

Village of Mamaroneck
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VILLAGE OF MAMARONECK
HARBOR COASTAL ZONE MANAGEMENT COMMISSION MINUTES
October 21, 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/

Excused:

Brian Hildenbrand, Village Consulting Engineer

Also, Present:

Christy Mason, Deputy Village Attorney
William Long, Village Director of Planning
Frank Tavalacci, Village Building Inspector
Amber Nowak, Village Assistant Planner
Sven Hoyer, Village Environmental Consultant (left the meeting upon learning that the applications were adjourned)

1. OPEN MEETING

On motion of Commissioner Roney and seconded by Commissioner Hain, the meeting was opened at 7:45 p.m.

All in favor?

Aye.

None opposed.

Chair Burt stated that both of the applicants on the agenda have asked to be adjourned due to issues raised at our work session on Monday. For 1165 Greacen Point I think we can work through an update on contact with the DEC.

Mr. Long stated that we told the DEC that the Board won't review consistency until the November 18th meeting.

2. APPROVAL OF MINUTES

A. Minutes of the June 17, 2020 meeting

The minutes weren't discussed.

3. CONTINUED PUBLIC MEETINGS

A. 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 consistency review
- 7/15/20 HCZMC continued consistency review
- 9/16/20 HCZMC continued consistency review

This application was adjourned until the next meeting.

A. 652 SHORE ACRES DRIVE, STEVEN TRACHTENBROIT AND CAROLINE YOUNG, SITE PLAN REVIEW AND WETLANDS PERMIT (Section 4, Block 67, Lot 5B) CONSISTENCY REVIEW ON WETLANDS PERMIT Application for site plan review and Wetlands Permit to construct a pool, a 1-story cabana to existing garage and a 2-story addition connecting the garage to the existing house. Stormwater improvements and landscaping are also proposed. This action is classified as a Type II Action. (R-10 District)

- 9/9/20 PB opened public hearing

This application was adjourned until the next meeting.

4. ADMINISTRATIVE ACTIONS

A. Amending the Tree Ordinance (Chapter 318)

Pursuant to Chapter 240, Section 36(A)(10) of the Village Code, the Harbor and Coastal Zone Management Commission is empowered "to recommend to the Village Board of Trustees adoption or amendment of ordinances relating to the Harbor." The Commission may provide a recommendation to the Village Board of Trustees regarding the amendment of the Tree Ordinance.

Commissioner O'Rourke:

- The construction damage provision should make it clear that it's not an option to damage a tree and then replace it

- Construction plans must include accommodations to avoid any unintended tree damage
- Any tree that is accidentally damaged or removed without permission must be replaced in kind
- It should be clear that penalties would be paid

Commissioner Hain:

- Construction damaged replacement trees should be mature

Commissioner Neufeld:

- You can only take down 3 trees in 3 years, that would affect vacant buildable lots that have many trees
- I have a problem with the replacement concept
- I have difficulty with an ordinance which allows the Village to enter property without a warrant or consent
- I have trouble with fines being imposed unilaterally
- Removal of storm damaged trees shouldn't be limited to 3 trees
- Homeowners should have an opportunity to respond to tree related complaints

Commissioner Roney:

- Someone should make sure there aren't any conflicts with what's already in the Code regarding trees
- Not giving notice to go on your property is an overreach
- The law doesn't pertain to specific species for replacement

Chair Burt will prepare a draft of the Commission's comments.

B. Amending the Freshwater Wetlands Ordinance (Chapter 192)

Pursuant to Chapter 240, Section 36(A)(10) of the Village Code, the Harbor and Coastal Zone Management Commission is empowered "to recommend to the Village Board of Trustees adoption or amendment of ordinances relating to the Harbor." The Commission may provide a recommendation to the Village Board of Trustees regarding the amendment of the Freshwater Wetlands Ordinance (Chapter 192) of the Village Code.

This was adjourned to the next meeting as the Commission wasn't sure they had the most recent edited version of their recommendations.

C. Proposed Amendments to Village Code Related to Setbacks from Water Bodies

The Village Board of Trustees seeks to amend the Village Code as it relates to setbacks from water bodies. The Harbor and Coastal Zone Management Commission may elect to send comments to the Village Board of Trustees.

The Commission felt that they didn't have enough information to find consistency. Staff will send a letter to the Board of Trustees requesting more time to submit their comments.

On motion of Chair Burt and seconded by Commissioner Hain, the Commission found the law inconsistent by reason of incomplete information.

Ayes: Commissioners Neufeld, O'Rourke, Roney, Hain, Maggio, Gelber, Chair Burt

Nays: None

Excused: None

Commissioner Neufeld:

- The 50' setback only applies where there's site plan or subdivision approval
- I don't see it as a special permit

D. Amendments to Village Code Related to Fees Charges in Lieu of Dedicating Parkland

The Village Board of Trustees seeks to amend the Village Code as it relates to Fees to be Charged in Lieu of Dedicating Parkland. The Harbor and Coastal Zone Management Commission may elect to send comments to the Board of Trustees.

On motion of Chair Burt and seconded by Commissioner Hain, the Commission recommended passage of the local law.

Ayes: Commissioners Neufeld, Hain, Maggio, Chair Burt

Nays: Commissioners O'Rourke and Roney

Abstain: Commissioner Gelber

Excused: None

Commissioner Neufeld left the meeting at 9:03 p.m.

E. Amending the Local Waterfront Revitalization Plan

Pursuant to Chapter 240, Section 36(A)(7) of the Village Code, the Harbor and Coastal Zone Management Commission is empowered "to recommend updates to the Local Waterfront Revitalization Plan and its Harbor Management Elements." The Commission may provide a recommendation to the Village Board of Trustees regarding the amendment of the Village's Local Waterfront Revitalization Plan (LWRP).

This was adjourned to allow staff to become more familiar with the document.

On motion of Commissioner Hain and seconded by Commissioner Roney, the meeting was adjourned at 9:27 p.m.

All in favor?

Aye.

None opposed.

Commissioner Neufeld excused.