

**Village of Mamaroneck**  
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**VILLAGE OF MAMARONECK**  
**HARBOR COASTAL ZONE MANAGEMENT COMMISSION MINUTES**  
**January 20, 2021 AT 7:30 PM - ONLINE**

NOTICE OF FIRE EXITS AND REQUEST TO TURN OFF ELECTRONIC DEVICES

ATTENDANCE

**PRESENT:**

**Chair:**

Thomas Burt

**Commissioners:**

Seamus O'Rourke  
Andrew Maggio  
Martin Hain  
Lisa Axisa

**Absent/**

**Excused:**

Frank Tavalacci, Village Building Inspector  
Sven Hoeger, Village Environmental Consultant

**Also, Present:**

Charles Gottlieb, Village Attorney  
Amber Nowak, Village Assistant Planner  
Steven Gates, Village Planning Consultant  
Esteban Garcia, Village Consulting Engineer

**2. OPEN MEETING**

**On motion of Chair Burt and seconded by Commissioner Hain, the meeting was opened at 7:38 p.m.**

**All in favor?**

**Aye.**

**None opposed.**

**2. PUBLIC HEARINGS**

**A. 1165 GREACEN POINT ROAD (Section 9, Block 93A, Lot 10) located in the R-20 Zoning District** Application to construct a single-family home requires site plan review and a Wetlands Permit by the Planning Board. Consistency review is required pursuant to Chapter 240 of the Village Code. This Action is classified as a Type II Action under SEQRA.

- 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
- 10/21/20 HCZMC adjourned at applicant's request
- 11/18/20 HCZMC continued consistency review

Kristen Motel of Cuddy & Feder gave a summary overview of the application:

- The property is located along Delancey Cove within a floodplain
- It's in flood zone AE
- The base flood elevation is 13
- It has wetlands as well as a wetlands buffer area, which are currently lawn
- There isn't any stormwater management infrastructure on the property
- It's not served by a public sewer line
- There are 11 private sewer lines
- We're seeking a Wetlands Permit for the demolition of the existing home, which is uninhabitable and construction of a new single-family home
- The new home will be compliant with FEMA and Village floodplain standards
- The new home will be smaller than most of the surrounding homes on Greacen Point Road
- The existing failing septic system will be replaced
- The new septic system will meet the Westchester County Health Department Code
- The applicant has made concessions and amendments to the project to reduce the impervious surface
- Wetlands and buffer plantings are proposed
- The new home and garage will be further from the wetlands than the existing are
- The amount of proposed fill has been decreased from 1,000 to 420 cubic yards
- The fill is needed for the required separation for the septic system
- Our Dec. 30<sup>th</sup> submission included details as to why a public or private sewer line isn't feasible
- There isn't a policy in the LWRP prohibiting fill in a flood zone
- The environmental consultants have determined that the project won't have a negative impact to the wetlands or the buffer area
- The DEC has issued a Tidal Wetlands Permit
- There isn't a public sewer line on Greacen Point Road
- The applicant has worked with the neighborhood to gauge interest in a public sewer line
- A public sewer line would require the abandonment of the private sewer lines
- This portion of Greacen Point Road is privately owned
- The Village would have to accept dedication and assume operation and maintenance costs of a public sewer line
- The Village Manager hasn't responded to the applicant's request to discuss a public sewer line
- In 2019 the Village engineer determined that there couldn't be another private line
- Each private line can only serve 1 residence

Commissioner Maggio asked if the stormwater design has been approved by the Village engineer.

Rich Cordone, the design manager from JMC, stated that it has been approved by Mr. Hildenbrand, the former Village engineer.

Commissioner O'Rourke noted that he hasn't seen a response from Kellard Sessions since Sept.

Commissioner Maggio noted that he would like to see information regarding test pit results, the absorption rate in the back of the property and the septic system in the front of the property.

Chair Burt asked why the existing septic system can't be rehabilitated as opposed to installing a new system that required fill.

Mr. Cordone stated that fill would be required to meet the Health Department's requirements. The existing system is clogged, there isn't anything to fix. The tank and fields would have to be replaced and brought up to current standards.

Chair Burt noted that being cautious about net fill in floodplains is a way of preventing development that puts things and people in harms way of flooding. He feels the Commission needs their own hydrologist.

Mr. Gottlieb suggested that the Commission take a consensus on retaining a hydrologist. He noted that his office could provide a list of consultants to consider.

Commissioner Maggio questioned the location and installation of a new private sewer line.

Bill Fedyna, the homeowner:

- In Sept. 2018 the former Village engineer said a new private sewer line wouldn't be approved
- Use of the existing extra line wouldn't meet Code
- Installation of a public line would require the 11 existing private lines being capped
- The corporation that owns the road could block digging up the road
- I've spent a year and a half and tens of thousands of dollars trying to get a sewage line

Leonard Jackson, P.E.:

- This property is in an AE Zone
- If fill is put in this area, the tide will rise and fall, but won't affect the elevation of the tide
- Adding fill wouldn't change the velocity of the water during a flood event for the neighbor
- The site is a wide open area
- There are no concerns about restricting flows or increasing velocities

Ms. Motel:

- The fill is solely for the septic system
- There's no proposed fill within the wetlands

Chair Burt noted that in order to vote for consistency the Commission needs an independent hydrologist and sewer engineer.

Commissioner O'Rourke noted that the amount of fill needed has gone down over time. He asked if there was a "path to zero". Mr. Cordone, replied no, concessions have been made. The original septic system was installed in 1953, regulations have changed since then.

Commissioner O'Rourke also noted that a determination from the County Health Department regarding the septic system would be helpful in determining consistency. He would also like to see a response from Kellard Sessions regarding the SWPPP.

Mr. Garcia stated that he will submit a memo stating that the stormwater and drainage comments have been addressed.

The application was adjourned.

**B. Orienta Beach Club – 1025 Rushmore Avenue (Section 9, Block 98, Lot 1) located in the MR Zoning District** Application to construct a new roof covered upper terrace over the existing lower terrace along the southeast side of the main clubhouse, renovate the existing lower terrace and service bar, relocated the existing walks and steps, new landscaping at the lower terrace and new stormwater system for the upper and lower terraces. The application requires site plan review and a Wetlands Permit by the Planning Board. Consistency review is required pursuant to Chapter 240 of the Village Code.

- 12/9/20 PB opened PH, Type II Action under SEQRA
- 1/20/21 HCZMC consistency review

Andrew Spatz, Esq.:

- The existing patio, walkway and steps will be increased by 692 sf
- A water retention system will be installed where none currently exists
- A stormwater management plan has been designed
- The improvements will enhance the functionality and flow of the existing patio
- The patio will be handicapped accessible, which it isn't now
- The next area is located away from the neighboring residential property
- New landscaping will be added
- An overhang over the patio will be added
- The proposed improvements are consistent with the 44 policies in the LWRP
- The stormwater management and enhanced landscaping have been designed to protect natural resources by minimizing erosion

Nunzio Pietrosanti, P.E.:

He shared the engineer's drawings on screen.

- He pointed out the new impervious surface
- The main increase in impervious surface will be where the new handicap ramp will be
- The other increase will be in the reconfigured walkway
- By putting in a perimeter drain we're accomplishing the same thing as using permeable pavers

Chair Burt noted that the applicant will have to consider whether a pervious surface option is the better option. He also questioned the location of the 100' wetland buffer line and if there would be any net fill in the floodplain.

Mr. Pietrosanti:

- The excavation from the area where the cultec units will be installed will be used around the perimeter
- It's basically a cut and fill

- The only thing that will be added is the topsoil for the planting area

Chair Burt noted that a rendering of the viewshed from Harbor Island Park is needed. Mr. Spatz replied that the site can't be seen from Harbor Island Park, but an aerial view will be submitted.

Chair Burt noted the other agencies/authorities that a permit may be required from.

Richard Horseman, landscape architect:

- I've coordinated with Ms. Oakley regarding the appropriate plantings to be used
- I expect to send her the planting plan in the next few days
- We'll have flowering shrubs and perennial native flowers

The application was adjourned.

### **3. ADMINISTRATIVE ACTIONS**

#### **A. 652 Shore Acres Drive (Section 4, Block 67, Lot 5B) located in the R-10 Zoning District**

The applicant seeks 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 which require site plan and Wetlands Permit review by the Planning Board. Consistency review is required pursuant to Chapter 240 of the Village Code. This action is classified as a Type II Action under SEQRA.

- 9/9/20 PB opened public hearing

The applicant requested an adjournment to the meeting of February 17, 2021.

#### **B. Proposed Village Board of Trustee Consistency Determination Recommendation Regarding East Prospect Avenue and Waverly Avenue Community Development Block Grant Project**

#### **C. Proposed New York State Department of State's Office of Planning, Development and Community Infrastructure Consistency Determination Recommendation Regarding 1110 Franklin Avenue and 729 East Prospect Avenue Community Development Block Grant Project.**

Commissioner O'Rourke noted that the grant projects can't be voted on for consistency as plans haven't been submitted. Chair Burt agreed.

#### **D. Proposed Amendments to the Local Waterfront Revitalization Plan**

Commissioner O'Rourke noted that the red-line version has been posted. The Commission will continue working on it.

### **4. APPROVAL OF MINUTES**

#### **A. The Commission will review the minutes from the September 16, 2020 meeting.**

The minutes weren't discussed.

**5. ADJOURN MEETING**

**On motion of Chair Burt and seconded by Commissioner O'Rourke, the meeting was adjourned at 10:16 p.m.**

**All in favor?**

**Aye.**

**None opposed.**