

VILLAGE OF MAMARONECK
HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION MEETING MINUTES
April 17, 2013 – 7:30 PM
169 MOUNT PLEASANT AVENUES, COURT ROOM, MAMARONECK, NY

Attendees:

PRESENT:

Nick Allison, Chairman
Brian Glattstein
Clark Neuringer
Alice Pernick
Kevin LaFollette
Jim Bilotta

Also Present: **Steve Silverberg, Village Counsel**
Sven Hoeger, HCZM Environmental Consultant
Hugh Greechan, Village Consulting Engineer
Robert Galvin, AICP – Village Planner

CALL TO ORDER

The meeting of the HCZMC was called to order by Chairman Allison at 7:34 P.M.

Mr. Neuringer brought up the memo from the Clerk, Augie Fusco, regarding Bert Siegel and Peter Jackson's seat on the Board.

Bob Galvin indicated that he had spoken to the Assistant Village Manager and Deputy Clerk about this matter from the previous meeting. They had indicated that they were going to address this matter with the Board of Trustees.

Steve Silverberg spoke of the memo which stated that Burt Siegel's seat was given to Brian Glattstein.

Chairman Allison called to table the conversation until the Board of Trustees can come up with a definitive answer. It was agreed to by the other Commission members.

MINUTES

Approval of Minutes from HCZM Meeting of November 29, 2012

On motion of Mr. Bilotta, second by Mr. Neuringer, the minutes of the Commission's November 29, 2012 meeting were approved.

Vote: 6-0

Approval of Minutes from HCZM Meeting of March 20, 2013

On motion of Ms. Pernick, second by Mr. Bilotta, the minutes of the Commission's March 20, 2013 meeting were approved.

Vote: 5-0

Mr. Neuringer – abstained

OLD BUSINESS

There was no old business. A discussion ensued on the current MBYC application before the Planning Board.

Dan Natchez spoke regarding the MB&Y Club regarding the Department of State report dated November 17, 2013. The DOS indicated in that report that if there was any change in the proposal that they should receive a copy of the changes. Mr. Natchez suggested that He suggests that it may be appropriate to wait to review and give judgement.

Mr. Neuringer mentioned that there is a 30 day time limit and there is no application before the HCZMC at this time.

Mr. Galvin commented that on May 08, 2013 the Public hearing was continued. HCZMC, as well as NYSDOS, will be an involved agency. In the next week or two all the involved agencies will get the application without a time limit.

Dan Natchez – Just for the record, the public hearing was opened in February, the first public hearing was April 10, 2013 and it was adjourned to May 8th, 2013 there is a clock running for the Planning Board.

Steve Silverberg – They should consult with their attorneys.

Bob Galvin – SEQRA will need to be closed out before the Commission can make a determination on LWRP consistency.

Mr. Neuringer – Is there any other litigation that HCZMC needs to look at other than MBYC?

Chairman Allison – May I have a vote to enter Executive Session to discuss litigation relating to MBYC.

On motion of Chairman Allison, second by Ms. Pernick, the HCZM Commission voted to enter an Executive Session to discuss litigation relating to MBYC.

Vote: 6 - 0

The Executive Session began at 7:50 P.M.

On motion of Mr. Bilotta, second by Ms. Pernick, the Commission voted to come out of Executive Session.

Vote: 6 – 0

The Executive Session was closed at 8:00 P.M.

On motion of Chairman Allison, second by Ms. Pernick, the HCZM Commission authorized Counsel to finalize the stipulation of any portion of pending litigation of MBYC with the understanding that any such settlement will not hinder a consistency review by this board of the application currently before the Planning Board.

Vote: 6-0

Chairman Allison – That is all the business for this evening, do we have a motion to close the meeting.

Mr. Neuringer – before we vote to close the meeting, I would like to make a suggestion that the Village, Board of Trustees provide Consistency Training to this Board. Such training is offered by the Department of State.

Ms. Pernick – I have requested this in the past and the Village has asked when we would want to do it. We never could come up with a time. We should request it again but we need to be prepared to tell the Village when we would like such training.

Mr. Neuringer – When there is mandatory land use training, you go to WMPF or PACE University and you better show up.

Ms. Pernick – We can do the training here in the Village.

Mr. Neuringer – We, as a commission, should request that the Village require the training.

Chairman Allison – I can request it.

Mr. Galvin – Land use training is state mandated but, it is up to the local elected body to include more boards in the 4 hour training requirement. The Westchester Municipal Planning Federation is having its annual Land Use Training Institute on April 25, 2013. I will provide the members with the flyer.

Mr. Neuringer – The second thing that I would like to comment on, we will be getting preliminary information on MBYC which is before the Planning Board. I think it would be a good idea if this Commission, as partners with the DOS, ask for their assistance and advice.

Chairman Allison – I see no reason why we can't do that. I have no objection to that.

Mr. Neuringer – Ok, I would ask you as the Chair to contact with DOS and set up a line of communication with them.

Bert Siegel – I would ask that this Board request a formal decision from the Board of Trustees on which seat has been filled.

Chairman Allison – I can make that request.

Ms. Pernick – I agree we need to move forward.

The Chair recognizes Mr. Natchez

Mr. Natchez – Is there a draft of the Public meeting available?

Chairman Allison – We voted to allow the attorney to enter into a stipulation agreement.

Mr. Neuringer – Mr. Natchez is asking a different question and counsel, Steve Silverberg, has left. The memo was submitted with a specific request of confidentiality. Your question is, is that request of confidentiality lifted or not? We will find out.

ADJOURNMENT

On the motion of Mr. Lafollette, second by Mr. Glattstein, the meeting was adjourned at 8:20 P.M.

VOTE: 6-0

Minutes prepared by

Kathy Guadagnolo