room. Mr. Weiner questioned Mr. Salanitro on the perk test. Mr. Salanitro explained the particulars to the satisfaction of Mr. Weiner.

Chairman Birman stated, since there were no comments from the public, a motion was being made to close the public hearing, seconded by Mr. Siegel and passed unanimously.

Mr. Weiner made a motion to find the application consistent with the LWRP, seconded by Mr. Bilotta and passed unanimously.

Chairman Birman agreed to continue on as Chairman until after the Village reorganization meeting.

MINUTES

November 17, 2010

Tabled to January.

Mr. Weiner made a motion to adjourn the meeting of December 15, 2010, seconded by Chairman Birman and passed unanimously at 8:12 p.m.