

**MINUTES OF THE REGULAR MEETING OF THE HARBOR AND COASTAL ZONE
MANAGEMENT COMMISSION (HCZM) OF THE VILLAGE OF MAMARONECK HELD
FEBRUARY 15, 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
Laura Schneider
Anna Georgiou, Counsel to the HCZM
Sven Hoeger, Environmental Consultant
Hugh Grecian, Consulting Engineer

ALSO PRESENT:

CALL TO ORDER:

The meeting of the HCZM was called to order by Mr. Allison, Chairman at 7:45p.m.

MINUTES

On motion of Mr. Bilotta, seconded by Ms. Pernick the Minutes of January 19, 2012 were approved with technical corrections

Ayes: Allison, Jackson, Bilotta, Schneider, Seigel, Pernick, Neuringer

Abstain: Neuringer

On motion of Mr. Siegel, seconded by Mr. Bilotta the minutes October 19, 2011 were approved

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

Nays: None

Abstain: Neuringer

OLD BUSINESS

1. Richard and Meredith Canter – 516 Shore Acres Drive –Continuation of Hearing on determination of Coastal Consistency and Marine Structures Permit for the reconfiguration of existing recreational docking facility and shoreline stabilization. (Have escrow funds)

Dan Natchez, Mr. Canter the owner and the project manager available to address the Board.

Mr. Natchez stated the facility was built prior to 1974, long before the code was established; the Building Department has no information on the history of docking facility. Mr. Natchez further stated that he sent a letter addressed to the Harbor Coastal Zone Management (HCZM) answering all points of their concern. Mr. Natchez pointed out the plan, stating that piles would stabilize the floats rather than anchors which allow a certain amount of sway.

The applicant is here for consistency approval, and permission to get a structures permit.

Mr. Natchez stated that after determining the contour lines of the bottom he was able to move the structure one foot closer to shore as was requested but can go no further without dredging. The Village docks were changed to piles after the last dredging and the adjoining neighbor Mr. Gurlien also has pilings.

Mr. Natchez stated that page 4 of the photos shows Mr. Gurlien piles and floats marked Exhibit H

The size of Mr. Canters boat (a 50 foot Sea Ray) and the anchors strength were discussed, as well as whether anchors and chains disturb the bottom. Mr. Natchez stated Mr. Canter's boat has a 16.2 inch beam and 4 ½ foot draft.

Joe Russo the Harbor master addressed the Board stating that the bottom in that area is soft and the boat could sit on the bottom at low tide without sustaining damage, but it would have to wait to move until it had a few feet of water underneath. He stated that his responsibility is to maintain a safe channel, as the Channel should never be blocked. He stated that this channel is the main entrance into the harbor and he has dreaded the day when an application in this area would come up. He would like a buffer zone for safety. The Coast guard recommends the space but its responsibility of the Harbor master to enforce it; he stated that the HCZM could set an official setback now, so as to not compromise the channel. This application affects the character of the area, and will set a standard.

Mr. Russo passed photos of the neighbor's boat, stating his waterfront was dredged to accommodate his boat, now his neighbors view is of his boat. He stated he is learning from the past permitted applications and has seen that many people have expanded further than what has been permitted.

Mr. Russo stated he looked at the dockage configuration and tried to rearrange the design so that Mr. Canter could have his new floats.

Mr. Neuringer asked if the Harbor Master could keep the docks as they are or except the new application which would he prefer, Mr. Russo responded the although piles hold everything in place saving about 6 inches, anchors sway and would be preferable.

The Army Corp. of Engineers is responsible for the dredging of the channel and harbor perhaps owners of waterfront property will work with them the next time the harbor is dredged.

Mr. Hoeger stated that any disturbance of the bottom releases toxins but not permanently.

Ms. Georgiou stated the five factor requirements for granting Section 240-23, 1. Manner of construction, 2. Inappropriateness, 3. Conflict with the harbor management plan, 4. Navigational hazard, 5. Environmental impacts.

Mr. Natchez stated that the Building Department reviews and determines whether the applicant has met the five factors, the two documents that govern the decision is the Harbor management plan and the LWRP.

Mr. Natchez also stated that he appreciates the Harbor Master's suggestions, he looked at them and feels they don't work because they don't have water beneath the boat. Moving the dock one foot closer to shore would be unsafe for the boat. He stated he looked at all feasible methods.

Mr. Russo stated that he would like to maintain a buffer zone and the application should be looked at when all the boats are in the water.

Chairman Allison asked if there were any questions or comments from the public.

Public comments or questions

Lee Wexler, of 511 Munro Ave. and a member of the Planning Board stated he has seen this type of application from the perspective of a Wetlands Permit, focus on piles versus anchors, he respectively disagrees and stated the focus should be on the look and feel of the harbor, and whether we want to support industrial facilities for larger and larger boats. He wants to encourage what we want the harbor to look like. The HCZM is charged with determination of consistency, and have the right to determine the size of the structures being placed.

Mr. Hoeger stated that a shared docking facility would be better for the environment, to which Mr. Natchez stated it could not be done due to littoral rights.

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

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

Nays: None.

The Commission discussed the application.

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

**RICHARD AND MEREDITH CANTER
516 SHORE ACRES DRIVE**

WHEREAS, on January 4, 2012, the Applicants submitted an application to undertake reconfiguration of a recreational docking facility and shoreline stabilization with plans (SD-01, SD-02, SD-03, SD-04) annexed to the application prepared by Lemond and Associates, dated December 30, 2011 (Application”); and

WHEREAS, the public hearing for this Application opened at the January 18, 2012 meeting of the Commission (“January Meeting”) was thereafter adjourned until the February 15, 2012 meeting and closed on that later date;

WHEREAS, the Commission has considered and evaluated the Application, including consistency with the Village of Mamaroneck Local Waterfront Revitalization Program (“LWRP”).

On motion of Mr. Siegel, seconded by Ms. Schneider

Now, Therefore be Resolved that in accordance with Village Code Section 240-22 the Commission finds that good cause is shown to open and conduct a hearing on the application at its regular January 2012 meeting, notwithstanding other requirements of that section.

The motion passes:

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

Nays:

Abstain:

Absent:

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

AND BE IT FURTHER RESOLVED that the Commission, based upon review of the Application, including 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: Allison, Siegel, Schneider, Jackson, Bilotta, Pernick,

Nays:

Abstain:

Absent:

On motion of Mr. Siegel, seconded by Ms. Schneider

AND BE IT FURTHER RESOLVED, that the Commission has completed its review and evaluation of said application, including the Coastal Assessment Form and supplement, and after conferring with its con-

sultants has determined that the Application is consistent, to the maximum extent practicable, with the policies of the LWRP and the Application will not substantially hinder the achievement of any of the policies set forth in the LWRP.

The motion passes:

Ayes: Schneider, Neuringer, Siegel, Pernick

Nays: Jackson, Bilotta, Allison

Abstain:

Absent:

On motion of Mr. Siegel, seconded by Ms. Schneider

AND BE IT FURTHER RESOLVED that the Commission has completed its review and evaluation of said Application, has fully considered the factors set forth in Village Code 240-23, has determined the proposed reconfiguration of a recreational docking facility and shoreline stabilization will not be detrimental to the desirability or development of the harbor, and hereby grants a structures permit for reconfiguration of a recreational docking facility and shoreline stabilization at 516 Shore Acres Drive.

The motion passes:

Ayes: Schneider, Neuringer, Siegel, Pernick

Nays: Jackson, Bilotta, Allison

Abstain:

Absent:

5 MINUTES BREAK

2. Continuation of determination of Coastal Consistency for Comprehensive Plan Update and Coastal Assessment Form of same.

Mr. Allison stated he received communications from Catherine Desmond; Richard Slingerland, dated January 12, 2012; Sven Hoeger dated January 17, 2012; Richard Slingerland January 18, 2012; Sue McCrory, Doreen Rooney; Sven Hoeger January 23, 2012; Robert Galvin January 25, 2012; Susan Favate; Ed Burroughs; Greg Di Angelis; Doreen Rooney; Susan Favate dated February 15, 2012; All information is posted on the web site.

Ms. Georgiou reviewed standards that apply under the code for determination of consistency. Stating whether the action will substantially hinder any of the LWRP policies is the threshold.

Public Comments

Sharon Kapas stated she received a letter from Westchester county, re: Fenimore Road and I 95 violation of fecal coliform contamination, the area is not on the flood maps. She further asked how the Village is going to handle the sur charge to the storm drains and sewer system.

Stewart Tiekert spoke about the parcel at 564 Mamaroneck Avenue and Nolles Ridge. He asked if Mr. Jackson and Mr. Bilotta should recuse themselves.

Ms. Georgiou stated the Comprehensive Plan update is a vision statement for the entire Village, cannot find any reason why any Board member would have to recuse themselves, the Commission is only looking at the issue of consistency,

Dan Natchez, President of Shore Acres Association, and neighboring associations which passed a resolution read letter into the record re: issues of flooding facing the Village. Mr. Natchez stated the Comprehensive Plan

states if you comply with FEMA you can do anything you want but it provided no guidance. He stated he feels the plan is not consistent with policy, and suggestions are listed on page two of the association's resolution. In areas that are known to flood residential development would not be appropriate, encourage the protection of natural resources, all mechanicals should be raised above flood elevation, higher than past flood events. The issue is if there are any alternatives, need to be more proactive and need to find the plan inconsistent.

Susan Favate, of BFJ Planning, stated she helped write the plan and have updated it over the last five years. The plan is meant to be broad, it addressed flooding. A 25 member committee started working on the plan in 2005. The committee devoted a lot of thought to flooding and wetlands and responded to the Counties request to talk more about FEMA. The Comprehensive Plan is not the place to go into specifics either the LWRP or a stand-alone document is a better place. The LWRP is a focus document; the Comprehensive Plan is a broad document.

Sue McCrory stated she was not happy with the vision, she has a vision a flood safe community, and the plan needs leadership to get from a Village that floods, to a flood safe Village. This opportunity only comes up every few decades, the Village should seize the opportunity to create a better plan.

Nora Lucas, of 204 Beach Avenue, stated she sent a memo, stating she doesn't believe SEQRA was done properly. The 2007 EAF was not available and the Commission never opined on the EAF, the Village Board voted on it. Policy 44 the Wetlands Law required a SEQRA review.

It was stated that a Neg Dec does not mean the plan has no impact.

Andrew Spatz of Halsted Ave. stated that nothing the Commission decides tonight will change flooding. The Flood Advisory Committee meets once a month, and anyone can attend, there are outside sources to guide committees. Flooding has been an issue, and there has been a tremendous effort to mitigate it, grants have been applied for.

Lee Wexler, stated that 20-25 people have been brainstorming to draft the plan, he hopes that the Commission finds the plan consistent, it is a living document and can be updated as needs be. He further stated that the Chair of the update committee Mr. Galvin could not attend and asked to have his letter read into the record.

Greg DeAngelis state that this is an important step, it is meant to be a starting point.

Mr. Neuringer state on one doubts the work of the committee, the only reason the plan is before the Commission is for a determination of consistency.

Doreen Rooney asked what avenue people have to correct the FEMA maps when areas have been left out. The plan has great points but flooding could be enhanced. She further stated that she is concerned with zoning changes.

Victor Pafour resident and professor of land use law stated the Commission should abstain with making a determination because the Board of Trustees has not completed Coastal Assessment Form.

Ms. Georgiou stated the CAF was referred to Commission 1/9/2012, which triggered 30 days, the Neg Dec was adopted by the Board of Trustees 1/9/2012.

Dan Natchez stated the Plan is not consistent with policy 11 and 12 in regards to Hampshire, Bilotta, and Hoyt.

Nora Lucas stated that a requirement is to take a hard look at environmental impacts, step missed.

Lester Steinmen Counsel to the Village stated he was involved in SEQR process, sent lead agency status, followed and concluded process, CAF properly completed for HCMZ to determine consistency

On motion of Mr. Jackson, seconded by Mr. Bilotta the public hearing was closed. Unanimously

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

Nays: None

2 MINUTE BREAK

The Board discussed the Comprehensive Plan.

BREAK Television transmission was interrupted.

HARBOR & COASTAL ZONE MANAGEMENT COMMISSION CONSISTENCY RESOLUTION COMPREHENSIVE PLAN UPDATE VILLAGE OF MAMARONECK BOARD OF TRUSTEES

WHEREAS, the Harbor Coastal Zone Management Commission (“Commission”) has reviewed and evaluated The Comprehensive Plan Update dated December 2011, together with the Coastal Assessment Form as referred to the Commission by the Board of Trustees on January 9, 2012 (“Application”); and

WHEREAS, the Board of Trustees as Lead Agency, after having reviewed and accepted the Full Environmental Assessment Form, adopted a negative declaration for the action under SEQRA on January 9, 2012; and

WHEREAS, on January 17, 2012, the Board of Trustees voted unanimously to extend the timeframe for the Commission to perform consistency review through February 15, 2012; and

WHEREAS, the Commission has considered and evaluated the impacts of the Application for consistency with the Village of Mamaroneck’s Local Waterfront Revitalization Program (“LWRP”)

On motion of Mr. Jackson, seconded by Mr. Bilotta

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

The motion passes:

Ayes: Allison, Bilotta, Jackson, Pernick

Nays: Neuringer, Schneider, Siegel

Abstain:

Absent:

NEW BUSINESS

Ms. Georgiou stated she received Notice of intent to be lead agency for the French School application.

ADJOURNMENT

On motion of Mr. Jackson, seconded by Mr. Siegel the meeting was adjourned, unanimously at 12:10 P.M.

Minutes prepared by

Francine M. Brill