

MINUTES OF THE REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION (HCZM) OF
THE VILLAGE OF MAMARONECK HELD May 16, 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
Hugh Greacian, Consulting Engineer
Anna Georgeiou, Counsel to the HCZM
Sven Hoeger, Environmental Consultant

ALSO PRESENT: Richard Slingerland

ABSENT: Kevin LaFollette

CALL TO ORDER:

The meeting of the HCZM was called to order by Mr. Allison, Chairman at 7:37p.m.

MINUTES

On motion of Mr. Jackson, seconded by Mr. Bilotta the minutes of March 15, 2012 were approved as amended.

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

On motion of Mr. Jackson, seconded by Mr. Bilotta the minutes of April 18, 2012 were approved as amended.

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

OLD BUSINESS

NEW BUSINESS

1. FASNY Petition for Zoning Text Amendment – Revised Site Plan & CAF

David Cooper, FASNY's attorney addressed the Board, stating they are seeking to temporary locate 8 classes on Fenimore and Waverly. Since they were here last month a building at 545 Fenimore Road has vacated and it a better location they the previously proposed 525 Fenimore Road location. It is proposed to have 6 classes on Waverly and 2 at 545 Fenimore.

Mr. Hoeger stated that it is a minor change and consistent with the LWRP.

Ms. Georgeiou stated she drafted a new resolution reconfirming April resolution with the change.

Mr. Steinman counsel for the Planning Board stated he suggested that FASNY confirm consistency as it is a different building.

Mr. Greacian stated that the parking is better at the new location.

There will be no construction of any kind as they are utilizing the existing structures.

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

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

HARBOR & COASTAL ZONE MANAGEMENT COMMISSION
RESOLUTION RECONFIRMING CONSISTENCY
French American School of New York

WHEREAS, on April 18, 2012 the Harbor and Coastal Zone Management Commission (“Commission”) determined the Proposed Action was consistent, to the maximum extent practicable, with policies of the Village of Mamaroneck’s Local Waterfront Revitalization Program (“LWRP”) and the Proposed Action will not substantially hinder the achievement of any of the policies set forth in the LWRP (“April 18, 2012 Resolution”); and

WHEREAS, the April 18, 2012 Resolution was based upon the French American School of New York’s (“FASNY”) plan 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, instead of using 525 Fenimore Road, FASNY now proposes to locate two classrooms and associated space in the adjacent 545 Fenimore Road building, with the remaining six classrooms to be situated at 300 Waverly Avenue as originally proposed; and

WHEREAS, the Commission has reviewed FASNY’s submissions including an updated Coastal Assessment Form; and

WHEREAS, FASNY proposes no other changes to the project and proposed operations as previously reviewed and approved by the Commission on April 18, 2012 will remain the same.

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

NOW, THEREFORE BE IT RESOLVED that changing the location of two classrooms from 525 Fenimore Road to 545 Fenimore Road does not affect the Commission’s previous determination of consistency and the Commission hereby reconfirms the annexed April 18, 2012 Resolution.

The motion passes:

Ayes: Mr. Bilotta, Mr. Jackson, Mr. Siegel, Mr. Neuringer, Ms. Pernick, and Mr. Allison
Nays: None
Abstain: None
Absent: Mr. LaFollette

2. Referral from Board of Trustees of PLL 1-2012 – Amending Chapter 186 to remove the term “Cumulative Substantial Improvements”

Mr. Neuringer stated for the record that the Commission received the packet late lot and did not have adequate time to review the large amount of information. Lead agency determination is being requested.

Ms. Georgeiou stated the Board could open a Public Hearing and consider lead agency determination.

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

Vote:

Yes: Bilotta, Jackson, Pernick, Allison

No: Siegel, Neuringer

Rich Slingerland, the Village Manager, addressed the Commission and on behalf of the Mayor and the Board of Trustees he read a memo into the record. The only matter before the Commission is the determination of Lead Agency.

Mr. Slingerland explained the Board would like to remove the word "cumulative" from the current local law as federal and state requirement does not have to be cumulative.

Once a building has reached the 50% cumulative threshold it is no longer considered habitable and must be made BFE compliant putting a significant burden on owners that have made improvements to their home over the 10 year period.

Mr. Slingerland stated that the Village is in National Flood insurance program, but not a CRS community yet. He further stated he doesn't know why cumulative was added to the law when originally drafted, although it may have been to give the Village points if it was a CRS community to save residents on flood insurance.

Mr. Siegel stated that cumulative makes no sense, to which Mr. Slingerland responded that is why the Village Board wants to remove it from the code.

Mr. Neuringer discussed whether the HCZMC should be lead agency, Mr. Siegel agreed with him.

Public Comments

Ms. Mc Cory of 720 The Crescent, stated the HCZM could do an uncoordinated review. She suggested the EAF has errors and needs to be corrected acreage is wrong, critical environmental areas do not list LIS, action wrong change that relates only to damages, EAF only describes damages. She further stated that the 2007 Board made a determination of consistency and the Commission should follow precedence.

Mr. Allison stated he would like to know what the HCZM found in 2007.

Ms. McCory stated that the 50% formula is the rule across the country, local governments can do something tougher.

Mr. Steinman the counsel for the Village Board state that an uncoordinated review is not an option, in this case the Trustees have circulated a notice of intent and asked the HCZM for a determination only.

Dead lines were discussed and Mr. Jackson stated that if the HCZM does not respond within 30 days lead agency goes by default to BOT.

Nora Lucas, of 203 Beach Ave., stated that SEQRA should be televised. And the HCZM should be lead agency.

Gloria Romney stated that the EAF & CAF not correct, and are incomplete therefore the application can be rejected. The Board asked for her comments to be presented in writing

Mr. Neuringer stated that this gets to the heart of something that has devastated the Village especially since 2007 and the HCZM should be Lead agency.

Ms. Georgeiou stated that if the Commission wants to be lead agency they must respond with an objection.

Mr. Slingerland stated that the BOT adopts legislation and law therefore should be lead agency.

Mr. Steinman stated that this is a policy issue for the Village, to amend the law, typically lead agency is with the legislative body.

The members discussed who should be lead agency.

Mr. Steinman stated if the HCZM states they want to be lead agency, the 2 agencies must agree and if they cannot the DEC determines who will take the lead, usually deferring to the BOT.

Mr. Jackson stated regardless of SEQRA determination this Board still has a vote of determining consistency. The Commission needs to determine consistency with the LWRP.

The members discussed the pros and cons of being lead agency.

Mr. Slingerland stated that since the Board of trustees have declared lead agency status all they are asking is the HCZM agrees.

On motion of Mr. Neuringer, seconded by Mr. Siegel the Commission objected to the Board of Trustees lead agency determination.

Vote;

Yes: Siegel, Neuringer, Allison

No: Bilotta, Jackson, Pernick

Motion does not carry.

Mr. Siegel asked for another vote.

On motion of Mr. Jackson, seconded by Mr. Bilotta the Commission accepted the Board of Trustees as Lead agency.

Vote:

Yes: Bilotta, Jackson, Pernick, Siegel, Neuringer, Allison

No:

On Motion of Mr. Jackson, seconded by Mr. Bilotta the application was tabled.

Vote: Bilotta, Jackson, Pernick, Siegel, Neuringer, Allison

Mr. Steinman's SEQRA presentation was discussed and postponed.

MINUTES

On motion of Mr. Jackson, seconded by Mr. Bilotta the minutes of March 21, 2012 were approved as amended.

Vote: Bilotta, Jackson, Pernick, Siegel, Neuringer, Allison

On motion of Mr. Jackson, seconded by Mr. Bilotta the minutes of April 18, 2012 were approved as amended.

Vote: Bilotta, Jackson, Pernick, Siegel, Neuringer, Allison

ADOURMENT

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

Vote: Bilotta, Jackson, Pernick, Siegel, Neuringer, Allison

Minutes prepared by
Francine M. Brill