

**MINUTES OF A SPECIAL MEETING OF THE HARBOR COASTAL ZONE MANAGEMENT COMMISSION (HCZMC) OF THE VILLAGE OF MAMARONECK HELD JULY 11, 2011 AT 7:30 p.m. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK NEW YORK**

**PRESENT:** Carl Birman, Chairman  
Bert Siegel  
Alice Pernick  
Nick Allison  
Peter Jackson,  
Laura Schneider  
Jim Bilotta  
Anna Georgeiou, Counsel to the HCZM

**ALSO PRESENT:** Rich Slingerland, Village Manager

The meeting of the HCZM was called to order by Chairman Carl Birman at 7:45 p.m.

Chairman Birman made two announcements. First he thanked Ms. Brill for returning as secretary, secondly he asked for a moment of silence in memory of Keith Furey, the Village consulting Engineer, who recently passed away.

**NEW BUSINESS**

1. Determination of Consistency and SEQRA for Proposed Local Law K-2011 (Moratorium on Proposed Subdivisions to create four or more lots or units)

Mr. Slingerland, the Village Manager, addressed the Board and gave a review of the proposed law. He stated that the Village will not go against a judicial order but recommends the up zoning of large tracks of land or cluster building to preserve valuable and precious waterfront land and public access.

The Board of Trustees established that applications requesting 4 or greater units would be subject to the moratorium.

The Commission discussed the proposed law, stating that it is a laudable goal to preserve open space. Ms. Georgeiou stated that this is a Type II action which stays with the Board of Trustees ("BOT"), therefore the HCZM doesn't have jurisdiction.

The discussion was tabled and the matter referred back to the Board of Trustees ("BOT").

2. Determination of Consistency and SEQRA for Proposed Local Law L-2011 (Proposed Zoning Amendments relating to permeable parking facilities).

Mr. Slingerland, the Village Manager, addressed the Board explaining the changes to the wording of the present law 322-60 which lists only impervious surfaces, code changes would improve the (SWMP) Storm Water Management Plan by allowing the use of pervious pavers such as grass crete pavers or gravel. Both Mr. Furey the Consulting engineer and the DEC stated the Village should make an effort to increase pervious surfaces, to help prevent flooding thru the Village.

Ms. Schneider concurred with increasing pervious surfaces but was concerned with it being used in areas where maintenance occurs. Mr. Slingerland agreed that there are areas where pervious pavers should not be used.

Mr. Slingerland further stated that the Zoning Board of Appeals made a determination regarding the Mamaroneck Beach and Yacht Club to not allow gravel in the overflow parking area, that decision carries over to the entire Village therefore the BOT is looking to change the code.

Mr. Siegel stated that he couldn't come to grips with the present wording of Section 342-60 and feels it should be rewritten.

The Board discussed the EAF form and found that item #7 stated 140 acres when it should say the entire Village.

Chairman Birman stated that under the LWRP the proposed law is consistent with policies 12 & 33.

The discussion was opened to public comments.

Daniel S. Natchez of Daniel S. Natchez and Associates addressed the Board. Mr. Natchez stated that in theory the change is good but rather than change a small portion of the Code, the ramifications to the entire code should be looked at.

Chairman Birman, stated that the HCZMC has a certain review obligation but it is narrow and limited. Mr. Natchez stated that he disagrees and feels the Commission should advise the ("BOT") to come back with a better approach. There is no problem with the intent of the change, but all portions of the Code that could be impacted should be looked at, an example is pervious pavers should not be used in industrial areas and definitions should be spelled out better. An example is the provision that an applicant must prove 50% to the Village Attorney when it should actually be the Building Inspector.

Chairman Birman thanked Mr. Natchez for his advocacy.

Ms. Georgeiou stated that the BOT called this meeting tonight with a sense of urgency, the draft seems to fit into the way the existing code was written. The Commission can vote on the change but can also recommend changes to the wording of the Law.

Mr. Allison stated that he thinks the idea of the law is great but he also agrees with Mr. Natchez.

The Board and counsel discussed the time constraint, whether to make a determination, or if the application is complete and could be voted on.

Mr. Siegel stated that the wording of the law is not clear and it should be rewritten as there are mistakes in it.

Chairman Birman stated that the Commission was only asked to accept the changes.

There were no other comments from the public.

The Board deliberated on the matter.

Mr. Jackson made a motion to declare this an unlisted action under SEQRA, and make a Negative Declaration, seconded by Mr. Birman; 5 yes, 2 abstain. The motion passes.

Ayes: Jackson, Birman, Allison, Pernick, Bilotta

Nays: None

Abstain: Siegel, Schneider

Chairman Birman, made a motion in view of the express goals of policies 12 (flooding and erosion) & 33 (storm water management) of the LWRP that the Commission moves to find that the proposed Law LL-2011 is consistent with the Village of Mamaroneck Local Waterfront Revitalization Program. And that it is not inconsistent with any other policy. Seconded by Mr. Jackson; 6 yes, 1 abstain. The motion passes.

Ayes: Jackson, Birman, Allison, Pernick, Bilotta, Schneider

Nays: None

Abstain: Siegel

The Commission discussed sending an advisory letter to the Board of Trustees.

Chairman Birman made a motion to send an advisory resolution to the "BOT" Board of Trustees. "Pursuant to Section 240-35 C, in its advisory role to the BOT the HCZMC finds that there is a need for definitions for the terms impervious and pervious, and research into the applicability of those terms throughout the Village Code. Secondly, the Commission finds that the reliance on the Village Attorney under 342-60 to receive assurances from applicants should be changed to the Building Department that plays that roll. Thirdly the last phrase of 342-60 should be amended to provide that the seasonal or temporary overflow parking on club properties shall be permitted on grass areas if in accordance with applicable with fire and safety codes and all applicable environmental regulations including but not limited to storm water management." Seconded by Mr. Jackson, unanimously passed.

Ayes: Jackson, Birman, Allison, Pernick, Bilotta, Siegel, Schneider

Nays: None

## **NEXT MEETING**

No regular meeting is scheduled for July and August.

**ADJOURNMENT**

On motion of Mr. Jackson, seconded by Mr. Birman the meeting was adjourned motion passed unanimously.

Minutes prepared by

Francine M. Brill