

APPROVED BY HCZMC

Harbor and Coastal Zone Management Commission

MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE MANGEMENT COMMISSION (HCZMC) OF THE VILLAGE OF MAMARONECK HELD October 17, 2012 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT: Nick Allison, Chairman
Bert Siegel
Clark Neuringer
Alice Pernick
Kevin LaFollette

Also Present: Anna L. Georgiou, Counsel to the HCZMC
Sven Hoeger, HCZM Environmental Consultant
Hugh Greechan, Village Consulting Engineer
Robert Galvin, AICP – Village Planner

Absent: Peter Jackson
Jim Bilotta

CALL TO ORDER

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

MINUTES

The minutes of August 15, 2012 were tabled since Mr. Bilotta, one of the four members who attended that meeting is absent. Ms. Pernick and Mr. Siegel are abstaining on these minutes since they did not attend the meeting.

OLD BUSINESS

- A. Review of DEIS on 1000 Taylors Lane Subdivision from the Planning Board

There were no questions or comments from the Board.

Public Comments:

Paul Milliot of Daniel S. Natchez Associates addressed the Board on behalf of the Novicks, Freemans and Berinwicks. Mr. Milliot stated that what has been proposed is a theoretical plan versus a building plan. Impacts of storm water runoff and in particular possible decreases to Magid Pond are concerns.

Ms. Georgiou asked Mr. Milliot if these same comments were already submitted to the Planning Board as the lead agency. Mr. Milliot responded yes.

Mr. Neuringer asked for clarification, as to whether or not the Commission is submitting comments to the Planning Board to be addressed in the FEIS.

Victor Tafore, a Village resident stated he believed the DEIS did not adequately address LWRP policies and the proposed action's consistency with LWRP policies. Mr. Tafore confirmed he already submitted a letter with his comments on the DEIS to the Village Clerk's office.

Mr. Galvin responded that all comments should be forwarded to the Planning Board. Ms. Favate of BFJ Planning has previously similar comments to the applicant on behalf of the Planning Board.

Mr. Galvin indicated that he is a professional planner with certification (AICP) from the American Planning Association. He has been a chairman of the Village's Planning Board for 15 years and a member of the Board for another 10 years. He has been involved in planning in Mamaroneck for 25+ years. In his role as Village Planner, the concept behind attending and staffing both the Planning Board and HZCM is to assist in improving coordination between the Village's land use boards.

Ms. McCarty, the applicant's attorney, then responded to Mr. Tafore's earlier comments and stated that the DEIS addresses the LWRP policies in pages 6-8.

Mr. Neuringer stated that there had been a thorough review, including submitted documents at the last meeting. The Commission should now tie up loose ends and incorporate any additional concerns.

Mr. Allison stated that Mr. Hoeger has submitted a document that addresses some of the concerns.

Mr. Hoeger stated that the proposed development is adjacent to 2 habitat areas, and although there appears to be wildlife present, there is very little known about what is there. The 100 foot buffer is an arbitrary number while some types of frogs could use 700-800 feet. Since it is not known what is present at the location, the possibility of the location containing rare or endangered species exists. However, in making a decision about a development, more specific information is required.

The water quality and quantity of Magid Pond has been addressed based on NYS storm water regulations (SWPP). There is no manufacturing upstream, it is only residential.

The concern of the water in the pond drying up was discussed. Mr. Greechan stated that as part of the SWPP, water quality and quantity were reviewed. Water doesn't disappear. The rate of water decreasing is only more delayed and the proposal is only talking about two extra houses. The proposed subdivision only has a typical plan and not more detailed plans at this point in time. More detailed plans would accompany the actual request for building on an approved lot in the subdivision.

Mr. Neuringer stated that his concern is the oversized lots and possibility for further subdivision in the future.

Mr. Galvin indicated that the Planning Board is considering a number of alternatives and requiring the

applicant to analysis the resulting impacts in the FEIS.

Ms. Georgiou stated from a practical stand point the proposed subdivision and the SEQRA review is before the Planning Board, the designated Lead Agency. She indicated that HCZMC is an Involved Agency under SEQRA. HCZMC's comments on the DEIS should be targeted to its jurisdiction, that is LWRP consistency.

Mr. Siegel stated that he preferred the four lot subdivision as it addressed some of the concerns about wildlife habitat.

Mr. Galvin indicated that it is premature to ask the Planning Board to choose a specific option. Once the Planning Board picks an option and goes through the subdivision process, it would come back to the Commission for consistency, at which time, the Commission could set criteria.

Ms. Georgiou stated the Commission can request that the FEIS include more information I on a particular alternative, however these comments should again relate to HCZMC's jurisdiction..

Ms. Pernick asked for more information regarding the feasibility of alternatives.

Ms. Georgiou reminded the Commission that the deadline for written comments on the DEIS to be submitted to the Planning Board is October 19th.

The members agreed that Mr. Hoeger's memo should be sent to the Planning Board, although Mr. Siegel felt it was not forceful enough. Mr. Neuringer would like the FEIS to address the impacts of possible further subdivision. The members then considered and discussed issues relating to HCZMC review of the DEIS including: (i) Obtaining more information about the feasibility of alternatives and why they are or are not feasible. Re: Financial, structural and environmental reasons, (ii) Concerns regarding future subdivision and the possibility of as- of- right construction and the impacts of that alternative, and (iii) Mr. Hoeger's comments that the FEIS address the LWRP in effect today and not the proposed draft LWRP policies. The FEIS should include greater detail on the targeted LWRP policies in Mr. Hoeger's memo.

Mr. Alter, the applicant, stated he does not believe there is adequate frontage to further subdivide.

Mr. Siegel asked for more information regarding the maximum build-out possible for each lot.

The following Resolution was adopted:

**HARBOR & COASTAL ZONE MANAGEMENT COMMISSION
INVOLVED AGENCY COMMENTS ON 1000 TAYLORS LANE DEIS**

WHEREAS, the applicant is seeking subdivision approval for a three lot

subdivision and a wetlands permit from the Planning Board for property situated at 1000 Taylors Lane; and

WHEREAS, the proposed project, classified as a Type I action pursuant to SEQRA, will also require Local Waterfront Revitalization Program (“LWRP”) consistency review by the Harbor and Coastal Zone Management Commission (“Commission”); and

WHEREAS, the Planning Board is the designated Lead Agency and the Commission is an involved agency in the SEQRA process; and

WHEREAS, after accepting the Draft Environmental Impact Statement (“DEIS”) for this action as complete, the Lead Agency referred the DEIS to the Commission for involved agency comment; and

WHEREAS, the Lead Agency extended the period for submission of written comments on the DEIS until October 19, 2012; and

WHEREAS, at its August 15, 2012 and September 19, 2012 meetings, the Commission heard presentations on the DEIS from the applicant and public, with written comments also submitted to the Commission; and

WHEREAS, on September 26, 2012 the Commission’s Environmental Consultant Sven Hoeger submitted supplemental commentary to the Commission requesting that additional specific information be included in the Final Environmental Impact Statement.

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

NOW THEREFORE BE IT RESOLVED that the Commission after reviewing the DEIS, public comments submitted to the Commission and the comments of its consultants, hereby formally adopts as its involved agency comments on the DEIS to be submitted to the Lead Agency: (i) The attached

September 26, 2012 commentary of the Commission's Environmental Consultant Sven Hoeger, (ii) More information needed on the feasibility of alternatives to the proposed project as designated in the DEIS, specifically addressing financial, structural and environmental factors, (iii) Study the feasibility of as-of-right re-subdivision for each of the alternatives to the proposed project as designated in the DEIS, (iv) More detail needed on targeted LWRP policies that are referred to in Mr. Hoeger's September 26, 2012 commentary, and (v) As indicated in Mr. Hoeger's September 15, 2012 commentary, any reference to the LWRP should be to the current LWRP not the draft LWRP.

The motion passes:

Ayes: Mr. LaFollette, Mr. Siegel, Mr. Neuringer, Ms. Pernick,
and Mr. Allison

Nays: None

Abstain: None

Absent: Mr. Jackson, Mr. Bilotta

B. 602 South Barry Avenue – Ludvipol c/o Golub – Amended Application for Reconfigured Recreational Docking Facility.

Paul Milliot of Daniel Natchez Associates addressed the Board on behalf of the applicant. He stated the amended application represents a reconfiguration of an already approved application of an expanded docking facility which has previously received consistency review and permits. According to Mr. Milliot, the only change is the location of two interior piles, which are still within the footprint of the floating dock to allow for better stabilization of the floats. He stated the applicant is seeking to close the building permit and this application is now before the Commission to reaffirm consistency of the as built plan.

Mr. Galvin stated the applicant will appear before the Planning Board at the November 14th meeting for an amended wetland permit related to this amended and reconfigured application.

The Commission discussed the application. Mr. Greechan stated that it is a matter of a small design change. Mr. Hoeger indicated that there are no changes to the LWRP policies.

Ms. Georgiou stated that this application, as well as other permit applications for construction or reconstruction of marine structures, are referred to the Commission by the Building Department.

Mr. Milliot stated the two piles were moved 18 feet from original position with 0 impacts. Mr. Greechan stated that perhaps at the time the piles were changed if a phone call to the Building Department had

been made to advise them of the necessity of the change, the need to return to the Commission may have been prevented.

The following Resolution was adopted:

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

LUDVIPOL, LLC (c/o BENNETT W. GOLUB)
602 S. BARRY AVENUE
Building Permit #12-0322; 12-0323; 12-0324

WHEREAS, in 2011 the Applicant applied for a structures permit to reconfigure a recreational docking facility at 602 S. Barry Avenue in the Village of Mamaroneck in accordance with the application dated February 28, 2011 and the plans annexed to the application; and

WHEREAS, on March 16, 2011, the Harbor and Coastal Zone Management Commission (“Commission”) determined the application was a Type II action under SEQRA and consistency with the Village of Mamaroneck’s Local Waterfront Revitalization Program (“LWRP”) and granted the structures permit; and

WHEREAS, thereafter on September 21, 2011, the Commission granted an amended permit to include up to three additional storm tie-off piles on the southwest portion of the docking facility; and

WHEREAS, the Commission has considered and evaluated an application to further amend the structures permit to change the location of two center piles along the float to now be staggered instead of across from each other, but still remaining within the footprint of the float as shown on the As-Built Survey by Earth Image Dot Net dated September 19, 2012 (“New Application”).

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

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 New Application at its October 2012 meeting, notwithstanding other requirements of that section.

The motion passes:

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

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

NOW THEREFORE BE IT RESOLVED that the Commission, based upon review of the New Application, 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: Mr. LaFollette, Mr. Siegel, Mr. Neuringer, Ms. Pernick,
and Mr. Allison

Nays: None

Abstain: None

Absent: Mr. Bilotta, Mr. Jackson

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

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

The motion passes:

Ayes: Mr. LaFollette, Mr. Siegel, Mr. Neuringer, Ms. Pernick,
and Mr. Allison

Nays: None

Abstain: None

Absent: Mr. Bilotta, Mr. Jackson

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

AND BE IT FURTHER RESOLVED that the Commission has completed its review and evaluation of said New Application, has fully considered the factors set forth in Village Code 240-23, has determined the New Application will not be detrimental to the desirability or development of the harbor, and hereby grants an amended structures permit for reconfiguration of a recreational docking facility at 602 S. Barry Avenue to change the location of two center piles to be staggered but remaining within the footprint of the float.

The motion passes:

Ayes: Mr. LaFollette, Mr. Siegel, Mr. Neuringer, Ms. Pernick,
and Mr. Allison

Nays: None

Abstain: None

Absent: Mr. Bilotta, Mr. Jackson

New Business

- A. Planning Board Notice of Intent to be Lead Agency – 416 Waverly Avenue.

Mr. Galvin stated that a four story, approximately 40,000 square foot self-storage facility is proposed for the corner of Fenimore and Waverly Avenues. The site plan application before the Planning Board is a permitted use.

Mr. Galvin further stated that the footprint of the building has been reduced from 24,000 square feet to

9,660 square feet.

Mr. Greechan stated that the proposal lies outside of the 100 year flood plan, and will incorporate rain gardens and a green roof.

Mr. Allison stated that it is clearly a Planning Board site plan issue.

The following Resolution was adopted:

**HARBOR & COASTAL ZONE MANAGEMENT COMMISSION
PLANNING BOARD LEAD AGENCY DESIGNATION FOR 416 WAVERLY AVENUE**

WHEREAS, on October 12, 2012 the Planning Board declared its intent to be Lead Agency and circulated a Notice of Intent to be Lead Agency and Full Environmental Assessment Form to the Harbor and Coastal Zone Management Commission (“Commission”) and other involved agencies for the proposed redevelopment of 416 Waverly Avenue to construct of 40,620 square foot self-storage facility at the site.

On the motion of Ms. Pernick, seconded by Mr. Neuringer:

NOW THEREFORE BE IT RESOLVED that the Commission has no objection to the designation of the Planning Board as Lead Agency for this Action.

The motion passes:

Ayes: Mr. LaFollette, Mr. Siegel, Mr. Neuringer, Ms. Pernick,
and Mr. Allison

Nays: None

Abstain: None

Absent: Mr. Bilotta, Mr. Jackson

ADJOURNMENT

On motion of Mr. Neuringer, seconded by Mr. Allison, the meeting was adjourned at 9:18 P.M.

VOTE:

Ayes: LaFollette, Pernick, Allison, Siegel, Neuringer

Nays: None

Minutes prepared by

Francine M. Brill