

VILLAGE OF MAMARONECK  
HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION MEETING MINUTES  
November 20, 2013 – 7:30 PM  
169 MOUNT PLEASANT AVENUE, COURT ROOM, MAMARONECK, NY

Attendees:

PRESENT:

**Chairman Nick Allison**  
**Clark Neuringer**  
**Cindy Goldstein**  
**Jim Bilotta**  
**Brian Glattstein**  
**Alice Pernick**  
**Kevin LaFollette**

**Also Present: Les Steinman, Land Use Counsel**  
**Anna Georgiou, Counsel to HCZM**  
**Sven Hoeger, HCZM Environmental Consultant**  
**Anthony Carr, Village Engineer**  
**Robert Galvin, Village Planner**  
**Joseph Russo, Harbor Master**

**CALL TO ORDER**

**The meeting of the HCZMC was called to order by Chairman Nick Allison at 7:30 P.M.**

**Old Business**

- A. Mamaroneck Beach & Yacht Club – Update by Counsel on status of amended wetland permit and site plan review currently before the Village Planning Board.**

Chairman Allison requested an update on the status of the MBYC application from Les Steinman, the Village's Land Use Counsel.

Mr. Steinman explained to the Commission that the Planning Board will be reopening the public hearing on MBYC for the limited purpose of reviewing and accepting public comment on a proposal to construct a new sewage pump station and sanitary force main on Mamaroneck Beach & Yacht Club property. The applicant is preparing a scope for the Draft Supplemental EIS. This scope will be reviewed by the Planning Board and revised as appropriate. This process will continue in the Planning Board until the SDSEIS and SFEIS are completed and accepted by the Planning Board and a Supplemental Findings Statement is adopted by the Planning Board. We will keep the Commission up to date on the ongoing status of the application. Mr. Steinman also indicated that a status report on the MBYC sanitary sewer and force main had been prepared by the Building inspector and Village Engineer. He will have the memo sent over to the Village Planner who will forward it to the Commission members.

**B. Continued Application of Joseph Spadaro: Review and approve application for marine structure permit for the restoration of existing shoreline interface and reconfiguration of entrance to existing recreational docking facility and determine consistency with the LWRP located at 426 Rushmore Avenue.**

Chairman Allison indicated that this is the continuation of the application from the Commission's meeting on October 16, 2013. At the end of that previous meeting, it appeared that the only open question was the issue of a turbidity curtain to be provided by the applicant during seawall construction. The Chair indicated that he had asked Mr. Hoeger to research the cost and availability of the curtain for the project. He asked Mr. Hoeger to comment on his findings.

Mr. Hoeger indicated that the turbidity curtain is available and the average cost is approximately \$1,200. Mr. Carr, the Village Engineer, also commented that this is essentially similar to his own research.

Mr. Natchez stated that the applicant would comply and include a turbidity curtain in the project and include specifications on the plans.

Ms. Pernick went through the memo from Joe Russo, the Harbor Master. The Harbor Master's memo indicated that the docking facility will remain the same. The applicant will be cleaning up the area between their property (Spadaro's) and Nichol's Boatyard. The Applicant is changing only one piling. The docking facility is residential and has a perimeter permit with Nichol's. Based on the agreement, which was part of the original perimeter permit, Nichol's can extend their commercial docking over to include the current Spadaro docks. (This would leave one dock for the Spadaro's use.) The access to the Spadaro docks would need to be from the Nichol's docks. Access would not be allowed from the residential Spadaro property and would be restricted to the upland area of the Nichol's marina. This restriction is due to the residential zoning of the Spadaro property.

The Commission members asked the applicant questions on the commercial operation of the docking facilities owned by Spadaro. They referred to the continued presence of a lobster fishing boat at the Spadaro docks.

Mr. Natchez explained that the current boat is in the process of being removed and the owner goes out infrequently (approximately five times per year). Mr. Russo also confirmed that the commercial lobster boat is being removed.

Mr. Neuringer indicated that there should not be any question on consistency with the LWRP as it relates to the current application before the Commission.

The Chair requested that Ms. Georgiou review the Nichol's perimeter permit in light of the questions raised by Commission members regarding the commercial/residential operation of the Spadaro/Nichol's docking facilities.

Mr. Galvin indicated that the renewal for the Nichol's Perimeter Permit will be on the agenda for the Commission's December meeting.

Ms. Georgiou indicated that she would examine the perimeter permit before the next meeting.

The Chair summed up the discussion, indicating that there appeared to be a consensus of the Committee that the turbidity curtain should be included in the application with specifications noted on the applicant's plans.

Ms. Georgiou read out the specifications for the turbidity curtain and indicated that she would include these specifications in the final resolution.

The Chair requested Mr. Hoeger to read through his memo on the application's consistency with the LWRP.

Mr. Hoeger referred to his October 15, 2013 memo on wetlands which will be part of Planning Board's next meeting on the wetland permit application. He highlighted Policy #44, "Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas". Mr. Hoeger indicated that, in his opinion, the proposed wetland plantings violated this policy. The proposed plantings are not the NYS DEC list of coastal plantings. Mr. Hoeger went on to explain that the "inkberry" shown on the plan is not a coastal plant. His recommendation was that the inkberry should be replaced with one of the following options: 1) Black Jack Oak 2) Serviceberry or 3) Bayberry.

The Chair and Commission members agreed with Mr. Hoeger's recommendation and directed that it be included in the resolution. The wording of the resolution would also indicate that this planting recommendation could be overridden by the Planning Board in their wetland permit review.

Mr. Galvin indicated that the recommendation would be shared with the Planning Board and that Mr. Hoeger has been very helpful to the Planning Board and their landscape consultant in their wetland reviews. In fact, both the Planning Board's landscape consultant and Mr. Hoeger are working together on developing a list of pre-approved coastal wetland, salt tolerant plantings for use by the Planning Board in their coastal and wetland applications.

The Chair asked that the motion be moved.

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

JOSEPH SPADARO  
426 Rushmore Avenue

WHEREAS, on August 30, 2013, Joseph Spadaro ("Applicant") applied for a marine structures permit to undertake the restoration of the existing shoreline interface and reconfiguration of the entrance to a residential docking facility located at 426 Rushmore Avenue ("Premises") with annexed plans (SD-01, SD-02, SD-03, SD-04, D-01, D-02, D-03, D-04, D-05) prepared by Lemond and Associates, dated August 21, 2013, and later submitted plans (SD-01, SD-02, SD-03, SD-04, D-01) prepared by

Lemond and Associates last revised on October 4, 2013, Stormwater Pollution Prevention Plan dated October 4, 2013, and supplemental materials (collectively "Application"); and

WHEREAS, the public hearing for this Application opened at the October 16, 2013 meeting of the Commission and was thereafter closed on November 20, 2013; 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. Bilotta, seconded by Mr. Glattstein:

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: Mr. Bilotta, Mr. Allison, Ms. Pernick, Mr. Glattstein, Ms. Goldstein,  
Mr. Neuringer, Mr. LaFollette  
Nays: None  
Abstain: None  
Absent: None

On motion of Ms. Pernick, seconded by Ms. Goldstein:

AND BE IT FURTHER RESOLVED that the Commission has completed its review and evaluation of said Application, including the Coastal Assessment Form, revised plans and supplemental materials provided by the Applicant, 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: Mr. Bilotta, Mr. Allison, Ms. Pernick, Mr. Glattstein, Ms. Goldstein,  
Mr. Neuringer, Mr. LaFollette  
Nays: None  
Abstain: None  
Absent: None

On motion of Ms. Goldstein, seconded by Ms. Pernick:

AND BE IT FURTHER RESOLVED that the Commission has completed its review and evaluation of said Application, including revised plans and supplemental materials, 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 approves a marine structures permit for the restoration of the existing shoreline interface and reconfiguration of the entrance to a residential docking facility at the Premises, subject to the following condition of approval: that a PSI Parker Systems, Inc. Type I turbidity curtain or approved equal curtain shall be used during construction. The Commission

recommends that plantings, as depicted on plans submitted, be replaced with bayberry, service berry and /or black jack oak unless otherwise approved by the Planning Board.

The motion passes:

Ayes:	Mr. Bilotta, Mr. Allison, Ms. Pernick, Mr. Glattstein, Ms. Goldstein, Mr. Neuringer, Mr. LaFollette
Nays:	None
Abstain:	None
Absent:	None

### **C. Determination of Consistency for Murphy Brothers Self Storage Facility at 416 Waverly Avenue.**

Mr. Noto, the applicant's attorney, described the project and introduced the project's engineer, Mr. Michael Stein, PE, from Hudson Engineering and the project architect, Kim Martelli. He indicated that the project appeared for several months before the planning Board. The Planning Board closed out SEQRA with a Neg Dec for this unlisted action in January of 2013. The ZBA approved the variances for FAR and number of stories at their October 7, 2013 meeting. The project site was essentially 100% impervious. The applicant has reduced this to 9% through the use of rain gardens. The applicant has also provided significant streetscape along Waverly Avenue in line with the Village's Waverly Avenue Streetscape plan.

The Chair invited the applicant's professionals to make their presentation and review the project with the Commission.

Ms. Martelli provided details on the expansion of the Waverly Avenue setback from approximately three feet to nine feet. She also described the façade of the building, its roofline and elevations. She indicated that the applicant has attempted to provide an office look to the building.

Mr. Stein discussed the layout of the site plan and the FEMA base flood elevation of 26 feet. The building is out of the 100 year flood area. The remainder of the site is still within the 100 year flood. The landscaped islands and rain gardens serve to reduce the volume of water runoff. From an engineering viewpoint, they did not use retention on-site since the property has high ground water levels and most of the property is in the Sheldrake flood area. The attenuation used was to provide piping which slows the flow duration of water leaving the site. In terms of water quality, the project is using rain gardens which filter the runoff into Village catch basins. These catch basins collect the runoff from the parking areas. The project has added pervious surfaces and rain gardens to the site. This reduces the amount of water runoff and improves water quality.

Mr. Neuringer asked about the three drain inlets. Mr. Stein indicated that they are all interconnected into the Village stormwater and is filtered by mechanical CDS technology.

Mr. Glattstein asked a question regarding the piping. Mr. Stein explained the positive impact on water quality through the use of the rain gardens and CDS. Both of these techniques are approved by the NYS DEC guidelines.

Mr. Glattstein also asked about solar panels and a green roof. Ms. Martelli remarked that they had considered both but the design of the roof was such that neither would be effective.

She also mentioned that the project provides 324 square feet of planted area, reduced the size of the building and cantilevered the building on the northern side. Ms. Martelli responded to questions from the Chair on flooding on site.

The Chair asked what the next steps for the project are.

Ms. Martelli indicated that they will need to go back to the Planning Board at their January meeting for final site plan approval. The application will also need to go back to the BAR regarding signage.

Chairman Allison asked to move the motion for consistency.

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

East Coast North Properties, LLC, 416 Waverly Avenue

WHEREAS, the East Coast North Properties, LLC (“Applicant”) applied to the Planning Board for approval of a site plan for 416 Waverly Avenue that includes existing buildings and improvements and a new four-story building with a footprint of approximately 9,600 square feet and with a total floor area of approximately 40,620 square feet (“Project”); and

WHEREAS, after circulating its intent to be Lead Agency to involved agencies and having received no objection within thirty days, the Planning Board declared Lead Agency pursuant to SEQRA and thereafter issued a Negative Declaration on January 23, 2013 finding no significant adverse environmental impacts for the action; and

WHEREAS, on October 3, 2013, the Zoning Board of Appeals approved certain area variances associated with the Project; and

WHEREAS, the Commission has reviewed the Project for the purpose of determining consistency with the Village of Mamaroneck’s Local Waterfront Revitalization Program (“LWRP”).

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

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

The motion passes:

Ayes: Mr. Bilotta, Mr. Allison, Ms. Pernick, Mr. Glattstein, Ms. Goldstein, Mr. Neuringer, Mr. LaFollette

Nays: None  
Abstain: None  
Absent: None

**D. Consistency Determination for Proposed Public Law – P -2013 revision to Section 322-60  
(Improvement of Parking Facilities)**

Chairman Allison asks Mr. Galvin to represent

Mr. Galvin responded that the Board of Trustees made a Neg Dec on this unlisted action, thereby closing out SEQRA. The Board has reviewed the Coastal Assessment Form and has passed this along to the Commission as well as the completed Neg Dec and the proposed legislation. Again this is a companion piece to PLL-L which is a definition of parking space. The previous legislation was determined to be consistent at the Commission's last meeting in September. PLL-P-2013 is an amendment of 342-60 which is the improvement of parking facilities.

Chairman Allison asks for discussion.

Mr. Neuringer commented that the term improvement is too open for interpretation. There appear to be no guidelines for applicants.

Ms. Goldstein also made similar comments that it was too open for interpretation and was not sufficiently precise.

The Chair asked the Village Engineer if he wished to comment.

Mr. Carr discussed the concepts and indicated several examples using the previous Murphy Brothers application. He indicated the specific NYS Dec model guidelines that exist and are familiar to engineers.

The Chair asked if there were additional comments or questions. There being none, the Chair asked for a motion.

| On motion of Mr. Bilotta, seconded by Mr. LaFollette

Motion was made that the Proposed Public Law P-2013 is consistent, to the maximum extent practicable, with policies of the LWRP.

All in favor

| Ayes: Mr. Allison, Mr. Bilotta, Mr. Glattstein. Mr. LaFollette & Ms. Pernick  
Against: Mr. Neuringer, Ms. Goldstein

Vote in favor: 5-2

**E. Consistency Determination for Proposed Public Law – M -2013 (Definition of FAR)**

The Chair asked if there were any questions or comments from the Commission members.

No discussion.

The Chair asked for a motion.

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

Motion was made that the Proposed Public Law M-2013 is consistent, to the maximum extent practicable, with policies of the LWRP.

All in favor

Ayes:	Mr. Allison, Mr. Bilotta, Mr. Glattstein. Mr. LaFollette, Mr. Neuringer, Ms. Goldstein & Ms. Pernick
Against:	None

Vote in favor: 7-0

**F. Approval of Minutes**

There were no minutes available for review and approval.

**Meeting Closed at 9:50 P.M.**