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**Resolution of the Village Planning Board Approving the Wetlands Permit to construct a gangway and floating dock at 4 Shore Road (SBL # 155-61-1-6)**

2021 DEC 28 A 10:27 **December 22, 2021**

VILLAGE OF MAMARONECK

**Moved by Cindy Goldstein; Seconded by Richard Litman**

**WHEREAS**, Robert Goodman (the "Applicant") has applied to the Planning Board for a wetlands permit to construct a gangway and floating dock for boating access at 4 Shore Road (SBL # 1555-61-1-6) in Zoning District R-15 in the Village of Mamaroneck (the "Premises"); and

**WHEREAS**, the project includes a concrete foundation, a 3-foot-wide by 40-foot-long gangway, and an 8-foot by 20-foot floating dock supported by four 12-inch diameter timber anchor piles;

**WHEREAS**, the Applicant also proposed to install a timber framed support system to the floating dock to allow for the dock to maintain a minimum of 30 inches above the existing substrate during all tides.

**WHEREAS**, the construction would encroach into the Long Island Sound, but only disturb .01 acres;

**WHEREAS**, the Applicants' agent, Azure Dee Sleicher, P.E. from RACE Coastal Engineering, submitted the following documents in support of the application to the Planning Board and the Harbor Coastal Zone Management Commission:

1. Building Permit application;
2. Planning Board application;
3. Wetlands Permit application;
4. Harbor Coastal Zone Management Commission application;
5. Coastal Assessment Form ("CAF") and narrative;
6. Floodplain Development Permit application;
7. Short Environmental Assessment Form, Part 1;
8. Department of Environmental Conservation letter granting a Tidal Wetlands permit, Coastal Erosion Management permit, and an Excavation & Fill in Navigable Waters permit dated March 9, 2021;
9. Letter of authorization from the United States Army Corps of Engineers, dated April 1, 2021;
10. A survey of the property prepared by Richard A. Spinelli, N.Y.S Licensed Land Surveyor;
11. A List of property owners that abut the proposed project area;
12. A Coastal Resource Map from the NYS Department of Environmental Conservation;
13. Photographs of the property and its surroundings;
14. Project plans developed by RACE Coastal Engineering prepared on November 24, 2020;

**WHEREAS**, on July 14, 2021, the Planning Board opened the public hearing on the Application, determined that the project is a SEQRA type II action and referred the Application to the HCZMC to review consistency with the Village of Mamaroneck's Local Waterfront Revitalization Program ("LWRP"), pursuant to Village Code § 240-29; and

**WHEREAS**, the application only requires notification to the Westchester County Planning Board under the General Municipal Law, and the notification was acknowledged by Michael Vernon a County Planner on December 6, 2021;

**WHEREAS**, on December 8, 2021, the Planning Board opened another public hearing on the Application and there were no public comments;

**WHEREAS**, by memorandum dated July 9, 2021, John Kellard, P.E., of Kellard Sessions, the Village's consulting engineers, submitted to the Commission his comments after reviewing the Application Materials; and

**WHEREAS**, the HCZMC requested a site visit and additional visual and contextual assessment on September 1, 2021 and the Applicant complied with the requests;

**WHEREAS**, RACE Coastal Engineering, on behalf of the Applicant submitted additional information in the form of a memorandum regarding the Project on September 21, 2021;

**WHEREAS**, by an updated memorandum dated December 3, 2021, John Kellard, P.E., of Kellard Sessions, the Village's consulting engineers, submitted to the HCZMC his comments after reviewing the new Application Materials; and

**WHEREAS**, the HCZMC issued a determination that the project is consistent, to the maximum extent practicable, with the policies set forth in the LWRP and will not substantially hinder the achievement of any of those policies;

**WHEREAS**, the Planning Board consulted with its planning consultants, AKRF, and its engineering consultants, Kellard Sessions, and carefully considered the application materials, the presentation by the Applicant;

**WHEREAS**, the Planning Board carefully examined the criteria in the Village of Mamaroneck Code for issuing a wetlands permit set forth at 192-14 E;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Board hereby

- 1) affirms that the action is a Type II action pursuant to SEQRA;
- 2) approves the wetlands permit application because the Planning Board:
  - a. finds that the proposed regulated activity in the adjacent area to the wetlands is consistent with the policy of chapter 192 to preserve, protect, and conserve wetlands and the benefits derived therefrom, to prevent the despoliation and

destruction of wetlands and to regulate the development of such wetlands in order to secure the natural benefits of wetlands consistent with the general welfare and beneficial economic, social and agricultural development of the Village of Mamaroneck;


- b. the proposed regulated activity is consistent with the land use regulations applicable in the Village of Mamaroneck pursuant to Section 24-0903 of Article 24 of the State Environmental Conservation law;
- c. the proposed regulated activity is compatible with the public health and welfare, the proposed regulated activity is reasonable and necessary; and there is no reasonable alternative for the proposed regulated activity on a site which is not a wetland or adjacent area;” and

4) issues the wetlands permit for the construction of the Project which will expire in one year on December 31, 2022 subject to the following conditions:

- a. The conditions imposed by the HCZMC, if any;
- b. The Village shall have the right to inspect the project from time to time;
- c. The Applicant shall notify the Village of the date on which project construction is to begin at least five days in advance of such date;
- d. This decision, constituting the wetlands permit, shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit;
- e. All application and consultant review fees shall be paid prior to the issuance of the building permit for the renovation of the building; and
- f. The applicant shall obtain all required state, county and local permits and approvals prior to the issuance of the building permit.

<u>Roll Call Vote:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Kathleen Savolt, Planning Board Chair	x		
Cindy Goldstein, Board Member	x		
Richard Litman, Board Member	x		
Ellen Styler, Board Member	x		
Seamus O'Rourke, Board Member	x		

Planning Board of the Village of Mamaroneck

  
Kathleen Savolt, Chairperson

