

**MINUTES OF A SPECIAL MEETING OF THE HARBOR COASTAL ZONE MANAGEMENT COMMISSION (HCZM) OF THE VILLAGE OF MAMARONECK HELD SEPTEMBER 21, 2011 AT 7:30 p.m. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK NEW YORK**

**PRESENT:** Carl Birman, Chairman  
Bert Siegel  
Alice Pernick  
Peter Jackson, arrived late  
Laura Schneider  
Jim Bilotta  
Anna Georgeiou, Counsel to the HCZM  
Sven Hoger, Environmental Consultant

**ABSENT:** Nick Allison

The meeting of the HCZMC was called to order by Chairman Carl Birman at 7:38 p.m.

Chairman Birman introduced Hugh Grecian the new consulting engineer.

**MINUTES:**

Chairman Birman tabled the June 15, 2011 and the special meeting of July 11, 2011 minutes to have the suggested corrections and clarifications made to the submitted draft until October.

**OLD BUSINESS**

1. Review of HCZMC Training Manual

Chairman Birman asked the Commission members if anyone would be willing to go over the code book and make suggestions to make it more user friendly. Ms. Pernick stated that she would be able to help after October and Ms. Schneider said she would be happy to work on it with someone else. Mr. Siegel also volunteered to help out.

The matter was placed on the agenda for the October meeting.

2. Peter Jackson to report on activities of LWRP Update Committee.

Chairman Birman stated that matter will be tabled until Mr. Jackson's arrival.

**NEW BUSINESS**

1. Ludvipol, LLC (Bennett W. Golub) – 602 S. Barry Avenue – Amendment to docking facility previously approved on March 21, 2011

Daniel S. Natchez, of Daniel S. Natchez and Associates, addressed the Commission, stating that they are asking for an amendment to the previously approved docking facility plan to allow the addition of three new piles to tie off the boat in case of inclement weather.

This was amended after DEC ACOE approved.

Chairman Birman stated that he was not at the March 21<sup>st</sup> meeting but after reviewing the approved minutes he referred to a question Mr. Furey asked the applicant as to why they hadn't gone to the "DEC" Department of Conservation, "ACOE" Army Corp of Engineers for approval. Mr. Natchez responded that he was counseled by the Village staff to apply to the Village first, rather than follow his usual way of applying all at once to all agencies.

The issue of the extra piles was raised by Mr. Golub as he knows what happens to his property when storms hit. The piles will be 108 feet from the closest neighbors and there are no navigational issues.

Chairman asked Mr. Natchez to explain the changes to the drawing, Mr. Natchez responded that the only difference is the three new piles.

Mr. Bilotta asked why the pilings are being placed on that side. Mr. Natchez responded that it is the windward side. The piles are to be used as tie off piles to keep the tension off the dock during a storm.

Mr. Birman stated that the attorney raised a question as to the notice requirement, Mr. Natchez stated that all neighbors within 400 feet were notified by mail, a sign was posted and the public notice was placed in the Journal News.

The Commission discussed the pilings height and placement; tides and the possible height of storm surges.

Mr. Natchez listed all submitted documents, the long environmental assessment form, the supplement to the coastal consistency, supplement to the Harbor Management, letters of support, photos the Village clerk has in the file for the previous approval, copies of the notice of mailing, the sign and the journal ad as this application is piggy backed to the prior approval.

Mr. Bilotta asked if these types of pilings are any place else in the Village and Mr. Natchez responded that they are in Nichols slightly closer to the docks because they are in a more sheltered area.

Mr. Birman stated that the March discussion doesn't mention perimeter permits. Mr. Natchez stated the Village does not allow the HCZMC to issues perimeter permits, but what is being proposed is not passing the Mamaroneck Beach and Yacht Club perimeter.

Ms. Georgeiou asked how pilings are to be placed. Mr. Natchez stated that they will be drilled into the bedrock and epoxied in.

Chairman Birman asked Mr. Natchez about the proposed time frame.

Mr. Natchez stated they will appear before the Planning Board October 12<sup>th</sup> asking for wetlands permit, they have already been approved by the Department of State "DOS", the Army Corp of Engineers "ACOE", and the Department of Environmental Conservation "DEC".

Asking for approval of a structures permit amendment flood development

According to Section 240-22 days time frame less argument can be made given that the "Quote her"

Chairman Birman handed out March resolution and the Draft Resolution for the structures permit for the members to review.

Mr. Hoeger, the Environmental Consultant, commented on the project stating in each case there is nothing against LWRP. Although anything done in the water with drilling may be of concern to the commission, it should not be in this case.

Chairman Birman welcomed Mr. Jackson

Chairman Birman and counsel discussed the proposed wording of the resolution, and proposed that following

EXTRACT OF MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE  
MANAGEMENT COMMISSION OF THE VILLAGE OF MAMARONECK HELD ON SEPTEMBER 21,  
2011 AT 7:30 P.M: IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

**HARBOR & COASTAL ZONE MANAGEMENT COMMISSION  
CONSISTENCY AND AMENDED PERMIT APPROVAL RESOLUTION**

LUDVIPOL, LLC (c/o BENNETT W. GOLUB)  
602 S. BARRY AVENUE

WHEREAS, on March 16, 2011, the Harbor and Coastal Zone Management Commission

("Commission") granted the applicant a structures permit for the reconfiguration of a recreational docking facility at 602 S . Barry Avenue in the Village of Mamaroneck in accordance with the application dated February 28, 2011 and the plans annexed to the application ("Application"); and

WHEREAS, the on March 16, 2011, the Commission determined the Application is a Type II action under SEQRA and not inconsistent with the Village of Mamaroneck's Local Waterfront Revitalization Program ("LWRP"); and

WHEREAS, on September 9, 2011, the Applicant submitted an application to amend the previously approved reconfiguration of a recreational docking facility to include up to three additional storm tie-off piles on the southwest portion of the docking facility and revised plans annexed to the application for "Ludvipo I LLC, Property", prepared by Lemond and Associates, dated 2/17/11 and last revised 9/6/11 ("New Application"); and

WHEREAS, the Commission has considered and evaluated the New Application, including consistency with the LWRP.

On motion of Birman, seconded by Bilotta

NOW THEREFORE BE IT RESOLVED that in accordance with Village Code Section 240-22, the Commission finds that good cause is shown to conduct a hearing on the New Application at its regular September meeting, notwithstanding other requirements of that section.

The motion passes:

Ayes: Bilotta, Schneider, Pernick, Siegel, Birman

Nays: None

Abstain : Jackson

Absent: Allison

On motion of Bilotta, seconded by Birman :

AND BE IT FURTHER RESOLVED that the Commission, based upon review of the New Application, the Environmental Assessment Form and all other relevant materials deems this a Type II action requiring no further action under the State Environmental Quality Review Act ("SEQRA ") .

The motion passes:

Ayes: Bilotta, Schneider, Pernick, Siegel, Birman

Nays: None

Abstain: Jackson

Absent: Allison

On motion of Bilotta, seconded by Pernick :

AND BE IT FURTHER RESOLVED that the Commission has completed its review and evaluation of said New Application and after conferring with its consultants has determined that the New Application is not inconsistent with the LWRP and will not substantially hinder the achievement of any of the policies set forth in the LWRP.

The motion passes:

Ayes: Bilotta, Schneider, Pernick, Siegel, Birman

Nays: None

Abstain: Jackson  
Absent : Allison

On motion of Birman, seconded by Bilotta :

AND BE IT FURTHER RESOLVED that the Commission has completed its review and evaluation of said New Application, has fully considered the factors set forth in Village Code 240-23, has determined the proposed reconfiguration of a recreational docking facility will not be detrimental to the desirability or development of the harbor, and hereby grants an amended structures permit for reconfiguration of a recreational docking facility at 602 S . Barry Avenue including up to three (3) additional storm tie-off piles on the southwest portion of the docking facility .

The motion passes:

Ayes: Bilotta, Schneider, Pernick, Siegel, Birman

Nays: None

Abstain : Jackson

Absent: Allison

## **OLD BUSINESS**

Peter Jackson discussed the progress of the LWRP update committee, stating the state wants the policies simplified; he handed out a draft of the commissions input. There are now 13 policies as opposed to 44,

Mr. Natchez already gave his suggestions to the committee as well as converting the document from PDF to a word document so changes could be tracked. He further stated that the major points are the state views the coast line as opposed to the Village which includes all properties, he suggested it be made more specific to the Village. Case in point the clause to not armor the shore line is aimed to protect the dunes not the type of shoreline in the Village which is already mostly armored. The Villages Wetlands and Marsh areas should be protected. The redraft has to do with the protection of the shore line and lands but should also allow for them to be built up. Dredging should also be considered as it is required to maintain navigable fairways. The commission has a lot of verbiage to administer and Mr. Natchez offered to be available to the commission members at any point to discuss the revision.

Mr. Jackson stated that Mr. Natchez has some very good points, the more input and suggestions the better for the committee.

There will be another surette where the committee will meet with the public for input. The Village wants to get a draft to Albany by January.

Chairman Birman asked the members if they would rather work on this individually or as a group. Mr. Siegel stated that there is a certain amount of dynamism when the committee gets together. Mr.

Birman stated that the members should work on it separately and the commission can discuss it as a group as time allows at the October meeting.

**ADJOURNED**

On motion of Chairman Birman, seconded by Mr. Bilotta the meeting was adjourned at 9:50 p.m.

Mr. Siegel asked if the committee had a chance to review Mr. Natchez email comments, Mr. Jackson responded he just received it this afternoon. Mr. Siegel further stated that he didn't understand why the Village has it in a pdf file. Mr. Jackson stated so it cannot be changed by anyone without Village authorization.

On motion of Chairman Birman, seconded by Ms. Pernick the meeting was adjourned at 10:00p.m.

Minutes prepared by

Francine M. Brill