

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on June 22, 2011. The full public record of this Meeting is the audio/video recording made of this meeting and kept in the Planning Board’s records.

PRESENT: Stewart Sterk, Chairman; Lou Mendes,
Ingemar Sjunneemark, Lee Wexler
Lester Steinman, Esq., Legal Consultant
Susan Favate, BFJ Planning
John Winter, Building Inspector

ABSENT: Michael Ianniello

CALL TO ORDER

Mr. Sterk called to order the Regular Meeting at 7:00 p.m.

NEW BUSINESS:

1. Approval of Minutes

Mr. Sjunneemark moved to approve the June 8 Minutes as amended, and seconded by Mr. Mendes.

Vote:

Ayes: Sjunneemark, Mendes, Sterk

Nays: None

2. 585 N. BARRY AVE. LLC – Dumpster Enclosure

No appearance.

Mr. Wexler arrived late.

OLD BUSINESS:

PUBLIC HEARINGS ON WETLANDS (Continuation)

- 1. 700 RUSHMORE AVE (MC-1 District) Rushmore Property of NY LLC (McMichael) Wetland Permit, Dumpster Enclosure, and Site Plan Review of proposed construction of new work building, rack storage, wash down power pad & Power wash system shed, fencing and drainage swale.**

This is a continuation from the last meeting. Mr. McMichael stated that a light is being placed on the new building, and a light will be added to the dock. He noted that there is no light shining on neighboring properties, as it is down lighting.

Mr. Natchez stated that the HCZM chairman has signed off on the issues. Mr. Furey approved the storm water management plan. Ms. Favate noted that HCZM disagreed with the rose species that was chosen by the landscaping consultant.

There were no further questions or comments.

Mr. Sjunneemark moved to close the public hearing, seconded by Mr. Mendes.

Vote:

Ayes: Sjunneemark, Mendes, Wexler, Sterk

Nays: None

On Motion of Mr. Sjunneemark, and seconded by Mr. Mendes, the Application is approved for a wetland permit, site plan, 240-30(E), and dumpster enclosure permit, subject to the preparation of a Resolution to be approved at the next meeting.

Vote:

Ayes: Sjunneemark, Mendes, Wexler, Sterk

Nays: None

2. 818 THE CRESCENT-Richard Ottinger – Wetland Permit to strengthen seawall.

This is a continuation from last month's meeting. Mr. Dennis Rocks, a civil engineer at Leonard Jackson, appeared on behalf of the Ottingers for a wetland permit. He provided a letter from the State that said the State declines jurisdiction, and it is a local matter. Mr. Rocks said that the seawall needs to be stabilized. The proposed work will not be visible, except for the plates.

Ms. McCrory, resident of 720 The Crescent, said that ownership is in question. She said that the foundation of the house should be remedied. The house was not built according to plans. There was a change made by the builder and approved by a previous village building inspector.

Mr. Sterk asked if the seawall is crumbling. Ms. McCrory answered no. The foundation of the house is the problem, she said. She continued to say that the seawall was permitted in 2006 and it expires in December 2011. There was never a Certificate of Occupancy (COO) issued because the foundation does not meet flood rules and building codes for V-zone.

Mr. Winter joined the meeting at 7:20 p.m.

Ms. McCrory stated that the Ottingers tried on two occasions to change the flood map and failed.

Mr. Sjunneemark inquired if it is possible to change the foundation. Mrs. Ottinger came forward and said yes, and it will cost around \$100,000. Ms. McCrory said that the solid mass would be reduced to piers, and will provide greater flood protection. Flood waters will pass underneath. She said that it is better for wetlands to fix the foundation. Otherwise the water is diverted to neighboring properties.

She noted that the Ottingers have added three to four feet of fill that is not allowed by flood or wetland rules. The seawall repair may not even satisfy FEMA, she added.

Ms. McCrory stated that the Ottingers 2006 Deed has an invalid Grantor, Notary, and Legal Description. She went on to say that their proposed plan involves the lower tie-back to be installed below grade on the beach, and excavation cannot be avoided. Water jet equipment is likely to interfere with the wetlands and more fill will be added. If the permit is granted, there will be overdevelopment of the wetland area. If permit is denied, they will build an open foundation and there will be no need to change the local law. Adding more concrete is undesirable. There are errors on the coastal assessment form (CAF). She demands proof that this new structure will not increase flood risks to neighboring properties. She re-stated that it is now four years that they are without a COO.

Mr. Tony Weiner, 203 Beach Avenue, Mamaroneck, appeared. He said that he was a past member of HCZM. He confirmed that no COO was issued, and that their application is incomplete. He said that the State needs to be queried for a consistency review, and believes the review is important. He said that HZCM should be involved, and that this application before the Planning Board is premature.

Mrs. Ottinger said that it is important that the seawall get repaired as it will not withstand a 50 or 100-year storm. If the seawall is not strengthened, her dock could go. She stated that the house is separate and they are here for the seawall only.

Mr. Sjunneemark inquired if the seawall is repaired, will a COO be given. Mrs. Ottinger was indecisive.

Ms. McCrory said that Mr. Davis, who provided a letter, owns part of Lot 44 and the lot was included in the Ottingers deed. If the house is in the V-zone, it is in violation of the Code.

Mr. Mendes inquired about the permit that was filed. He asked the Ottingers if the builder convinced them to proceed this way, or if an amendment was filed. Mr. Ottinger said no amendment was filed. Mrs. Ottinger noted that the work passed two inspections. She then said they have resubmitted their application to FEMA.

Ms. McCrory said that the foundation did not get built the way it should have. A V-zone property has to be built on piers.

Mr. Steinman noted that the FEMA documents were not provided and should be given to the Board so that they have complete records. There is the SEQRA issue of segmentation. The Board also does not want a result that could lead to another action.

Mr. Weiner said that he is concerned about the seawall. The Planning Board should not 'bless' bad work, he added.

Mr. Winter said that if the wall is repaired, there is no guarantee that FEMA will revise the map.

Mr. Wexler concluded that the Planning Board is not ready to take action. He said that they need Mr. Furey's opinion. Also, Mr. Steinman needs to weigh in on legalities. A site visit is necessary, and the Board agreed to go this Saturday. Mr. Sjunneemark mentioned that he has been to the property.

Mr. Sterk added that the status of the application is open. The State consistency review is not done yet. No further action was taken.

ADJOURNMENT

There being no other business, and on Motion of Mr. Sjunneemark, and seconded by Mr. Mendes, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Anne Hohlweck
Recording Secretary