

VILLAGE OF MAMARONECK
HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION MEETING MINUTES
March 20, 2013 - 7:30 PM
169 MOUNT PLEASANT AVENUE, COURTROOM, MAMARONECK, NY

Attendees:

PRESENT:

**Chairman Nick Allison
Brian Glattstein
Alice Pernick
Kevin LaFollette
Jim Bilotta**

Peter Jackson and Bert Siegel– present but did not sit with the Board or participate in the meeting discussion or vote.

**Also Present: Les Steinman, Counsel to the HCZMC
Sven Hoeger, HCZM Environmental Consultant
Hugh Greechan, Village Consulting Engineer
Robert Galvin, AICP – Village Planner**

Absent: Clark Neuringer

CALL TO ORDER

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

APPROVAL of MINUTES

The approval of the Commission’s minutes for November 29, 2013 were postponed until the next regularly scheduled meeting.

OLD BUSINESS

Bennett and Cynthia Golub – 710 Taylors Lane – Modification to the Determination of Coastal Consistency and Marine Structures Permit for erecting marine structure to fill cavity to prevent destruction of landmark structure.

Les Steinman, the Village's Land Use Counsel, provided the Commission with a history of the application. He indicated that the proposed modification is a Type II action. The Board of Architectural Review (BAR) on March 5, 2013 granted a modified Certificate of Appropriateness for the modified proposed action now before the HCZMC. The Planning Board held a public hearing on the wetland permit for this modified action on February 13, 2013 and adjourned the hearing until April 10, 2013 to consider the actions of the BAR and HCZM. The Commission has before it tonight an application to modify the previously approved marine structure permit as well as to determine consistency of the modified action with the LWRP.

Commission Members Discussion:

Mr. Daniel Natchez, the consultant for the applicant, explained that they were returning to the Commission for an approval of a modification which would allow the seawall to be brought flush with the house. The reason for this is that they couldn't get a contractor to do the work and the experience with Hurricane Sandy revealed the need to provide more protection for the landmark structure. The applicant went back to the Board of Architectural Review to amend the Certificate of Appropriateness to go out (3) feet from the original plans. Mr. Natchez explained they would be using a structure known as a "Jersey Barrier". Mr. Natchez explained that this was originally created to keep cars from moving from one side of the road to the other and prevented vehicular crashes. As it relates to water, the barrier allows water to be directed away from the structure. With the modified structure, Mr. Natchez indicated that there would be only another 145 square feet of disturbance.

Mr. Glattstein asked what type of equipment would be used to make the foundation.

Mr. Natchez stated that boulders would be brought in by barge and that the only thing being brought in by land would be workers and hand-carried materials.

Mr. Glattstein – Points out that this will be a unique feature.

Mr. Natchez – The BAR's modified Certificate of Appropriateness did not address the specific style of architecture. BAR approval was for either stone or formed concrete

Mr. Glattstein – Does it meet the erosion requirements?

Mr. Natchez – Yes. It meets the 30 year erosion limit and then some.

Mr. Allison asked the Village Engineer, Mr. Greechan, whether or not he has received all necessary documentation.

Mr. Greechan – Yes, but structure report must be updated and that should be added as a condition of approval.

Mr. Allison – So the only change will be moving out (3) feet.

Mr. Bilotta – When you excavate, where is the dirt going

Mr. Natchez – The dirt will be used as fill. When footings are in, backfill will be used as fill.

Mr. Allison – Mr. Hoeger in your letter dated 2/15/13, is it your opinion that this is a substantial change.

Mr. Hoeger – Not a substantial change.

Mr. Allison – referred to the calculated 42% change in size, asked Mr. Hoeger if this is a substantial increase?

Mr. Hoeger – The numbers are so small that I don't believe it is substantial. It is a very small change.

Mr. Natchez – There are no wetland species at the location, we found no grasses or shellfish of any kind. There will be 96 square feet of disturbance, and 145 square feet net difference.

On the motion of Ms. Pernick and seconded by Mr. Bilotta, the public hearing was closed.

Ayes: 5

Nays: 0

On motion by Ms. Pernick and seconded by Mr. LaFollette the following Resolution was adopted.

Ayes: 5

Nays: 0

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

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

WHEREAS, in accordance with Village Code Chapter 218, 710 Taylors Lane contains a locally designated and protected landmark structure known as “The Mill House and “Old Mill” (“Premises”); and

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

WHEREAS, on March 15, 2012, the Village's Board of Architectural Review ("BAR") approved and issued a Certificate of Appropriateness pertaining to filling a cavity beneath the landmark structure at the Premises based on plans prepared by Lemond and Associates, dated December 9, 2011 and last revised on March 9, 2012 ("Certificate of Appropriateness") and thereafter the Applicants amended their application to erect a marine structure at the Premises to include the Certificate of Appropriateness and the revised plans by Lemond and Associates; and

WHEREAS, by the annexed resolution of approval adopted on March 21, 2012, the Commission determined the application to erect a marine structure at the Premises was consistent to the maximum extent practicable with policies of the Local Waterfront Revitalization Program ("LWRP") and granted the structures permit; and

WHEREAS, thereafter the Applicants applied to the BAR to modify the Certificate of Appropriateness based on revised plans (SD-03) prepared by Lemond and Associates, dated December 9, 2011 and last revised on January 31, 2013 with the modified Certificate of Appropriateness approved by the BAR on March 5, 2013; and

WHEREAS, on February 8, 2013, the Applicants submitted a modified application to erect a marine structure at the Premises, with annexed plans (SD-03) prepared by Lemond and Associates, dated December 9, 2011 and last revised on January 31, 2013 ("Modified Application").

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

NOW THEREFORE BE IT RESOLVED that the Commission, based upon review of the Modified 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.

The motion passes:

Ayes: Mr. LaFolette, Mr. Bilotta, Mr. Allison, Ms. Pernick, Mr. Glattstein

Nays: None

Absent: Mr. Neuringer

(Mr. Jackson was present but did not participate in the 3/20/13 meeting/proceedings for this application)

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

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

The motion passes:

Ayes: Mr. LaFolette, Mr. Bilotta, Mr. Allison, Ms. Pernick, Mr. Glattstein

Nays: None

Absent: Mr. Neuringer

(Mr. Jackson was present but did not participate in the 3/20/13 meeting/proceedings for this application)

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

AND BE IT FURTHER RESOLVED that the Commission has completed its review and evaluation of said Modified Application, has fully considered the factors set forth in Village Code § 240-23, has determined the Modified 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, subject to the following condition:

i) Prior to the issuance of the building permit, the Applicant shall file with the Building Department an updated Structures Report to the satisfaction of the Village Engineer.

The motion passes:

Ayes: Mr. LaFolette, Mr. Bilotta, Mr. Allison, Ms. Pernick, Mr. Glattstein

Nays: None

Absent: Mr. Neuringer

(Mr. Jackson was present but did not participate in the 3/20/13 meeting/proceedings for this application)

The Chair indicated that he had received an email question from a Commission member, Kevin Lafolette, regarding the status of the Mamaroneck Beach & Yacht Club application before the Planning Board. Mr. Galvin, the Village Planner responded by stating that the Planning Board has received a revised site plan but is waiting for the Building Inspector's review of the site plan's zoning compliance before continuing public hearings on the application. Mr. Galvin was also asked about Hampshire Country Club. He indicated that an application or rezoning petition has not been received by the Village at this time. If the application was a rezoning request, it would need to go to the Board of Trustees which would act as lead agency. Mr. Allison inquired about the TOD Study completed by BFJ Planning for the Village and the Washingtonville Housing Alliance, the joint sponsors of the study. Mr. Galvin explained that the study has been adopted by the Board of Trustees which will begin drafting zoning legislation and public hearings in the next few months.

ADJOURNMENT

On motion of Ms. Pernick, and seconded by Mr. LaFolette, the meeting was adjourned at 8:10 P.M.

VOTE:

Ayes: 5

Nays: 0

Minutes prepared by

Kathy Guadagnolo