

Village of Mamaroneck
123 Mamaroneck Ave., Mamaroneck, NY 10543 ph: (914) 777-7700

VILLAGE OF MAMARONECK
HARBOR COASTAL ZONE MANAGEMENT COMMISSION MINUTES
July 15, 2020 AT 7:30 PM - ONLINE

NOTICE OF FIRE EXITS AND REQUEST TO TURN OFF ELECTRONIC DEVICES

ATTENDANCE

PRESENT:

Chair:

Thomas Burt

Commissioners:

Doreen Roney
Seamus O'Rourke
Andrew Maggio
David Neufeld
Martin Hain
Tony Gelber

Absent:

None

Also, Present:

Christy Mason, Deputy Village Attorney
Ashley Ley, Village Consulting Planner
Brian Hildenbrand, Village Consulting Engineer
William Long, Village Director of Planning

1. OPEN MEETING

On motion of Chair Burt and seconded by Commissioner Hain the meeting was opened at 7:35 p.m. by Chair Burt.

All in favor?

Aye.

None opposed.

Commissioner Roney arrived right after the vote.

Commissioner Gelber arrived later.

2. OLD BUSINESS

- A. 139 E. PROSPECT AVENUE LLC FOR PALLADIUM MANAGEMENT - CONSISTENCY PRELIMINARY REVIEW FOR A SITE PLAN AND SPECIAL PERMIT** (Section 9, Block 51, Lot 11B) Application for site plan and special permit approval to demolish the existing residential structure and construct a new 4 story multi family building with 8 one

bedroom units providing 1 FHAU pursuant to Section 342-50(B) (6) of the Village Code and associated parking. (C-2 District)

- 1/8/20 SEQRA PB Unlisted Action Circulation for Lead Agency complete
- 1/15/20 HCZMC SEQRA and preliminary review
- 3/18/20 continued preliminary review
- 6/4/20 PB adopted Negative Declaration
- 7/15/20 HCZMC consistency review

Chair Burt:

- We don't have a quorum to hear the application for 139
- Several commissioners are recused, we need Commissioner Gelber to have a quorum

On motion of Chair Burt and seconded by Commissioner Hain, 1165 Greacen Point Road was moved ahead on the agenda.

All in favor?

Aye.

None opposed.

Commissioner Gelber absent.

- B. 1165 GREACEN POINT ROAD – 2W & 4SDP-2020 WILLIAM & ELISABETH FEDNYA – WETLAND PERMIT AND PB SITE PLAN APPROVAL** (Section 9, Block 93A, Lot 10) TOWN (Section 9, Block 50, Lot 373) CONSISTENCY REVIEW ON WETLANDS PERMIT Application for a Wetlands Permit and site plan approval to demolish the existing structure and construct a new residence on site. The new residence will be constructed within an area that has previously been developed. The site will be served by an on-site wastewater treatment system (septic system) and be provided with water from a public water main on Greacen Point Road. (R-20 District)
- 5/13/20 PB opened PH, PB Type II Action under SEQRA
 - 5/20/20 HCZMC concept review
 - 7/15/20 HCZMC consistency review

Kristen Motel of Cuddy & Feder:

The drawings were shared on screen

- We're proposing to demolish the existing 1 family home and construct a new 1 family home
- The new home will be completely outside of the wetlands but will be in the wetlands buffer
- The failing septic system will be replaced with a new system located in the front yard
- Currently there isn't any stormwater management on the site, a system is proposed
- We've received a memo from the environmental consultant, he agrees there aren't any significant environmental impacts, the project proposes to improve conditions on the site
- Trees have been removed, tree removal has been ceased

Rich Cordone of JMC Planning:

The grading and utility drawing was shared on screen

- A new survey was done at the end of June that more accurately depicts the number of trees on the site
- 15-16 trees behind the home will be maintained

- 3 trees alongside the edge of the property will also be maintained
- The driveway was shifted to maintain 4 large trees

Michael Nowicki of Ecological Solutions:

- The DEC has verified the wetlands delineation
- The site is adjacent to 3 Critical Environmental Areas

Commissioner Neufeld asked about zoning compliance, specifically a side yard issue with the driveway.

Ms. Motel:

- There was an issue, it's been addressed
- In our July 1st submission we included the Building Inspector's revised determination showing the plans to be zoning compliant

The zoning compliance chart was shared on screen.

Ms. Motel:

- We're not proposing any amendments to the dock
- We're proposing to leave that portion of the lawn area exactly as it is

Chair Burt expressed concern about the rear lawn being a wetland.

Ms. Motel:

- A Wetlands Permit has been applied for through the Planning Board
- There aren't any regulated activities proposed in the wetland
- I'm not aware of access being a regulated activity
- We're proposing stormwater management and plantings to improve the wetland

Commissioner Gelber arrived.

Commissioner Maggio asked where the 1,600 yards of fill will go.

Mr. Cordone:

- The front yard will be brought up about 2 ½' to maintain separation between rock and the bottom of the absorption fields
- The remainder will be used to bring the average grade around the house up to elevation 13.1 as per FEMA guidelines
- The current elevation in the front is at 12
- The current elevation in the back is at 10
- The same amount of stormwater that falls on the site today will fall in the future
- There will be additional impervious surface, but we've been able to provide a runoff reduction volume
- There will be less water running to the back of the site
- We'll be recycling a good bit of the water to use for irrigation
- We're not changing the drainage divides or areas

Commissioner Roney:

- I don't see much information from our Floodplain Administrator or our Building Inspector as to how this complies with our floodplain rules
- Our floodplain rules are plus 2 above base flood elevation

Mr. Cordone:

- The lowest structural member of the house is above that
- The FEMA Management Guide requires the elevation of the ground around the house at 13

Ms. Motel:

- We've applied for a Floodplain Variance through the Planning Board in relation to the proposal for the fill

Commissioner O'Rourke asked about repairing the existing septic system.

Commissioner Roney asked about a private sewer line.

Mr. Cordone:

- The Health Department won't allow it
- If we extended a line it would have to be a public line that would have to be taken over by the Village, it's too long
- The neighbors' private sewer lines were approved prior to the new regulations

NOTE: Due to Zoom technical issues the video of this application was cut off. The discussion for 139 E. Prospect Avenue as well as discussion/work sessions items A – F were not recorded.

3. DISCUSSIONS AND WORK SESSION

A. PUBLIC COMMENT – RIVER WALL

B. OUTFALL JETTY

C. LWRP UPDATE: Work Session on the final revision of the LWRP as per the request of the Board of Trustees

D. WETLAND LAW: Commission to discuss revisions to the Wetlands Law

E. SHADOW ISLAND – Commission to discuss 2 new illegal marine structures

- Illegal seawall
- Substantial amount of illegal fill, topsoil and grass

F. BOARD OF TRUSTEE REFERRAL: Commission to review and discuss Board of Trustee referral of proposed Local Law B 2020 – Tree Law

G. REVISION OF HCMZC APPLICATION – Commission to review and discuss revisions to the HCZMC application

Commissioner O'Rourke stated that progress has been made on a new application. When it is complete, he will send it to the other Commissioners.

Commissioner Gelber left the meeting.

H. DEBRIS NET – Mamaroneck River

The Commission isn't very familiar with the debris net other than from the e-mail sent by Gina Von Eiff.

Commissioner Roney noted that there's been white foam on the river for at least 7 years. She wondered why if the oil spill was on the Mamaroneck River there's a boom on the Sheldrake River.

Commissioner Maggio noted that there had been a debris net further down by the Boston Post Road Bridge that's no longer there. He suggested sending a letter to the Acting Harbor Master and Acting Village Manager.

Commissioner Hain noted that there had also been a net on the Tompkins Avenue Bridge which wasn't replaced after being destroyed in a storm.

I. SEDIMENT ISSUE – Mamaroneck River Delta

Commissioner Maggio stated that this came from the same complainant as the debris net. Where the debris net used to be there's a lot of leaves and bottom accretion along that Village dock. It would be nice to have someone survey it or keep tabs on it as there's only about 3' of water at low tide. Maybe there are other solutions to dredging. Everything comes down from the river and fills in that bottom area where the Mamaroneck River fills into the Harbor. It should be included in the letter to the Acting Harbor Master and Acting Village Manager.

J. LARGE SHIP CHANNEL – East Basin

Commissioner Maggio stated that Derecktor's would like a more direct channel through the mooring field for larger vessels. He believes the channel was originally on that diagonal.

Ms. Mason noted that the Village Manager is aware of the situation and is handling it.

K. PUMP OUT BOAT

Commissioner Maggio stated that there was a pump out boat that went out to the boats that have a sanitary system (a holding tank for refuse). The pump out dock in the West Basin works well but the one in the East Basin doesn't. The pump out boat no longer serves the Harbor, which is causing people to illegally discharge into the Harbor. He thinks the boat no longer goes out as the Village Manager wanted to charge the operator a docking fee.

Ms. Mason noted that the Commission should have their comments ready regarding the proposed Tree Law before the Board of Trustee's public hearing at the end of September.

Mr. Long proposed having a work session prior to the Commission's regularly scheduled meetings. The Commissioners were open to the idea.

7. ADJOURN MEETING

On motion of Commissioner Roney and seconded by Commissioner Hain, the meeting was adjourned at 10:55 p.m.

All in favor?

Aye.

None opposed.