

VILLAGE OF MAMARONECK
HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION MEETING MINUTES
SEPTEMBER 18, 2013 – 7:30 PM
169 MOUNT PLEASANT AVENUES, COURT ROOM, MAMARONECK, NY

Attendees:

PRESENT:

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

Also Present: **Les Steinman, Counsel to the HCZMC**
Sven Hoeger, HCZM Environmental Consultant
Anthony Carr, Village Engineer
Susan Favate, Planning Board Consultant
Anna Georgiou, Counsel to the HCZMC
Robert Galvin, Village Planner

Absent:

CALL TO ORDER

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

OLD BUSINESS

No Old Business

New Business

The first item on the agenda is the Determination of Consistency for Legislation Referred by the Board of Trustees PLL – L-2013: Definition of “Parking Space” Chairman Allison asks who is here representing our Village on this discussion?

Mr. Galvin, Planner for the Village, explained that this is a legislative act to redefine parking, it changes the wording “a paved or surfaced area, which surface may include pervious or impervious material subject to approval of the Village Engineer (“Local Law PLL-L-2013”). There is also some additional verbiage that Mr. Steinman has submitted to the Board which makes changes in 342-60

“Improvement of Parking Facilities” in the terms “paving” and “pavement”. These changes deal with previous decisions and interpretations of the Zoning Board of Appeals. There have been two public hearing on this local law. The Planning Board has reviewed it and commented, and the ZBA has been asked to comment on this. I’m not sure if the ZBA will have any recommendations or comments on this particular legislation. The Board of Trustees is the Lead Agency; they have determined it to be a Type II action. You have the Neg Dec that explains the Type II action. The Board of Trustees has also referred this to the Westchester County Planning and received a response which is part of your package.

Chairman Allison asked the Commission if they had any questions regarding the determination of consistency for this law

Ms. Goldstein questioned the statement that says “subject to approval of the Village Engineer” does that mean that the Village Engineer has to opine on every single parking space?

Mr. Galvin responded by saying not every parking space but the site plan essentially and how the parking lays out in the site plan itself. Additionally, if you are looking at parking in a single or (2) family zone, the Village Engineer would weigh in on impervious surfaces while reviewing the SWRPP.

Ms. Goldstein responded that this seems like a lot of time and would we be paying for the Engineer’s time for this?

Mr. Galvin responded that fortunately we have a Village Engineer on staff and this is part of his current responsibilities as the building department reviews the plans for the building permit.

Ms. Goldstein asked if it slows down the process for the applicant to go through this particular process

Mr. Galvin responded that it is part o the current process. The plan is being reviewed now by the Village Engineer and you are getting the Village Engineer’s input for the treatment of a particular site plan. The Village Engineer essentially reviews parking spaces in single and two family zones under the SWPPP if it’s more than 1,000 square feet of disturbance. Mr. Galvin went on to explain impervious surfaces in a particular site and the type of materials that could be used, and the treatment of the subsurface.

Mr. Carr, Village Engineer, explained the treatment of the subsurface and how it relates to the imperviousness of the surface.

Mr. Steinman, Counsel to the HCZMC, added that several years ago the Zoning Board made a determination interpreting the existing provision of the Zoning Code. The result of the interpretation was that 50% of the site had to paved with an impervious surface. His opinion is that this proposed amendment along with some of the language that he suggested essentially is to eliminate the impervious requirement and afford the opportunity to use pervious instead of impervious paving.

Mr. Neuringer commented that he believed that the language in the code didn’t refer to impervious but rather to paved

Mr. Steinman responded, exactly. That was the interpretation that it was impervious paving, I think that is what this is designed to alter.

Mr. Neuringer asked about the statement “subject to the approval of the Village Engineer”. He asked approval of what?

Mr. Galvin responded, approval of either the parking layout on the site plan or the driveway or any kind of parking surface.

Mr. Neuringer asked why the Village Engineer would approve site plan issues as opposed to the Planning Board.

Mr. Galvin responded that the Village Engineer doesn’t approve it, he is reviewing for the Planning Board and making recommendations regarding the treatment of pervious surfaces or driveways. We are using the Village Engineer for his advice. He is approving elements of the site plan for the Planning Board’s approval and reviews other applications which are not subject to Planning Board approval.

Mr. Neuringer responded that it would be at the discretion of the Village Engineer as to what type of material should be used and the amount of material that should be used. My concern is, is there anywhere else in the Village Code where there is an official of the Village in an approval position and there are no standards for review and approval?

Mr. Galvin responded, yes. We have somewhat archaic laws that talk about the treatment of a site plan itself when it is submitted and technically the code indicates that the application’s storm water treatment needs to be determined. This was before we had requirements such as SWPPP’s. Previously in the past the Village Engineer would approve all of these issues before it even goes into the Planning Board. This is currently in the code.

Mr. Neuringer stated that there are standards that are in the code they are not up for interpretation. What’s to say that the Village Engineer would say 2 inches of gravel is ok and then the next Village Engineer would state that six inches is needed.

The discussion of subsurface continued between Mr. Neuringer and Mr. Galvin and whether there should be definite standards.

Chairman Allison asked before they go much further with the discussion, are we discussing consistency or are we having an open hearing about the law?

Mr. Neuringer responded that it is consistency but my concern is without practical standards, we don’t know if this is a good thing and why are we doing this?

Chairman Allison responded that it feels to the Chair that this is a discussion about the validity of the law , and I’m not sure that I understand where this is a discussion about how this Board finds the part of the sentence that’s been inserted to be consistent or not.

Mr. Glattstein responded that he also thought immediately what standards are going to be used in terms of what materials will be use and where it would be used.

Chairman Allison stated that he has questions about the validity of your questions, I'm wondering about the arena for their questions, there has been two open meetings on this and the law has been in the public space for awhile and you gentlemen are members of the public and have an opportunity to ask questions in that space. I'm concerned about the length of the agenda today and the objective that we are trying to get to which is consistency of the law and not questions about what seems to me to be the validity of the law.

Mr. Steinman responded that once again for background purposes, the Planning Board is making these determinations and I think it was felt that the one person in the Village with the most knowledge as to what would be the best thing for the Village and for Stormwater and flood purposes was the Village Engineer.

Chairman Allison responded that his concern is that we address what we are here to address which is consistency. If you can explain where the questions are leading then I'm willing to entertain the discussion otherwise I think we need to either take an action or not take an action or table, but I think that is the type of the discussion this Board need to have.

Mr. Galvin asked Chairman Allison if he wished to have Sven Hoeger go over his memo.

Chairman Allison responded that if there are no other comments on this law from the other members of the Commission then we can move to Sven but I don't know if we've gotten there yet. I don't know if anyone else has something to say.

Mr. Natchez spoke just on the process not on the content. The Village Board referred this to all the Land Use Boards in the referral to you the request was for consistency but also comment. The other Land Use Boards are also discussing it from their vantage point to give their comments on this law and the other laws that are before you.

Mr. Steinman stated that yes the Commission's decision-making is on consistency but, even where the Commission would find it consistent, it doesn't mean that they couldn't also send comments to the Village Board with respect to issues regarding the law.

Ms. Goldstein responded, I gather that no one has any trouble with adding the language which surface may include pervious or impervious material, I think the sticking point is the subject to approval of the Village Engineer without any kind of parameters.

Mr. Galvin responded that there are definitions and standards. They are in the NYSDEC guidelines.

Mr. Carr, Village Engineer, stated that the standards that they would use are in agencies such as the NRCS, USDA, the NY State DEC, and whether or not you use 3 inches or 6 inches of gravel, you are really looking at the intent. There is a minimum that is set and that dialog would occur when I review the plans with the applicant. I'm in the process of implementing standard construction details. Currently with the resources that I and the Village have, the best thing we can do is to propose the law and then meet with the applicants. Whether the law requires fine tuning of the language that's a different thing and not my department but, as far as the intent of the law, it is designed to give flexibility regarding a pervious surface. We are at the stage where I'm developing the standards to get there.

Mr. Neuringer responded that he was happy to hear what Mr. Carr was stating. He went on to speak of standards and feels that this should be deferred until they had standards established and embodied within the language of the law. We will then have something that is a decent document.

Chairman Allison asked if there were any questions from the Commission. There was no response. He then asked Mr. Hoeger, the HCZM Environmental Consultant, if he had anything to add.

Mr. Hoeger responded that the commission all got his memo and he basically feels that the law is consistent with the LWRP. As far as the issue that was just raised regarding standards, I actually feel very comfortable that the Village Engineer can make the decision and that is because this whole storm water issue, certifications and all those kind of things, such as SWPPP's, is a fairly new development and new processes are being invented as we speak. Mr. Hoeger went on to speak of all the different pervious surfaces.

Mr. Neuringer asked if there is any experience of having a law of this nature that allows pervious surfacing of any material such as sand, stone dust, pea gravel, larger gravel on larger spaces like large public areas. The impact of heavy deep snow, shoveling and clearing on a surface that would also get cleared as you cleared the snow, what happens in a situation like that?

Mr. Galvin responded that you would use different pavings and different materials depending upon the situation that you have.

Chairman Allison asked for public comments

Mr. Steven Resler (Retired from DOS) stated that his first reaction was to look at your local program and policy #33 pops right up. This has remained policy # 33 and whether or not this definition or legislative action to define paved or pervious vs. impervious areas, the question then is, is this advancing or is it undermining the policy's and purposes of your Local Waterfront Revitalization Program. Since policy #33 is really the issue here and you have what is called a no net zero increase standards in your storm water runoff, this kicks in and so do policies, 11, 12, 14, 36, & 37. Therefore, from my perspective, your task or if it were my task, I would ask whether or not what is being considered is generally undermining or advancing the policies and objectives of your program. I would try to keep it as simple as that.

Chairman Allison thanked Mr. Resler for his help and opinion. He then asked if we have a resolution

Mr. Galvin responded yes

Chairman Allison read the resolution

EXTRACT OF MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE
MANAGEMENT COMMISSION OF THE VILLAGE OF MAMARONECK HELD ON SEPTEMBER 18, 2013 AT
7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

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

PROPOSED LOCAL LAW L-2013

WHEREAS, the Harbor and Coastal Zone Management Commission (“Commission”) has reviewed proposed Local Law L-2013, referred to the Commission by the Board of Trustees, that would amend the definition of parking space as set forth in Village Code 342-3B to include the following underlined language to be added: “a paved or surfaced area, which surface may include pervious or impervious material subject to approval of the Village Engineer...” (“Local Law”); and

WHEREAS, the Village Board of Trustees having determined the proposed Local Law is an Unlisted Action pursuant to SEQRA, and after circulating its Notice of Intent to be Lead Agency to Involved Agencies, declared itself Lead Agency on September 3, 2013 and adopted a Negative Declaration under SEQRA finding no significant adverse environmental impacts; and

WHEREAS, the Commission has considered and evaluated the Local Law for consistency with the Village of Mamaroneck’s Local Waterfront Revitalization Program (“LWRP”).

Chairman Allison asked do we have a motion

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

BE IT RESOLVED that the Local Law is consistent, to the maximum extent practicable, with policies of the LWRP and the Local Law will not substantially hinder the achievement of any of the policies set forth in the LWRP.

The motion passes:

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

Chairman Allison read the second item on the agenda:

Determination of Consistency for Legislation Referred by the Board of Trustees PLL-M-2013: Definition of FAR. Mr. Galvin will you represent once again?

Mr. Galvin stated that the definition of Floor Area (FAR) was changed in 2008. The current legislation attempts to change the definition and correct what appears to have been a technical oversight in the 2008 FAR definition which included areas for off street parking and loading. Before 2008, off-street

parking in non-single family areas, was exempted as they are in most communities. This was drafted at the last minute before the final Board of Trustees public hearing and appeared to be an oversight by the Village Attorney at that time. The Board at that time was attempting to pass the legislation before the moratorium ended. What we are attempting to do with the current legislation is to correct that technical oversight in 2008. We have a response to our referral from County Planning as to why they support the law. For one thing, the current definition of FAR tends to spread out parking across the site instead of concentrating it under a building, which would allow more landscaping across the site. All the multi-family development across the Village was completed prior to 2008. After 2008, we had no further multi-family development. The last development was Sweetwater in 2006. The County also pointed out that the proposed law is a more efficient use of land. The redefinition of FAR allows us to correct a drafting error in 2008. The Planning Board recommended the deletion of sub-section V, removal of mechanical rooms from the proposed legislation.

Mr. Glattstein asked if you delete Floor Area Ratio like garages and cellars and utility rooms does that change the square footage of the structure and therefore the property tax.

Mr. Galvin replied no

Mr. Glattstein said that the relation that he sees to the LWRP perhaps would be is this going to promote trying to build more underground parking structures in terms of going down perhaps a second level.

Mr. Galvin responded that if you are in a Floodplain, you are not going to be able to go down.

Mr. Glattstein asked if there are standards for testing where the water table is

Mr. Galvin responded that if you are in the Floodplain you are not going to go down because you really can't based on the base flood elevations and floodplain requirements. You also have limitations in the code.

Ms. Goldstein asked why Mr. Galvin believed there was a drafting error in 2008.

Mr. Galvin responded there was a line left off in 2008 which eliminated the accessory parking in non-single family areas. This is essentially the section that is now being added back to the definition. I don't know why it was left off. It may have been a rush to pass the law before the existing moratorium expired.

Ms. Goldstein asked who would be hurt by this if not corrected

Mr. Galvin replied that if you look at the County letter, the current situation represents a disincentive to develop multi-family housing. Most communities don't use FAR for any uses other than single and two family homes. FARs were developed and used to restrict Mc Mansions that were prevalent in the 1990's and early 2000's.

Mr. Neuringer stated that there were comments, I think at the Planning Board if I recall, about sub-section V. If in fact the rational for this local law is to correct an error, the addition of sub-section V isn't correcting an error but putting something new in.

Mr. Galvin replied that, that is why it is the reason that is recommended to be deleted. It's not deleted in the current legislation but has been recommended.

Mr. Neuringer replied one more area of concern is that of sub-section IV where it refers to any areas and structures not just areas. The example you gave of the Avalon, or the Blood Brothers site came in front of the Zoning Board and they had parking beneath the building. It was a problem at the time because of the law. Those were parking areas not parking structure. Mr. Neuringer goes to express his concerns with the new law.

Mr. Galvin repeated his comments concerning the FAR and the use of the term accessory.

Mr. Neuringer proposed other alternatives to the proposed law. He feels that this needs some more work.

Chairman Allison asked Mr. Hoeger for his comments

Mr. Hoeger responded that his memo basically points out the policies including the wetland policies, the flooding and erosion control policies, the water and air resources policies, and I think it is consistent with all of them.

Chairman Allison asked the public for comments and recognized Dan Natchez

Dan Natchez spoke of a memo that was sent to the Commission, the Board of Trustees and the Planning Board and I would suggest that the change in the law may not have been a mistake. There are significant changes which are fairly dramatic. I'm not so sure that you end up with more landscaping, like it has been suggested, I think you end up with less. You need to look at what all the implications are. I think this may be one case that it may not be consistent.

Mr. Galvin's response to Mr. Natchez was that attic space that he mentioned has always been in the law. It is not been added and is not a new element. It is similar to the Town of Mamaroneck language and many other Westchester communities.

Chairman Allison commented on the e-mail that Mr. Natchez sent. We have come to a place where we are communicating directly with the Board but I think we need to get to a place where we are communicating through the office of the Village. It gets to a point where I'm not keeping track of the e-mails. I feel that for official records of e-mails we need to go through Kathy or the Village Clerk at this point. I just want to make sure that we are not losing communications.

Mr. Steinman responded that this is a duly constituted Administrative Board subject to the open meeting law, subject to the Freedom of Information law and the actions that this board takes are based on official records. People make submissions to the Board; the Board reviews them and they act upon them. Matters that are not in the record should not be considered and other Boards of the Village who have had similar issues are requiring submissions to be made to the Board Secretaries. This way the record is complete. If submissions are coming in directly to individual Board members or the Board as a whole, they are not getting into the record so, the only way to control that process and make sure that communications are available to anybody who wants to look at the Building Department records is to have all communications to the Boards go through the Board's Secretary. That's how the Planning Board and the Zoning Board works.

Mr. Natchez replied that he believes that the e-mail he sent was copied to the Village

Mr. Steinman responded that was not the point! The point is everything comes through the Secretary, who distributes it to the Board members.

Chairman Allison stated that there should not be a discussion about this and I would like to move onto the resolution:

DRAFT FOR 9/18/13 HCZMC MEETING

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

PROPOSED LOCAL LAW M-2013

WHEREAS, the Harbor and Coastal Zone Management Commission (“Commission”) has reviewed proposed Local Law M-2013, referred to the Commission by the Board of Trustees, that would amend the definition of “Floor Area, Gross” as set forth in Village Code § 342-3 to exclude off-street parking areas/ structures and mechanical/utility rooms for commercial, industrial and multi-family uses from the calculation of Floor Area Ratio (“Local Law”); and

WHEREAS, the Village Board of Trustees having determined the proposed Local Law is an Unlisted Action pursuant to SEQRA, and after circulating its Notice of Intent to be Lead Agency to Involved Agencies, declared itself Lead Agency on September 3, 2013 and adopted a Negative Declaration under SEQR finding no significant adverse environmental impacts; and

WHEREAS, the Commission has considered and evaluated the Local Law for consistency with the Village of Mamaroneck’s Local Waterfront Revitalization Program (“LWRP”).

On motion of Chairman Allison, seconded by None:

BE IT RESOLVED that the Local Law is consistent, to the maximum extent practicable, with policies of the LWRP and the Local Law will not substantially hinder the achievement of any of the policies set forth in the LWRP.

The motion passes/fails:

Ayes:
Nays:
Abstain:
Absent:

Chairman Allison stated that we don't have an action on this resolution. He asked counsel what happens in that case.

Mr. Steinman stated that if an action is not taken it is approved as consistent by default.

Chairman Allison moved on to #3 under C) Determination of Consistency for Legislation Referred by the Board of Trustees PLL-N-2013: Parking Fee in lieu of (Proposed Local Law N was referred to the HCZM in June with an extension granted on July 15, to September 19, 2013).

Mr. Galvin stated that he did not participate in the drafting of this specific draft law. Currently, there is a policy in the Village Code that allows a payment in lieu of fee for parking. The last time it was used is for the building in which Smashburger is located. That building represented new construction. That land use tool is restricted to the Planning Board during their site plan review process. What this legislation provides is including the tool within the ZBA. Mr. Galvin then described what the changes in the law would mean to the Zoning Board of Appeals. The legislation is providing the Zoning Board with an extra tool that the Board of Trustees would want them to review before they address a parking variance.

Mr. Hoeger stated that he cannot find any connection in this law and the LWRP

Chairman Allison asked if anyone in the public had a comment. No comments. Move to the resolution:

Mr. Neuringer asked if before the vote could he ask that the sentence that you are about to read says be it resolved that the local law is consistent, is it possible to change that to read not inconsistent?

Mr. Steinman replies this tracks the language in the code, 240. That's the typical language the Board uses in finding consistency.

Mr. Neuringer responded that his question was can the board make a determination that what is being proposed is not inconsistent.

Chairman Allison stated that he was not sure what the difference was

Mr. Neuringer replied it is sort of obscure in the sense of parking fees by the Zoning Board

Ms. Pernick stated that it doesn't really support the policies of the LWRP, but it doesn't really negatively impact. I agree with Clark

Mr. Resler spoke on behalf of the New York State that in rare circumstances the effects of a decision is neither consistent with nor inconsistent with the policy so we have used in our formal decision making not being inconsistent with the policy.

Mr. Steinman responded by reading the code. The proposal is, if the local laws are not inconsistent with the LWRP policies and the Local Law will not substantially hinder the achievement of any of the policy set forth in the LWRP then I think that the use of not inconsistent would be fine.

EXTRACT OF MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE
MANAGEMENT COMMISSION OF THE VILLAGE OF MAMARONECK HELD ON SEPTEMBER 18, 2013 AT
7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

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

PROPOSED LOCAL LAW N-2013

WHEREAS, the Harbor and Coastal Zone Management Commission (“Commission”) has reviewed proposed Local Law N-2013, referred to the Commission by the Board of Trustees, that would amend Village Code Sections 342-61 and 342-92 to provide the Zoning Board of Appeals with the fee in lieu of parking alternative for variance applications and in the case of variances from the required number of parking spaces in a commercial or manufacturing district, mandate that the Zoning Board of Appeals impose a condition for payment of the fee (“Local Law”); and

WHEREAS, the Village Board of Trustees having determined the proposed Local Law is an Unlisted Action pursuant to SEQRA, circulated its Notice of Intent to be Lead Agency to Involved Agencies, with the Commission having no objection to such designation, and the Board of Trustees thereafter declaring itself Lead Agency and adopting a Negative Declaration under SEQRA on September 3, 2013 finding no significant adverse environmental impacts; and

WHEREAS, the Commission has considered and evaluated the Local Law for consistency with the Village of Mamaroneck’s Local Waterfront Revitalization Program (“LWRP”).

On motion of Mr. Bilotta, seconded by Ms. Goldstein:

BE IT RESOLVED that the Local Law is not inconsistent with any of the policies set forth in the LWRP.

The motion passes:

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

Nays: None

Abstain: None

Absent: None

Chairman Allison All in Favor (All), Opposed (none). The Chair then asked if the Commission would like to take a break or move on.

The members indicated that they would like to move on.

(D) Application of Joseph Spadaro: Review and Approve application for Marine Structure Permit for the Restoration of Existing Shoreline Interface and Reconfiguration of the Entrance to Recreational Docking Facility and Determine Consistency with LWRP located at 426 Rushmore Avenue.

Mr. Natchez indicated that he would be happy to go through the application and discuss it. However, under your code you can do coastal consistency although it has not been noticed for coastal consistency. The public notice that has been published and the notice that has been sent to neighbors for both coastal consistency and marine structures permit has put it into October because the code says you may not have a hearing less than 31 days from the day you received the application and no more than 62 days.

Mr. Steinman replied that the Board has voted on a number of occasions to waive that but they can't wave the fact that the notice was not given for the specific date of tonight's meeting. So they application will need to be deferred to the October meeting of the Commission.

Mr. Natchez stated that he was happy to answer any questions you may have but I don't think you can open up your hearing or take any action on it.

Chairman Allison stated that he went by the property today and saw the sign

Mr. Natchez agreed that the sign was posted. If you would like to go through the application, he would be happy to do so or wait until next month.

Mr. Steinman responded to the Chairman, recommending that under these circumstances since it has not been properly noticed for this meeting and that both applications be adjourned until October when it is properly noticed.

Chairman Allison replied that the Commission does not have enough leeway with the code.

Mr. Steinman replied not in the case where it was not properly noticed, absolutely not. It would not be appropriate to have the discussion without being properly noticed.

Mr. Natchez replied that it is noticed on the Village's Web Site and on your agenda

Mr. Steinman replied it was not efficient to satisfy code requirements for notice.

Chairman Allison stated that this was for both items D & E. How do we create an agenda?

Mr. Neuringer asked Mr. Galvin why the Commission doesn't do Wetland permits

Mr. Galvin responded that it has always been his recommendation that HCZM does Wetlands but the Board of Trustees has not addressed this yet.

Chairman Allison stated that D & E will be stricken from the agenda. Has everyone had a chance to review the minutes.

Mr. Steinman replied Mr. Chairman the minutes were just distributed just a few days ago, we have not had a chance to review them so we would ask to hold off.

Ms. Goldstein asked if we could get some documentation procedure so there is not so much paperwork.

Mr. Neuringer asks if we can make a request that any new documentation we receive no later than Monday before the meeting. The cutoff date should be no later than the Monday before.

Chairman Allison agreed. Do I have a motion to adjourn the meeting?

Mr. LaFollette asks before we adjourn I would like to say that Mr. Resler is here just to introduce himself as a consultant in consistency determination.

Chairman Allison replied we cannot discuss the item that is not on the agenda but I would like to thank you very much I know it was a long trip I appreciate your coming we've done meeting via Skype if the item comes back on our agenda next month there are other options. Thank you on behalf of our Commission.

Chair Allison asked for a motion to close the hearing

ADJOURNMENT

On motion of Mr. Allison seconded by Mr. Bilotta the meeting was adjourned at 9:30 P.M.

VOTE:

Ayes:	Mr. Allison, Mr. Bilotta, Ms. Goldstein, Mr. Neuringer, Mr. LaFollette , Mr. Glattstein & Ms. Penick
Nays:	None
Abstain:	None
Absent:	Mr. Brian Glattstein and Ms. Alice Pernick

Minutes prepared by

Kathy Guadagnolo

Lisa Rosenshein

From: Cindy Goldstein [cgg333@verizon.net]
Sent: Thursday, September 30, 2010 1:08 PM
To: 'Lisa Rosenshein'
Subject: RE: Letter Regarding Mamaroneck Beach & Yacht Club

Please remove my email from your list. I am not interested in your rebuttal (nor anything the Mayor has to say) as I find that you cherry pick your facts and misstate others. Your organization is arrogant, aggressive and absolutely not to be trusted while chasing money for yourself and your lawyers.

From: Lisa Rosenshein [mailto:rosenshein@verizon.net]
Sent: Wednesday, September 29, 2010 7:37 PM
To: rosenshein@verizon.net
Subject: Letter Regarding Mamaroneck Beach & Yacht Club

Dear Resident,

You have been receiving a barrage of emails from Mr. Dan Natchez that are inaccurate, exaggerated, misrepresentative, full of false statements and is libelous. Accordingly we wish to correct them.

1. Seven separate court decisions in favor of the club's plans confirm that the proposed renovations are in conformance with the Village zoning code. We refer you to the Mayor's memorandum on the Village's website which addresses the Village's perspective on this matter.
2. Mr Natchez's artwork is not representative of any of our plans. We have filed over 500 pages of documents, drawings and elevations over the last 6 years prepared by licensed professionals, planners and architects and submitted to professionals for review. Yet, when Mr Natchez chooses to publicly write about his perceptions he sends out his own drawings that are wrong.
3. For instance, the Seasonal Residences which are set back from the beach by approximately 100' are not a Chinese wall, but rather three separate buildings with open spaces, varying roof heights, and are designed to fit in with our existing buildings as designed by Stanford White, a noted architect, in 1885. He does not take into account any landscaping – existing or to be planted. The overall buildings are not 46' high as Mr Natchez shows.
4. Our plans are totally zoning compliant; in fact the zoning code says that the seasonal residences are specifically permitted. They have been reviewed by the Village's professionals – and will continue to be through out the Site Application Process.
5. The Club's plans are consistent with the LWRP. The LWRP promotes waterfront usage and encourages the growth of the clubs to grow and flourish.
6. The SEQR process and review began in 2006 and all documents and plans have been available for public review since. The Settlement Agreement is on the Village website and the Environmental Narrative submitted to the Village is also available for review by everyone.
7. The future Marina shown on our site plan since 2006 is not part of the settlement, is not being considered for present development, and may never get built. It is included in the SEQR process for future consideration. If we choose to pursue the Marina we will file for approvals and thorough review with all appropriate local and state agencies.
8. The Club has absolutely no outstanding violations and has obtained all necessary permits. In fact, Mr Natchez was the Club's waterfront consultant for many years and was instrumental in obtaining all the permits for the existing Breakwater, and dock facility. He was dismissed for cause for misappropriating escrow funds relating to dredging. Thus it is obvious that Mr Natchez has a personal vendetta against the club.

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