

MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION OF THE VILLAGE OF MAMARONECK HELD MARCH 16, 2011 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT: Mr. Bert Siegel
Mr. Nick Allison
Ms. Laura Schneider
Mr. Jim Bilotta
Mr. Peter Jackson
Alice Pernick
Steve Silverberg, Esq.
Keith Furey, Consulting Engineer

ABSENT: Mr. Carl Birman, Chairman
Mr. Sven Hoeger, Environmental Consultant

The meeting was called to order at 7:32 p.m.

OLD BUSINESS

None

NEW BUSINESS

1. Ludvipol, LLC c/o Golub – 602 S. Barry Avenue – Reconfiguration of Recreational Docking Facility (Public Hearing) – Daniel S. Natchez and Associates.
2. Discussion of LWRP update.

Due to the absence of Chairman Birman, Mr. Siegel acted as Chairman this evening.

NEW BUSINESS

1. Ludvipol, LLC c/o Golub – 602 S. Barry Avenue – Reconfiguration of Recreational Docking Facility (Public Hearing) – Daniel S. Natchez and Associates.

Mr. Daniel S. Natchez, President, Daniel S. Natchez & Associates, presented himself to the Commission and introduced Ms. Kathleen Schneider, project manager. Mr. Natchez explained that the purpose of tonight's proposal was to request an increase for an authorized docking facility from 12' x 40' to 12' x 70'. Mr. Natchez further explained that the chains and anchors which are currently holding the dock will be removed and replaced with steel piles in order to better accommodate the boating needs of the Golubs, owners of the property. Supporting documentation was received from the Flicks and the Stringhams, neighbors. The proposal changes will not interfere with any navigation.

Mr. Natchez referred to a map which showed the various distances to the docking facilities. The dock is 127' from the Flick docking facility and from the authorized Mamaroneck Beach and Yacht Club dock it is 140'.

Mr. Allison questioned why the steel piles are more environmentally friendly. Mr. Natchez explained that the chains on the bottom will stir up the bottom and the piles will not disturb anything.

Mr. Bilotta questioned what how large a boat would be docked at a 70' dock. Mr. Natchez explained that a 65' boat would be using the facility.

Ms. Schneider questioned the length of the surrounding docks. Mr. Natchez stated that MB&Y has docks which are in excess of 100'.

Mr. Allison questioned the three year construction period. Mr. Natchez stated that three years is standard, however, it will not take that long.

Mr. Furey questioned why nothing has been filed with the state or federal agencies and warned of the time lag. Mr. Natchez responded that if this application is approved, the paperwork will be filed immediately.

Mr. Bilotta questioned the perimeter permit indicated on sheet A04. Mr. Bilotta stated that the permit is not yet available to residential docking facilities in the Village and it will only be approved if the law allows for it in the future. Mr. Silverberg indicated that the perimeter permit should only be applied for if, in fact, the law changes and that it should not be considered at this time.

Mr. Bilotta questioned whether Mr. Flick could fit a 70' dock and Mr. Natchez confirmed that he could.

Mr. Siegel questioned whether MB&Y was aware of this application. Mr. Natchez confirmed that they were advised via certified mail and he had yet to hear a response from them.

Mr. Siegel brought several typos in the application to Mr. Natchez's attention.

Mr. Bilotta questioned how the perimeter was determined assuming the law would allow for it in the future. Mr. Natchez explained the specifics. Mr. Bilotta understood that the perimeter size was based on the size of the dock. Mr. Furey explained that the main concern was navigation and this docking facility would not pose a navigational concern.

Mr. Silverberg noted that this application was a Type II action.

Mr. Silverberg again suggested the Commission not approve the perimeter permit at this time, since the law does not yet exist.

Mr. Siegel invited audience participation.

There being none, Mr. Jackson made the following motion to approve:

Consistent with the draft resolution, the review and evaluation have been completed for said project at 602 South Berry Avenue, Mamaroneck, NY as more fully described in the application dated February 28th together with all attachments thereto submitted by Daniel S. Natchez and Associates, and on behalf of the applicant it is determined that this project is a Type II action under SEQRA and is not inconsistent with the LWRP. Be it further noted that the Harbor and Coastal Zone Management Commission takes no action with respect to the application for a perimeter permit since at this time it is not authorized to issue such a permit for a residential placement.

Seconded by Mr. Bilotta and passed unanimously.

Mr. Jackson also made the following motion:

The Harbor and Coastal Zone Management Commission hereby resolves to grant the structures permit to reconfiguration of the recreational dock located at 602 Barry Street, as more fully described in the application of February 28, 2011.

Seconded by Mr. Bilotta and passed unanimously.

2. Discussion of the LWRP Update

Mr. Jackson announced the discussion of the LWRP on the agenda and stated that the LWRP was in draft form. He highlighted the points made at the March 2, 2011 meeting and mentioned that alternate considerations had been submitted for the area encompassed by the LWRP. At the last meeting, Mr. Natchez spoke regarding the continuation of the inclusion of the entire village and Mr. Ryan stated that the original inclusion of the entire village allowed for the DOS to be included with respect to applications before the LWRP. Both points will be explored at the next committee meeting.

Mr. Jackson opened the floor up for questions. Ms. Schneider stated she did not receive a copy of the draft. Mr. Jackson informed her that it was on the website.

Mr. Bilotta expressed his concern regarding the gradual enlarging of boats in the harbor. He suggested the possibility of restricting the size of the boats in the future.

Mr. Natchez expressed his confusion with the LWRP process. He felt that the LWRP was the blueprint of what the Village hopes to see in the future. He mentioned that once it is completed, the Harbor Management Plan will flow through the LWRP and that the LWRP includes much more than just the harbor.

Mr. Natchez also expressed the fact that there are two different commercial zones in the village; the Boston Post Road zone with the boatyards and the Rushmore Avenue zone and that they have different restrictions. Also, if a working waterfront is a goal of the LWRP, the issue becomes how to do this. They are now restricted in terms of additional land purchase unless residential property is turned into commercial property. Therefore, the boatyards are at a standstill. He suggested consideration be given to reviewing the setbacks, height limitations, etc. There are also tax issues which should be reviewed. He suggested looking at the Harbor independent of the rest of the village.

Mr. Natchez also suggested streamlining certain processes such as permits for projects in excess of \$3,000.

The flooding issue was discussed and Mr. Natchez thought some plan should be in place regarding this possibility. Mr. Natchez stated that much input would be necessary from those affected by the flooding.

Mr. Jackson encouraged Mr. Natchez to be more specific.

Mr. Siegel questioned Mr. Natchez as to whether the boatyards were participating in the LWRP. Mr. Natchez stated that they felt very disenfranchised because they have not been asked to participate. Mr. Jackson stated that there has already been a public hearing and the public is always encouraged to attend and participate.

Mr. Anthony Weiner stated the problem with the LWRP is its policies, which are not clear cut rules. Mr. Weiner would like to see as part of the LWRP, a training policy so that the Commission better understands the specifics of the LWRP. Mr. Jackson felt the process, as is, is working. Mr. Weiner stated that he feels that the group involved at this time is not properly trained but that the framework of the LWRP is fine the way it is.

Mr. Siegel stated that the membership of the Harbor Commission is constantly changing and, therefore, there is a constant problem with training.

In terms of major issues which the Commission should discuss with the Committee, Mr. Natchez brought up the fact that scenic vistas is what the coastal consistency is built around yet the village defines it as only that which is seen from Harbor Island. For years, the Commission took the vantage point that scenic vistas applied to everything and then it was pointed out in an application that that was not the case.

Mr. Natchez also brought up the confusion of the ever-changing roles of the various village boards and felt consistency should be with a single board.

Mr. Natchez stated that the HCZM, by law, needs to determine consistency prior to hearing an application but they do not always follow that law.

Mr. Weiner brought up the 30 day time limit issue and the vagueness of determining when an application for consistency is complete.

Mr. Jackson encouraged the Commission to forward him an e-mail if they have specific concerns regarding the LWRP.

Mr. Bilotta requested Mr. Weiner put his concerns in writing.

Mr. Natchez requested the Committee advise him of their issues. Mr. Jackson assured Mr. Natchez that his only motivation is to help.

Ms. Schneider requested the names of the Committee members from Mr. Jackson, who obliged. Mr. Jackson invited Ms. Schneider to attend the next public hearing.

Mr. Furey encouraged the HCZM members to inform Mr. Jackson of their concerns, which would then be presented to the Board of Trustees. Ms. Schneider questioned what the end process was and Mr. Jackson stated the end process is the deadline of the grant, which may be extended. Mr. Jackson stated that between the public hearings and the website, any changes could be heard or viewed.

Mr. Weiner stated that once the LWRP is approved by the Board of Trustees, it is sent to the State, who will then open it up for comment prior to approving it.

ADJOURNMENT

Mr. Jackson made a motion to adjourn, seconded by Mr. Bilotta and passed unanimously at 9:02 p.m.

Minutes prepared by

Lorraine McSpedon