

**MINUTES OF THE REGULAR MEETING OF THE HARBOR AND COASTAL ZONE
MANAGEMENT COMMISSION (HCZM) OF THE VILLAGE OF MAMARONECK HELD MARCH
21, 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 Greechan, Consulting Engineer

ALSO PRESENT:

CALL TO ORDER:

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

MINUTES

On motion of Mr. Siegel, seconded by Ms. Pernick the minutes of February 15, 2012 were approved.

Ayes: Bilotta, Pernick, Schneider, Jackson, Siegel, Neuringer, Allison
Nays: None

OLD BUSINESS

1. Bennett and Cynthia Golub – 710 Taylors Lane – Determination of Coastal Consistency and Marine Structures Permit for erecting marine structure to fill cavity to prevent destruction of landmark structure (Have sufficient escrow funds).

Ms. Georgiou stated that the public hearing was closed last month, the BAR issued a certificate of Appropriateness on amended plans she therefore suggested the Board reopen the public hearing to act on the amendment presented. There is no publication requirement only a hearing requirement, there is a sign posted advising the public and the agenda was posted.

On motion of Mr. Neuringer, seconded by Mr. Siegel the Board opened the public hearing with a limited scope regarding the (BAR) Board of Architectural Review's Certificate of Appropriateness and any pertinent information.

Ayes: Bilotta, Pernick, Schneider, Jackson, Siegel, Neuringer, Allison
Nays: None

Daniel Natchez of Daniel S. Natchez Association addressed the Board stating in anticipation of the Board opening the public hearing he has assembled the applicant's team to answer any questions the Board may have.

The Certificate of Appropriateness is based on the plans of 3/9/2012.

Mr. Natchez explained the changes to the plans, stating that the cavity will be filled, but not extended out, the interior would be reinforced either to the window sill or the roof to be determined at the time of construction. The BAR was concerned with keeping the outside original; there will be no change to the footprint. Less fill will be needed.

Mitigation was discussed, Mr. Natchez state the DEC asked for a report from SHPO and removal of 400 square feet of illegal fill in the harbor, They have given the DEC 3 possible mitigation scenarios including the removal of abandoned docks and, planting grasses..

Ms. Georgiou asked if the plan would be entered into the record, Mr. Natchez handed 3 sets of plans to the chairman.

Mr. Natchez stated the BAR did a Type II SEQRA determination, found it to be consistent with the LWRP, and issued a Certificate of Appropriateness.

Mr. Greechan stated his concerns were addressed.

The applicant received a memo from SHPO stating no impact.

Mr. Hoeger stated he had no new comments.

The Board asked if they can condition that grasses be planted in Mamaroneck.

There were no questions or comments from the public.

Mr. Natchez stated that the applicant was called out of town, and desires to have a determination tonight.

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

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

Nays: None

The Commission discussed the application. Commission members reviewed the draft resolution prepared by counsel. The following resolution was adopted by the Commission:

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

Bennett W. Golub and Cynthia Golub
710 Taylors Lane Mamaroneck, N.Y. 10543

WHEREAS, on December 9, 2011, Bennett W. Golub and Cynthia Golub (“Applicants”) submitted an application to erect a marine structure at the premises located at 710 Taylors Lane (“Premises”) pursuant to Village Code Chapter 240 Article VI “to fill a cavity to prevent destruction of a landmark structure” with plans (SD-01, SD-02, SD-03) annexed to the application, prepared by Lemond and Associates, dated December 9, 2011; and

WHEREAS, in accordance with Village Code Chapter 218, the Premises is a locally designated and protected landmark known as “The Mill House” and “Old Mill”; and

WHEREAS, the Commission’s hearing on the application held on January 18, 2012 was closed on that date, with no further action taken; and

WHEREAS, on January 18, 2012, the Applicants agreed to waive the time period set forth in Village Code Section 240-30 (A) for issuance of the Commission’s determination of the application’s consistency with the Village of Mamaroneck Local Waterfront Revitalization Program (“LWRP”); and

WHEREAS, on February 8, 2012, the Applicants requested that the pending application be postponed until the March 21, 2012 meeting of the Commission; and

WHEREAS, on March 15, 2012, the Village’s Board of Architectural Review issued and approved a Certificate of Appropriateness pertaining to the Premises with plans prepared by Lemond and Associates, dated December 9, 2011 and last revised on March 9, 2012 (“Certificate of Appropriateness”); and

WHEREAS, at its March 21, 2012 meeting the Commission voted to reopen the public hearing for the instant application for the limited purpose of reviewing revised plans (prepared by Lemond and Associates, dated December 9, 2011 and last revised on March 9, 2012), the Certificate of Appropriateness, and the status of other required approvals; and

WHEREAS, on March 21, 2012 additional documents were submitted into the record, including but not limited to the Certificate of Appropriateness and revised plans (prepared by Lemond and Associates, dated December 9, 2011 and last revised on March 9, 2012); and

WHEREAS, on March 21, 2012, the public hearing was closed; and

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

On motion of Mr. Jackson, seconded by Mr. Siegel:

NOW THEREFORE BE IT 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:	Bilotta, Pernick, Schneider, Jackson, Allison, Siegel, Neuringer
Nays:	None
Abstain:	None
Absent:	None

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

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

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

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 detrimental to the desirability or development of the harbor, and hereby grants a structures permit to the Applicants to “erect a marine structure to fill a cavity to prevent destruction of a landmark structure” at the Premises. The Applicants shall obtain required permits and approvals from Village, state and federal agencies prior to issuance of a building permit.

The motion passes:

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

Mr. Neuringer thanked the applicant and consultants as it was not a simple project.

Mr. Natchez thanked the Board, and consultants.

NEW BUSINESS

1. John Hilts for Robert Weiner 1347 Flagler Drive – To replace a deteriorated timber pier, provide increased setback from adjacent pier, and provide continued access to recreational boating (Have sufficient escrow funds).

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

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

Nays: None

John Hilts the applicant's representative addressed the Board. He stated they are replacing an existing pier and pier head that was damaged by a storm; the goal is to supply a greater setback to the adjacent neighbor. The Commission's environmental consultant Mr. Hoeger asked if some pilings would be left as a fish habitat.

The elevation of the pier was discussed as it will be two feet higher than existing, and uniform with the top of the seawall.

The application has received DEC approval, no permit is required. The Army Corp. of Engineers permit was issued 3/7/2012

The distance to moorings was discussed. The position of the floating dock was also discussed and the fact it will be constrained by the pilings it is attached to.

Mr. Hoeger stated although there is no requirement that the old piles remain, it would be beneficial as a fish habitat to keep some.

Photos were shown and entered into the record showing the damage the dock sustained from the storm. .

Public comments

Douglas McKee of 1337 Flagler, the next door neighbor, asked Mr. Hilts some questions regarding the position of the structure and stated he is supportive of the application.

Mr. Siegel stated for the record Mr. McKee made his property available for Board members to view the proposed site.

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

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

Nays: None

The Commission discussed the application. Commission members reviewed the draft resolution prepared by counsel. The following resolution was adopted by the Commission:

HARBOR & COASTAL ZONE MANAGEMENT COMMISSION CONSISTENCY AND PERMIT APPROVAL RESOLUTION

ROBERT WEINER

1347 FLAGLER DRIVE

WHEREAS, on February 29, 2012, the Applicant submitted an application to erect a marine structure at the premises located at 1347 Flagler Drive ("Premises") pursuant to Village Code Chapter 240 Article VI to replace a pier, pierhead and ramp, with plans annexed to the application prepared by Scott B. Davies, dated October 28, 2011 (Existing Site Plan View, Proposed Site Plan View and Proposed Pier Elevation) ("Application"); and

WHEREAS, the public hearing for this Application opened at the March 21, 2012 meeting of the Commission ("March Meeting") and closed on March 21, 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 Mr. Jackson, seconded by Mr. Siegel:

NOW THEREFORE BE 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 March 21, 2012 meeting, notwithstanding other requirements of that section.

The motion passes:

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

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

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

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

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:

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

On motion of Mr. Jackson, seconded by Mr. Siegel:

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 detrimental to the desirability or development of the harbor, and hereby grants a structures permit for pier, pierhead and ramp replacement at the Premises. The Applicant shall obtain required permits and approvals from Village, state and federal agencies prior to issuance of a building permit.

The motion passes:

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

ADJOURNED

On motion of Mr. Siegel, seconded by Mr. Bilotta the meeting was adjourned at 8:45P.M.

Ayes: Bilotta, Pernick, Schneider, Jackson, Siegel, Neuringer, Allison
Nays: None