

## HZMC

### MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANGEMENT COMMISSION (HCZMC) OF THE VILLAGE OF MAMARONECK HELD June 20, 2012 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK NEW YORK

PRESENT: Mr. Nick Allison, Chairman  
Bert Siegel  
Clark Neuringer  
Ms. Alice Pernick  
Mr. Peter Jackson  
Jim Bilotta  
Kevin LaFollette

Also Present: Dan Sarnogff, Assistant Village Manager  
Anna L. Georgiou, Counsel to the HCZMC  
Sven Hoeger, Environmental Coordinator

The meeting of the HCZMC was called to order by Chairman Nick Allison at 7:35 P.M.

#### MINUTES

On motion of Ms. Pernick, seconded by Mr. Bilotta the minutes of May 30, 2012 were tabled.

#### OLD BUSINESS

1. Referral from Board of Trustees of PLL I-2012- Amending Chapter 186 to remove the term "Cumulative Substantial Improvements"

Richard Slingerland, the Village Manager, addressed the Board stating that the proposed amendment is modeled on New York State law.

The memo from Friday was partially read into the record as it was put on the web at 5:00p.m this evening.

Policies and financial responsibility was discussed, the word cumulative includes everything including improvements to the house.

Mr. Allison stated that he does not want to weaken the law.

Mr. Slingerland stated that the Village Board realizes that there are areas prone to flooding; they are working with the Department of Environmental Conservation, the Army Corp. of Engineers, and the County and State. Residents can apply for a buy out or a grant to assist helping with the cost of repairs.

Mr. Slingerland stated that the HCZM is to determine consistency with the LWRP. The current law was put into effect in 2007 as recommended by the Building Inspector, and the Village Engineer as a means to get residents a reduction in insurance. Mr. Meillo the current building inspector recommended the change to the law.

The Board discussed the how many homes and business could be affected and what criteria should be used to figure the percentage of damage.

Mr. Neuringer stated that the suggested change in the law seems to be all or nothing and suggested a modification to the

law eliminating certain repairs such as painting. Also to determine consistency they would need to know the number of properties affected.

Mr. Sarnoff stated that several owners of damaged homes have put in for buy outs.

Mr. Neuringer stated that many laws are onerous or burdensome the effected party could request a variance. To which Mr. Slingerland responded that if the granting if consistent variances a rezoning or change the law might be contemplated.

Mr. Neuringer stated he doesn't see how a change in the law benefits the community.

Mr. Siegel would like to see incremental changes as he is bothered the new law is not proven.

### **Public comments**

Stuart Ticker, of 130 Beach Ave, stated he feels that minor damage should be taken out of the original law and concentrate on damage caused by flooding.

Nora Lucas stated she is concerned about SEQR, the Board of Trustees had no public hearing, and the new law is not consistent with the LWRP.

Mr. LaFollette asked if a house is in flood plain but sustains no damage is it still under same requirement.

Ms. Georgiou stated she will review the standards. The Board must make a determination by July 15.

On motion of Mr. Allison, seconded by Mr. LaFollette the to approve the resolution

Vote Ayes: Jim Bilotta, Ken LaFollette

Nays: Alice Pernick, Bert Siegel, Clark Neuringer, Nick Allison

Ms. Georgiou stated she must now identify what policies will be substantially hindered. If a no vote the BOT will have a default consistency.

A motion to find inconsistency must use the 4 established criteria to prove inconsistency.

Ms. Georgiou suggested Mr. Slingerland ask for an extension, and if the ("BOT") Board of Trustees says no, call a special meeting of the HCZM.

Mr. Allison made a motion to send back to the ("BOT") Board of Trustees requesting an August meeting for more time to make a determination of inconsistency. Or have a special meeting before July 15 if the BOT says no, seconded by

The matter was adjourned.

### **NEW BUSINESS**

#### **1. Stuart Gilbert – 1050 Nautilus Lane – Repair concrete dock footings and walkway.**

Mr. Gilbert stated it is not a change. In 1994 received approval to repair footings and walkway.

Mr. Allison asked stated the Board did not receive all the required documents timely.

Mr. Gilbert stated that the only changes to the document were that he left out the DEC and ACoE. document.

Mr. Hoeger stated it is a minor matter; forms were unfortunately filled out wrong, but are fixed now. The EAF was not resubmitted. The DEC has to be notified and give approval.

Mr. Gilbert stated that Dan Natchez is helping him with the DEC & ACoE application.

Mr. Hoeger stated the DEC is involved because he is renewing the cement, the concrete must be removed off the site. The only concern is water quality which will be reviewed by the DEC

Ted Gripper, the applicant's engineer stated the rocks are a wave buffer, and will be replaced when concrete is finished. All work will be done at low tide.

On motion of Pernick, seconded by Mr. Siegel the matter was opened

Ayes; Bilotta, Jackson, LaFolette, Pernick, Siegel, Neuringer, Allison  
Nays: None  
Abstain:  
Absent:

On motion of Ms. Pernick, seconded by Mr. Siegel the matter was closed

Ayes; Bilotta, Jackson, LaFolette, Pernick, Siegel, Neuringer, Allison  
Nays: None  
Abstain:  
Absent:

**STUART GILBERT  
1050 NAUTILUS LANE**

**WHEREAS**, on May 25, 2012, the Applicant submitted an application to repair a marine structure at the premises located at 1050 Nautilus Lane ("Premises") pursuant to Village Code Chapter 240 Article VI, to repair concrete dock footings and walkway, with plans annexed to the application prepared by Theodore G. Rieper Architects P.C., dated November 30, 2011 ("Application"); and

**WHEREAS**, The public hearing for this Application opened at the June 20, 2012 meeting of the Commission("June Meeting") and closed on June 20, 2012; and

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

On motion of Alice Pernick, seconded by Bert Siegel

**NOW THEREFORE BR IT 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 June meeting, notwithstanding other requirements of that section.

The motion passes/fails:

Ayes; Bilotta, Jackson, LaFolette, Pernick, Siegel, Neuringer, Allison  
Nays: None  
Abstain:  
Absent:

On motion of Alice Pernick, seconded by Bert Siegel:

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

The motion passes/fails:

Ayes; Bilotta, Jackson, LaFolette, Pernick, Siegel, Neuringer, Allison  
Nays: None  
Abstain:  
Absent:

On motion of Alice Pernick, seconded by Bert Siegel:

**AND BE IT FURTHER 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 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/fails:

Ayes; Bilotta, Jackson, LaFolette, Pernick, Siegel, Neuringer, Allison  
Nays: None  
Abstain:  
Absent:

On motion of Clark Neuringer, seconded by Alice Pernick:

**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 Application will not be determined to the desirability or development of the harbor, and hereby grants a structures permit for repair of dock footings and the walkway at the Premises. The Application shall obtain required permits and approvals from Village, state and federal agencies prior to issuance of a building permit.

The motion passes/fails:

Ayes; Bilotta, Jackson, LaFolette, Pernick, Siegel, Neuringer, Allison  
Nays: None  
Abstain:  
Absent:

## **2. Referral from Board of Trustees for Consistency Review of Land Acquisition for Jefferson Avenue Bridge Contract**

Mr. Sarnoff addressed the Board. Discussing Policies 11, 12 and 17. The bridge will remain largely in the same area with minimal impact. The bridge can't be set back from the river and it is not possible to raise the bridge above the base flood elevation. Acquisition of property is only to allow for the expansion of the abutments. There will no impact to wildlife.

The Board discussed the application.

There were no public questions or comments.

Mr. Allison read the Resolution into the record.

**HARBOR & COASTAL ZONE MANAGEMENT COMMISSION  
CONSISTENCY RESOLUTION**

**VILLAGE BOARD OF TRUSTEES-ACQUISITION OF REAL PROPERTY  
TO COMPLETE JEFFERSON BRIDGE PROJECT**

**WHEREAS**, the Harbor and Coastal Zone Management Commission (“Commission”) has reviewed the Village’s proposed acquisition of 150 feet of real property required to complete the Jefferson Avenue Bridge Replacement Project (“Action”); and

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

**WHEREAS**, on May 29, 2012 the Village Board of Trustees determined that the Action was an Unlisted Action pursuant to SEQRA, declared its intent to be Lead Agency, and circulated a Notice of Intent to be Lead Agency and Short Form Environmental Assessment Form to the Commission; and

**WHEREAS**, on May 30, 2012, the Commission determined it had no objection to the designation of the Board of Trustees as Lead Agency for this Action: and

**WHEREAS**, on June 4, 2012 the Board of Trustees declared itself Lead Agency and adopted a Negative Declaration under SEQR finding the Action will have no significant adverse environmental impacts; and

**WHEREAS**, upon referral by the Board of Trustees, the Commission has reviewed the Action for the purpose of determining consistency with the Village of Mamaroneck’s Local Waterfront Revitalization Program (“LWRP”).

On motion of Mr. Neuringer, seconded by Mr. Bilotta:

**BE IT RESOLVED** that the Action is consistent, to the maximum extent practicable, with policies of the LWRP and the Action will not substantially hinder the achievement of any of the policies set forth in the LWRP.

The notion passes/fails:

Ayes: Bilotta, Jackson, LaFolette, Pernick, Siegel, Neuringer, Allison  
Nays: None  
Abstain:  
Absent:

**ADJOURNMENT**

On motion of Mr. Siegel, seconded by Ms. Pernick the meeting was adjourned at 10:02 P.M.

Minutes prepared by

Francine M. Brill