

Village of Mamaroneck
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VILLAGE OF MAMARONECK
HARBOR COASTAL ZONE MANAGEMENT COMMISSION MINUTES
September 16, 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
Brian Hildenbrand, Village Consulting Engineer
William Long, Village Director of Planning
Frank Tavolacci, Village Building Inspector
Sven Hoger, Village Environmental Consultant

1. OPEN MEETING

On motion of Chair Burt and seconded by Commissioner Roney, the meeting was opened.

All in favor?

Aye.

None opposed.

2. APPROVAL OF MINUTES

- A. Minutes of the May 20, 2020 meeting
- B. Minutes of the April 15, 2020 meeting

On motion of Chair Burt and second by Commissioner Roney, the minutes of the meetings held on May 20, 2020 and April 15, 2020 were approved.

All in favor?

Aye.

None opposed.

On motion of Chair Burt and seconded by Commissioner Roney, the agenda was taken out of order with 139 E. Prospect Avenue being heard first.

All in favor?

Aye.

None opposed.

3. 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
- 9/16/20 continued consistency review

Commissioners Hain, Maggio and Roney are recused from this application.

Tony Gioffre of Cuddy & Feder:

- We've corrected typos on some of the application forms and the Coastal Assessment Form
- A synthetic roof will be installed on the rooftop to soften the views from the Regatta
- We've added a note on the plans that the garage entrance and site access will be enhanced with a well-defined crossing area across the garage entrance to ensure pedestrian safety
- The safety will be further enhanced with a pedestrian presence safety alert, low profile plantings at the corners of the garage and signage in the garage alerting drivers to pedestrian crossing
- We've submitted correspondence from Hudson Engineering to address the comments from the Village Engineer's memo
- This proposal will not have an adverse environmental impact on Long Island Sound

Commissioner Gelber:

- A synthetic roof doesn't seem consistent with our mission
- Green roofs are put in all over the place and are preferable to a synthetic roof
- Do we have any clarification on perc testing

Mr. Gioffre:

- We have liability and maintenance concerns regarding roof planters
- The synthetic roof addresses the comment of softening the roof views from the Regatta

Michael Stein, P.E. of Hudson Engineering:

He shared drawings on screen

- The current site is 100% impervious
- The parking area has no water quality or quantity treatment
- The runoff from the proposed building will go through a mechanical separator
- We'll provide the necessary required treatment
- The existing sewer main has more than enough capacity
- Inspections and monitoring of the line have been done in connection with the proposed development across the street at 172 E. Prospect
- Perc tests won't be done as an infiltration system won't be installed

Mr. Hildenbrand confirmed that there is adequate sewer capacity for both projects.

Mr. Gioffre stated that his client has agreed to rooftop planters.

Mr. Stein shared the roof plan on screen.

The Commissioners agreed to give the Planning Board final approval authority of the rooftop planters plan as long as it encompasses approximately 10% of the roof's square footage.

Commissioner O'Rourke questioned why it's not possible to use non-structural measures to minimize damage from flooding and erosion in conjunction with Policy 17.

Mr. Gioffre:

- The building footprint accounts for almost 100% of the site area
- Anything done would have to fit within the confines of the building footprint

Charles Holt, P.E. of Provident Design Engineering:

- Typically, we'd use flood vents for every 200 sq ft of space in the flood zone
- We've placed flood vents along the structural exterior walls to help mitigate and control flood waters
- The vents will be placed about 12" above the finished floor grade of the parking/storage level

Mr. Stein:

- On different sites you could use vegetation for erosion control
- This site is 100% impervious, we're completely protecting the soil

On motion of Chair Burt, consistency was granted.

Ayes: Commissioners O'Rourke, Neufeld, Gelber, Chair Burt

Nays: None

Recused: Commissioners Hain, Maggio, Roney

Commissioners Hain, Maggio and Roney returned to the meeting.

- B. 355 PHILLIPS PARK ROAD, CAPPETTA, INC. PB SITE PLAN AND SPECIAL USE PERMIT**
(Section 9, Block 19, Lot 18C1) CONSISTENCY REVIEW Application for site plan approval and Special Use Permit to construct an addition of 6 one-bedroom dwelling units with

retail space in existing first level. The applicant seeks to provide 1 FHAU pursuant to Section 342-50(B)(6) of the Village Code. This action is classified as an Unlisted Action. A Negative Declaration was issued on July 22, 2020 by the Planning Board. (C-2 District)

Christie Addona of Silverberg Zalantis:

- We're proposing to repurpose a 1 story vacant structure with commercial space and parking on the ground level and 6 one-bedroom units on the 2nd and 3rd stories
- The 2nd and 3rd stories will be constructed over a portion of the existing structure
- 1 of the residential units will be a Fair and Affordable Housing Unit
- Permeable pavers and a bike rack are proposed for public use adjacent to the park
- A stormwater management system will be implemented where none exists
- The Planning Board issued a Negative Declaration on July 22nd
- The Planning Board assured that the issues in this Commission's April 20th memo have been addressed
- Regarding Policy 23, we reached out to SHPO and obtained determinations that the structure isn't eligible for listing on the Historic Register
- SHPO has no concerns about the project as it relates to historical and cultural resources
- We submitted a letter from Beth Evans determining that there are no wetlands, as defined in the Code, on or adjacent to the property
- Your environmental consultant, Mr. Hoger, opined that the project is consistent with Policy 44 regarding tidal and freshwater wetlands
- A Phase II Environmental Assessment was done to confirm that there have been no adverse impacts resulting from the past use of the property
- The Village's consultants at AKRF reviewed the study and concluded that they didn't observe anything in the lab results challenging the conclusions in the study
- The Planning Board has accepted the Building Inspector's determination that the proposed project doesn't increase the degree of non-conformity of the property regarding the 50' setback
- Mr. Hoger's memo did seem to find that the project will be consistent with the LWRP
- We believe the issues raised by Mr. Hoger have and/or will be addressed
- We submitted a response from Hudson Engineering addressing LWRP Policies 33 and 37 and a letter responding to Mr. Hildebrand's memo
- We've submitted updated plans addressing the comments from the Village's consultants
- The Board of Architectural Review approved the project on August 20th

Chair Burt asked how the construction will be completed in a way that doesn't cause adverse impact to the river, which is only a few feet from the site.

Mr. Stein:

- The majority of the site is over the existing foundation
- The equipment will be brought in on the sidewalk and street
- Materials will be lifted up
- The sanitary sewer currently exits the building towards Spencer Place
- The connection will continue to be towards Spencer Place
- The floor drain in the receptacle area will be directed towards the sanitary sewer
- I don't expect the back of the building near the river to be used as a staging area

Commissioner O'Rourke asked about the tree inventory.

Earl Govan, the landscape architect had trouble connecting to the meeting.

Commissioner Roney asked at what level of the ground the pavers would be.

Mr. Stein:

- That's shown on the stormwater management plan
- It's flush with the sidewalk
- It's around elevation 20-21
- Fill will be put in outside of the flood zone

Mr. Govan:

- There are 3 mature trees, the one that is leaning over the neighboring structure will be removed
- Native material will be planted which will create an environmentally sustainable environment for wildlife
- The Village's landscape designer concurred that it is appropriate to remove the tree
- We've increased our native selection by about 50%
- The rooftop planters will have significant weight to them and will not fly off the roof in extreme wind
- 25%-30% of the roof will be vegetated
- The pavers will be snap tied
- The furniture will be weighted
- Planting soil/mix will be brought in by hand

Several members of the Commission stated that they don't want chemical herbicides and fertilizer used.

Dominic Brescia for Cappetta, Inc., the property owner

- The sidewalk will be closed and the adjacent parking lot will be utilized during construction to keep construction away from the river
- New building materials will be brought in from the parking lot side or the street
- Silt fencing and hay bales will be used to keep debris away from the river
- The removed tree will be grinded down

Mr. Stein shared the County GIS map on screen indicating that the property isn't in either the 100 or 500-year floodplain.

Commissioner Gelber noted that it looks like construction is currently happening.

Mr. Bresica:

- We've done soil boring testing
- We have a permit from the Building Department to put in partition walls for the upcoming parking structure that we have to reinforce
- We've closed off some windows in the existing building

Chair Burt asked about the new pavers being within the wetland buffer and near the river.

Mr. Stein stated that it's 13' from the corner of the building to the wall.

Beth Evans of Evans Associates:

- I don't think there's a potential for the paver area to impact the river
- There's a significant wall along the river's edge
- Any runoff will be picked up from the area and taken out to the storm drain to go through a separator
- I don't think there's wildlife in the riverine habitat that will suffer if the paver area is used as recreational space
- There's almost a 10' drop between the surface of the property and the river
- I don't believe a light or noise condition will change to adversely affect the fauna that use the river
- Mr. Govan's plan replaces existing weeds with native species that have wildlife value
- Overall, this plan will enhance the wildlife value of the property
- The proposed retaining wall will confine the paver area and the fill

Commissioner Roney expressed concern with the potential for erosion and sedimentation in the river over the wall.

Mr. Stein:

- By putting the wall in, we're pulling water away from that area
- Overall, it's an improvement to what's there now

Commissioner Gelber asked about proposed lighting and approval from other agencies.

Mr. Brescia:

- The Planning Board approved a lighting plan
- The Board suggested the fixtures to be installed
- A letter went to various agencies, only a few responded

Mr. Govan agreed to put a note on the plan that only organic fertilizer will be used during planting.

On motion of Chair Burt and seconded by Commissioner O'Rourke, consistency was granted in conformity with the draft resolution.

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

Nays: Commissioner Roney

Excused: None

- C. 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 with a garage and driveway
- 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
- There will be extensive wetlands plantings

Mr. and Mrs. Fednya, the homeowners, presented a slideshow in response to the Commission's comments from the last meeting:

- The site plan was presented showing the location of the existing and proposed houses
- An aerial view of the proposed house was shown
- We submitted more information to the Village Engineer, 18 of his original 22 comments have been addressed
- The septic field has been reduced by 33%
- We wanted 5 bedrooms but will have 4 based on the size of the septic system
- The existing septic system is unsatisfactory and can't be used
- Neither a public nor private sewer line can be installed
- We filed a DEC Joint Application in July
- Environmental reviews have been done
- There will be positive net fill
- A landscaping and wetland mitigation plan was shared on screen

Ms. Motel:

- The amount of fill has been cut down since our July presentation
- The BFE is at 13
- The lowest floor of the home will be 16
- The garage is staying at 13
- The property is in the AE Zone
-

Rich Cordone of JMC Planning:

He shared the grading and utility plan on screen

- The majority of the fill is in the front of the house
- Our total limit of disturbance is 26,000 sq ft
- We're filling approximately 20,000 sq ft

He shared a net fill table on screen

Commissioner Gelber asked about renovating the existing house as opposed to constructing a new house.

Ms. Motel:

- We would still have to comply with FEMA and Village Code Standards as it would be considered a substantial improvement
- The septic system would still be failing
- The same amount of fill would be required
- We wouldn't be installing the stormwater and wetlands planting measures that we are proposing
- The wetlands and wetlands adjacent area are currently manicured lawn, we're proposing to change that

Commissioner Roney asked about constructing without fill.

Ms. Motel:

- We've explored that option, it's not possible
- We're able to reduce the fill by extending the foundation up
- The crawl space will be 2-3' taller than originally planned to keep the existing grade around the foundation the same

Commissioner O'Rourke asked about the difference in the amount of fill if the septic system was for a 3-bedroom house

Mr. Cordone replied if the house was going to be 3 bedrooms, we would save about 100 cubic yards of fill.

Commissioner Neufeld:

- The back wasn't a manicured lawn when I was there
- I'm concerned that you're significantly over the fill
- I'd have to understand an analysis of how that impacts other things

Beth Evans of Evans Associates:

- The central portion of what is maintained as lawn is currently devoid of vegetation
- It floods and has ponded water on it
- We're proposing to leave the highest portion of the land as lawn and let the rest be marsh

Commissioner Maggio asked why a private sewer line is out of the picture.

Mr. Hildenbrand stated that typically if the homeowner wants to incur the cost of a private line on a private road, it's allowed.

Ms. Motel stated we have a Feb. 2019 letter from the then Village engineer who cited the Westchester County Sanitary Code Article VIII, Section 873.728, which says we can't connect to a private line.

Commissioner Maggio:

- That's wrong, it has to be re-examined
- The Town of Mamaroneck Engineer is entertaining a private sewer line on a project

Mr. Cordone:

- There are other issues with connecting a private sewer line on that street
- There are setbacks that have to be maintained between the Westchester Joint Water Works water main, the Con Ed gas lines in the street and the existing private sewer lines in the street
- We need 10' of separation between the water and the sewer
- We need 3' from the proposed sanitary sewer and any gas lines
- We need 3-4' from the existing sanitary sewer service lines that are in the street
- We don't have the required separation distances from the different utilities that are in the road
- Permission has to be granted from the road association to excavate and open the road

Chair Burt stated that a written analysis on the option of a private sewer is needed.

Michael Stein, P.E., of Hudson Engineering:

- I'm not involved with this project, but I've met with other property owners along Greacen Point
- We had met with Hernane along the way, there are multiple issues involved
- Several owners along the first 1000' of Greacen Point have their own private sewer lines in the road
- The lines are pressurized
- They also own multiple lines in the road in the event that they have problems with their own they can switch over
- They've never been willing to sell those lines to anyone else
- The numerous lines going down the road can leak
- There wouldn't be any tracing of a leak in the lines
- Hernane wanted 1 line down the road for everyone to connect to, which the Village would maintain

Commissioner Maggio:

- Hernane isn't employed by the Village any more
- Sewage line are low pressure lines

Mr. Stein:

- The lines are low pressure
- There is leakage, you can see it in the manholes

Chair Burt:

- I need to know from Counsel what is legally permissible for private and public sewer for this property
- If there's a sewer option, it removes many of the problems the Commissioners have
- We'll send a letter asking the Village to investigate the leakage

Commissioner Hain asked about the environmental assessment based on the tree removal on the property.

Sven Hoger, Village Environmental Consultant:

- The Greacen Point Marsh is a few hundred feet away from the property

- The tall trees on the property provide a valuable habitat for birds
- The big trees are still on the property
- The owner's willingness to have a functional wetland in the back should be credited as a positive move
- The neighbors have seawalls to keep the water out, he doesn't mind it coming in
- That could help some of the birds in the marsh
- A few trees have to be removed for the septic field
- Overall enough tree mass will be left to be beneficial

The application was adjourned to the next meeting.

D. 22 LAKE ROAD, RAZY HIRSCHBERG, WETLANDS PERMIT (Section 4, Block 79, Lot 24) CONSISTENCY REVIEW ON WETLANDS PERMIT Application for a Wetlands Permit to expand an existing deck. This action is classified as a Type II Action. (R-15 District)

Eric Jacobsen, R.A.:

- We have hired an environmental consultant, Beth Evans
- There is an existing 400 sq ft deck in the rear, which is rotting
- The existing deck has a rear yard setback zoning violation
- The deck will be cut back to eliminate the zoning issue
- The new deck will be 745 sq ft
- It will be similar wood construction with 9 hand dug wood piers
- Ms. Evans' memo says in part, that there will be no adverse impact on the shoreline areas or adjacent properties
- There will be no adverse impact on wildlife, water quality or the visual character of the shoreline

Ms. Evans:

- I've been to the property twice
- The deck is over a loose-jointed flagstone patio which allows water to go into the soil
- The new deck will allow infiltration of stormwater
- The shoreline that is adjacent to the house is protected by a mortared seawall with a rocky slope down to the water
- There's no opportunity for erosion or impact during construction
- I think it's very unlikely that anything associated with building the deck will have any impact on the shoreline
- The surface under the new deck will be pervious

On motion of Chair Burt and seconded by Commissioner O'Rourke, consistency was granted.

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

Nays: None

Excused: None

4. NEW BUSINESS

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

Tony Gioffre of Cuddy & Feder:

- The Planning Board adopted a SEQRA Type II Action last week
- The premises abuts the East Basin of the Mamaroneck Harbor
- We'll be adding an addition, a breezeway to connect the house to the garage, a new pool, fireplace, spa, cabana, pervious replacement decks, stormwater management infrastructure, wetland buffer plantings and the removal of the existing patio and impervious deck from the wetland buffer

Brandon Stuart of ML Architects:

He shared a color rendering on screen.

- The exiting non-conforming garage will be modified to become compliant
- The proposed in-ground pool will be 25' x 35'
- The pervious wood decks and cabana will be elevated above the BFE
- There will be a net increase in available flood volume
- There will be minimal paving and hardscaping
- The supports for the cabana and the deck will be recessed in order to provide space for plantings
- We intend to keep the large trees
- The small Crabapple tree will be removed
- The wetlands begin on the seaward side of the seawall

Michael Stein P.E. of Hudson Engineering:

He shared his drawings on screen.

- There will be overall improvements to the site regarding water runoff
- We had very positive perc test results
- The runoff from the new pervious areas will go into 6 cultec stormwater chambers to treat the water quality and quantity
- We'll also collect the runoff from the driveway and bring it into infiltration
- The BFE is 12-13
- An application for the LOMR is being finalized
- The pool, patio and addition are within the 100' buffer
- There will be a net zero increase in volume reduction
- A Letter of Non-Jurisdiction from the DEC has been submitted

Bill Kenny of William Kenny Associates:

He shared the planting plan and pictures on screen.

- We mapped where the wetlands are on the site
- There's a small area of inter-tidal marsh on the western end of the property
- There isn't any tidal wetland vegetation to the east
- The plantings will be native
- It's our opinion that the project won't adversely affect the wetlands or any critical environmental area or any fish or wildlife habitat
- We'll collect and treat the runoff from the driveway, which isn't currently being done

- The excavation for the pool won't affect the roots of the large tree

The hearing for this application will continue at a future meeting.

5. ADMINISTRATIVE ACTIONS

A. Amending the Tree Ordinance

Mr. Long will request extra time to comment.

B. Pump Out Boat

The Village has provided a slip for the pump out boat.

C. Amending the Freshwater Wetlands Ordinance

The Commission is waiting to hear back from the Department of State.

D. Amending the Local Waterfront Revitalization Plan

This will be discussed at a future meeting.

On motion of Chair Burt and seconded by Commissioner Hain, the meeting was adjourned.

All in favor?

Aye.

None opposed.