

MINUTES OF THE REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION (HCZM) OF
THE VILLAGE OF MAMARONECK HELD APRIL 18, 2012
AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK NEW YORK

PRESENT: Nick Allison, Chairman
Peter Jackson
Bert Siegel
Jim Bilotta
Clark Neuringer
Alice Pernick
Kevin LaFollette
Anna Georgiou, Counsel to the HCZM
Sven Hoeger, Environmental Consultant

ALSO PRESENT: Richard Slingerland

CALL TO ORDER:

The meeting of the HCZM was called to order by Mr. Allison, Chairman at 7:35p.m.

MINUTES

The minutes of March 15, 2012 were not discussed.

OLD BUSINESS

None

NEW BUSINESS

1. Referral from the Board of Trustees of PLL G-2012 – FASNY Petition for Zoning Text Amendment

Michael Zarin of the law firm of Zarin and Steimentz, addressed the Board, stating they made application to the Village Board of Trustees for a zoning text amendment to allow private schools as a temporary educational special permit use within the M-1 Zoning District and that FASNY plans to apply for special permit approval for a private school to operate at 525 Fenimore and 300 Waverly Avenue.

Mr. Zarin stated that they require a determination of consistency by May in order to proceed and schedule next year's classes. He also indicated the Planning Board has issued a resolution supportive of the proposed zoning text amendment.

The school will only be allowed the use of the existing buildings, new construction is not permitted.

Traffic and parking studies have been done, only 10% of the traffic is trucks, and there are presently 49 parking spaces where only 43 are required and only 19 will be used.

The Village Board of Trustees has approved a Negative Declaration.

Mr. Zarin asked for a determination of consistency with the LWRP so they can return to the Village Board of Trustees and the Planning Board.

The Commission discussed the application.

Mr. Neuringer stated that the material was straightforward and comprehensive, it would be an adaptive reuse of an existing structure.

Policy 11 was discussed, as a large part of the area is flood prone making it troublesome.

Mr. Zarin stated that the school in its present location on New Street is in the flood area and the school has had a notification policy in use in case of a severe weather event.

Mr. Zarin indicated zoning goes with the land, but if FASNY leaves the site and another school wishes to operate it would be required to get a Special Use Permit

The Waverly Avenue Bridge was discussed and its integrity questioned, school buses were forbidden to use the Bridge.

Mr. Hoeger stated he found no inconsistency with the application.

Ms. Georgiou stated that the Commission is required only to determine consistency as the Village Board of Trustees is lead agency for this Type I action under SEQR and a negative declaration has been adopted by the Board of Trustees.

There were no public questions or comments.

On motion of Mr. Siegel, seconded by Mr. Bilotta the hearing was closed.

Ayes: Bilotta, LaFollette, Jackson, Pernick, Siegel, Neuringer, Allison

Nays: None

Abstain: None

Absent: None

Commission members reviewed the draft resolution prepared by counsel and made minor changes to the draft. On motion of Mr. Jackson, seconded by Mr. Siegel the following resolution was adopted, approving the application

VILLAGE OF MAMARONECK BOARD OF TRUSTEES REFERRAL

French American School of New York PLL- G 2012

WHEREAS, the French American School of New York ("FASNY") proposes to relocate eight classrooms and associated facilities for up to 120 high school students within two existing buildings situated at 525 Fenimore Road and 300 Waverly Avenue in the Village's M-1 Zoning District; and

WHEREAS, FASNY has applied to the Village Board of Trustees ("Board of Trustees") for a Zoning Text Amendment to allow private schools as a temporary educational special permit use within the M-1 Zoning District and enable FASNY to seek special permit approval from the Village Planning Board for the proposed use collectively the ("Proposed Action"); and

WHEREAS, the Board of Trustees classified the Proposed Action as a Type I Action under the State Environmental Quality Review Act (SEQR") and circulated its Notice of Intent to the Lead Agency to the Harbor and Coastal Zone Management Commission ("Commission"), with the Commission having no objection to the designation: and

WHEREAS, on March 12,2012, the Board of Trustees declared itself Lead Agency and thereafter on April 9, 2012 adopted a Negative Declaration under SEQR finding the Proposed Action will not result in any significant adverse environmental impacts: and

WHEREAS, upon referral on April 9, 2012 by the Board of Trustees, the Commission has reviewed the Proposed Action for the purpose of determining consistency with the Village of Mamaroneck's Local Waterfront Revitalization Program ("LWRP")

On motion of Peter Jackson, seconded by Bert Siegel:

NOW, THEREFORE BE IT RESOLVED that the Commission has completed its review and evaluation of said Proposed Action, including the Coastal Assessment Form submitted, and after conferring with its consultants has determined that the Proposed Action is consistent, to the maximum extent practicable, with policies of the LWRP and the Proposed Action will not substantially hinder the achievement of any of the policies set forth in the LWRP.

The motion passes:

Ayes: Bilotta, LaFollette, Jackson, Pernick, Siegel, Neuringer, Allison

Nays: None

Abstain: None

Absent: None

2. Referral from Board of Trustees, Village Manger, Harbor Master, Applicants, Building Inspector

Rich Slingerland the Village Manager addressed the Board stating the Village Board referred this unlisted action to the Commission on 3/26/2012.

According to Mr. Slingerland, the Village Board is proposing the elimination of the commercial use of plastic bags in all business's in the Village. The Chamber of Commerce and the Committee for the Environment are in favor of the proposal.

Mr. Slingerland also indicated there will be a six month period for business's to comply, and there will be a \$150.00 dollar fine for non- compliance. Noncompliance will result in a violation, not a criminal offense or record. Enforcement was discussed.

The City of Rye has already adopted a similar law.

The Board discussed the proposal. Mr. Siegel stated that he feels that the County or the State of New York should pass the law not the Village. It was stated that the only thing the Board is required to confirm is whether the proposed law is consistent with the LWRP.

Mr. Hoeger stated he looked at the policies and found that anything that can be done to minimize the effect of plastics in the oceans would be good for the environment and that a law like this makes a significant statement.

On motion of Mr. Bilotta, seconded by Ms. Pernick the public hearing was closed.

Ayes: Bilotta, LaFollette, Jackson, Pernick, Siegel, Neuringer, Allison

Nays: None

Abstain: None

Absent: None

Commission members reviewed the negative declaration and **consistency resolutions** drafted by counsel. The following resolutions were adopted by the Commission, approving the application:

HARBOR & COASTAL ZONE MANAGEMENT COMMISSION NEGATIVE DECLARATION AND CONSISTENCY RESOLUTIONS

PROPOSED LOCAL LAW F- 2012

WHEREAS, the Harbor and Coastal Zone Management Commission (hereinafter "the Commission") has reviewed proposed Local Law F- 2012, referred to the Commission by the Board of Trustees, that would ban the use of plastic bags for retail checkout of purchased goods ("Local Law"); and

WHEREAS, the Commission has reviewed the Environmental Assessment Form, Coastal Assessment Form and all other materials accompanying the application; and

WHEREAS, the Commission has considered and evaluated the Local Law for consistency with the Village of Mamaroneck's Local Waterfront Revitalization Program ("LWRP").

On the motion of Ms. Pernick, seconded by Mr. Jackson

NOW THEREFORE BE IT RESOLVED that the Commission classifies this as an unlisted action under the State Environmental Quality Review Act and hereby adopts and issues a Negative Declaration finding no significant adverse environmental impacts.

The motion passes:

Ayes: Bilotta, LaFollette, Jackson, Pernick, Siegel, Neuringer, Allison

Nays: None

Abstain: None

Absent: None

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

BE IT FURTHER RESOLVED that the Local Law is consistent, to the maximum extent practicable, with the policies of the LWRP and the Local Law will not substantially hinder the achievements of any of the policies set forth in the LWRP.

The motion passes:

Ayes: Bilotta, LaFollette, Jackson, Pernick, Siegel, Neuringer, Allison

Nays: None

Abstain: None

Absent: None

NEW BUSINESS

Mr. Bilotta stated some residents came to him with pictures showing a terrace being built in the water. Mr. Slingerland will follow up.

ADJOURNMENT

On motion of Mr. Bilotta, seconded by Mr. Jackson the meeting was adjourned.

Minutes prepared by

Francine M. Brill