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BUILDING DEPT.

November 11, 2016

Chairman Stewart E. Sterk
and Members of the Village of
Mamaroneck Planning Board
169 Mt. Pleasant Avenue, 3d Flr.
Mamaroneck, New York 10543

JENNIFER L. GRAY
Member
jgray@kblaw.com
Also Admitted in CT

Re: Alter - 1000 Taylors Lane

Dear Chairman Sterk and Planning Board Members:

We are pleased to submit to the Planning Board a revised Final Environmental Impact Statement ("FEIS") for review and acceptance for the above-referenced application. Following the discussion of the FEIS with the Planning Board at its September 28, 2016 meeting and receipt of the October 6, 2016 memorandum from BFJ Planning, we incorporated revisions to the FEIS consistent with such comments and discussions.

The FEIS Proposed Action was revised to include a further restriction on the building envelope for proposed Lots 1 and 3. The proposed rear yard setback is now defined as 30 feet from the freshwater wetland buffer boundary. This is a significantly greater restriction than the 30 foot setback from the rear property line that would otherwise be permitted by the Zoning Code for the R-15 Zoning District.

The FEIS Proposed Action includes the following mitigation measures:

- Conservation easement area of 141,277 square feet (3.243 acres, or 63% of the lot area)
- Restricted building envelopes defined by the zoning setbacks for the front and side yards, and by a setback of 30 feet from the 100' freshwater wetland buffer line in the rear.
- Limitations on floor area ratios ("FAR") of the future single family dwellings on the two new lots by a calculation of the land area outside of the wetland buffer, rather than the total lot area.
- Use of native plants and shrubs for landscaping purposes consistent with the Village Planning Board's Coastal Planting Guide.
- Restrictions on the use of inorganic fertilizers, herbicides and pesticides.
- Minimization of land disturbance through the use of retaining walls.

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The FEIS Proposed Action avoids physical disturbance to the wetlands altogether by imposing a conservation easement over 3.243 acres of the property. It also minimizes land disturbance and impacts to slopes through the use of retaining walls, restricts the size of the building envelopes and applicable FAR, and mitigates unavoidable impacts through the use of native plantings for landscaping purposes, best management practices for stormwater management incorporating green technology where possible, and restricting the use of fertilizers, herbicides and pesticides. Thus, the FEIS Proposed Action avoids, minimizes and mitigates environmental impacts to the greatest extent practicable while also being consistent with the objectives of the Applicant.

The Applicants' objective is to utilize their property in a manner consistent with the Village Zoning Code. They submitted their subdivision application recognizing that under the Village Zoning Code it could be subdivided into a reasonable number of residential lots. Taking into consideration the dimensional requirements of the Zoning Code and the location of wetlands and steep slopes, the Applicant initially proposed a simple three-lot subdivision with no conservation areas, restricted building envelopes or other similar mitigation measures (DEIS Proposed Action). Since that time, several alternatives have been considered, but many of these alternatives do not meet the Applicant's objectives or do not provide greater protection to the environment. As stated in *Save Open Space, et al. v. Planning Board of Town of Newburgh, et al.*, 74 A.D.3d 1350, 904 N.Y.S.2d 188 (2d Dep't 2008), lv. to app. denied, 15 N.Y.3d 711 (2010), "alternatives are to be considered in light of the developer's objectives." (see also, 6 NYCRR 617.9(b)(5)(v)). Further, "[a]n agency's responsibility under SEQRA must be viewed in light of a 'rule of reason'; not every conceivable environmental impact, mitigating measure or alternative, need be addressed in order to meet the agency's responsibility." *Neville v. Koch*, 79 N.Y.2d 416, 583 N.Y.S.2d 802 (1992).

The mitigation measures set forth above have been added to the Proposed Action in response to comments and further study. While other alternatives have been reviewed and studied, the FEIS Proposed Action remains the most protective of the environment while being consistent with the Applicants' objectives.

Based on the calculations set forth in Table V.A.2 (Parts 1 & 2), the Four Lot Subdivision is the most similar to the FEIS Proposed Action, except that the FEIS Proposed Action has 5,970 square feet additional conservation area and slightly more forested area to remain, as compared to the Four Lot Subdivision. The extra conservation area and forested area in the FEIS Proposed Action is attributed to the need to create a straight rear lot line for Lot 3. The FAR slope disturbance, overall

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disturbance area, and building envelope size remain the same as between the FEIS Proposed Action and the Four Lot Subdivision.

The Two Lot Subdivision alternative does not contain restricted building envelopes, limitations on FAR, or conservation areas. With the construction of the accessory amenities that would be permitted on proposed Lot 2 without further Planning Board approval the disturbance area would likely meet or exceed the disturbance associated with the FEIS Proposed Action or the Four Lot Subdivision alternative. Thus, we do not see a strong environmental benefit to this alternative, nor is this alternative consistent with the Applicants' objectives since only one additional building lot would be created.

Of all the alternatives considered in the FEIS, the Three Lot Subdivision alternative is the farthest from the Applicants' objectives (other than the No Action alternative – which could result in a larger disturbance area than the FEIS Proposed Action). The Three Lot Subdivision was included in the FEIS over the objection of the Applicant and would require over 70% of the Applicants' land to be set aside for non-buildable, conservation purposes. This set aside would have almost no economic value to the Alters, a reduced tax value to the Village, and would leave only one additional building lot while also reducing the size of their existing lot to approximately 38,000 square feet. This does not represent a fair and reasonable balancing of the relevant social, economic and environmental factors involved in this application.

As you recall, we discussed at the September 28, 2016 Planning Board meeting the Applicants' desire to convey proposed Lots 1 and 3 to the Westchester Land Trust subject to the WLT's receipt of outside funding from the Novick's who reside on the opposite side of Magid Pond from the subject property. We are in receipt of the Westchester Land Trust's October 4, 2016 letter by which the WLT requests that the Planning Board review the pending application without consideration to any future conveyance, or lack thereof, of such Lots to the WLT. The revised FEIS submitted herein has removed all reference to any possible future conveyance of proposed Lots 1 and 3 to the WLT. The WLT is referenced in the enclosed FEIS only to note that it has expressed an interest in acquiring a Conservation Easement or Conservation Lot if either results from this application.

As an aside, it was disheartening to be accused of providing inaccurate or misleading information to the Planning Board concerning our discussions with the WLT. No part of our discussions at the September 28, 2016 Planning Board meeting was intended to imply that the WLT has an "intention to influence the outcome of the Planning Board's deliberations about this application." We simply wanted to have a

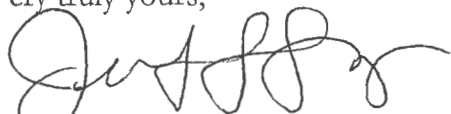
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full and frank conversation with the Planning Board about the Applicants' intentions and I believe it was clear to those at the Planning Board meeting that I was not speaking on behalf of the Novick's, whose attorney was present at the meeting, or the WLT. Regardless, we are anxious to move forward to bring this application to a close.

We look forward to receiving feedback from the Planning Board and its consultants as it performs its completeness review of the enclosed FEIS and respectfully request that the Alters' application be placed on the Planning Board's next agenda for acceptance of the FEIS.

Thank you for your consideration.

Very truly yours,



Jennifer L. Gray

JLG/sb

Encl.

cc: Beth Evans, PWS

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

PROPOSED 1000 TAYLORS LANE SUBDIVISION Village of Mamaroneck Westchester County, New York

State Environmental Quality Review Act (SEQRA) Lead Agency:

Village of Mamaroneck Planning Board
123 Mamaroneck Avenue, Mamaroneck, New York 10543
Stewart E. Sterk (Chairman)
Contact Person: Betty-Ann Sherer, Land Use Coordinator
914-825-8758

Applicant:

Caroline and Richard Alter
1000 Taylors Lane, Mamaroneck, New York 10543

Contact person representing applicant/preparer of FEIS:

Beth Evans
Evans Associates Environmental Consulting, Inc.
205 Amity Road, Bethany, Connecticut 06524
203-393-0690

Date FEIS Submitted: Revised November 2, 2016

Date FEIS Accepted:

Other consultants involved in the project:

Cultural Resources:

CITY/SCAPE: Cultural Resource Consultants
166 Hillair Circle
White Plains, NY 10605

Project Attorney:

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I. INTRODUCTION/EXECUTIVE SUMMARY

A. Summary Description of Proposed Action

Description, History & Evolution of the Proposed Action

The DEIS Proposed Action was the subdivision of an existing 5.169-acre lot into three residential lots compliant with the requirements of the R-15 Zoning District of the Village of Mamaroneck. Alternatives to the DEIS Proposed Action included variations of a two-lot subdivision and a three-lot subdivision with limits to the areas of disturbance. As a result of comments from the public, Planning Board, and the Planning Board's staff and consultants, as well as further study by the Applicant, an enhanced version of DEIS Alternative V.C.I has become the Applicant's Proposed Action, as shown at Exhibit 1 ("FEIS Proposed Action") following page 68 of this document.

The FEIS Proposed Action is the subdivision of the property into three conforming residential lots, including one lot on which the current residence and yard will remain, along with the following features:

- Conservation easement area of 141,277 square feet (3.243 acres, or 63% of the lot area)
- Restricted building envelopes defined by the zoning setbacks for the front and side yards, and by a setback of 30 feet from the 100' freshwater wetland buffer line in the rear.
- Limitations on floor area ratios ("FAR") of the future single family dwellings on the two new lots by a calculation of the land area outside of the wetland buffer, rather than the total lot area.
- Use of native plants and shrubs for landscaping purposes consistent with the Village Planning Board's Coastal Planting Guide.
- Restrictions on the use of inorganic fertilizers, herbicides and pesticides.
- Minimization of land disturbance through the use of retaining walls.

One residence is currently established on the property and will remain on the central lot of the proposed subdivision. Under the FEIS Proposed Action, this central lot will be bounded on the northeast and southwest by two proposed new lots. No new streets are proposed; each of the three lots would have driveway access off of Taylors Lane with adequate sight distance in both directions. No development is proposed at this time for the two new lots created by the subdivision, nor is any additional development proposed on the Applicants' existing property. At the request of the Planning Board, Exhibit 1.a was developed to illustrate the ***potential future development*** associated with the FEIS Proposed Action.

The FEIS Proposed Action is borne from one of the key alternatives identified by the Planning Board during its review of the DEIS (DEIS Alternative V.C.I). The other key alternative identified by the Planning Board is DEIS Alternative V.C.2 which has become FEIS Exhibit 4. FEIS Exhibit 4 is a four-lot subdivision in which the fourth lot is designated as a "conservation lot" with similar boundaries as the conservation easement area shown in the FEIS Proposed Action. The main difference between the FEIS Proposed Action and FEIS Exhibit 4 is a function of ownership. In the FEIS Proposed Action the conservation area would be owned in

fee simple by the owner of the respective lot and the Westchester Land Trust or other qualified entity would hold an easement over such area. In FEIS Exhibit 4, the conservation area is subdivided from the residential lot, thereby reducing the residential lot size and permitting fee simple ownership by the Westchester Land Trust or other qualified entity. The reduced lot size offered by FEIS Exhibit 4 does not change the development potential of the two new lots due to the FAR limitations proposed as part of the FEIS Proposed Action, whereby FAR would be limited to lot area located outside of the wetland buffer. Also, in both the FEIS Proposed Action (Exhibit 1) and FEIS Exhibit 4 the same or similar amount of land would be preserved for conservation purposes.

The remaining alternatives presented herein are included at the request of the Planning Board, although the project sponsor has stated that they are not consistent with its “objectives and capabilities” 6 NYCRR 617.9(b)(5)(v). According to the Applicant, its objectives are to utilize their 5+ acre property in a manner consistent with the Village of Mamaroneck Zoning Code. The Applicant states that they acquired this property with the understanding that the existing zoning permitted the property to be subdivided and understood that while the five-lot subdivision permitted by strict application of the zoning requirements may not be reasonable, a three-lot subdivision with lots over three times larger than the minimum permitted in the R-15 District balances all relevant interests.

The in-depth review of this subdivision application resulted in a substantial improvement over the DEIS Proposed Action which was simply a zoning compliant three-lot subdivision. The mitigation measures included in the FEIS Proposed Action, listed above, represent a substantial improvement over the DEIS Proposed Action. As a result of the proposed mitigation measures, the FAR of the houses on proposed Lots 1 and 3 were reduced by over 70% and over 60% of the Property is marked for permanent conservation. In addition, restrictions on landscaping and fertilization methods would be imposed, land disturbance will be minimized through the use of retaining walls, and the proposed building envelopes are shifted as far from the wetland buffer as practicable.

Two additional alternatives set forth in this document are a two-lot subdivision (FEIS Exhibit 3) and the No Action alternative (FEIS Exhibits 2 and 2a). In the Applicant’s opinion, while these two alternatives may be perceived as less impactful on the environment by limiting (or eliminating) the proposed building lots, Table V.A.2 demonstrates that even after installation of customary accessory improvements that would be permitted by the Village Code (see FEIS Exhibits 2a and 3), the degree of the reduction in environmental impacts is negligible compared to considerable impact on the Applicants’ objectives. For these reasons and those stated herein, the Applicants’ preferred alternative (FEIS Exhibit 1) is the FEIS Proposed Action.

Procedural History

The project was classified as a Type I action pursuant to the State Environmental Quality Review Act (SEQRA), and the Village of Mamaroneck Planning Board is the designated Lead Agency. A Draft Environmental Impact Statement (DEIS), dated July 19, 2012, was prepared for this project, and accepted by the Village Planning Board on July 25, 2012. The Planning Board held a Public Hearing on September 12, 2012, and left the public comment period open until October

19, 2012. In addition, the Village Harbor and Coastal Zone Management Commission (HCZMC) held meetings on August 15, 2012, September 19, 2012, and October 17, 2012, and, as an involved agency, provided comments on the DEIS to the Planning Board. The HCZMC will review the proposed subdivision for consistency with the Local Waterfront Revitalization Program (LWRP) upon completion of the SEQRA process.

This Final Environmental Impact Statement (FEIS) has been prepared to provide responses to all comments on the DEIS received by the Village Planning Board. Copies of all written correspondence and comments are included in the Appendix to this document. Comments made during the Public Hearing were recorded and transcribed, and a copy of the transcript is also included in the Appendix. Where appropriate, similar comments have been grouped together to avoid repetition, and the outline of the FEIS document follows the general outline of the DEIS. Where no text appears after an outline header, no comments were received. Several of the alternative Site Plans prepared for the project have been updated and revised in response to comments on the DEIS, and these plans are included in Section V of this document.

B. Summary of Significant Impacts and Proposed Mitigation Measures

No comments received.

C. Summary of Alternatives

Comment I-C-1

Daniel S. Natchez & Associates: letter dated September 7, 2012

"SUMMARY OF ALTERNATIVES (pg. 2) [pdf pg. 7]."

SI-10. "Issue: The included summary does not seem to reflect the current range of alternatives and there remains, both here and in the referenced section, no discussion as to whether the applicant is prepared to actually consider and accept any of the proposed alternatives."

Response I-C-1

The Applicant has proposed a three-lot residential subdivision of the property. As part of the review of the application, the Planning Board requested that a variety of alternatives be analyzed in the Draft Environmental Impact Statement (DEIS) in order to evaluate the impacts and benefits associated with each scenario. The Applicant's objective is to subdivide the parcel into three lots, but the ultimate decision on how the property will be subdivided is the Planning Board's. A detailed discussion and summary of the various alternatives considered can be found in Section V of this document.

D. List of Involved and Interested Agencies

Comment I-D-1

Rebecca Crist, Environmental Analyst, NYSDEC, letter dated May 14, 2013

"State Historic Preservation Act

The site is an area of archeological sensitivity as designated by the NY State Office of Historic Preservation (SHPO). Phase 1A and 1B surveys were included in the DEIS and SHPO was listed as an involved or interested agency, but it does not appear that a determination of impact has been made by SHPO. As indicated in the DEIS, a determination of impact from SHPO is a required element for completeness of the DEC tidal wetland permit application."

Response I-D-1

SHPO responded in a letter dated October 7, 2010 addressed to Ms. Crist that the proposed subdivision would have “no impact upon cultural resources”. That letter is included in the Appendix following the May 14, 2013 letter from Ms. Crist.

E. List of Permits and Approvals Required**Comment I-E-1**

Daniel S. Natchez & Associates: letter dated September 7, 2012

“DEC SPDES General Permit for Stormwater Discharges from Construction Activities” (pg. 3) [pdf pg. 8]”

SI-11. “Issue: It is appreciated that this has been included and that its inclusion was suggested by the NYSDEC. However, it should also be noted that if each of these lots is developed individually in the future and the areas of disturbance kept below the state's threshold (which would currently be the case with the suggested potential development plans for each individual lot), then this DEC permit would not be required and this additional level of development oversight would not come into play.”

Response I-E-1

Comment noted. The stormwater management measures described in the DEIS were developed in accordance with the 2010 New York State Stormwater Management Design Manual and the requirements of the Village of Mamaroneck. As stormwater regulations continue to change, development of the new lots will be undertaken in compliance with current local and State regulations.

Comment I-E-2

Sven Hoeger, Environmental Consultant to the HCZMC: letter dated September 15, 2012

8.c. “Lastly, I would like to request that the applicant correctly reflect guidance given by the New York State Department of Environmental Conservation with letter of July 30, 2010, whereby the filing of an Article 25 Tidal Wetland Permit will be required. This requirement was omitted from the discussion of regulations on page 23.”

Response I-E-2

Comment noted. As illustrated on Exhibit IV.D.1-1 and described on page 21 of the DEIS, the Tidal Wetland Adjacent Area extends onto the subject property. Under NYS DEC regulations (6 NYCRR Part 661.6) subdivision of a parcel which contains Tidal Wetlands or Adjacent Areas requires a Permit under Article 25.

II. DESCRIPTION OF PROPOSED ACTION

A. Regional Location

No comments received.

B. Site Description

Comment II-B-1

Daniel S. Natchez & Associates: letter dated September 7, 2012

“The property slopes from east to west, with the highest elevation (approximately 30') along Taylors Lane, and the lowest elevation (approximately 6') in the southwest corner of the property.” (pg. 3) [pdf pg. 8]”

SI-12. “Issue: No datum is defined in this description.”

Response II-B-1

The topographic survey used as the base for all of the plans submitted for this application was updated to NAVD 1988 datum in 2010.

C. Description of Proposed Action

No comments received.

III. PURPOSE AND NEED FOR PROPOSED ACTION

A. Background and History

All of the comments on this section relate to the construction of the existing residence, and are therefore grouped together for response purposes.

Comment III-A-1.1

Barbara Novick: undated letter, sent to Planning Board September 6, 2012

1.d. "In the DEIS section on "Background and History", there is no discussion of the development that was done to create the existing house and grounds at 1000 Taylors Lane. That project (which was completed only a few years ago) included clearing an area that extended into the wetland buffer and adding a significant amount of fill to regrade the lot. All of which was done without appropriate local or state wetland permits."

1.f. "In considering additional development of this sensitive area, we believe any calculation should take into account the existing structure, grading, and clearing of buffer land. Any new clearing, grading or building should be downsized to compensate and ameliorate the aggregate damage across the entire parcel, and the resulting impacts on the wetlands."

Comment III-A-1.2

Daniel S. Natchez & Associates: letter dated September 7, 2012

2a. "The DEIS's section on "Background and History" fails to mention that the original construction of the existing house and associated development, including considerable clearing, grading and wall construction within the 100 foot freshwater wetlands buffer and NYSDEC Tidal Wetlands adjacent area was done without obtaining the appropriate local or state permits for such work. It is requested that a full and proper background be completed by the Applicant to assist in reviewing the proposed subdivision."

2m. "'No disturbance is proposed on Lot 2" - because it was previously disturbed without obtaining all the needed approvals!"

Comment III-A-1.3

Susan Berenzweig: letter dated September 8, 2012

3.b. "From one's seat in an office it may be difficult to envision the actually tangible (potentially destructive) changes in the natural world that would follow should construction on this property—particularly construction of homes similar to the one already standing on this property. This brings up the uncomfortable fact that the home that was built first on this property may have violated the integrity of the wetland buffer and disregarded other environmental concerns by the clearing and grading the site, mitigating the impact of water runoff, and placing part of the structure within the wetland buffer. Besides the fact that this should never have happened once, this letter is written so it does not happen again."

Comment III-A-1.4

David & Ellen Freeman: letter dated September 10, 2012

4.a. "We are not opposed in principal to the concept of this property's being subdivided so that one or two additional houses can be built. However, neither the DEIS, nor the applicants' prior actions in constructing their own residence (in apparent disregard of existing regulations), gives us confidence that these activities will be undertaken in a way that protects the wildlife, the outstanding scenic qualities, and the unique ecosystem of The Nature Conservancy's Otter Creek Preserve."

Comment III-A-1.5

Mark King (Nature Conservancy): letter dated September 12, 2012

6.e. "...we would be pleased to see additional attention given to the fact that previous development activity occurred within the wetland boundary and every effort must be made to see that this doesn't not happen again should the subdivision be approved."

Comment III-A-1.6

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.e. The applicant should discuss the alleged nonconformities of the existing residence on the property, as related to compliance with State and local wetland regulations.

Comment III-A-1.7

Daniel S. Natchez & Associates: letter to HCZMC dated October 4, 2012

"Provide a complete history of the development of the existing house, including all permits received, as well as disclosure of other properties in the area surrounding Magid Pond owned or controlled by the Applicant. The fact that the Alters were issued a building permit by the Village and the development occurred despite many available alternatives that would not have required disturbance of the buffer is key to understanding the current concern with respect to the proposed subdivision."

"The Alters acquired this large undeveloped piece of property upon which they proposed the construction of a new house."

"The existing house possibly along with its landscaping/rear yard development were apparently issued both a Building Permit and Certificate of Occupancy by the Village even though its development should have also required, at a minimum, Wetlands Permits from the Village and the NYSDEC."

"The existing house, retaining wall and rear yard fill extend into the 100 foot wetland buffer by up to 69 feet amounting to approximately 1/4 acre in total size."

“The current staff at the Village Building Department has suggested that it looks like mistakes were made at the time of the Alters' application - but a CO was issued and what's done is done.”

“The Alters also own two undeveloped parcels of land on the west side of Magid Pond within Shore Acres which were previously listed for sale.”

Response III-A-1.1 through 1.7

Prior work on the existing parcel was performed pursuant to a Building Permit duly issued on May 26, 2004 by the Village of Mamaroneck. The development of this lot proceeded on the basis of a certified survey prepared by a licensed Land Surveyor that depicted all governing buffer zones, including New York State Tidal and Freshwater Wetlands adjacent areas. Work proceeded on the parcel only after regulatory and Building Department review, and a Certificate of Occupancy was issued on February 1, 2005 by the Village of Mamaroneck when the project was completed. To the extent that it is now alleged that such work required a wetland permit, such allegation is an enforcement issue to be pursued at the discretion of the Village of Mamaroneck.

As it pertains to this application, the Planning Board has the authority to impose reasonable conditions on the approval of the proposed subdivision provided that such conditions are supported by the Record. Future plans for the development of two new homes will be prepared in accordance with all applicable laws, rules and regulations. Implementation of those future development plans will be with the oversight of the Village Building Department, Engineering Department, and all other local and state agencies having jurisdiction.

Prior disturbance within the wetland buffer was 1551 square feet for structures (including a small portion of the residence, a deck, screened porch, and stairs), and 8571 additional square feet of grading for the backyard. The Applicant's ownership of any other non-contiguous properties is not relevant to this project.

B. Need and Benefits of Proposed Action

No comments received.

IV. EXISTING ENVIRONMENTAL CONDITIONS/ANTICIPATED IMPACTS AND MITIGATION

A. Land Use

1. Existing Conditions

Comment IV-A-1.1

Daniel S. Natchez & Associates: letter dated September 7, 2012

2i. *"Adequacy of Taylors Lane in its current condition adjacent to this area. Taylors Lane is particularly narrow in this area with many view obstructions to driveway entrances and a tight turn at the corner between Shadow Lane and Colonial Court. The addition of a driveway in this area, particularly in the vicinity of proposed Lot 3, will further aggravate already dangerous conditions. The DEIS does not consider the condition of Taylors Lane adjacent to the property or provide site distance analysis relative to the proposed driveway connections. Does the road meet current subdivision width requirements?"*

Response IV-A-1.1

Taylor's Lane is an existing public road which provides direct access to 16 homes, as well as access to the 32 residences on Colonial Court and Barrymore Place. It is the Village's responsibility to maintain a safe road for all residents in the area. Subdivision road specifications set forth in the Village Code do not apply to existing Village roads. However, in 2012 the Project Engineer reviewed the proposed location of drives to access Lot 1 and Lot 3, and determined that there is adequate stopping sight distance (SSD) for both lots for cars traveling at the posted speed limit on Taylors Lane. For Lot 3 the sight distance to the vehicle approaching the crest of the hill on Taylors Lane was measured at 150 feet. There are two intersections (Barrymore Lane and Colonial Court) and another driveway between the curve in Taylors Lane and the potential driveway serving Lot 3, so it is unlikely that a car traveling on that part of Taylors Lane would achieve a speed of 25 mph. It is further noted by the Project Engineer that both the driveway for Lot 1 and the driveway for Lot 3 could be shifted to achieve better sight distance at the time of final site design, as appropriate based on consultation with the Village Engineer.

2. Potential Impacts

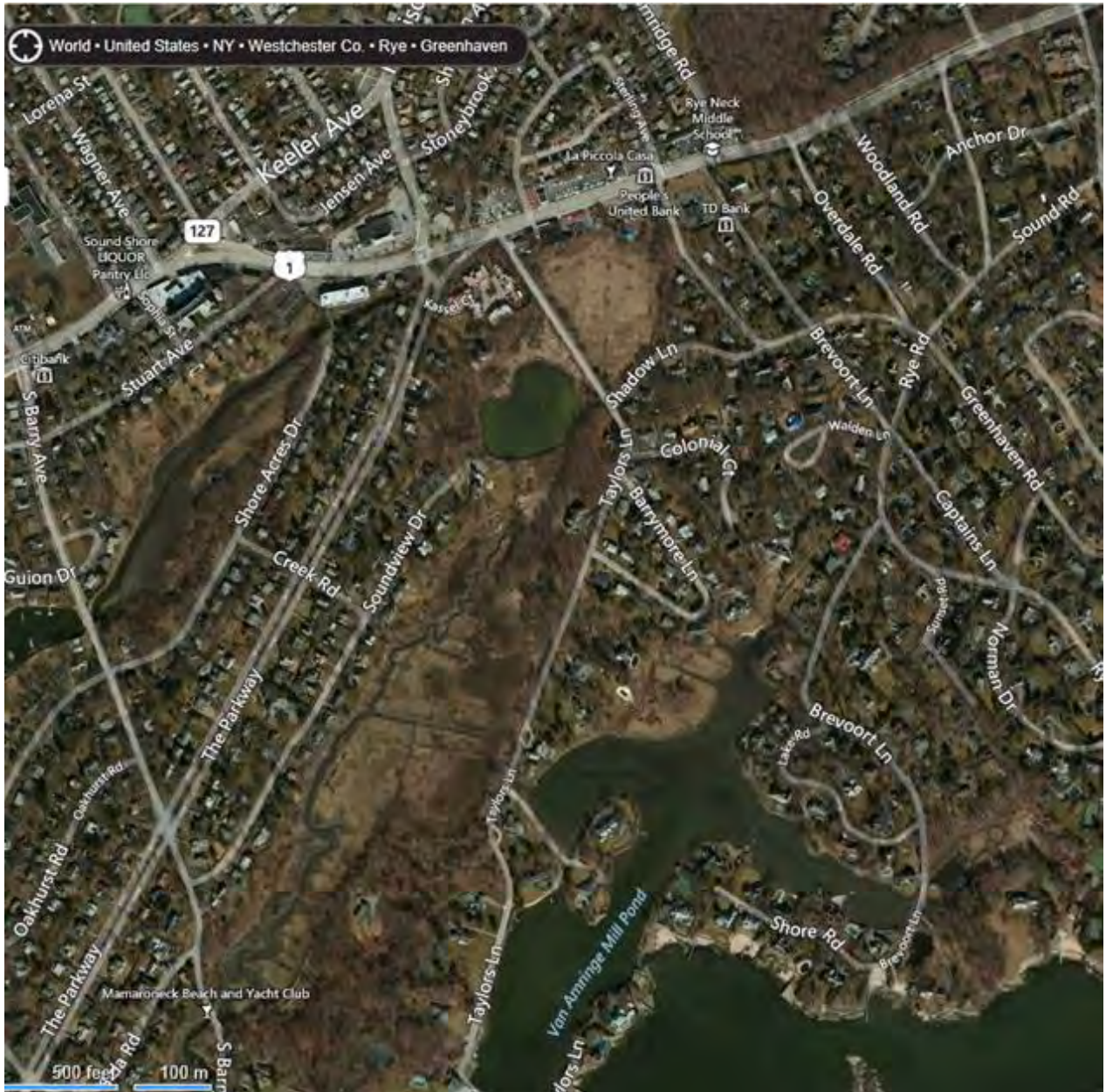
Comment IV-A-2.1

Daniel S. Natchez & Associates: letter dated September 7, 2012

2g. *"The Applicant claims that the proposed addition of two large new houses "will preserve the visual conditions of the area." It is respectfully submitted that such a statement is a stretch at best, as there is no way that the addition of two large new houses will preserve the current visual conditions and the DEIS does not even offer any photographs of the site as viewed from the surrounding properties, including the Nature Conservancy property, Soundview Drive and the Parkway. The construction of the existing house on the property certainly had considerable impact to the previously existing visual conditions of the area."*

Response IV-A-2.1

As seen in this aerial photograph, in the Applicant's opinion, the addition of two new residences along Taylor's Lane is entirely consistent with the surrounding residential areas, including Barrymore Lane, Colonial Court and Soundview Drive.



Photographs taken from a variety of directions (in both leaf-on and leaf-off conditions) are provided below. These photos indicate that the existing residence does not have a significant impact on the visual conditions of the area. Any future development of the proposed new lots would also preserve these visual conditions by preserving the vegetated buffer.



Leaf – on view northeast across Otter Creek toward site and existing residence. (5-11-2015)



Leaf-off view to the north, up Otter Creek toward Magid Pond (existing residence and neighboring residential property on right). (4-07-2015)



Leaf-on view southeast across Magid Pond toward site and existing residence. (5-11-2015)



Leaf-on view east across Otter Creek toward site and existing residence. (5-11-2015)



Leaf-off view east across Otter Creek showing existing residence on subject parcel. (4-07-2015)



Leaf-off public views from end of Soundview Drive – 1 (4-7-2015)



Leaf-off public views from end of Soundview Drive – 2 (4-7-2015)



Leaf-off public view from Taylors Lane, north of Magid Pond (4-7-2015)

Comment IV-A-2.2

Daniel S. Natchez & Associates: letter dated September 7, 2012

"...each of the three lots would have driveway access off of Taylors Lane." (pg. 1) [pdf pg. 6]"

SI-3. "Issue: Will the L-shaped lot (Lot 3) be allowed more than one access point? i.e. can they build a driveway in the direction of Barrymore Ln AND Shadow Ln or only in the direction of Barrymore Ln? Will this lot be allowed to access Taylors Lane from behind the existing neighbor's house?"

Response IV-A-2.2

The land behind the neighboring lot to the north is mainly wetlands or wetland adjacent area. In the Applicant's opinion, it is highly unlikely that any development would be permitted (by the Village or NYS DEC) in this location, and the Applicant is only proposing access to Taylor's Lane near Barrymore Avenue.

Comment IV-A-2.3

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-4. "There is no site distance analysis provided for either of the proposed driveway locations."

Response IV-A-2.3

The Applicant is proposing subdivision of the parcel and is not applying for a permit for a driveway at this time. At such time that the new lots are developed the Village will determine the best location for the new driveways.

Comment IV-A-2.4

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-5. "There is no discussion of the adequacy of Taylors Lane in this area to accommodate new development and two or more additional driveway connections. It is noted that the road condition in this area is poor and particularly narrow. Will improvements to the road be needed or will an already bad situation be allowed to be made worse?"

Response IV-A-2.4

Taylor's Lane is an existing public road which provides direct access to 16 homes, as well as access to the 32 residences on Colonial Court and Barrymore Place. In the Applicant's opinion, the addition of two driveway connections will not create an adverse impact on the existing condition of Taylor Lane and no road improvements are necessitated by the application.

Comment IV-A-2.5

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The proposed 3-lot subdivision would create lower-density residential properties compared with most of the surrounding patterns of development. The wetlands and wetland buffers on the properties will not be impacted or cleared, thereby retaining the character of the nearby tidal wetlands and the surrounding areas." (pg. 6) [pdf pg. 15]

(Emphasis added)”

SI-22. “There has also been little analysis provided as to how the theoretical lower density development would impact current views from the adjacent CEAs and the residences located along Soundview Drive or The Parkway.”

Response IV-A-2.5

As seen in the aerial photograph provided in Response IV-A-2.1, most of the residences located along Soundview Drive are south of the proposed new lots, and will not have a direct line of sight. Similarly, the majority of the residences along The Parkway are separated from Otter Creek by the residences along both sides of Soundview Drive.



As seen in the aerial photograph above, the remaining residences along The Parkway may see the house on Lot #3 across Magid Pond, but they are actually closer to the Novick property at the northerly end of Soundview Drive.

Comment IV-A-2.6

Daniel S. Natchez & Associates: letter dated September 7, 2012

2c. "The quote from the revised LWRP that development within Mamaroneck since 1984 has likely affected the number of species present in the Village seems to have been included so as to suggest that these Critical Environmental Areas are somehow less important, when in fact it would seem that such a finding would warrant even greater protections."

Response IV-A-2.6

The Applicant advises that the quote was provided to illustrate that some of the information in the 1984 document may be inaccurate due to the length of time that has passed since it was researched and published. It was not intended to suggest that the Critical Environmental Areas within the Village have diminished value.

Comment IV-A-2.7

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The Fish and Wildlife Policies have been addressed in detail in Section IV. D. Wetlands and Watercourses, and Section IV. E. Vegetation and Wildlife of this document. (pg. 7) (pdf pg. 16]"

SI-24. Issue: No specific mention is made of any LWRP policy in either of the referenced sections. "The Flooding and Erosion Hazards Policies are discussed in detail in Section IV. F. Surface Water Resources and Stormwater Management, including on and off-site existing conditions, along with potential project impacts and mitigation. (pg. 7) [pdf pg. 16]"

SI-25. "Issue: No specific mention is made of any LWRP policy in the referenced section."

"BMP's for the proposed project are discussed in Section IV.F.3 Proposed Mitigation. In addition, Section IV.F.1. Existing Conditions, and 2. Potential Impacts offer in-depth analysis of surface water and stormwater management on the property. Section IV. D. Wetlands and Watercourses address how impacts to on and off-site wetlands and their functions will be avoided. (pg. 8) [pdf pg. 17]"

SI-26. "Issue: No specific mention is made of any LWRP policy in the referenced sections."

SI-27. "It would have seemed preferable to include a specific review of each policy as opposed to sending the reader in search of the policies and then finding answers within the general topics of discussion. Would a more in-depth review/discussion of each individual policy reveal more about the project in relation to the LWRP policies?"

Daniel S. Natchez & Associates: letter dated September 7, 2012

"...development that has occurred in Mamaroneck since the first LWRP was adopted in 1984 has likely affected the number of wildlife species present in the Village." (pg. 5) [pdf pg. 13]"

SI-19. "Issue: This comment again seems to have been incorporated to somehow diminish the importance of the designation of the subject CEAs. If in fact the suggestion is true can it not be further assumed that future development would further affect the wildlife here? Does this not suggest greater environmental protection rather than less?"

Daniel S. Natchez & Associates: letter to HCZMC dated October 4, 2012

"Specifically address the LWRP policies in the usual fashion of listing each policy with a specific meaningful response to each policy as opposed to referring to other sections within the DEIS which allows for misinterpretations and confusion. While Sven Hoeger in his 9/15/12 memo has attempted to begin to piece together discussions from the DEIS with the actual policies of the Village LWRP it would be appropriate for these policies to be addressed within the FEIS in one place rather than flipping from section to section and making assumptions as to what is actually meant. It also should state that the HCZMC will make its own interpretations and findings with respect to each policy."

Victor M. Tafur: letter to HCZMC dated October 19, 2012

In a previous letter, dated October 12, 2012, I mentioned a SEQRA regulation – at 6 NYCRR §617.9 (b)(5)(vi) – that requires that all environmental impact statements must include an explanation of the action's consistency (or inconsistency) with the local waterfront revitalization program (LWRP). I also noted that the DEIS for the 1000 Taylors Lane Subdivision failed to meet this requirement. At the HCZMC meeting of October 17, 2012, I raised the issue and the applicant explained that the DEIS included a discussion of the LWRP in section IV, at pages 6-8, dealing with potential land use impacts. Thus, to clarify, the DEIS does refer to the LWRP and its policies, which is a good starting point. Nonetheless, I respectfully submit that the DEIS' consistency analysis is insufficient, as it simply asserts consistency and mentioned topics relating to the various LWRP policies covered in the DEIS. Also, it does not explain how the alternatives relate to the policies and the consistency determination. Thus, I urge the HCZMC, as well as the Planning Board, request that this information be included in the Final EIS for the 1000 Taylors Lane DEIS Subdivision. Other key topics, connected to the LWRP analysis, which also need further discussion, are the DEIS's "growth-inducing aspects of the proposed action" and other effects (DEIS section VI) as well as the description and evaluation of "the range of reasonable alternatives to the action that are feasible," (DEIS section V), as per 6 NYCRR 617.9 (b)(5)(iii) and (v).

Response IV-A-2.7

The following text reviews each policy of the Village LWRP (as written) as it relates to the proposed subdivision. The policies in this section are listed individually below.

Responses are provided to the applicable policies to illustrate how the proposed development plan for 1000 Taylors Lane is consistent with the policies in this program. The HCZMC will ultimately be responsible for determining whether the proposed subdivision is consistent with the LWRP policies of the Village.

Development Policies

Policy 1. Restore, revitalize, and redevelop deteriorated and under-utilized waterfront areas.

Response 1: The property is not located within the waterfront area as specified in the LWRP (page 23).

Policy 2. Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal water.

Response 2: The property is not located on or adjacent to coastal water. It is located adjacent to a tributary (Otter Creek) to coastal waters. Because of the environmental sensitivity of Otter Creek, this location would not be ideal for the development of facilities such as boatyards, beach clubs, or marinas. Water-dependent uses, such as passive boating and wildlife viewing would be compatible with Otter Creek and the Westchester Land Trust property. However, accessing these activities via the subject property would not be ideal, as keeping an undisturbed buffer between any proposed development and the creek is a primary goal of the FEIS Proposed Action.

Policy 3. Not Applicable.

Policy 4. Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Response 4: Otter Creek is a tidal watercourse and is not a harbor area. Please also see Response 2.

Policy 5. Not Applicable.

Policy 6. Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Response 6: The LWRP states (with regard to Policy 6): "Expedite permit procedures in order to facilitate the siting of development activities at suitable locations. Continued development, where possible and appropriate, is desirable. In order to encourage such suitable development, permit procedures should be reviewed to determine if existing controls can be simplified in an effort to expedite desired development in areas suitable for such development."

The subject property is zoned residential and, in the Applicant's opinion, the proposed subdivision (with the FEIS Proposed Action) is a reasonable and appropriate use of the property.

Fish and Wildlife Policies

Policy 7. Significant coastal fish and wildlife habitats, as identified on the N.Y. Coastal Area Map (when finalized), shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Policy 7a. Significant coastal fish and wildlife habitats, as identified in this document, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Response 7 and 7a: The LWRP recognizes Otter Creek and its surrounding habitat as a significant coastal fish and wildlife habitat. According to the Applicant, consideration for protecting and preserving the nearby fish wildlife habitats was paramount in the development of the FEIS Proposed Action. At a minimum, 100-foot wetland buffers of mainly forest will be maintained on the property, and Best Management Practices, including stormwater management and erosion and sediment control (as detailed below and in the DEIS Section F. Surface Water Resources and Stormwater Management and in Section B. Soils 3. Mitigation) will be utilized during and after any future development to ensure protection of the wetlands and coastal habitat. The buffers will keep a protective vegetative habitat between Otter Creek and any development, and the Applicant will accept reasonable deed restrictions relative to the use of fertilizers, herbicides or pesticides on the new lots. This will help protect and preserve the significant habitat on the east side of the creek.

In order to comply with the DEC Phase 2 Storm Water Pollution Prevention Plan (SWPPP) regulations and the regulations of the Village of Mamaroneck, each of the proposed new lots would have its own stormwater management facilities. The stormwater management facilities would ensure that: (1) the peak rate of runoff from each of the two new lots is no greater following their development than at present, and (2) the water quality volume is captured and treated in accordance with the 2010 New York State Stormwater Management Design Manual.

The 2010 New York State Stormwater Management Design Manual does require the use of green infrastructure techniques in the design of stormwater management measures. According to the Applicant, the site plans for the two new lots illustrate the use of green infrastructure in the design in order to provide a level of pre-treatment of the runoff from the new impervious surfaces and to reduce the volume of runoff by providing opportunities for infiltration into the site soils and through biological uptake by vegetation.

According to the Applicant, at a minimum, the methods that will be incorporated into the site design plan (and will be a condition of Building Permit approval) include: (1)

conservation of natural areas – the preservation of the entire freshwater wetland buffer as a wooded area, (2) sheet flow from roof drains and other impervious surfaces to vegetated swales, (3) the use of a vegetated swale to convey runoff from the new impervious surfaces to the stormwater management facility on the lot, (4) tree and shrub planting using native species adjacent to new impervious surfaces, (5) disconnection of roof runoff to pervious areas of the lots, (6) rain gardens to manage and treat the runoff from the developed lot, and (7) sheet flow of treated and managed runoff from the rain gardens and subsurface rechargers to the wooded wetland buffer area where there would be additional opportunity for infiltration into the site's soils and biological uptake from vegetation.

A variety of erosion and sediment control measures would be installed on both of the new house lots prior to construction in order to assure that the impacts to the wetland buffer, and the tidal and freshwater wetlands, will be minimized or avoided.

The plans (see DEIS Exhibit IV.F. 3-1) depict various erosion and sediment control measures that would be installed prior to and during construction of the house lots including: (1) silt fence at the downgradient limit of disturbance to trap sediment while permitting runoff water to pass through the fabric, (2) construction fencing as an added measure at the limits of disturbance to ensure that construction does not impact areas of the site to be left in their current state, such as the wooded wetland buffer, (3) stabilized construction entrances to both lots to minimize the tracking of mud and soil from the disturbed areas of the site to the public streets, (4) check dams in vegetated swale to minimize the transport of sediment in the swale, (5) inlet protection surrounding catch basins to minimize the amount of sediment that would be conveyed into the storm drainage piping. See Exhibit IV. F. 3-1 in the DEIS, Erosion and Sediment Control Plan. The construction sequence for lot development is located in Appendix F of the DEIS.

Following the construction of the house lots, the sites would be stabilized with vegetation. The disturbed ground surfaces would be spread with a minimum of 4" of topsoil from the stockpiles. Lawn areas would be established, and trees and shrubs would be planted in accordance with the Village Planning Board's Coastal Planting Guide to further stabilize the ground surface. Plants would also be installed in the rain garden on Lot 1. The plants would stabilize the rain garden while providing opportunities for biological uptake of nutrients, such as nitrogen and phosphorus.

A detailed discussion of the future condition pollutant loading with calculation is shown in the DEIS Section F. Storm Water Resources and Stormwater Management 2. Potential Impacts (page 35 of the DEIS). Please also see Response 8.

Policy 8. Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Response 8: The FEIS Proposed Action incorporates designs for stormwater management facilities in accordance with the 2010 New York State Stormwater Management Design Manual. According to the Applicant, these stormwater facilities will ensure that the peak runoff rate from each of the two new lots is not greater following their development than at present. Also, according to the Applicant, the water quality volume is captured and treated in accordance with the regulations in the manual.

According to the Applicant, the FEIS Proposed Action includes full protection of the 100-foot wetland buffers, as well as restricted building envelopes on the Proposed Lots in order to limit the area of development and the size of the future single family dwellings. Please also see Responses 7 and 7a.

Policy 9. Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources.

Response 9: The first portion of this policy deals with expanding access to recreational use of coastal areas. Please see Policies 1, 2, and 4 and their responses for a discussion on this portion of Policy 9. The second portion of this LWRP policy deals with “upgrad[ing] coastal water quality to the point where the extensive shellfish beds in the area (now closed due to close proximity to the Sewage Treatment Plant) are considered safe to re-open. According to the Long Island Sound Study (accessed online at longislandsoundstudy.net), the major causes of pathogenic contamination are: rivers (51.6%), which includes upstream point (e.g. sewage treatment plants) and nonpoint sources (e.g., failing septic systems), and urban runoff (47.3%), which includes combined sewer overflows. Sewage treatment plants and industrial sources discharging directly to the Sound account for 1.1% of pathogenic contamination.

The proposed lots have sewer connections available, and septic systems would be unnecessary. Therefore, the only potential impact to water quality would be from urban runoff from future development of the lots. Prevention of water quality impacts would be accomplished through the use of stormwater management facilities, BMP’s, erosion and sediment control plans, wetland buffers, and restrictions to the building envelope. Please see discussion in Responses 7, 7a, and 8.

Policy 10. Further develop commercial finfish, shell-fish and crustacean resources in the coastal area.

Response 10: The property is zoned residential, and commercial fishing is not a compatible use of the property. Therefore, this policy does not apply.

Flooding and Erosion Hazard Policies

Policy 11. Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Response 11: This policy states that “Local, state, and federal laws regulate the siting of buildings in erosion hazard areas, coastal high hazard areas, and floodways; and these regulations are adequate to implement this policy.”

According to the Applicant, the FEIS Proposed Plan has been developed in accordance with local, state, and federal laws. Building Department oversight and approval will ultimately be required for development in the future. In addition, input from the public, including neighboring property owners, has been considered and a consistency determination from the Mamaroneck Harbor and Coastal Zone Management Commission will be required. A Tidal Wetland Permit from the DEC must be obtained and will be a condition of the Planning Board’s subdivision approval.

Policy 12. Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features.

Response 12: The natural protective features on the subject site include wetlands and trees. The wooded wetlands and 100-foot wetland buffer on the property will remain unchanged. No activities will be permitted within the 100-foot wetland buffer other than passive recreation consistent with its current use and the use of the adjacent Otter Creek Preserve and the trees within the buffer will not be disturbed, in accordance with the approval constraints as determined by the Village Planning Board. In addition, future landscaping along the periphery of the freshwater wetland buffer will minimize impacts by utilization of the Village Planning Board’s Coastal Planting Guide as a policy guide for such landscaping.

Policy 13. The construction and reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years.

Response 13: This policy states “On a State level, this policy is directed primarily at coastal erosion; however, on a local level, this policy is directed primarily at riverine erosion. Erosion control structures are often needed to stabilize riverbanks to mitigate the accumulation and transport of silt, which can diminish river-carrying capacity and/or increase harbor siltation. This policy is not directed at temporary structures erected to control siltation during construction projects.”

The subject site is not located on or near a harbor; it is located along a tidal watercourse (Otter Creek). The portion of the property along the creek is protected from erosion by trees (closest to, and on, the property) and reeds (within the mainly off-site tidal wetlands). According to the Applicant, because of the low gradient and dense vegetation in the tidal wetlands, no structures are needed to control their natural water movement.

Policy 14. Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development.

Response 14: This policy refers to the potential for human-influenced activities to exacerbate flooding and erosion in coastal areas. These activities include building structures such as groins, or impermeable docks which could lead to shore recession; the failure to observe property drainage or land restoration practices (such as BMP's) for soil erosion and stormwater management; and the placing of structures in identified floodways, increasing base flood level.

The FEIS Proposed Action does not propose the construction of any structures within the 100-year floodplain, or within wetlands or their 100-foot wetland buffers. A stormwater management plan and BMP's have been developed for the site in order to prevent increases in erosion and sedimentation and flooding levels. Please see Responses 7 and 7a.

Policy 15. Not Applicable.

Policy 16. Not Applicable.

Policy 17. Wherever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion.

Response 17: According to the LWRP, nonstructural measures to minimize damage to natural resource and property from flooding and erosion includes the setback of buildings and structures, the planting of vegetation and the installation of sand fencing and draining, the reshaping of bluffs, and the floodproofing of buildings or their elevation above the base flood level. Included in this policy is the use of BMP's for erosion and sediment control as well as stormwater discharge.

Activities near the wetland and within the 100-foot wetland buffer have been avoided, and therefore, in the Applicant's opinion, reshaping of any environmental features or installing fencing would not be conducive to protecting these areas. However, the houses and structures are located outside of the 100-year floodplain. In addition, the basement elevations of the 2 houses on the preferred plan for potential site development are located at 1.5 feet (Lot 1) and 4.5 feet (Lot 3) above current 100-year flood levels. Living spaces are located much higher, at elevations 10 feet above the respective basement levels. BMP's, including an Erosion and Sediment Control Plan will be utilized during construction, and stormwater discharge will be regulated with stormwater management facilities on each lot.

General

Policy 18. To safeguard the vital economic, social and environmental interests of the State and the Village of Mamaroneck, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State and this Village have established to protect valuable coastal resource areas.

Response 18: The LWRP states that “Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources. This policy applies to actions which would affect natural resources identified in this Program, water levels and flows (both saltwater and riverine), and recreation.”

In the Applicant’s opinion, the preferred plan for potential future development has addressed and avoided or mitigated any possible impacts to wetlands, water resources (both quality and quantity), and environmental resources including wildlife habitat. Further, it is the Applicant’s opinion that the proposed project will not impair the surrounding waters or natural resources. Because the property is private, public recreation does not occur on site. Any recreational activities that occur off site will not be impacted by site activities.

Public Access Policies

Policy 19. Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas, and waterfront parks.

Response 19: The property is privately owned and zoned residential. In the Applicant’s opinion, this policy does not apply to this subdivision application. Please also see responses 1, 2, and 4.

Policy 20. Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

Response 20: The property is not publicly owned nor is it adjacent to any publicly-owned foreshore.

Recreation Policies

Policy 21. Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over nonwater-related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses.

Response 21: The property is not located on directly coastal water, nor is it located in a harbor; it is located adjacent to a tributary (Otter Creek) to coastal waters. Because of

the environmental sensitivity of Otter Creek, in the Applicant's opinion, this location would not be ideal for the development of public facilities for water-related recreation, such as boatyards, beach clubs, marinas, dry storage, or maintenance and repair yards. In addition, the property is zoned residential, and these activities would not be permitted.

Policy 22. Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development. In the Village of Mamaroneck, this also applies to redevelopment of waterfront property.

Response 22: This policy refers to multiple uses of a property where facilities are being developed or re-developed. Because the subject property is zoned residential and is privately owned, any large-scale activities or multiple uses would not be permitted on site. In addition, the property is not located adjacent to the shore.

Policy 23. Protect, enhance and restore structures, districts, areas, or sites that are of significance in the history, architecture, or archeology or culture of the Village of Mamaroneck.

Response 23: The Sites of Historic or Architectural Importance, as listed in the LWRP (pages 18-20), does not show any sites on or near the subject property. The sites in this category closest to the subject property are #1 – The Mill (located southwest of Van Amringe Mill Pond), #18 – The Gatehouse (located at the southwest end of Otter Creek), #19 – Site of Deall's Dock (located south of Van Amringe Mill Pond), and #40 – Stanford White-designed gatehouse and stables (Mamaroneck Beach & Yacht Club). In addition, CITY/SCAPE: Cultural Resource Consultants were hired to conduct a Phase 1A Literature Review & Sensitivity Analysis. The report, which was completed in July of 2011, determined that of the 5 archaeological sites in the Village of Mamaroneck, none are located on or adjacent to the property, and therefore none would be impacted by the proposed subdivision. In addition, no buildings listed on, or eligible for listing on, the National Register of Historic Places are located in the vicinity of the project. The Phase 1A report concluded that there is no potential for historic resources on the property, however there was a moderate potential to contain prehistoric cultural resources. In response to this finding, a Phase 1B Archaeological Field Reconnaissance Survey was conducted for the property. The testing results include a determination that no prehistoric sites exist on the property and no cultural resources of any kind were recovered. Therefore, the conclusions of the Archaeological Field Reconnaissance Survey include: "...no cultural resources will be impacted by the proposed project...and the proposed subdivision may be allowed without further concern for historical, architectural, archaeological or cultural resources." Both the Phase 1A and Phase 1B reports are included in Appendix G of the DEIS. The October 7, 2010 letter from SHPO also concludes that the proposed subdivision would have "no impact upon cultural resources." (See, Appendix).

Scenic Quality Policies

Policy 24. Not Applicable.

Policy 25. Prevent impairment of scenic resources of Statewide or local significance.

Response 25: According to the LWRP, impairment includes: a. the irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction or removal of structures, wherever the geological forms, vegetation, or structures are significant to the scenic quality of an identified resource; b. the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource; and c. signs not in compliance with the local sign ordinance.

Although the LWRP states that “No scenic resources of statewide significance have been identified in the Village of Mamaroneck...” Otter Creek and Magid Pond have been listed as Conservation Areas or Open Space, therefore it is presumed that these scenic resources would fall under this policy and be protected from impairment by activities that may occur on the subject site in the future. No physical impacts (geologic, vegetative, or structural) will occur to Otter Creek or Magid Pond. A vegetative buffer will remain on the subject property, which would help obstruct any views of future structures from Otter Creek or Magid Pond. Signs are not proposed for the property.

Agricultural Lands Policy

Policy (#26). Not Applicable.

Energy and Ice Management Policies

Policy 27. Not Included

Policy 28. Not Applicable

Policy 29. Not included.

Water and Air Resources Policies

Policy 30. Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, and sewage, into coastal waters will conform to State and National water quality standards.

Response 30: The subject property is privately owned and is zoned and proposed for residential use.

Policy 31. State coastal area policies and purposes of approved Local Waterfront Revitalization Programs will be considered while modifying water quality standards;

however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Response 31: The State has classifications for major waterbodies, and water quality standards applicable to those classifications. These classifications are reviewable, and Local and State coastal management policies shall be factored into the review process for coastal waters. However, these considerations shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act. The land and water uses proposed in the LWRP are consistent with this policy, and the water quality classifications are appropriate for the uses proposed.

Otter Creek is "Class SC" which is not regulated under State standards. However, potential activities on the subject property would conform with New York State regulations regarding erosion and sediment control and stormwater management. These activities are detailed in the DEIS in Section F. Surface Water Resources and Stormwater Management, and in Section B. Soils (3. Mitigation).

Policy 32. Not Applicable.

Policy 33. Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Response 33: Sewer overflows are not applicable to this property. As discussed in Responses 7, 7a, 8, and 31, BMP's and stormwater management are proposed for any future development activities. These activities are detailed in the DEIS in Section F. Surface Water Resources and Stormwater Management, and in Section B. Soils (3. Mitigation).

Policy 34. Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Response 34: This policy does not apply to the subject property.

Policy 35. Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Response 35: Dredging is not proposed for the subject property.

Policy 36. Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters: all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Response 36: Petroleum and other non-household hazardous materials will not be shipped to the site, nor stored on it.

Policy 37. Best Management Practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters.

Response 37: Stormwater management facilities and Best Management Practices (BMP's) are proposed for any future development that may occur on the property in the future. The stormwater management plan and BMP's were developed to prevent erosion and sedimentation from the site, and to prevent uncontrolled stormwater runoff from impervious surfaces on the site. In the Applicant's opinion, this results in the reduction or elimination of potential nonpoint source pollution from the site and protects the nearby waterbodies (including Otter Creek). Please also see Responses 7, 7a, and 8.

Policy 38. The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Response 38: In the LWRP, this policy refers to private wells. However, for the purpose of this FEIS, the conservation and protection of groundwater will also apply to Otter Creek (none of the portions of the property to be developed are within the watershed of Magid Pond). As discussed above, the quality of surface water and groundwater supplies will be protected through the use of stormwater management facilities and BMP's. The quantity of surface and groundwater supplies will be conserved because there will be no changes to the amount of stormwater runoff that reaches the groundwater. The stormwater management facilities are designed to collect surface water runoff and return them to the groundwater. The peak runoff rate is not increased (as required by Village regulations), the quantity of runoff infiltrating into the groundwater will not be reduced.

Policy 39. The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas, will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.

Response 39: There will be no transport, storage, treatment or disposal of solid wastes on the property.

Policy 40. Not Applicable

Policy 41. Not included.

Policy 42. Not included.

Policy 43. Not included.

Policy 44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Response 44: According to the Applicant, proposed development plans have been developed with the protection of wetlands as a high priority and in compliance with Village of Mamaroneck and New York State Department of Environmental Conservation regulations. According to the Applicant, the tidal and freshwater wetlands on and near the property (including Otter Creek) will not be disturbed or impacted by the proposed development plans, 100-foot wetland buffers will be preserved surrounding the wetlands, and wetland habitat and functions will be preserved. Please also see Responses 7, 7a, and 8.

Comment IV-A-2.8

Daniel S. Natchez & Associates: letter dated September 7, 2012

"...the preservation of the freshwater wetland and its 100-foot buffer, as well as the tidal wetland and its buffer area, will preserve the visual conditions of the surrounding area." (pg. 8-9) [pdf pg. 17-19] " (emphasis added)

SI-32. "Issue: Even the proposed theoretical development plan with no intrusion into the wetlands or buffers will not "preserve" the visual conditions. The addition of any new structures will compromise the existing visual conditions. The limiting of the extent of development and preservation of the wetland and buffer areas will help mitigate the visual impact but it is disingenuous to suggest that the existing conditions would be preserved, and once again, there is nothing actually proposed that would limit potential site development and ensure the preservation of the wetlands or, more particularly, wetlands buffer."

SI-33. "In fact, the DEIS does not even include photographs illustrating the current views from the Nature Conservancy property or from the existing residences located along Soundview Drive and The Parkway, let alone how the potential development would affect such views."

Response IV-A-2.8

This quote is mis-quoted by Mr. Natchez, and the comments that relate to it have been taken out of context. The full text of the DEIS in this paragraph reads: "aspects of the proposed project will ensure that it will blend in with the surrounding land uses and preserve the character of the community. The eventual future placement of houses on the two new lots and their relationship to the street and public right-of-way is typical of the other houses in the area. In addition, the preservation of the freshwater wetland and its 100-foot buffer....will preserve the visual character of the surrounding area." (emphasis added) *The subject property is located amid single family houses and, in the Applicant's opinion, the placement of additional homes is entirely consistent with the visual character of a residential area.*

Comment IV-A-2.9

Doug Jung (email sent October 18, 2012 to Gerry Diamond; Ann Powers)

7.a.c. *“The addition of two very large homes on top of the already very large home on the site would change the character of the neighborhood significantly; we would lose the quiet, rustic nature of the area north of Taylors Lane, the setting that Otter Creek helps create.*

Response IV-A-2.9

Although the majority of the homes in the vicinity of the property to the east of Taylors Lane are smaller, they are also located on smaller lots which are more closely clustered. Several homes in the neighborhood, located to the south of the property on the east side of Taylors Lane, are on larger lots and are proportionately larger, and many have amenities such as pools. Conceptually, based upon minimum lot area requirements alone, the Village of Mamaroneck Zoning Code would allow for a more intense development of a 5-lot subdivision. The proposed 3-lot subdivision allows for greater preservation of wetlands and open space.

Comment IV-A-2.10

Daniel S. Natchez & Associates: letter to HCZMC dated October 4, 2012

Provide a more detailed examination as to how the clearing and development of the lots will visually impact the area both from Otter Creek/Magid Pond as well as Taylors Lane, potentially including such tools as Photoshop renderings, Sketch-Up modeling, etc., as well as what additional measures would help mitigate such an impact. It is stated in the DEIS that the proposed addition of two large new houses "will preserve the visual conditions of the area," however, the addition of two large new houses will undoubtedly have an impact."

"It would also be useful to consider in such an analysis the potential development of the two additional undeveloped lots owned by the Alters on the northwest side of Magid Pond."

Response IV-A-2.10

The DEIS was prepared to examine potential impacts associated with the subdivision of 1000 Taylors Lane. The ownership or disposition of other lands by the Applicant is not relevant to this subdivision application. The aerial photographs (see Response IV-A-2.1 and IV-A-2.5) above give an overview of the relative size and proximity of surrounding homes, while the recent photographs taken in both leaf-on and leaf-off conditions illustrate screening by vegetation which is to remain.

Comment IV-A-2.11

George Mottarella, acting Village Engineer: Memo dated February 24, 2015

"One major point of discussion is the absence of sewer access to this property. It appears that other homes on Taylors Lane independently pump their sewage to a gravity sewer system in Barrymore Lane. The Barrymore Lane sewer then flows to the Sewer pump station on Brevoort Lane which is owned and operated by the City of Rye. Permission for any sewer connections that add additional sewage flow to this pump station shall be obtained from the City of Rye. The applicant is

also required to demonstrate that this system has adequate capacity to handle the additional sewage flows from the proposed subdivision.”

Response IV-A-2.11

The Applicant’s Professional Engineer contacted the City of Rye Engineering Department regarding access to the sewer system in Barrymore Lane. No information on capacity was available, but it was discovered that there is an inter-municipal agreement between the City of Rye and the Village of Mamaroneck to provide sewer service to this section of the Village. It is anticipated that the new proposed lots would be able to connect to this system once permission is obtained from the City of Rye.

Comment IV-A-2.12

Daniel S. Natchez & Associates: letter to HCZMC dated October 4, 2012

*Present acceptable restrictions to include in the language of the future deeds of Lots 1, 2 and 3 pertaining to construction/expansion of houses and amenities, and specifically including **building envelopes**. Once any subdivision is approved, future building and development would, based on current Village protocols, likely be able to take place without further land use board oversight.”*

“The Applicant to date has proposed the subdivision of the property with no restrictions on future development.”

“The Applicant has suggested a theoretical development plan with relatively modest proposed construction plans for each property.”

“The DEIS has assessed the environmental impacts based upon the theoretical development plan.”

“The resulting lots without appropriate restrictions would allow for potential development well beyond the theoretical development plan that is the focus within the DEIS.”

“Inappropriate development of the proposed lots has the potential to create a significant environmental impact and a finding of being inconsistent with the LWRP.”

(note: italics in original text have been changed to underline in this document)

Response IV-A-2.13

The Applicant provided a “Full Build-Out” Alternative in the DEIS to demonstrate a worst case scenario for development of the two new lots. (See, DEIS Exhibit V.D.1) The Planning Board may impose reasonable conditions on the future development of each lot to protect environmentally sensitive portions of the site.

Comment IV-A-2.14

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.a. The applicant should discuss the potential for future additional subdivision of the property beyond the proposed three lots, including an estimate of the number of possible new lots.

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The property is zoned R-15 which requires a minimum lot size of 15,000 s.f." (pg. 2) [pdf pg. 7]"

SI-6. "Issue: Would these lots be allowed to be subdivided again? What is to prevent the new lot owners from subdividing and developing multiple homes? Again there are a number of alternatives discussed within the DEIS but there is no discussion to date as to whether the Applicant will consider modifying their current proposal in favor of any of the potential alternatives or what other means might be implemented to restrict future development, including re-subdivision, and alert potential buyers of the lots as to the environmental constraints associated with the lots.

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.q. The applicant should quantify the potential for future subdivision of the property.

Response IV-A-2.14

As raw land (without the existing house), the subject property could be divided into five residential building lots as shown on DEIS Exhibit V.C.4. From south to north, the five lots would be: Lot 1, 91870 s.f., Lot 2, 30,846 s.f., Lot 3, 26,794 s.f., Lot 4, 25,133 s.f. and Lot 5, 50,502 s.f.

If the existing house remains, then the property could be subdivided into three residential building lots (as proposed), one new lot to the north of the existing house, and one lot to the south of the existing house. The potential for additional residential lots is restricted by the lot frontage on Taylor's Lane.

Comment IV-A-2.15

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.b. The applicant should provide an analysis of the existing setbacks along Taylors Lane.

Response IV-A-2.15

According to the Zoning Code, the front yard setback for the R-15 Zone is 25'. Homes along Taylor's Lane are setback from the road anywhere from 25' to 115'. As seen in the aerial photographs below (from <http://giswww.westchestergov.com/gismap/>, accessed 4/22/2015), houses on and north of Barrymore Avenue are much closer to the road (25' – 55') than those south of Barrymore Avenue, along Taylors Lane, which are generally more than 100' from the road.





The table below lists the properties with houses fronting on or adjacent to Taylors Lane, and the approximate setback of the principal building on each lot as measured from Taylors Lane.

Table IV-A-2.15 Building Setback from Taylors Lane	
Street Address	Approx. Building Setback from Taylors Lane
533 Taylors Lane	50'
600 Barrymore Lane	25'
1000 Taylors Lane (Subject Parcel)	55'
942 Taylors Lane (Out Parcel)	125'
1041 Taylors Lane	35'
670 Barrymore Lane	35'
655 Barrymore Lane	30'
941 Taylors Lane	260'
917 Taylors Lane	100'
907 Taylors Lane	175'
843 Taylors Lane	50'
825 Taylors Lane	55'
805 Taylors Lane	50'
770 Taylors Lane	50'
750 Taylors Lane	105'
730 Taylors Lane	115'
710 Taylors Lane	115'

3. Proposed Mitigation (Land Use)

Comment IV-A-3.1

Barbara Novick: undated letter, sent to Planning Board September 6, 2012

I.a. "The proposed subdivision... raises many environmental concerns... We are concerned that the recently completed DEIS skirts over several of these issues and we hope the Board will give them full consideration in determining what conditions or restrictions need to be included in the deeds of any newly created parcels as a result of the proposed subdivision."

Response IV-A-3.1

Specific environmental issues are discussed within their designated scoping locations in this document. Also see Response IV-A-3.2 and 3.3 regarding conditions and restrictions to the proposed lots.

Comment IV-A-3.2

Barbara Novick: undated letter, sent to Planning Board September 6, 2012

I.g. "During the scoping phase of this project, we understood that the Applicant would be including in the DEIS an alternative that included a defined building

envelope and potential development restrictions that could be incorporated as deed restrictions on the lots. In reviewing the DEIS, we were not able to find mention of any such alternative. We believe this is crucial to the approval process so that any future buyer of the subdivided parcels would understand the intentions of this Board and the restrictions are placed on this property given the sensitive nature of its environmental status."

Daniel S. Natchez & Associates: letter dated September 7, 2012

2h. "The Applicant still has not submitted site plans that include restricted building envelopes as originally requested in the Scope nor has the Applicant located the proposed houses on the potential development plans as close to Taylors lane as possible - as claimed within the DEIS. It is respectfully requested that the Applicant submit plans with a defined building envelope."

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The site plan for each of the lots demonstrates that construction of two new houses...can be built without directly impacting the Village and State-regulated freshwater wetland or its 100-foot buffer, or the tidal wetland." (pg. 1) [pdf pg. 6]"

SI-1. "...Does this demonstration hold true if the site plan is changed? The Applicant still has not submitted site plans that include restricted building envelopes nor has the Applicant located the proposed houses on the potential development plans as close to Taylors lane as possible- as claimed elsewhere within the DEIS. The DEIS contains several alternatives within the alternative section of the DEIS, however, there is still not an alternative that includes a defined building envelope and potential development restrictions that could be incorporated as deed restrictions on the lots, nor is there any indication as to whether any of the included alternatives would be acceptable to the Applicant."

Daniel S. Natchez & Associates: letter dated September 7, 2012

"Construction of the proposed two new houses and associated infrastructure would involve approximately 1.01 acres of site development and vegetation removal, in addition to the 0.67 acre of the site that is developed." (pg. 4) [pdf pg. 10]"

SI-17. "Issue: This seems rather disproportionate. The existing lot has developed more than each of the new lots supposedly will. What prevents the new development from disturbing as much as the existing house disturbed? Are limitations to be put into place and properly monitored? While the alternatives section now includes the possibility of a conservation easement or a fourth lot to remain undeveloped, there is no discussion of whether any such restriction are acceptable to the Applicant and even the most restrictive alternatives do not include proposed building envelopes or potential language that could be incorporated as deed restrictions to limit the extent of new development on the lots."

Daniel S. Natchez & Associates: letter dated September 7, 2012

"Restrictions of Building Envelopes to Move Potential Buildings as Close to Taylors Lane as Consistent with the Zoning Ordinance" "The potential buildings have been

located as close to Taylor's Lane as possible while respecting Zoning setbacks. As shown, the potential house would be consistent with other homes in the neighborhood." (pg. 9) [pdf pg. 19]"

SI-34. "Issue: They have not discussed the creation of a more restrictive building envelope, simply mentioning their theoretical development plan. They have also not located the house on Lot 1 in particular as close as possible to Taylors Lane, as the house could be moved roughly 20 feet closer to the road per the zoning restrictions."

Response IV-A-3.2

In the FEIS Proposed Action (Exhibits 1 and 1a) and FEIS Exhibit 4, the proposed building envelopes for the new lots, Lot 1 and Lot 3, are defined by the zoning setbacks for the front and side yards, and by a 30 foot setback from the 100' freshwater wetland buffer line in the rear. The 100' wetland buffer line is significantly more restrictive than the rear yard zoning setback applicable in the R-15 District. To further protect the resources on these two lots, the building envelopes have been further reduced by 30 feet from the wetland buffer boundary. Furthermore, the FEIS Proposed Action proposes to limit floor area ratios of the future single family dwellings on the two new lots by a calculation of the land area outside of the wetland buffer, rather than the total lot area. In addition, the maximum build-out for a 3-lot subdivision was studied as an alternative at DEIS Exhibit V.D.1 .

Comment IV-A-3.3

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The proposed 3-lot subdivision would create lower-density residential properties compared with most of the surrounding patterns of development. The wetlands and wetland buffers on the properties will not be impacted or cleared, thereby retaining the character of the nearby tidal wetlands and the surrounding areas." (pg. 6) [pdf pg. 15] (Emphasis added)"

SI-20. "Issue: The lower density is only achieved by virtue of the proposed theoretical" development. The document alternately treats the theoretical development plan as "theoretical" or "proposed" when either term best suits their interest. There is still nothing actually proposed that in any way serves to limit the development of the three parcels to that which exists and is proposed, which is the key to validating most of the Applicant's conclusions."

Daniel S. Natchez & Associates: letter dated September 7, 2012

"In that the applicant is not proposing any direct impacts to the tidal wetland or the area that is regulated by the NYSDEC under 6NYCRR Part 661, the Village of Mamaroneck wetlands regulations apply only to the subdivision of this property" (pg. 25-26) [pdf pg. 39-40]"

SI-52. "Issue: The concern here is that a future developer of the subject lots could propose massive houses outside of the wetlands buffer and never be asked to come before the Planning Board unless suitable restrictions are incorporated into the approval of the subdivision."

Daniel S. Natchez & Associates: letter dated September 7, 2012

"Clearing will not be permitted beyond the proposed limit of disturbance during construction." (pg. 30) [pdf pg. 44]"

SI-56. "Issue: Does this hold true if the design is changed? Again, the document at times assumes the theoretical development plan as real and at time as simply a suggestion, and there do not appear to be any real proposed restrictions on the future development of the parcels."

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The envelope of development for each of the lots has been minimized to the maximum extent practicable..." (pg. 30) [pdf pg. 44]"

SI-58. Issue: But there is nothing suggested to limit the envelope of development in fact.

Daniel S. Natchez & Associates: letter dated September 7, 2012

"...(the 2 new lots will not contain impervious surfaces, however development of the lots with residences and driveways could produce up to about 12,000 square feet of new impervious surfaces)." (pg. 44) [pdf pg. 67]"

SI-71. "Issue: Considerably greater areas of impervious surface could be created if appropriate development restrictions are not incorporated into any approval of the subdivision."

Susan Berenzweig: letter dated September 8, 2012

3.c. "In previous meetings and letters, those of us interested in these issues have urged the Planning Board to define a building envelope and potential restrictions at the time of subdivision so there is not future conflict or misunderstanding for whomever might do the building. I have read the September 7 letter and detailed "suggested issues" addendum from Daniel S. Nachez and Associates, Inc. I hope you closely consider these specific points identifying environmental problems in the DEIS line by line."

David & Ellen Freeman: letter dated September 10, 2012

4.d. "The lack of any concrete proposals to restrict building envelopes so that there is as minimal an environmental impact as possible, including no visual impact on the viewsheds within the Preserve."

Barbara Novick to HCZMC dated September 25, 2012

"...Therefore, we are asking that any subdivision approval include specific conditions on both the size of the area that can be disturbed and the location of that disturbance: 9.b.a. 1. Clearly, a smaller footprint situated closer to Taylors Lane will have less environmental impact than a larger footprint placed closer to the wetlands.

Mark Sherrid: letter to HCZMC dated October 6, 2012

12.b. 1. I would hope for a small footprint for the houses, situated close to Taylors Lane....

Daniel S. Natchez & Associates: letter dated October 11, 2012

"The building envelope concept is one which those concerned with the Application have repeatedly suggested be specifically discussed and examined in the FEIS along with possible deed or similar development restrictions...It is believed that a detailed analysis of the building envelope and/or other restrictions is relevant for the Planning Board as Lead Agent to include in undertaking the completion of the FEIS."

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.h. Alternative C (limits to Area of Disturbance) should discuss the potential for building envelope restrictions to control the size and location of the new houses.

Response IV-A-3.3

Building envelopes have been added to all of the subdivision alternatives in the FEIS. The proposed building envelopes are defined by the zoning setbacks for the front and side yards, and by the 100' freshwater wetland buffer line in the rear. The 100' freshwater wetland buffer line is far more restrictive than the rear yard setback otherwise permitted by zoning. The FEIS Proposed Action also proposes to limit the floor area ratio of the future single family dwellings on the two new lots by a calculation of the land area outside of the wetland buffer, rather than the total lot area.

Comment IV-A-3.4

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.i. Alternative C should discuss how the proposed conservation easement or conservation could be managed. The applicant has indicated that this easement could be given over to the Nature Conservancy; have there been any discussions to gauge their interest?

Response IV-A-3.4

The land that would be subject to the Conservation Easement under the various alternatives is contiguous to land owned by The Westchester Land Trust (WLT). Therefore, the WLT would be the first to be offered any easement once the subdivision receives preliminary approval. Alternatively, the conservation easement could be held by the Village of Mamaroneck or any other public body or not-for-profit conservation organization. The WLT has previously documented its interest in acquiring this easement (or the same area in fee simple)(see, WLT Letter dated May 13, 2015 and included in the Appendix). The conservation easement would be recorded in the Westchester County Clerk's Office, Division of Land Records, prior to the issuance of a building permit.

B. Soils

1. Existing Conditions

No comments received.

2. Potential Impacts

Comment IV-B-2.1

Daniel S. Natchez & Associates: letter dated September 7, 2012

2j. "Soils -the soils report contained within the DEIS suggests that there may be issues with a number of the soils present on site that will need to be addressed at the time of development but does not suggest just what those types of measures may be, making it difficult to ascertain full impact of development. A full explanation and outline of proposed construction measures would provide a clearer picture to work with in properly considering the environmental impacts of building a structure on these soils and adjacent to the wetland."

Response IV-B-2.1

Currently, only a subdivision application is being presented. A specific construction plan will be prepared when actual construction is being planned, if it is ever to occur at all. A construction plan will be submitted to, and approved by, the Building Department prior to the issuance of a building permit for the development of any new lot approved as part of this subdivision application. An Erosion and Sediment Control Plan was provided (DEIS Figure IV.F.3-1) as a necessary step to protect the adjacent wetlands from potential future development. Potential impacts due to soil limitations have been further discussed in FEIS responses IV-B-2.4 and IV-B-2.5 later in this document.

Comment IV-B-2.2

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-35. "(pg. 11) [pdf pg. 22] Issue: How much of the site will become Udorthents, smoothed (Ub) type soil/how much imported fill will be required?"

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.c. *The applicant discusses anticipated fill generated by excavation of the two new lots, but not the need for fill to grade the lots for construction of two new houses. The proposed first-floor elevation of the house on Lot 3 is indicated as above the existing grade, but here is no discussion of the fill that would seem to be required for this to be possible.*

Response IV-B-2.2

Calculations have been made of the amount of excavation (cut) and excavated material placed as fill on Lot 3. The volume material proposed to be excavated for this lot essentially balances the fill that is required.

Excavation Calculation: (i) The house on Lot 3 is about 3,550 s.f. in footprint. The basement floor elevation is proposed to be 17.5 feet. The bottom of the slab is 17.0 feet. One foot of stone would be placed under the slab for drainage purposes. The average grade within the building footprint is 19.5 feet. Therefore, the excavation is calculated to be (3,550 s.f. x 3.5') 12,425 c.f. or 460 cubic yards (c.y.). (ii) The side yard is to be graded for residential use. The area of the side yard is 1165 s.f. The proposed average grade is to be 20 feet and the existing average grade is 21.5 feet. The excavation is therefore

(1165 s.f. x 1.5') 1,747 c.f. or 65 c.y.

The total excavation is therefore about 525 c.y.

Excavated Material Placed As Fill Calculation: (i) The driveway area for this lot covers 1,630 s.f. The average depth of fill to be placed for the driveway (minus the pavement and subgrade aggregate) is 3.5 feet. Therefore, the amount of fill to be placed is (1,630 s.f. x 3.5) 5,705 c.f., or about 210 c.y. (ii) An area of fill will also be placed in the rear yard behind the house. This area covers about 1,850 s.f. The average existing grade in this area is about 15'. The proposed average grade is about 18.5'. Therefore, the amount of fill to be placed would be (1,850 s.f. x 3.5') 6,475 c.f. or about 240 c.y. (iii) The area of fill to be placed along the house façade and extending about 15 feet covers an area of 1,245 s.f. The average existing grade in this area is about 25 feet. The average proposed grade is about 26.5 feet. The fill needed would therefore be (1,245 s.f. x 1.5') 1,865 c.f., or 70 c.y. The total excavated material placed as fill is therefore about 520 c.y.

Comment IV-B-2.3

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-36. "What impact will this [the proposed fill] have on drainage to the wetland?"

Response IV-B-2.3

The proposed fill will not impact the drainage to the wetland, as the wetland hydrology is sustained by both surface runoff and regional ground water. On-site stormwater management facilities will insure that the runoff from the future development will not have an adverse impact on downstream water bodies or wetlands.

Comment IV-B-2.4

Daniel S. Natchez & Associates: letter dated September 7, 2012

"'Very limited' indicates that the soils have one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. The information provided is not site specific, however, and does not eliminate the need for on-site investigation and analysis specific to the proposed project by professionals experienced in engineering." (pg. 14) [pdf pg. 25]"

SI-37. "Issue: This report suggests the limitations of the existing soil "cannot be overcome" without extensive measures."

Response IV-B-2.4

Some of the soils, such as the wetland soils, are severely limited due to wetness and organic matter content. Most of the limitations of the upland soils are due to steepness and/or shallow depth to bedrock, which can be overcome by reduction of grade and/or removal of bedrock, if necessary. There are several areas of soil on the property, however, that are very suitable for development. Charlton soils are a major component of two of the soil

complexes on the property (CrC and CsD). Charlton soils are well drained, deep to bedrock, and have slopes ranging from 3 to 15% (for CrC).

Comment IV-B-2.5

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-38. "(pg. 15) [pdf pg. 26] Table IV. B. 1-3. Issue: All soils within the acceptable boundaries of construction are listed as somewhat- to very-limited. This suggests soils may have to be removed and replaced with Ub soil type."

SI-39. "(pg. 16) [pdf pg. 27] Table IV. B. 1-4. Issue: All soils have limitations for construction of roads (driveways) and lawns/landscaping. This site is not ideal for development."

"Based on the descriptions, properties, and limitations of the soils, listed in the above two tables, much of the upland portions of the property appear to be suitable for the proposed potential development." (pg. 17) [pdf pg. 28]"

SI-40. "Issue: Such a statement does not seem to be consistent with the information provided in the referenced tables. There appear to be several limitations, and there is little if any discussion as to how those limitations would be overcome."

"Overall, the soils on the property in the areas proposed for development will likely be well suited for many development activities, if considerations are made for the limitations." (pg. 17) [pdf pg. 28]"

SI-41. "Issue: How will these 'considerations' effect the adjacent wetland? The first portion of the quoted statement seems to directly contradict the information provided in the DEIS's soils analysis."

Response IV-B-2.5

The categories of "not limited," "somewhat limited," and "very limited" are applied to an entire soil complex, not to the individual soil types or map units. Therefore, soil complex CrC received a "somewhat limited" designation for slope, because the steepest portions of this complex may have 15% slope. The other portions of this complex will be less than 15% (as low as 2%) which will not have the same limitations as the areas with 15% slope. However, since the soils are complexed together, they all receive the same rating, which is based on the most-limited portions of the complex. No removal or replacement of soils is anticipated to occur during development of this site, and there is no impact to the wetlands anticipated.

Comment IV-B-2.6

Daniel S. Natchez & Associates: letter dated September 7, 2012

"It is also anticipated that the construction of the footings, foundation and basement would require some rock removal. Some of this rock could [be] used to create the stone wall that is depicted on the west side of the rain garden." (pg. 18) [pdf pg. 30]"

SI-44. "Issue: Recognition that rock removal and possibly blasting will likely be required appears to be a change from previously anticipated conditions. In Appendix A: SEQR Documentation, page 4 of the Full Environmental Assessment Form (page 7 of the pdf document) states that no blasting will occur as responded to question 8. How much rock removal is anticipated?"

Response IV-B-2.6

The response on the EAF was updated in the DEIS to include the possibility of rock removal. The actual amount of rock removal that potentially will be required is estimated to be approximately 600 cubic yards for the house and foundation on Lot 1, and approximately 60 cubic yards for the house and foundation on Lot 3. These estimates are based on the soil types and results from the deep hole testing that was done for the stormwater management facilities. However, the actual amount of rock that will need to be removed cannot be determined until actual development plans are prepared. If rock removal is necessary it will be performed in accordance with all applicable laws, rules and regulations.

3. Proposed Mitigation (Soils)

Comment IV-B-3.1

Daniel S. Natchez & Associates: letter dated September 7, 2012

"Movement of vehicles and storage of building materials and vehicles beyond the designated construction areas will also be avoided by the installation of orange geogrid fence along the entire grading and clearing limit line." (pg. 19) [pdf pg. 31]"

SI-45. "Issue: This should be prohibited, not 'avoided.' It may be appropriate to require that chain link fencing be installed so as to better prohibit movement of vehicles and storage of building materials beyond the designated construction areas. Where will materials be stored and vehicles parked during construction?"

Response IV-B-3.1

Comment noted. A construction plan will be submitted to, and approved by, the Building Department prior to the issuance of a building permit for the development of any new lot approved as part of this subdivision application. Enforcement of the limits of disturbance will be part of the Building Department construction oversight. All materials will be stored on the construction site in a secured trailer or container, and all construction vehicles will be parked on site (off of Taylor's Lane).

C. Topography and Slopes

1. Existing Conditions

No comments received.

2. Potential Impacts

Comment IV-C-2.1

Daniel S. Natchez & Associates: letter dated September 7, 2012

2n. "Slopes - The Applicant continues to frame the discussion with respect to percentages of the development with slopes over 25% while seeming to ignore their own soils analysis wherein the identified CsD soil type, which typically

*includes slopes of 15% to 35%, is stated in the Applicant's own information as being too steep for dwellings."*SI-46. "(pg. 20) [pdf pg. 33]"

"The majority of disturbance for the eventual construction of the two new house lots would occur on slopes that are less than 25%. In all, less than 1% of the area of disturbance on Lot 1 would take place on slopes greater than 25%; on Lot 3, about 6% of the area of disturbance would be on slopes over 25%."(pg. 20) [pdf pg. 33]"

SI-47. "Issue: This section of the DE IS continues to refer to steep slopes as only those areas over 25%, yet this is in direct contrast to the soils report within the DEIS wherein steep slopes are indicated to begin at 15% and stated as being too steep for dwellings. Percentage of development on steep slopes will be considerably higher when thus considered."

Daniel S. Natchez & Associates: letter to HCZMC dated October 4, 2012

Correct the inconsistencies in the DEIS wherein the Applicant's own soils analysis is contradicted with respect to what is considered to be steep slopes. While the Village code to our knowledge does not define what slope constitutes a steep slope, many other communities in Westchester do and that threshold typically is set at 15%, consistent with the descriptions in the DEIS's soils reporting. The percentages of development occupying areas of steep slope, and thus potential impacts associated with same, are far greater when the 15% threshold is used, particularly with respect to Lot 3."

Response IV-C-2.1

The Village of Mamaroneck Comprehensive Plan states "Generally, development of steep slopes greater than 15% is difficult, though not impossible, due to construction costs and the undesirability of road grades that exceed 10%. In addition, during construction, soil erosion and surface water runoff can increase as a result of the clearing of vegetation from steep slopes. It is recommended that steep slopes be added as development constraints for the Planning Board to consider under the Village's site plan and subdivision controls." However, steep slopes are not defined in the Village Code.

In Section C. Topography and Slopes 2. Potential Impacts, of the State Environmental Quality Review Act (SEQRA) Final Scope for 1000 Taylors Lane, information was requested for "Discussion of disturbance, if any, to steep (25%+) slopes." This is why 25% was considered the definition of "steep slopes" for this document.

Therefore, the discussion of slopes (15% versus 25%) is not an inconsistency, but rather a situation where steep slopes have not been defined by the Village. Regardless of what the definition of 'steep slopes' is, any future activities that may involve disturbance within areas of steeper slopes will be carefully undertaken in compliance with the guidelines of State and Village regulations for erosion and sediment control and stormwater management.

Comment IV-C-2.2

Daniel S. Natchez & Associates: letter dated September 7, 2012

Issue: Table IV. C. 2-1 Area of Disturbance by Slope is missing information on Lot 1."

Response IV-C-2.2

The second column of Table IV. C.2-1 on page 18 of the DEIS contains the areas of disturbance, by slope range, for Lot 1, but the header for the column was missing the words "Lot 1". The corrected table is below.

Table IV. C. 2-1 Areas of Disturbance by Slope		
	Lot 1	Lot 3
Slope Range	Area of Disturbance	Area of Disturbance
0-15%	0.4756 ac.	0.1191 ac.
15-25%	0.1155 ac.	0.2801 ac.
25-35%	0.0104 ac.	0.0246 ac.
> 35%	0 ac.	0.0003 ac.

3. Proposed Mitigation (Topography and Slopes)

No comments received.

D. Wetlands and Watercourses

1. Existing Conditions

Comment IV-D-1.1

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.d. The applicant should include the need for an Article 25 Tidal Wetland Permit from the NYSDEC in its discussion of the NYSDEC's applicable regulation of wetlands on page 23 (this permit is correctly discussed among the required permits noted on page 25).

Response IV-D-1.1

The Applicant will be required to apply for and obtain an Article 25 Tidal Wetland Permit as a condition of any subdivision approval granted by the Planning Board.

2. Potential Impacts

Comment IV-D-2.1

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The site plan for each of the lots demonstrates that construction of two new houses...can be built without directly impacting the Village and State-regulated freshwater wetland or its 100-foot buffer, or the tidal wetland." (pg. 1) [pdf pg. 6]"

SI-2. "Lastly, the quoted statement itself would appear to be an admission that there will be indirect impacts to the Village and State regulated freshwater and tidal wetlands."

"Fully detailed site plans have been prepared to demonstrate that development of the new lots can be accomplished with no disturbance to the tidal wetland, tidal wetland buffer, DEC Freshwater wetland J-2, nor the 100-foot DEC adjacent area." (pg. 2) [pdf pg. 7]"

SI-7. "Issue: No direct disturbance does not necessarily mean no impact- and the question of how direct disturbance is prevented in the future remains."

Response IV-D-2.1

Potential indirect impacts, such as impacts from untreated stormwater during and after construction, and increased nutrient loads from the developed portions of the new lots, is discussed in detail in the Stormwater Management Report which was prepared for the project. Potential future disturbance to the wetlands or wetland buffer is purely speculative, but the proposed conservation easement is intended to protect the most sensitive portions of the lots from future disturbance.

Comment IV-D-2.2

Daniel S. Natchez & Associates: letter dated September 7, 2012

2f. "Preventing development within the formal buffer may be sufficient wetland protection along more typical wetland areas within the Village but it is respectfully submitted that it is not sufficient adjacent to these particular identified CEA's, and thus additional restrictions on development are warranted."

Response IV-D-2.2

Although there are no codified requirements for additional restrictions for areas adjacent to the Otter Creek CEA, under the FEIS Proposed Action, 1.8 acres of the site will be protected by a proposed Conservation Easement. The Easement will cover all of the Freshwater Wetland and Tidal Wetland adjacent areas on each of the new lots (Lots 1 and 3) as well as a portion of Lot 2 which contains the existing house. It is anticipated by the Applicant that the language of the Conservation Easement will restrict use within the protected area to passive use by the property owner. According to the Applicant, the Westchester Land Trust is interested in acquiring this easement and, in fact, is interested in acquiring the two new parcels created under the FEIS Proposed Action.

Comment IV-D-2.3

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The proposed 3-lot subdivision would create lower-density residential properties compared with most of the surrounding patterns of development. The wetlands and wetland buffers on the properties will not be impacted or cleared, thereby retaining the character of the nearby tidal wetlands and the surrounding areas." (pg. 6) [pdf pg. 15] (Emphasis added)"

SI-21 part 2. Additionally, any disturbance or use of the land will have some form of impact on the wetland and associated resources, including but not limited to noise, light, pets and fertilizers."

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-61. "Future Condition Drainage Area 1a.2 (FDA-1a.2) is 3,405 s.f. in size and would consist of the portion of the property which would contribute runoff to the design line on Lot 1, but not, due to topography, to the rain garden. This drainage area is mostly lawn, but includes a portion of the low retaining wall in the rear yard." "Future Condition Drainage Area 1b (FDA-1b) is 4,255 s.f. in size and consists of lands to the south of the driveway which would contribute runoff to the design line to the south of the property. This area would consist of mostly lawn and with some woods." (pg. 34) [pdf pg. 50]"

SI-63. "Are these areas allowed to be fertilized? If so, this may have a negative impact on the wetlands."

Response IV-D-2.3

The non-regulated portions of Lot 1 and Lot 3 (i.e. areas outside of the wetland and wetland buffer) are subject to the same regulations that apply to other residential lots in the area. As seen in the recent aerial photographs in Response IV-A-2.15, several of the residences on Soundview Drive have lawn areas which extend all the way to the wetland edge. Any lawn area associated with Lot 1 or Lot 3 would be at least 100' from the wetland edge.

3. Proposed Mitigation (Wetlands and Watercourses)

No comments received.

E. Vegetation and Wildlife

1. Existing Conditions

Comment IV-E-1

Sven Hoeger, Environmental Consultant to the HCZMC: letter dated September 26, 2012

"To assist the commission in determining consistency with the LWRP, the Commission should request additional, specific information in the FEIS about the species inhabiting Otter Creek and Magid Pond and the impact that the proposed subdivision would have on significant habitats of those species."

"Commentary:

The intent of the LWRP is the protection of the environment while fostering responsible development along the line of the 44 LWRP policies. This subdivision proposal generally follows standard design practices and does take standard setbacks to wetlands into consideration. As such it does not raise serious concerns with regard to the LWRP policies. However, the application mentions the proximity to "significant fish and wildlife habitat areas", yet omits detailed information about those areas. The LWRP policy directly addressing this issue is policy 7a, which clearly states, that "Significant coastal fish and wildlife habitats, as identified on the N.Y. coastal Area Map (when finalized), shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats." As I will explain in detail later, detailed species lists for both Otter

Creek and Magid Pond will assist the Commission, in determining consistency with the LWRP, to assess the impact of the proposed subdivision on Otter Creek and Magid Pond natural areas. The FEIS should focus on groups of organisms that might need buffering with exceeding those provided for in standard regulations and laws.

The DEIS states that the applicant consulted with the New York Natural Heritage Program (NYNHP) regarding the known presence of endangered, rare or threatened species at or near the site and received a letter stating that none such species were known from the general vicinity (DEIS pg. 29, June 9, 2012 letter from NY natural Heritage Program). Such a letter statement is often regarded as sufficient proof that an area does not require extraordinary steps of protection beyond those already provided for by local and state laws and regulations. The proposed subdivision has been developed on this assumption and shows all legally required setbacks, buffers and treatment facilities. The referenced NY Heritage communication however cautions: "The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site." Since Otter Creek and Magid Pond are known and listed areas of significant habitat, the applicant would aid the Commission in its decision making process by providing species lists for invertebrates, amphibians, reptiles, mammals and birds in particular – and lists of plants for a better picture of the habitat characteristics.

Legal setbacks are NOT cure-alls for all habitat requirements of every species that may inhabit the protected areas. A 100-foot setback from a freshwater wetland and a 300-foot setback from a tidal wetland allow for errors made in determining the exact location of the wetland edge; these setbacks are generally adequate to protect the wetlands from threats of erosion and sediment accumulations, but they DO NOT address the habitat requirements of all species that may occur in those wetlands. For many species, a 100-foot wide wetland buffer is more than sufficient. However, there are other species that will require larger – and potentially significantly larger – wetland buffers to complete their respective life cycles

The DEIS mentions that "According to the Nature Conservancy, the Otter Creek tidal wetlands feature more than 100 species of plants, abundant marine and terrestrial life, and more than 100 species of birds." The DEIS however does NOT provide a list of those hundreds of species known to benefit from the protected status of Otter Creek. I suggest that the HCZMC request such a list, should it exist, to be included in the FEIS, to allow for a more educated review of the potential environmental impact the proposed subdivision could have on protected natural resources, especially on those animals that may not be endangered as of yet, but do require extended buffer zones beyond the limits of a wetland to complete their life cycles.

In the absence of a list of known species for Otter Creek and Magid Pond, the next best solution to “protect, preserve and maintain the viability as habitats” of Otter Creek and Magid Pond would be a restrained attitude toward development, such as proposed by the applicant as Alternative C – Limits to Area Disturbance, starting on page 42 of the DEIS. This alternative development proposal suggest the possibility of restricting development on portions of the proposed subdivision through a Conservation Easement or through the creation of a separate conservation parcel that could be deeded to a land trust.

Finally, the DEIS characterized this property as “second growth”, and the opposition to this development raised doubts about the correct location of the wetland delineation. I suggest that the Commission request that the correctness of the wetland delineation be confirmed by the Planning Board as part of the FEIS”.

Response IV-E-1

The Applicant was unable to find a list of the plants and birds specifically using the Otter Creek Preserve. The description of the Preserve given in the DEIS was adapted from The Nature Conservancy website:

<http://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/newyork/placesweprotect/easternnewyork/wherewework/eastern-otter-creek-preserve.xml> As described, the interior portions of the Preserve are used by a “wide variety of waterfowl and other migratory birds” throughout the year, but the edges of the Preserve that would border the subdivision property are comprised mostly of Phragmites, which “forms a dense border around the marsh”. Numerous studies have found that dense stands of Phragmites have limited functional value as wildlife habitat, but that such stands can be very effective in buffering tidal marsh areas by capturing sediment and improving water quality.

As described above, no direct impacts are proposed to the wetland or wetland buffer under the current subdivision layout, and the Applicant is willing to incorporate limits to area disturbance through such measures as Conservation Easements or deed restrictions. Finally, when the proposed residential lots are developed they will be required to include stormwater management measures which will help to protect water quality leaving the property.

With respect to the amount of clearing that would be required under the proposed subdivision (see Figures 1, 4, and 6), the preservation of 3.2 acres of second growth forest is proposed. At the request of the Planning Board, the proposed building envelopes on the two new residential lots are defined by the existing zoning setbacks, and the rear setback line is proposed at 30 feet from the Freshwater Wetland Buffer (regulated wetland adjacent area) line. Based on a tree survey which was completed for the property in 2009, there are 42 regulated trees (8” DBH or greater) on Lot 1 outside of the regulated wetland adjacent area, 27 of which are within the proposed building envelope. On Lot 3 there are 38 regulated trees outside of the wetland adjacent area, 20 of which are within the building envelope. While there are 47 trees within the proposed building envelopes that would likely be removed, there are a total of 279 regulated trees within the area proposed to be protected

by the Conservation Easement under the FEIS Proposed Action. In accordance with § 342-76 of the Village Code, “the new residential lots shall be preserved in its natural state, insofar as practicable and environmentally desirable, by minimizing tree and soil removal. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment”. Appropriate mitigation for tree removal shall be provided in the Findings Statement in accordance with guidelines established by the Planning Board. Preservation of the trees within the Conservation Easement area will provide both wildlife habitat and visual screening to the Otter Creek Preserve and Magid Pond. Although Section 342-16 of the Village Code applies to multifamily and nonresidential developments, the intent and goals of those standards could be applied to this residential subdivision to provide for natural landscaping for screening and shade purposes thereby ensuring high visual quality and reducing surface runoff and soil erosion.

2. Potential Impacts (Vegetation and Wildlife)

Comment IV-E-2.1

Barbara Novick: undated letter, sent to Planning Board September 6, 2012

1.b. “...The area under discussion provides a habiat for an incredibly diverse set of birds and mammals. We regularly see swans, geese, herons, egrets, ducks, wild turkeys, as well as deer, beaver, raccoon, turtles, and a host of other animals. The DEIS does not seem to address the impact on these animals even when an osprey nest is clearly in sight of the property. This area has been deemed a Critical Environmental Area for a reason and the utmost care should be taken in evaluating any application for development.”

Response IV-E-2.1

The wildlife that is likely to be found in and near the Otter Creek Preserve was discussed in Section E of the DEIS. In addition, two species of bird have been observed by neighbors in the Preserve: the osprey and the bald eagle. The osprey (Pandion haliaetus) is a state-listed Special Concern species that has been documented in the area and nests in the Otter Creek Preserve. The osprey is a large bird that feeds almost exclusively on live fish and prefers to build a large stick nest on the top of a dead tree. Man-made structures such as buildings, towers, poles and platforms are also used as locations to build nests, as are large rocks on the ground in areas where trees are not abundant. The osprey is found along coastal and inland waterways with abundant fish populations. The stream channel of Otter Creek and trees within the Otter Creek Preserve which osprey may use for nesting are located off the property and would not be impacted by the potential activities proposed for the property.

A bald eagle (Haliaeetus leucocephalus) was seen in the Preserve by a neighbor. While this species is still listed as threatened in New York State, it was removed from the Federal Threatened and Endangered Species list in 2007, and the population has increased significantly in New York in the last 25 years. As the primary food for eagles is fish, they are most likely to be found near open water, and may have been attracted to Magid Pond or Otter Creek looking for fish. As for the osprey, the hunting areas for the bald eagles would not be compromised by the proposed subdivision for the same reasons set forth above. Avoidance of impacts to, and mitigation for, vegetation and wildlife has been carefully

taken into consideration for the proposed project through limited areas of disturbance (see Response IV-E-1 above), planting of native species and use of organic materials on lawns. In addition, the final stormwater management plan to be designed and implemented at the time of construction of the single family homes on the two new lots would meet all applicable water quality standards. Therefore, wildlife habitat likely to be found in the Otter Creek Preserve, including the nesting and hunting areas of the osprey and the hunting areas of the bald eagle, would not be compromised by the FEIS Proposed Action.

Comment IV-E-2.2

Barbara Novick: undated letter, sent to Planning Board September 6, 2012

l.e. "In the DEIS section "Adverse Impacts That Cannot Be Avoided", there is no mention of the impacts to tree removal, wildlife displacement, or similar real impacts which gives us great concern about the level of the Applicant's sensitivity to these issues."

Response IV-E-2.2

These impacts are discussed in detail in Section IV.E, Vegetation and Wildlife, of the DEIS and further discussed in this document. They were mentioned in Section VI.A, Adverse Impacts that Cannot be Avoided, simply to reflect the acknowledged impacts associated with this type of development when trees are cleared from portions of the site to locate homes and related infrastructure such as stormwater management facilities.

Comment IV-E-2.3

All of the following comments relate to the Otter Creek Preserve, impacts to wildlife and wildlife habitat, and protection of the CEA:

Barbara Novick: undated letter, sent to Planning Board September 6, 2012

l.h. "As you saw on your visit, Otter Creek is an unusual jewel in the Village of Mamaroneck. It is home to an incredible amount of wildlife, including many birds that nest in the tall trees and eat insects in the marsh and fish from the pond. The environment is a rare find and one that should be carefully preserved for the benefit of future generations. The wetland laws require it, and hopefully any project that is approved will reflect the importance of preserving this area."

Daniel S. Natchez & Associates: letter dated September 7, 2012

2o. "There is no substantive discussion of likely impacts to wildlife habitat resulting from the clearing of the portions of the lots to be developed beyond a basic discussion relating only to Osprey."

Susan Berenzweig: letter dated September 8, 2012

3.a. "Even though I have interest as a neighbor, the "neighbors' most vulnerable to impact here do not have voices: the ospreys, hawks, bitterns, owls, songbirds, insects, otters, opossums, fish and other denizens of Long Island Sound. One look at the map demonstrates that it is Otter Creek Nature Preserve, stewarded by the Nature Conservancy, that will bear the largest brunt of the impact of construction on this land. In fact, it is just these concerns that prompted Mark King, Director of Protection Programs for the Nature Conservancy to write a strong letter to you

dated January 10, 2011. In addition to several technical concerns identified in the letter, he raises the crucial and relevant point that there is a serious question of environmental impact that could result from development on the marsh and pond borders. The fact that it is designated a Critical Environmental Area should be given strong weight. You must address the zoning and planning questions differently than if the property were in the middle of a residential block, on the Parkway, for example. In the past few months, I have identified not only osprey, but rare Great Horned Owl and bitterns...

Daniel S. Natchez & Associates: letter dated September 7, 2012

2b. "Discussion of impacts to the existing Critical Environmental Areas is extremely limited and fails to take into account the myriad species present and currently using the site, and the importance of these relatively undeveloped brushlands and woods adjacent to the Nature Conservancy and Magid Pond resources."

David & Ellen Freeman: letter dated September 10, 2012

"We are particularly concerned about..."

4.b. "The DEIS' lack of analysis of how the clearing of land, construction activities, and subsequent human habitation will affect wildlife resources, including the osprey which nest within sight of the proposed subdivision;"

Doug & Rosa Jung: letter dated September 12, 2012

7.c. Wildlife-the subdivision and its ultimate development would also displace the wildlife that currently lives there-the area is populated with numerous deer that walk through and eat in our backyards. There are large turtles, birds of all types including 2 swans that live in Otter Creek, as well as other mammals that live in the area and could potentially be displaced. They will have fewer places to go and spend more time on our lawns.

Response IV-E-2.3

See Responses to Comments IV-E-1 and IV-E-2.1 above.

Comment IV-E-2.4

Daniel S. Natchez & Associates: letter dated September 7, 2012

2d. "The Planning Board has previously rejected for inclusion in the scoping document for the DEIS the suggestion that the potential impacts to wildlife resources associated with the potential for increased domestic pet presence adjacent to and within these CEA's be considered when all scientific evidence suggests such threats and impacts are all too real. Consequently there is no such discussion within the DEIS, nor really any substantial discussion of how the development will impact the existing wildlife that uses the subject and adjacent properties.

- Bird predation by outdoor cats is estimated at 1,000,000 deaths per day in the US. Outdoor cats also have significant impacts on numerous other small mammal, reptile and amphibian populations, and in reducing their populations can impact the higher order hunters that rely upon these food sources. The*

spring 2011 issue of Wildlife Society's journal "The Wildlife Professional," which can be found at <http://issuu.com/the-wildlife-professional/docs/feralcats> provides an excellent summary of these issues. While the link mentions "feral" cats the reference deals with all outdoor roaming domestic cats.

- Dogs are also not off the hook. Research at the Colorado State University in 2006 on behalf of the City of Boulder, Colorado, demonstrated a clear link between wildlife populations and behaviors along hiking trails where dogs were allowed and trails where dogs were prohibited. As noted in the study mule deer activity was significantly lower in proximity to trails in areas that allow dogs, and this effect extended at least 100 meters (300 feet) off-trail. Small mammals, including squirrels, rabbits, chipmunks, and mice, also exhibited reduced levels of activity in proximity to trails in areas with dogs, and this effect extended at least 50 meters (150 feet) off trail. Furthermore, the density of prairie dog burrows was lower within 25 m (75 feet) of trails in areas that allow dogs.

http://www.friendsofboulderopenspace.org/docmnents/dogs_wildlife_communities.pdf

- While it is appreciated that the activity associated with one three-lot subdivision may be considered a proverbial drop in the bucket compared to all of the existing development in Mamaroneck and the behavior of pet owners and their pets associated with existing residences, the fact is that the proposed subdivision is located within and directly adjacent to what have been identified as among the most critical habitats in the Village and, thus, aside from direct habitat reduction, the increased likelihood for additional pet activity related to these houses is real and the impact not necessarily inconsequential."

Response IV-E-2.4

The comment is outside of the scope of SEQRA. Nonetheless, the proposed residential subdivision is consistent with the surrounding residential development and does not pose any greater risk of wildlife impacts from domestic pets than is currently presented from the existing residences near the Otter Creek and Magid Pond CEAs.

Comment IV-E-2.5

Daniel S. Natchez & Associates: letter dated September 7, 2012

"The response letter from the NYNHP dated June 9, 2010 indicates that they have no known records of rare or State-listed animals or plants, significant natural communities, or other significant habitats, on, or in the immediate vicinity of the site. A copy of the response letter from the NYNYP is included in Appendix B of this document." (pg. 29) [pdf pg. 43]"

SI-53. "Issue: Given that Osprey, which is state listed as a species of Special Concern are known to exist in the immediate area, has the NYSDEC Division of Fish, Wildlife & Marine Resources office been alerted to its presence and an inquiry made to determine if its presence alters their findings and updates the NYNHP database? Furthermore, the letter from NYSDEC Division of Fish, Wildlife & Marine Resources states, "If this proposed project is still under development one year from now, we recommend that you contact us again so

that we may update this response with the most current information. It does not appear that such an update has been pursued.”

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-54. “The DEIS also does not seem to indicate whether there has been any direct contact with the US Fish & Wildlife Service, as was included within the Final Scoping document issued by the Planning Board. Furthermore the web-site printout from the USF&WS included in Appendix B of the DEIS specifically states, “After reviewing our website and following the steps outlined, we encourage both project proponents and reviewing agencies to contact our office to determine whether an accurate determination of species impacts has been made.” The site conditions would appear to be potentially suitable habitat for the New England cottontail. The USF&WS homepage for the New England Cottontail can be found at <http://www.fws.gov/northeast/indepth/rabbit/index.html>”

Response IV-E-2.5

Current information from US FWS on the New England Cottontail cited in this comment states that ongoing research on the current status of this species indicates that it is not likely to occur in densely developed areas, and would not inhabit the second growth hardwood forest that is found on this site.

We do not know if the osprey observation was reported to the NYSDEC Division of Fish, Wildlife & Marine Resources office. However, the NYSDEC Osprey Fact Sheet (<http://www.dec.ny.gov/animals/7088.html>) indicates that the southern coast of New York is within the osprey’s breeding range and “Each year, both ground and aerial surveys are conducted by NYSDEC to document osprey nests in the state.”

*As noted in the DEIS, the osprey (*Pandion haliaetus*) has been documented in the area. The osprey is a large bird that feeds almost exclusively on live fish and prefers to build a large stick nest on the top of a dead tree. Man-made structures such as buildings, towers, poles and platforms are also used as locations to build nests, as are occasionally rocks on the ground. Osprey nests are quite large (up to 10 feet high), so if one was to be encountered on or near the site, it could be protected and avoided. The habitat of the osprey, including nesting and hunting areas, would not be compromised by the proposed subdivision.*

Comment IV-E-2.6

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-55. “The Final Scope also asked that the DEIS include a review of indirect impacts to existing vegetation resulting from any disturbance and use of the portions of the lots beyond the limit of disturbance line, and this does not appear to have been included.”

Response IV-E-2.6

Indirect impacts to vegetation resulting from the proposed development would include increased sunlight at the clearing edge and changes in the wind patterns in the forest. These changes are minimized in the proposed development by keeping clearing to the area within the building envelope and not fragmenting the forest. Use of the lots beyond the proposed limit of disturbance will be limited to passive recreational enjoyment of the property (walking, bird watching, and wildlife observation), which is entirely consistent with the use of the adjacent nature preserve and the current use of the property.

Comment IV-E-2.7

David & Ellen Freeman: letter dated September 10, 2012

4.a. "We are not opposed in principal to the concept of this property's being subdivided so that one or two additional houses can be built. However, neither the DEIS, nor the applicants' prior actions in constructing their own residence (in apparent disregard of existing regulations), gives us confidence that these activities will be undertaken in a way that protects the wildlife, the outstanding scenic qualities, and the unique ecosystem of The Nature Conservancy's Otter Creek Preserve."

Response IV-E-2.7

Comment noted.

Comment IV-E-2.8

Daniel S. Natchez & Associates: letter dated September 12, 2012 Suggested Special Conditions

"SSC-4.) That no trees with trunks greater than six (6) inches diameter at breast height may be removed without specific approval of the Planning Board. To that end the filed subdivision map must include an inventory of all existing trees with trunks greater than six (6) inches diameter at breast height."

"SSC-6.) That no plant materials as listed on the NYS Invasive Species List shall be planted on any of the lots and that the initial development landscape plans for Lots 1 and 3 shall be reviewed and approved by the Planning Board."

Mark King (Nature Conservancy): letter dated September 12, 2012

6.c. "We would also like to see additional attention give the eventual use of non-native landscaping and vegetation and the effects of these on the adjacent preserve."

Response IV-E-2.8

The first two comments are "suggested special conditions" offered by Mr. Natchez for Planning Board consideration. It is the Applicant's opinion that having a tree survey be part of a filed subdivision plat is highly irregular and will add unnecessary information to the Plat which will quickly become obsolete.

The Applicant does not object to a condition of approval concerning the prohibition of Invasive Plants when the lots are first developed.

Comment IV-E-2.9

Mark King (Nature Conservancy): letter dated September 12, 2012

6.a. *"...We continue to have concerns regarding the completeness of [the DEIS]. Of particular concern is the failure to fully address potential impacts to the adjoining Otter Creek Preserve, especially in regard to the potential for construction related activities. As we have stated before Otter Creek is a sensitive environmental area and utmost care should be taken to avoid negative impacts resulting from construction.*

6.b. *Impacts to wildlife are of particular concern as the project is bound to have effects to birds and animal species that occur in the preserve, these should be more fully addressed."*

Mark Sherrid: letter to HCZMC dated October 6, 2012

12.c. 2. *I hope that as much of the existing forest as possible can be preserved, both for its beauty and to prevent erosion.*

Response IV-E-2.9

Please see Response IV-E-1, IV-E-2.1, 2.4, and 2.6 above. In addition, sediment and erosion control plans and Best Management Practices are detailed in the DEIS, Section F. Surface Water Resources and Stormwater Management, 3. Proposed Mitigation, and are shown on Exhibit IV.F.3-1 Erosion and Sediment Control Plan.

3. Proposed Mitigation (Vegetation and Wildlife)**Comment IV-E-3.1**

Daniel S. Natchez & Associates: letter dated September 7, 2012

2e. *"Simple protection of the wetlands buffer, if in fact it truly will be protected, does not necessarily mitigate impacts to wildlife."*

"The osprey... prefers to build a large stick nest on the top of a dead tree. Man-made structures such as building towers, poles and platforms are also used as locations to build nests, as are occasionally rocks on the ground." (pg. 30) [pdf pg. 44]"

SI-57. *"Given the disturbance to the upland woods that could provide nesting opportunities for Osprey, it might be appropriate to consider that a nesting platform be built on one or more lots to accommodate the osprey as mitigation for indirect impacts caused by development of these sites."*

"The area where the encroachment has occurred will be allowed to return to forest and will be monitored for potential invasive species." (pg. 30) [pdf pg. 44]"

SI-59. Issue: *For how long will this area be monitored? Who will undertake such monitoring?*

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.p. *The applicant should discuss potential additional mitigation measures to address long-term impacts such as tree removal and increased impervious surfaces.*

Response IV-E-3.1

The Applicant will consider nesting platforms for Osprey and invasive species control as mitigation options as part of the NYSDEC Wetland Permit required for the residential subdivision. A Stormwater Management Plan has been developed for the subdivision to address potential impacts from increases in impervious cover on the site.

F. Surface Water Resources and Stormwater Management**1. Existing Conditions****Comment IV-F-1.1**

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-60. "(pgs. 32-33) [pdf pg. 47-48] Issue: Drainage condition areas do not appear to be delineated on any of the drawings submitted as part of the DEIS, nor are Design Points. What are the exact boundaries of these areas?"

SI-61. "'Future Condition Drainage Area 1a.2 (FDA-1a.2) is 3,405 s.f. in size and would consist of the portion of the property which would contribute runoff to the design line on Lot 1, but not, due to topography, to the rain garden. This drainage area is mostly lawn, but includes a portion of the low retaining wall in the rear yard." "Future Condition Drainage Area 1b (FDA-1b) is 4,255 s.f. in size and consists of lands to the south of the driveway which would contribute runoff to the design line to the south of the property. This area would consist of mostly lawn and with some woods." (pg. 34) [pdf pg. 50]"

SI-62. "Issue: Do these areas lead to drainage that leads back to the wetland"?

Response IV-F-1.1

A full Stormwater Management Report was prepared for the proposed subdivision, and was included as Appendix D. in the DEIS. The Stormwater Management Report was prepared in conformance with all applicable laws, rules and regulations. As discussed in Response IV-D-2.3 above, the proposed residential lots will be subject to the same restrictions as other residential properties in the vicinity of Otter Creek and Magid pond.

The existing and proposed drainage areas are described on pages 3 and 4 of the Stormwater Management Report, and are depicted graphically on the following pages.

2. Potential Impacts (Surface Water Resources and Stormwater Management)

Comment IV-F-2.1

Barbara Novick: undated letter, sent to Planning Board September 6, 2012

1.c. "We are particularly concerned about Magid Pond. The quantity and quality of the water are both important to the health of the pond and in turn the plants and animal life that it supports. Schemes that divert runoff may be as detrimental as plans that do not treat runoff at all, especially given the limited watershed that feeds the pond. I recall a similar situation in a neighboring community where one property owner diverted water resulting in damage to an adjacent wetland. This type of damage is virtually impossible to reverse, making it extremely important to avoid this outcome."

Response IV-F-2.1

The runoff from the property that currently feeds the watershed of Magid Pond and Otter Creek will not be diverted to another location. The runoff will infiltrate the soil through stormwater management systems, or will flow (as it currently does) into the wetlands. All of the runoff from the property is currently conveyed westward to Otter Creek. In the future condition, runoff from the individual lots will be conveyed in a westward direction to stormwater management facilities on each of the lots. Following water quality treatment and peak rate attenuation in the stormwater management facilities, the runoff will be discharged to the ground surface where it will be conveyed toward the freshwater and tidal wetlands that are associated with Otter Creek. In order to minimize potential water quality impacts to the downstream waterbodies and wetlands, a Stormwater Pollution Prevention Plan has been prepared by the project engineer. This plan is discussed in detail in Section F. Surface Water Resources and Stormwater Management. In addition, erosion and sedimentation control practices, which have been designed and would be installed in accordance with the New York State Standards and Specifications for Erosion and Sediment, would reduce the potential erosion during construction. A detailed erosion control plan has been prepared for the property, and is discussed above, in Section B. Soil, 3. Proposed Mitigation. Post-construction monitoring would include the monitoring and maintenance of the stormwater basins and other stormwater treatment features.

Comment IV-F-2.2

Daniel S. Natchez & Associates: letter dated September 7, 2012

2k. "Depth to bedrock on lot 1 is reported as generally less than 3' yet there is little discussion of how this will impact development and how the proposed/suggested rain garden will function. A more detailed cross section with calculations and a planting plan of the rain garden verifying its form and functionality would help in determining its validity on this site."

Response IV-F-2.2

Raingardens are flexible best management practices which can be adapted to a variety of site conditions. Once the house and other site improvements are determined for Lot 1, a rain garden or similar bioretention facility can be designed to capture and treat runoff from the site.

Comment IV-F-2.3

Daniel S. Natchez & Associates: letter dated September 7, 2012

2p. *"There is no discussion as to whether the proposed reduction of runoff from Lot 3 as a result of stormwater management measures associated with development could negatively impact Magid Pond- which is of particular concern given the limited watershed that feeds the pond."*

"The proposed 3-lot subdivision would create lower-density residential properties compared with most of the surrounding patterns of development. The wetlands and wetland buffers on the properties will not be impacted or cleared, thereby retaining the character of the nearby tidal wetlands and the surrounding areas." (pg. 6) [pdf pg. 15] (Emphasis added)"

SI-21. *"Of course the wetlands and buffer areas will be impacted. The Applicant demonstrates this later in the water runoff table showing a reduction in water to the wetland.)"*

"The grading of these steeper slope areas [on both lots] would result in a ground surface that is significantly less sloping, and a reduced risk of erosion once these areas are stabilized with vegetation." (pg. 20) [pdf pg. 33]"

SI-48. *"Issue: This could reduce stormwater runoff to the wetland, causing the potential for adverse effects."*

SI-64. *"(pg. 34) [pdf pg. 50] Table IV. F. 2-1. Issue: Future condition flows to the design line for Lot 1 is reduced 40% for 1-year storm. Future condition flows to the design line for Lot 3 is reduced 25% for 2-year storm."*

"The results in the table show that peak rates of runoff would be reduced if the two lots were developed in the future with the stormwater management mitigation measures proposed, as compared to current peak runoff rates." (pg. 35) [pdf pg. 51]"

SI-65. *"Issue: Reductions in runoff to the wetlands can have adverse effects, particularly with a freshwater pond with limited contributing watershed such as the Magid Pond."*

David & Ellen Freeman: letter dated September 10, 2012

4.c. *"The plans for handling of drainage and storm runoff, which could significantly alter the delicate balance needed to maintain the health of both the fresh water and salt water wetland which adjoin the proposed subdivision"*

Mark Sherrid: letter to HCZMC dated October 6, 2012

12.a. *"...I am concerned that if the houses in the proposed development are too big it will adversely affect the run-off into the creek and pond. The quantity and quality of the water are important to the health of the pond, an in turn to the plant and animal life that it supports. Damage will be virtually impossible to reverse. We must avoid an adverse outcome."*

Daniel S. Natchez & Associates: letter to HCZMC dated October 4, 2012

*"Provide an analysis of potential adverse effects from the potential **decrease** of freshwater run-off into Magid Pond, which is of particular concern given the limited watershed that feeds the pond. Sven Hoeger notes in his 9/15/12 memo that the suggested stormwater detention/infiltration systems will **only overflow** during storm events that produce more than 2.8 inches of rain (the one-year storm), which means there will be **no overflow from most of the precipitation events in this area.**"*

Response IV-F-2.3

The stormwater management measures proposed for the new residential lots are designed in accordance with the New York State Stormwater Design Manual to treat both runoff volume (so called runoff reduction) as well as water quality leaving the developed site. The reduction in runoff refers to the developed condition, and will not impact the groundwater recharge to Magid Pond, which will be sustained through infiltration practices. Surface runoff from the majority of the new lots that are outside of the limit of disturbance will continue to reach Magid Pond as it currently does.

Comment IV-F-2.4

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-49. "There is no evidence of erosion within the existing thickly vegetated steep slopes. It will be the disturbance of these areas that opens the potential for erosion, and the referred to reductions in slope are only attained by virtue of creating walls and berms to allow for development and for what seems to be the only way to provide the required stormwater management given the slopes and depth to bedrock."

"Article II, Section 186-9 of the Village Code, Erosion and Sediment Control, notes that '[d]evelopment shall reflect the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible. In the design of cut and fill slopes, consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors.'" (pg. 21) [pdf pg. 34]"

SI-50. "Issue: Is it possible to create a more reserved design to create less of an impact on the grading? Perhaps no basement on the grounds that it will have a lesser impact on the site and surrounding wetlands? It would seem the only way these lots can be developed is the very cuts and fills that are recommended to be avoided, particularly with respect to meeting current stormwater requirements."

"Untreated stormwater runoff during and after potential future construction has the potential to reduce the water quality of downgradient wetland and watercourses. Development of the subject property would increase the impervious surfaces on the site, which could cause an associated increase in stormwater peak flow rates and an increase in nutrient and contaminant loads discharging to wetlands and surface waters." (pg. 24) [pdf pg. 38]"

SI-51. "Issue: Some portions of the developed area of the site's runoff are to be left untreated according the stormwater management plan. Why is this so and why should it be acceptable?"

"Furthermore, the grading of the property could be done without impacting the flood storage of the Otter Creek floodplain." (pg. 38) [pdf pg. 54] (*Emphasis added*)"

SI-67. "Issue: It could be. Will it be? Again it is a question of measures being implemented to ensure limitations on disturbance."

Response IV-F-2.4

The Stormwater Management Plan was prepared at the direction of the Planning Board and included in the DEIS to demonstrate that the proposed subdivision could be accomplished without impacts to the wetland buffer areas and water quality. A final Stormwater Management Plan will be required for each of the new lots as part of the Building Permit Application process. It is the Applicant's opinion that the two new lots can be developed in a manner that is fully compliant with the Stormwater Management regulations of the Village and the State.

According to the most recent FEMA Preliminary FIRM Data Viewer in which the Base Flood Elevations (BFE) have been updated with the most recent information, the flood zone associated with Otter Creek is at elevation 13 feet. The project does not propose any impacts to the flood storage of Otter Creek. No grading or changes in elevation would occur in any portion of the property below 13 feet. Therefore, all of the development associated with future construction on the two new lots created by the subdivision would be located outside of the floodplain. As a result, there will be no change in the flood storage that is currently available.

Comment IV-F-2.5

Mark King (Nature Conservancy): letter dated September 12, 2012

6.d. "We are also concerned with the long term maintenance of project elements such as drainage and stormwater features as any future failure of these elements could impact the preserve."

Doug & Rosa Jung: letter dated September 12, 2012

7.b. "Finally even in the application itself, the design of the proposed houses include special rainwater runoff mitigation plans/devises, which is an admission by the designers that the proposed buildings/lots would negatively impact the water absorption characteristics naturally in place today. Should this proposal go through what assurances do we have that the ultimate owners will incorporate such techniques in their home site?"

Doug Jung (email sent October 18, 2012 to Gerry Diamond; Ann Powers)

7.a.b. "The documents prepared by the applicant and their consultants purport that 2 homes constructed with various run-off mitigation devices or features, will not substantially increase flood risk in this area...assuming those devices work, what assurance does this neighborhood, and the Village have to ensure that

should these homes be built, that these devices would be constructed and property maintained? Would the Village inspect them annually (at the homeowners expense)? ...”

Response IV-F-2.5

As part of any Stormwater Management Plan submitted to NYS DEC a long term maintenance schedule for the proposed facilities must be submitted, and the responsible party identified. As the current application is for a subdivision and not a building permit or site plan, a final maintenance plan has not been prepared. When a Stormwater Management Plan is submitted to NYS DEC, a maintenance plan will be prepared in accordance with all applicable laws, rules and regulations.

The future owners of the lots would be responsible for maintenance of the stormwater management systems on their lots, pursuant to a construction, inspection and maintenance agreement to be recorded against the properties.

For the property owner with a bioretention facility on the property, the following describes the required maintenance of the stormwater management practice:

MAINTENANCE OF BIORETENTION FACILITIES

1. Maintenance:

- (i) Replacement of diseased or sickly plants, mulching of the surface of the bioretention facility, removal of weeds and invasive plants, as well as thinning of plants to maintain the desired appearance.*
- (ii) Weeding and watering are essential the first year when plants are becoming established. Weeding is typically minimized with the use of a weed-free mulch layer. Re-mulch the surface of the bioretention facility annually.*
- (iii) Prune plants if they start to get “leggy” and floppy. Cut off old flower heads from wildflowers and herbaceous plants after the plant is done blooming.*
- (v) Inspect for sediment accumulations or heavy organic matter where runoff enters the bioretention facility and remove with a shovel and rake as necessary. The top few inches of planting soil mix should be removed and replaced if the water ponds for more than 48 hours. Re-mulch following such planting soil mix removal.*
- (vi) If the overflow device is an earthen berm or lip, check for erosion and repair as soon as possible. If this continues, a harder armoring of stone may be necessary.*
- (vii) Check the elevation of the surface of the bioretention facility annually to ensure that the maximum ponding depth does not exceed 6”. Make sure all appropriate elevations have been maintained, no settlement has occurred and no low spots have been created in the bioretention facility and/or the berm around the facility perimeter.*
- (viii) Mow the grass filter strip between the bioretention facility and the level spreader weekly during the growing season or as per the adjacent lawn areas. Maintenance of level spreader as per noted above.*

Comment IV-F-2.6

Doug & Rosa Jung: letter dated September 12, 2012

7.e. "In summary, the application subdivision of the 1000 Taylors Lane property should be denied and the natural or current eco-system remain untouched to support and aid in flood mitigation."

Doug Jung (email sent October 18, 2012 to Gerry Diamond; Ann Powers)

7.a.a "....we oppose the subdivision on the grounds that this community already suffers from significant flooding and infrastructure issues with the current population. The additional building of two very large homes directly adjacent to an area that mitigates area flooding would only aggravate an already tenuous situation. This community comprised of Taylors, Barrymore, Colonial Court and part of Shadow Lane suffers flooding and power loss even when other communities in the Village do not.

Sven Hoeger, Environmental Consultant to the HCZMC: letter dated September 15, 2012

8.b. Policy #11. "Flooding of the basement of the proposed building on lot #1 could occur if flood levels exceed the 100-year floodplain by a mere 1.5 feet. Technically the applicant is compliant with LWRP Policy #11, however, I, as your environmental consultant, recommend that the Village of Mamaroneck Harbor and Coastal Zone Commission clearly advise applicants Mr. and Mrs. Alter of the potential for flooding, should the prevailing sea level rise prediction come to pass."

Response IV-F-2.6

Chapter 186 of the Village Code, Flood Damage Prevention; Erosion and Sediment Control, specifies the construction standards for residential structures:

§ 186-5. Construction standards.

C. Elevation of residential structures (except coastal high hazard areas). The following standards, in addition to the standards in §§ 186-5A(2) and (3) and 186-5B, apply to structures located in areas of special flood hazard as indicated.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood level.**

The Federal Emergency Management Agency has established a Base Flood Elevation for the adjacent Zone AE associated with Otter Creek at elevation 13 feet. The houses on the property will not be located in Zone AE; rather, they would be located in Zone X (i.e. not subject to flood) adjacent to the Zone AE. Even though construction will occur in Zone X and outside of Zone AE, the proposed homes on Lots 1 and 3 are shown to comply with the

more stringent requirement associated with Zone AE. According to the Village of Mamaroneck Code Section 186-5.C.(1), new construction and substantial improvements within Zone AE shall have the lowest floor (including basement) elevated to or above two feet above the base flood level. On Lot 1, the proposed house is shown with a first floor elevation of 25 feet, and the basement is to be set with a floor elevation of at least 15 feet, or 2 feet above the BFE. On Lot 3, the proposed house is shown with a first floor elevation of 27.5 feet, and the basement is to be set with a floor elevation of at 17.5 feet, or 4.5 feet above the BFE.

The addition of two houses along Taylors Lane is a de minimus addition to the already-existing infrastructure of the area.

Comment IV-F-2.7

Rebecca Crist, Environmental Analyst, NYSDEC, letter dated May 14, 2013

“Future storm surge vulnerability

This property is vulnerable to storm surge and rising sea levels. Global sea levels continue to rise steadily due to the melting of the polar glaciers and ocean expansion due to warming. By 2100, experts project sea level to rise in New York City and Long Island by as many as six feet (55-72 inches) under certain scenarios¹. These rates are for the rapid ice melt scenario that is now considered by experts to be the most likely to occur, due to continued high emissions of greenhouse gases.

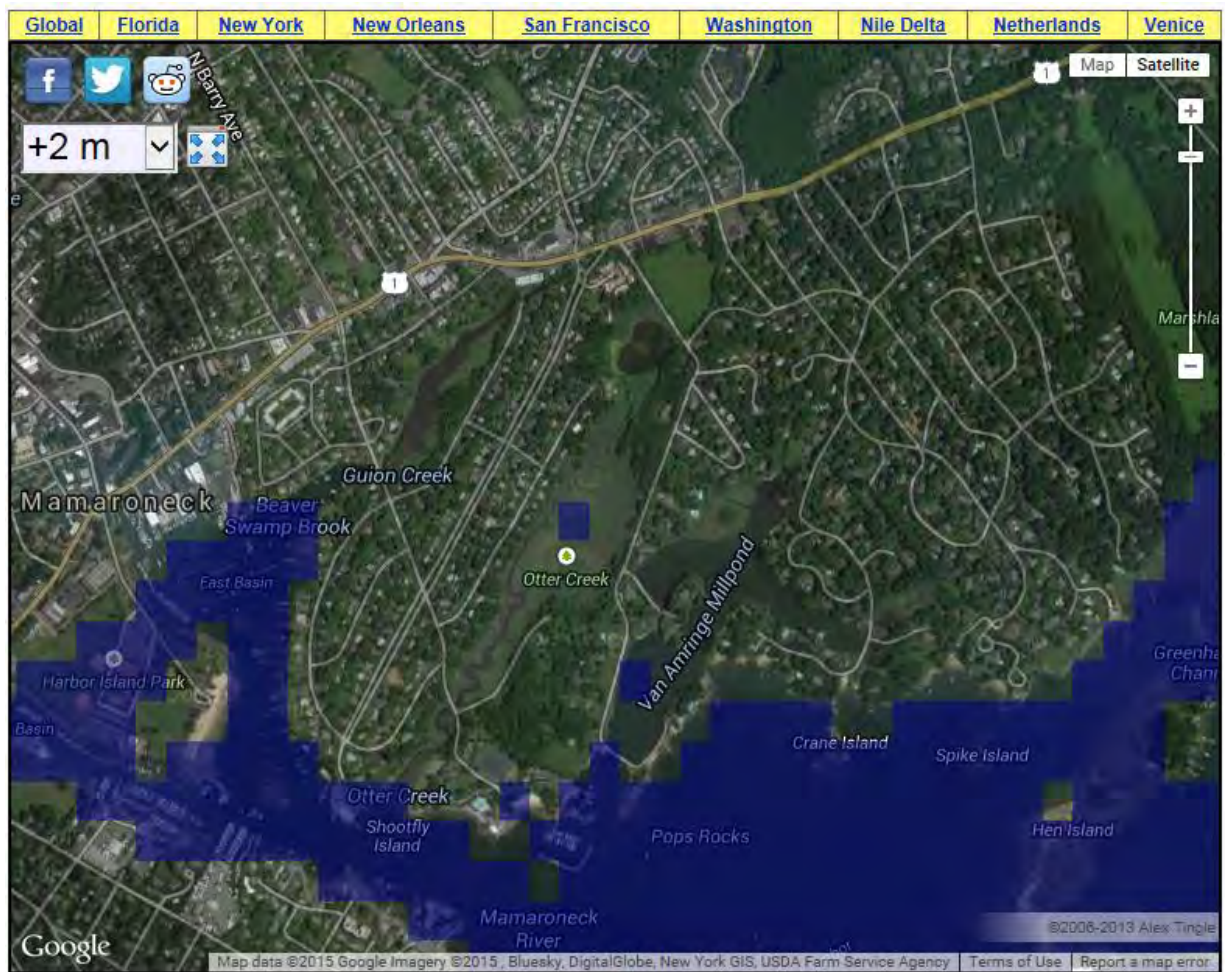
Under the site plans provided in the DEIS, with structures built at 12 to 18-foot elevations, future structures at this site could be inundated by storm surges in combination with future elevated high tides (such as the recent 11-foot surge).

DEC recommends that the Final EIS address the likely impacts of projected sea level rise on both the current and proposed structures and on the wetland adjacent areas. The Village may wish to require a larger set-back to insure adequate buffer for the freshwater and tidal wetlands and the Otter Creek Critical Environmental Area (CEA).

Response IV-F-2.7

Predictions on sea-level rise (due to climate change) have produced projections of sea-level rise by 2100 ranging from 2 to 4 feet, with some estimates (as noted in letter above) reaching a high of 6 feet or 2 meters. However, the location of the subject property is such that models do not predict these impacts to affect the west side of Taylor’s lane. The figure below shows the areas that are predicted to be impacted by a 2-meter rise in sea level:

¹ Source: New York State 2100 Commission



The map above shows areas of New York and New Jersey that would be flooded at various stages of sea level rise. You can select a value of sea level rise using the dropdown box in the upper left corner of the map. The navigation buttons can be used to zoom in/out and pan across the map.

The map clearly shows that a sea level rise of only a few meters would inundate thousands of acres of highly developed land on Long Island, Manhattan and the New Jersey coastline. In New Jersey large areas around Newark Bay and Arthur Kill will be flooded. And some of the greatest land loss to New York will be the Atlantic coast of Long Island. There the sea will flood deep into the flatly sloping coast of Long Island. Airports, ports, railroads, housing developments, highways, factories and industry would suffer billions of dollars in losses. New York and New Jersey have a lot at risk to sea level rise associated with global climate.

Recommended



Rock Type Photo Gallery



Types of Volcanic Eruptions



Mount Rainier Volcanic Hazards



East Africa Rift

Source: <http://geology.com/sea-level-rise/new-york.shtml>

The Federal Emergency Management Agency has established a Base Flood Elevation for the adjacent Zone AE associated with Otter Creek at elevation 13 feet. The houses on the property will not be located in Zone AE; rather, they would be located in Zone X (i.e. not subject to flood) adjacent to the Zone AE. Even though construction will occur in Zone X and outside of Zone AE, the proposed homes on Lots 1 and 3 are shown to comply with the more stringent requirement associated with Zone AE. According to the Village of

Mamaroneck Code Section 186-5.C.(1), new construction and substantial improvements within Zone AE shall have the lowest floor (including basement) elevated to or above two feet above the base flood level. On Lot 1, the proposed house is shown with a first floor elevation of 25 feet, and the basement is to be set with a floor elevation of at least 15 feet, or 2 feet above the BFE. On Lot 3, the proposed house is shown with a first floor elevation of 27.5 feet, and the basement is to be set with a floor elevation of at 17.5 feet, or 4.5 feet above the BFE.

3. Proposed Mitigation (Surface Water Resources and Stormwater Management)

Comment IV-F-3.1

Daniel S. Natchez & Associates: letter dated September 12, 2012: Suggested Special Conditions

“SSC-9.) That sufficient stormwater management systems be designed and approved by the appropriate Village Boards/Commissions, the Village Engineer or Consulting Engineer and the Village Building Inspector to assure that adequate erosion and stormwater controls are provided to prohibit any degradation of both the Freshwater and Tidal Wetlands, including assuring that the freshwater wetland water supply volume coming from the properties is not reduced from pre development volume.”

“SSC-10.) That all catch basins or drain inlets receiving stormwater runoff from driveways, motorcourts or similar areas intended for use by vehicles shall be provided with hydrocarbon filter inserts or similar measures for reducing potential pollutants in stormwater and that all such stormwater be directed to drain into the stormwater detention/filtration system (such as a rain garden or similar system as approved by Planning Board and Village Engineer) located on site.”

“SSC-11.) That the owners of the respective lots 1, 2 and 3 shall submit annual letters to the Building Department demonstrating that the storm water system has been properly maintained. If the Building Department finds that the stormwater system has not been properly maintained, the landowner shall be held responsible for remedying said condition as well as all adverse effects to any and all affected wetland and wetland buffer areas within a reasonable timeframe as determined by the Planning Board.”

“SSC-12.) That no land disturbing activities beyond routine yard and garden maintenance shall be carried out without prior review and approval by the appropriate Village Boards/Commissions, the Village Engineer or Consulting Engineer and the Village Building Inspector to assure that adequate erosion and stormwater controls are provided.”

“SSC-13.) That As-Built Topographic Surveys shall be required to be submitted to the appropriate Village Boards/Commissions and Building Department as part of the approval for any new construction or work that disturbs the land on Lots 1, 2

or 3 demonstrating compliance with the above development requirements, and with said surveys including as-built invert elevations relating to all required stormwater management features.”

Response IV-F-3.1

These “suggested special conditions” are common practice for municipalities regulating stormwater management practices, and could be incorporated as part of the Building Permit process. Under the SPDES General Permit for Stormwater Discharges from Construction Activity (NYSDEC Permit No. GP-0-10-001), the New York State Department of Environmental Conservation requires that: “[F]or construction activities that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the owner or operator must, prior to submitting the Notice of Termination (“NOT”), ensure that for post-construction stormwater management practices that are privately owned, the owner or operator has modified their deed of record to include a deed covenant that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.” (Part 2a specifies the conditions under which a Notice of Termination may be filed. These are: “All construction activity identified in the SWPPP has been completed; and all areas of disturbance have achieved final stabilization; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational.”)

Thus, the State of New York requires specific actions for private properties in order to close out the SPDES General Permit. Specifically, these are: (1) that there be a stormwater operation and maintenance plan that spells out the practices that are required in order to maintain the stormwater management practices, and (2) that the deed of record for the private property be modified to include a deed covenant that requires operation and maintenance of the stormwater management practices.

In order to ensure that the future owners of the private property will operate and maintain the stormwater management measures on their property, the homeowner will receive a stormwater operation and maintenance manual describing the specific tasks which need to be taken to maintain the facilities. The manual will also be filed with the Village Building Department in accordance with the standard provisions of the Village’s Construction, Inspection and Maintenance Declaration. The manual will note what maintenance activities need to be taken, the frequency of the activities, and the season at which taking the maintenance activities is optimal.

V. ALTERNATIVES TO THE PROPOSED PROJECT

Summary of Alternatives Considered in the FEIS

As a result of comments from the public, Planning Board and its staff and consultants, as well as further study by the Applicant, Alternative V.C.I from the DEIS has become the Applicant's Proposed Action, as shown at Exhibit 1 ("FEIS Proposed Action"). The FEIS Proposed Action is the subdivision of their property into three conforming residential lots, including one lot on which their current residence and yard will remain. The FEIS Proposed Action includes a conservation easement area of 141,277 square feet and restricted building envelopes defined by the zoning setbacks for the front and side yards, and by a setback of 30 feet from the 100' freshwater wetland buffer line in the rear. The FEIS Proposed Action further proposes to limit floor area ratios of the future single family dwellings on the two new lots by a calculation of the land area outside of the wetland buffer, rather than the total lot area. No development is proposed at this time for the two new lots created by the subdivision, nor is any additional development proposed on the Applicants' existing property. At the request of the Planning Board, Exhibit 1.a was developed to illustrate the *potential future development* associated with the FEIS Proposed Action.

The Applicants have addressed the alternatives suggested through comments on the DEIS, as presented in this document, to examine potential development activities, or what *could possibly occur* on the property *in the future*. The complete list of alternatives presented for discussion in the FEIS, as agreed upon by the Planning Board, include:

Exhibit 1 Proposed Action – (showing Building Envelopes & Conservation Easement)

This plan represents the Proposed Action (subdivision only), and residential development of the two new lots, but includes a significant Conservation Easement Area which would be placed over portions of all three residential lots to avoid disturbance in the wetland buffers. This plan also includes a proposed building envelope that is restricted to 30 feet from the wetland buffer boundary in the rear and by the front and side yard setbacks of the R-15 District. Lastly, this plan restricts the lot area used in calculating FAR to that portion of the lot outside of the wetland buffer.

Exhibit 1a Proposed Action (showing Buildings, Driveways & Conservation Easement)

This alternative shows the Proposed Action (subdivision only) with residential development of the two new lots, including building footprints, driveways and stormwater management facilities. This plan also includes a significant Conservation Easement Area which would be placed over portions of all three residential lots to avoid disturbance in the wetland buffers. This plan also includes a proposed building envelope that is restricted to 30 feet from the wetland buffer boundary in the rear and by the front and side yard setbacks of the R-15 District. Lastly, this plan restricts the lot area used in calculating FAR to that portion of the lot outside of the wetland buffer

Exhibit 2 No Action/Existing Condition

This plan shows the existing conditions on the property.

Exhibit 2a No Action/Potential Development without Planning Board Review

The No Action alternative does not contemplate subdivision of property, but is shown with the addition of amenities (pool, tennis court, shed, stormwater management facilities) which could be developed on the property under the current zoning without approval from the Planning Board.

Exhibit 3 Two Lot Subdivision

This alternative illustrates the subdivision of the property into 2 residential lots: the northeastern lot containing the existing residential development with additional amenities, and the new lot (to the southwest) as a new residential development.

Exhibit 4 Four Lot Subdivision

This alternative is similar to Exhibit 1 and 1a, except that the property would be subdivided into four lots: one lot containing the existing residential development, two new lots (one to the northeast and one to the southwest of the existing residence) to be residentially developed, and the fourth, largest lot to remain undeveloped. The large lot would be in approximately the same location as the Conservation Easement Area (in Exhibit 1 and 1a), closest to the wetlands. The large lot would be designated as a non-building lot.

Exhibit 5 Three Lot Subdivision (One Conservation Lot)

This alternative was suggested by a member of the Planning Board, and contemplated subdivision of the property into three lots: one lot containing the existing residential development, one lot (to the southwest of the existing residence) to be residentially developed, and the third, largest lot to remain undeveloped as a Conservation Lot. The Conservation Lot would eliminate the northeast residential lot.

For reference, the alternatives considered in the DEIS were as follows:

- V.A.1 No Action (similar to the FEIS alternative Exhibit 2.a No Action)
- V.B.1 Two Lot Subdivision (similar to FEIS alternative Exhibit 3 Two Lot Subdivision, but with second lot to the northeast instead of the southwest)
- V.B.2 Two Lot Subdivision (similar to FEIS alternative Exhibit 3 Two Lot Subdivision)
- V.C.1 Limits to Area of Disturbance (similar to the FEIS alternative Exhibit 1 Limits to Area of Disturbance – Proposed Action with Conservation Easement)
- V.C.2 Limits to Area of Disturbance (similar to the FEIS alternative Exhibit 4 Four Lot Plan with Conservation Easement)
- V.D.1 Maximum Build-Out of Three Lot Subdivision (this plan was eliminated from the FEIS alternatives)

During its review of the Draft Environmental Impact Statement (DEIS), the Village of Mamaroneck Planning Board asked the Applicants to evaluate several alternatives to the Proposed Action. At that time, the Proposed Action consisted of a simple three-lot subdivision

with no conservation easement or restricted building envelopes (“DEIS Proposed Action”). Public comment received during review of the DEIS also identified alternatives for consideration.

To be clear, the alternatives to the FEIS Proposed Action are *not* what the Applicants are proposing, but are being presented to allow comparison among the various development scenarios. The Applicant maintains that several of these alternatives, although specifically identified and requested during the SEQRA review, are inconsistent with the “objectives and capabilities of the project sponsor” for the reasons set forth in the Executive Summary of this document. (SEQRA, 6 NYCRR 617.9(b)(5)(v)).

According to the Applicant, the preferred proposal is the FEIS Proposed Action which includes a reduction in FAR of over 70% over the DEIS Proposed Action, an avoidance of physical disturbance to the wetland buffer through the permanent preservation of over 60% of the Property, use of native plants and shrubs for landscaping purposes, restrictions on the use of inorganic fertilizers, herbicides and pesticides, minimization of land disturbance through the use of retaining walls, as well as relocation of the proposed building envelopes as far from the wetland buffer as practicable. In this regard, the Applicant maintains that the FEIS Proposed Action mitigates all relevant environmental impacts to the maximum extent practicable. The Applicant further maintains that Exhibit 3 Two Lot Subdivision with New Lot to the Southwest, and Exhibit 5 Three Lot Subdivision with One Conservation Lot are not consistent with their objectives. In the first of these alternatives, only two residential lots would be created, and in alternative Exhibit 5 Three Lot Subdivision with One Conservation Lot, a third parcel would be created but not developed.

Notably, when comparing the FEIS Proposed Action (FEIS Exhibit 1 and 1a) with the No Action alternative (FEIS Exhibits 2 and 2a) and the Two Lot Subdivision alternative (FEIS Exhibit 3), the areas of disturbance are relatively similar due to the accessory structures and amenities that would be permitted without review by the Planning Board. (See Table V.A.2)

The following text relates to comments received during the Public Hearing on the DEIS (development alternatives discussed during the Public Hearing may no longer be in consideration for the FEIS):

A. Alternative A – No Action

Comment V-A-1.1

Daniel S. Natchez & Associates: letter dated September 7, 2012

““A. Alternative A- No Action” (pg. 40) [pdf pg. 56]”

SI-69. “This is not a true ‘no action’ alternative. It is appreciated that the applicant is trying to show that they could create as much disturbance to the site through the construction of amenities as would be created by the theoretical development shown on the proposed subdivision plans. While this may be true to some extent, it does not really represent an apples to apples comparison in several respects, including but not limited to:

“There would be stormwater options potentially available for the swimming pool and tennis court that are not available for house construction;”

“The provision of such amenities outside of the wetlands buffer reduces the pressure to provide such amenities within the buffer;”

“The pool and tennis court would have far less visual impact than the potential houses; the pool and tennis court would likely be used far less often than two new houses;”

“The amenities do not come along with increased disturbance to wildlife caused by increased numbers of people and their associated cats and dogs.”

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.f. The applicant has provided a No Action alternative that indicates the potential amenities that could be constructed on the property under the allowable FAR and coverage requirements. These amenities should also be shown, as allowable, for each of the other alternatives presented, to indicate their maximum potential build-out.

Response V-A-1.1

Amenities, such as swimming pools and garden sheds are depicted on each of the other alternatives. There is insufficient space to construct a tennis court on any of the new lots which are depicted in the alternatives.

B. Alternative B – Two Lot Subdivision

Comment V-B-1.1

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.g. Alternative B (Two-Lot Subdivision) should discuss the potential for further subdivision.

Response V-B-1.1

Alternative B (Two Lot Subdivision) – under these two alternatives (DEIS Alternative V.B.1 and V.B.2, similar to FEIS Exhibit 3), it is possible to re-subdivide the large lot to create the third lot much in accordance with the FEIS Proposed Action.

C. Alternative C - Limits to Area of Disturbance of Three Lot Subdivision

Comment V-C-1.1

Sven Hoeger, Environmental Consultant to the HCZMC: letter dated September 15, 2012

8.a. “...two equally interesting scenarios with regard to Otter Creek and Magid Pond, both of which could “protect, preserve, and maintain their viability as habitats”. One...Conservation Easement over much of the undeveloped portions of the new subdivision lots or transfer property rights to the Nature Conservancy. The other...create a 4-lot subdivision, where the fourth lot would be configured similar to the conservation easement. The applicant does not mention what would

happen to this lot, but it is safe to assume that it would never be built on and would therefore act as a permanent buffer protection the wetlands.”

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.j. The discussion of Alternative C on p. 42 does not make a clear comparison between the allowable FAR, building coverage and setbacks for the three lots with a conservation easement vs. the three lots plus a fourth conservation lot. It would seem that creation of a fourth lot would make these requirements more stringent than would a conservation easement, but Table V.A-2 indicates that Alternative C.2 (creation of an open space lot) would allow for greater building coverage and FAR. The applicant should clarify this.

Response V-C-1.1

Table V.A.2 has been revised and is included below as two parts (Part 1 follows Response V- E-1 and 2 and Part 2 follows Response V-E-3). As can be seen in Part 2 of the table, creation of a fourth lot would reduce the FAR by 12% for Lot 1 and increase the building coverage from 2.98% to 9.77%, while the FAR for Lot 3 would be reduced by 48% and the building coverage would increase from 5.37% to 10.05%. Therefore, under this alternative, the FAR would be decreased and the building coverage would be increased.

Comment V-C-1.2

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.k. *The Planning Board has requested analysis of a fifth alternative: a three-lot subdivision, consisting of one new buildable lot, one conservation lot and a lot containing the existing house. This alternative is a slight variation on Alternative C-2 (see attached sketch). This new alternative should be compared to the proposed action as with all the other alternatives (see discussion below).*

Response V-C-1.2

See FEIS Exhibit 5 Three Lot Subdivision with One Conservation Lot – This new alternative depicts two new residential lots in addition to one conservation lot which extends over much of the wetland and wetland buffer area. In the Applicant’s opinion, this Alternative does not afford any greater protection to the wetlands than the proposed action and is not feasible based on the objectives of the Applicant.

D. Alternative D – Maximum Build-Out of Three Lot Subdivision

No comments received.

E. Comparison of Alternatives to Proposed Action

Comment V-E-1

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.l. *Table V.A-2 compares the proposed action and the alternatives in terms of building coverage and floor area ratio, but not in terms of key environmental impacts of the proposed action vs. the alternatives. The table, and accompanying discussion, should be expanded to include the potential impacts for each topic*

area contained within the DEIS: land use, soils, topography and slopes, wetlands and watercourses, vegetation and wildlife, and surface water resources and stormwater management. Where quantitative comparison is possible (i.e. for impervious surface areas, vegetation removal) it should be provided; otherwise, a qualitative comparison is appropriate.

Comment V-E-2

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.m. In addition, each alternative should be compared to the proposed action (subdivision of the property) with potential development (see Figure II.C-2). Because alternatives B, C and D each assume additional residential development, comparing them to the proposed action without additional development is not an accurate comparison.

Response V-E-1 and 2

Table V.A-2 has been updated; Part 1 (next page) compares the environmental impacts between the proposed action and all other alternatives (including No Action).

Table V.A.2 (part 1) Comparison of Proposed Action and Alternatives (updated for FEIS Comment V-E-1 & 2)

Action or Alternative	Land Use		Soils	Topography and Slopes	Wetlands and Watercourses	Vegetation and Wildlife Habitat	Surface Water Resources and Stormwater Management	Area within Conservation Easements or Lots (sq. ft.)
	Development coverage (bldgs., walls, patios, decks, sheds) (sq. ft.)	Disturbed or cleared area (sq. ft.)	Area to be graded (sq. ft.)	Slopes >15% to be cleared or graded (sq. ft.)	Minimum distance from wetland to area of disturbance	Forested habitat to remain (acres)	Proposed Stormwater (SW) Management Practices	
Exhibit 1 Proposed Action – Building Envelopes and Conservation Easement	Lot 1: 0 Lot 2: 10385 Lot 3: 0 Total: 10385 Total: 4.6%	Lot 1: 0 Lot 2: 29303 Lot 3: 0 Total: 29303 Total: 13.0%	Lot 1: 0 Lot 3: 0	Lot 1: 0 Lot 3: 0	NA	5.128	None proposed	141,277
Exhibit 1a Proposed Action - Buildings and Drives	Lot 1: 6391 Lot 2: 10385 Lot 3: 5919 Total: 22695 Total: 10.1%	Lot 1: 24771 Lot 2: 29303 Lot 3: 17129 Total: 71203 Total: 31.6%	Lot 1: 26785 Lot 3: 15200	Lot 1: 4861 Lot 3: 13304	Lot 1: 144 feet Lot 3: 130 feet	3.294	Lot 1: SW management facility Lot 3: SW infiltration facility	141,277
Exhibit 2 No Action / Existing Condition	Lot 1: 0 Lot 2: 10385 Lot 3: 0 Total: 10385 Total: 4.6%	Lot 1: 0 Lot 2: 29303 Lot 3: 0 Total: 29303 Total: 13.0%	Lot 1: 0 Lot 3: 0	Lot 1: 0 Lot 3: 0	NA	5.128	None proposed	0
Exhibit 2.a No Action / Potential Development without Planning Board Review	Lot 2: 22732 Total: 22732 Total: 10.1%	Lot 2: 71529 Total: 71529 Total: 31.8%	Lot 2: 35503	Lot 2: 14,708	Lot 2: 100 feet	3.344	Lot 2: SW management facility & SW infiltration facility	0
Exhibit 3 Two Lot Subdivision	Lot 1: 6075 Lot 2: 15004 Lot 3: N/A Total: 21079 Total: 9.4%	Lot 1: 24771 Lot 2: 17129 Lot 3: N/A Total: 41900 Total: 18.6%	Lot 1: 23780 Lot 3: 11420	Lot 1: 5090 Lot 3: 7625	Lot 1: 114 feet Lot 3: 100 feet	3.489	Lot 1: SW management facility Lot 2: SW infiltration facility	0
Exhibit 4 Four Lot Subdivision	Lot 1: 5805 Lot 2: 10385 Lot 3: 3908 Lot 4: 0 Total: 20098 Total: 8.9%	Lot 1: 24771 Lot 2: 29303 Lot 3: 17129 Total: 71203 Total: 31.6%	Lot 1: 24531 Lot 3: 16913	Lot 1: 4861 Lot 3: 13304	Lot 1: 144 feet Lot 3: 130 feet	3.215	Lot 1: SW management facility Lot 3: SW infiltration facility	138,307

Table V.A.2 (part 1) Comparison of Proposed Action and Alternatives (updated for FEIS Comment V-E-1 & 2)

Action or Alternative	Land Use		Soils	Topography and Slopes	Wetlands and Watercourses	Vegetation and Wildlife Habitat	Surface Water Resources and Stormwater Management	Area within Conservation Easements or Lots (sq. ft.)
	Development coverage (bldgs., walls, patios, decks, sheds) (sq. ft.)	Disturbed or cleared area (sq. ft.)	Area to be graded (sq. ft.)	Slopes >15% to be cleared or graded (sq. ft.)	Minimum distance from wetland to area of disturbance	Forested habitat to remain (acres)	Proposed Stormwater (SW) Management Practices	
Exhibit 5 Three Lot Subdivision	Lot 1: 5809 Lot 2: 10385 Lot 3: 0 Total: 16194 Total: 7.2%	Lot 1: 24771 Lot 2: 29303 Lot 3: 0 Total: 54074 Total: 24.0%	Lot 1: 24531 Lot 3: 0	Lot 1: 4837 Lot 3: 0	Lot 1: 144feet	3.694	Lot 1: SW management facility	158,185

Table V.A.2 (part 2) Comparison of Proposed Action and Alternatives for Potential Development

Action or Alternative	Lot Area (sq. ft.)	Building Envelope Area (sq. ft.)	Area Outside of Wetland Buffer (sq. ft.)	Allowable Floor Area (sq.ft.) Existing FAR / Proposed FAR*
Exhibit 1: Proposed Action – Building Envelopes and Conservation Easement				
Lot #1	106,980	15,789	29,532	10,095 / 7,974
Lot #2	52,051	N/A	N/A	18,218 / 14,054
Lot #3	66,115	6,695	18,570	6,500 / 5,014
Exhibit 2: No Action / Existing Conditions				
Existing Lot	225,122	N/A	N/A	78,793 / 60,783
Exhibit 3: Two Lot Subdivision				
Lot #1	106,980	N/A	29,532	37,443 / 28,885
Lot #2	118,152	N/A	18,570 + existing area	41,353 / 31,901
Exhibit 4: Four Lot Subdivision				
Lot #1	28,842	15,789	28,842	10,095 / 7,787
Lot #2	36,716	N/A	N/A	12,851 / 9,913
Lot #3	18,570	6,695	18,570	6,500 / 5,014
Lot #4	141,277	N/A	0	0

Action or Alternative	Lot Area (sq. ft.)	Building Envelope Area (sq. ft.)	Area Outside of Wetland Buffer (sq. ft.)	Allowable Floor Area (sq.ft.) Existing FAR / Proposed FAR*
Exhibit 5: Three Lot Subdivision				
Lot #1	28,847	N/A	28,842	10,095 / 7,787
Lot #2	38,113	N/A	N/A	13,340 / 10,291
Lot #3	158,173	N/A	0	0

*Local Law W 2016, which would reduce the FAR in this zone from 0.35 to 0.27, is under consideration by the Village Board at this time.

Comment V-E-3

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.n. Table V.A-2 should show total building coverage for the entire site for each alternative.

Response V-E-3

Table V.A-2 has been updated; Part 2 (previous page) was created to show building envelopes and floor area ratios by lot for the Proposed Action and each alternative. The proposed floor area ratios under consideration by the Village Board in Local Law W-2016 are also included in the table.

VI. OTHER ENVIRONMENTAL EFFECTS

A. Adverse Impacts that Cannot be Avoided

Comment VI-A-1.1

Barbara Novick: undated letter, sent to Planning Board September 6, 2012

1.e. "In the DEIS section "Adverse Impacts That Cannot Be Avoided", there is no mention of the impacts to tree removal, wildlife displacement, or similar real impacts which gives us great concern about the level of the Applicant's sensitivity to these issues."

Daniel S. Natchez & Associates: letter dated September 7, 2012

2q. "The DEIS's concluding section, Adverse Impacts That Cannot Be Avoided, makes no mention of the impacts to tree removal, wildlife displacement and disturbance or similar very real impacts."

"Some of these impacts and mitigation are discussed within previous chapters of this document." (pg. 44) [pdf pg. 67] (Emphasis added)"

SI-70. "Issue: It would seem that all anticipated mitigation should be included. This implies that there is more that is not being disclosed."

Response VI-A-1.1

All project related impacts and the proposed mitigation measures designed to compensate for them have been identified and discussed within the body of the DEIS and FEIS text.

B. Irreversible and Irretrievable Commitment of Resources

No comments received.

C. Use and Conservation of Energy

No comments received.

D. Growth-Inducing Cumulative and Secondary Aspects

No comments received.

VII. APPENDICES FROM DEIS**A. SEQR Documentation**

No comments received.

B. Project Correspondence

No comments received.

C. Wetland Delineation Report

No comments received.

D. Stormwater Management Report and Pollutant Loading Calculations

No comments received.

E. Critical Environmental Areas and Former Taylors Lane Landfill Report**Comment AP-E-1**

Daniel S. Natchez & Associates: letter dated September 7, 2012

SI-77. "Issue: What is the point of including the Taylors Lane landfill Report along with the CEA documents? Is the applicant trying to discredit once again the validity of the CEA designation? The fact that there have been past environmental abuses at another adjacent site should not suggest that environmental abuses should be allowed on the subject site, further compounding what may be existing stresses on these critical wetland areas. Having raised the issue of the Taylors Lane landfill, has the Applicant considered the potential for cumulative or reverse impacts?"

Response AP-E-1

The Applicant was asked, in the Final Scope of the DEIS, to provide a "[d]escription of...surrounding land uses within 1/4 –mile of the project site." In addressing this requirement, the background of the area was researched and a report for the Taylors Lane landfill was readily available online. Including the report was simply a matter of reporting information.

F. Erosion Control/Construction Sequence for Lot Development**Comment AP-F-1**

BFJ Planning, Village Planning Consultants: memo dated October 11, 2012

14.o. The applicant discusses best management practices for sediment and erosion control (Appendix F) but should also discuss BMPs for traffic, noise and air quality impacts.

Response AP-F-1

No impacts to traffic patterns, noise, or air quality are anticipated for the proposed three lot subdivision.

G. Phase 1A Literature Review & Sensitivity Analysis & Phase 1B Archaeological Field Reconnaissance Survey

No comments received.

LEGEND:

BUILDING ENVELOPE

CONSERVATION EASEMENT

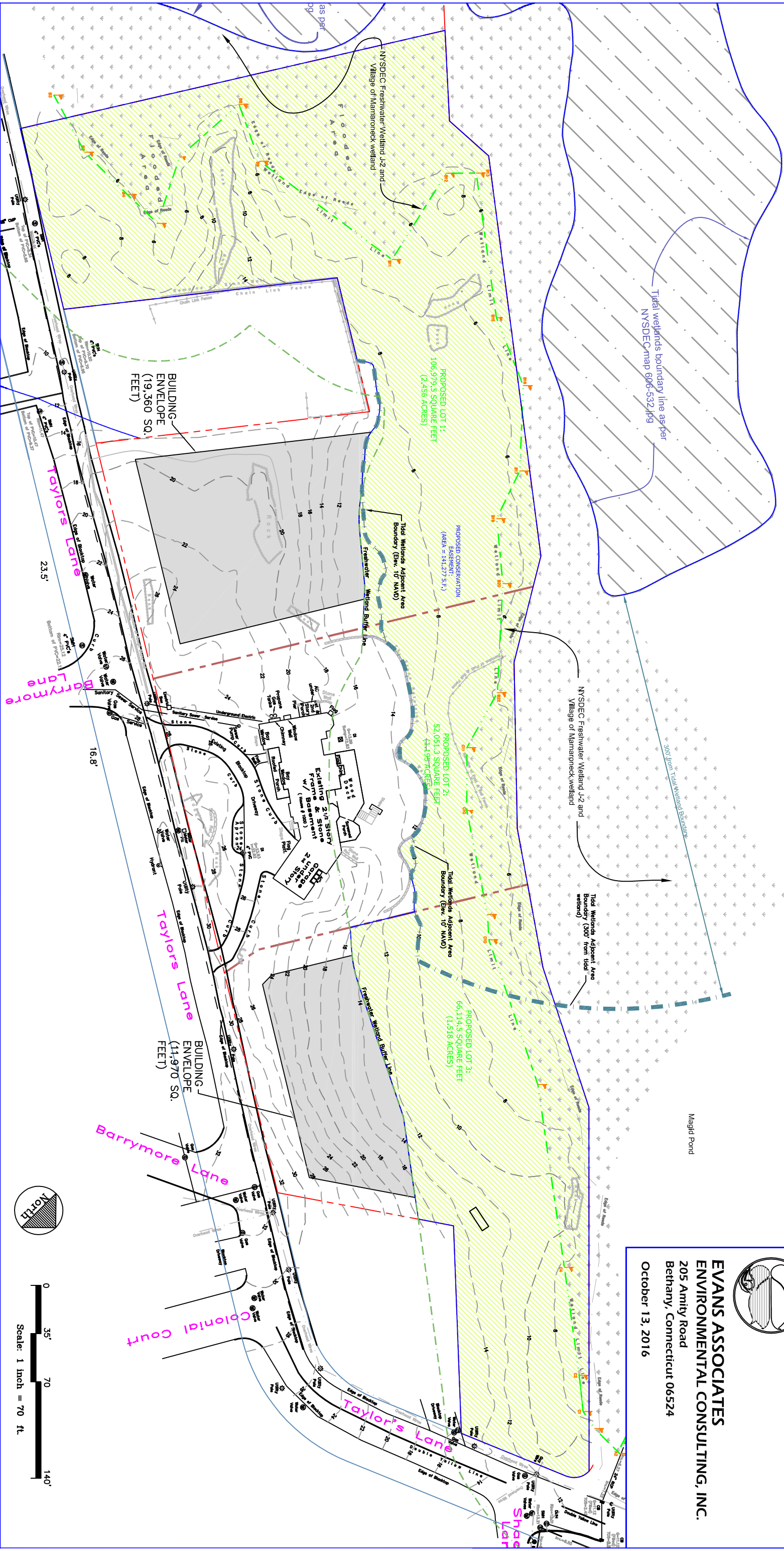
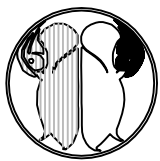


Exhibit 1
PROPOSED ACTION -
BUILDING ENVELOPES &
CONSERVATION EASEMENT
1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
October 13, 2016

LEGEND:



Conservation Easement

Tidal wetlands boundary line as per
NYSDEC map 606-532.jpg

NYSDEC Freshwater Wetland J-2 and
Village of Mamaroneck wetland

Tidal Wetlands Adjacent Area
Boundary (300' from tidal
wetlands)

Magd Pond

Exhibit 1a
PROPOSED ACTION
(showing Buildings, Driveways
and Conservation Easement)

1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
October 13, 2016

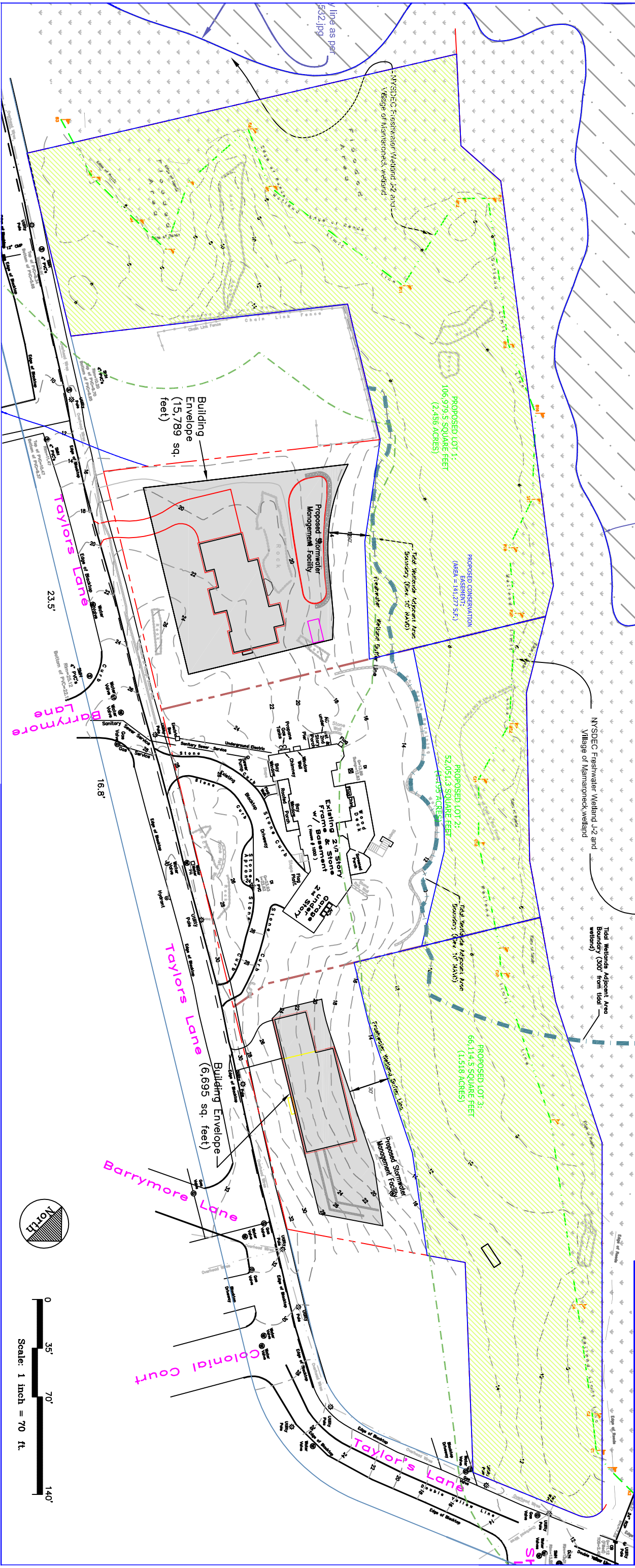


Exhibit 2
NO ACTION /
EXISTING CONDITION

1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
February 10, 2016

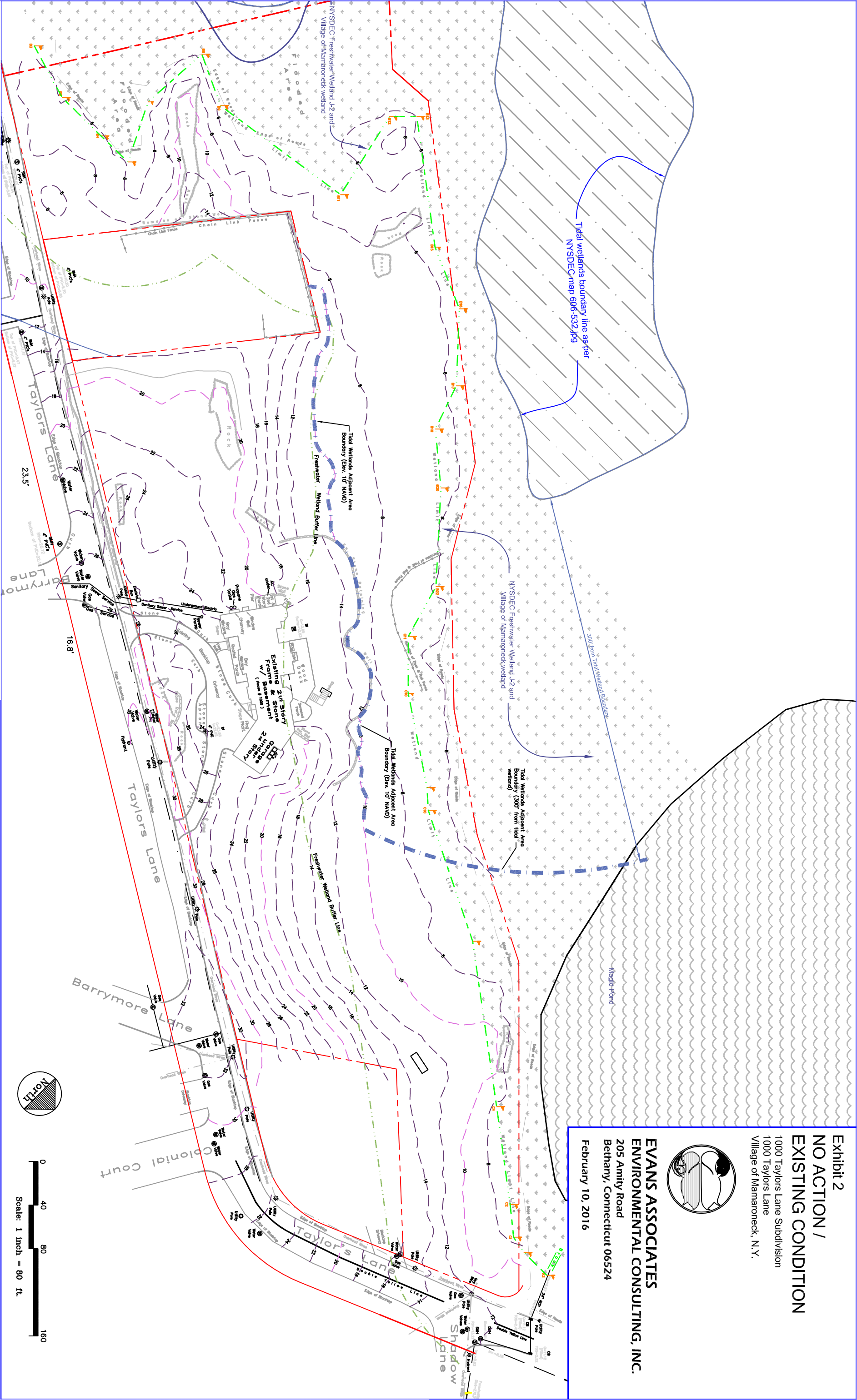


Exhibit 2a

NO ACTION / POTENTIAL
DEVELOPMENT WITHOUT
PLANNING BOARD REVIEW

1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
February 10, 2016

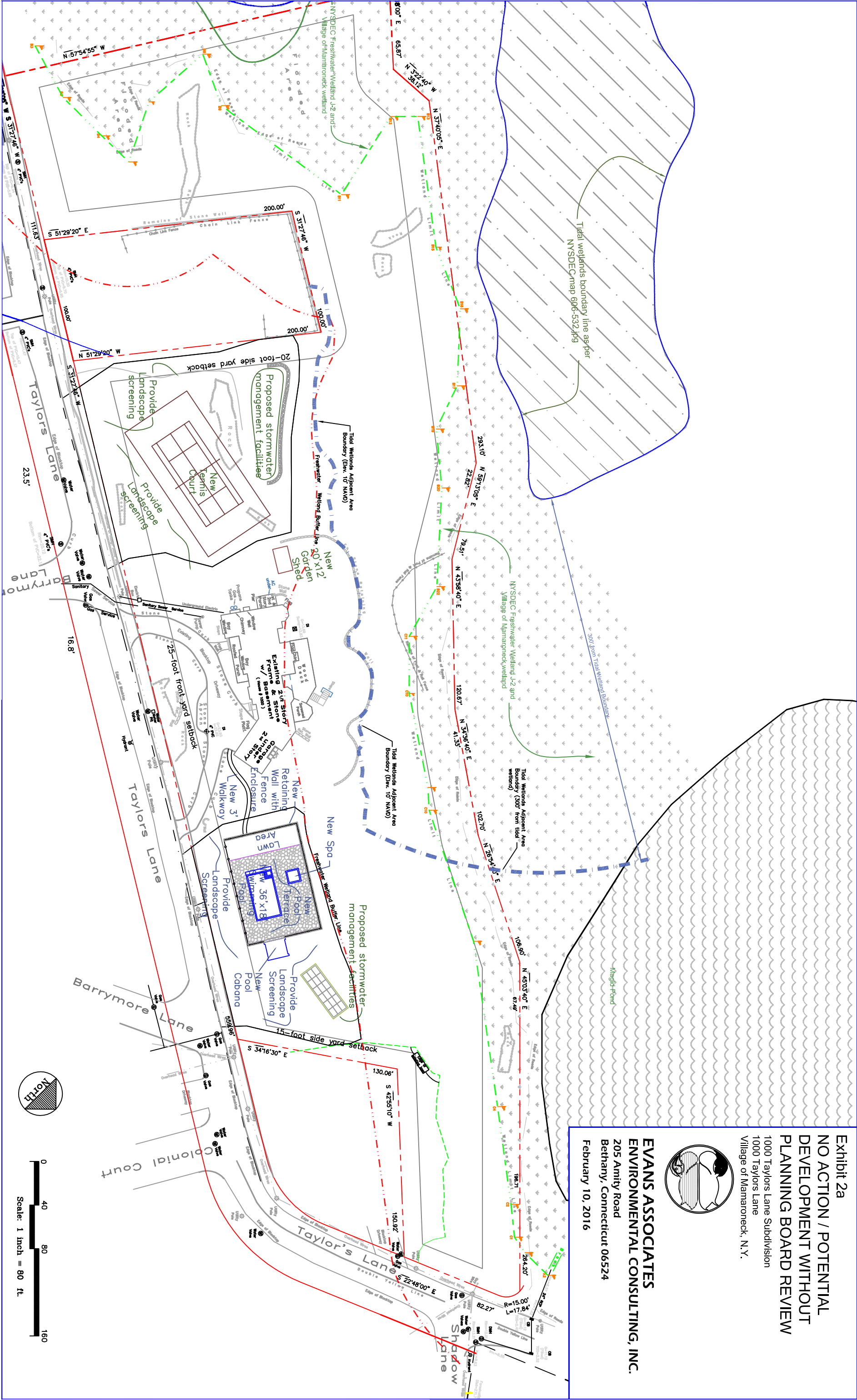
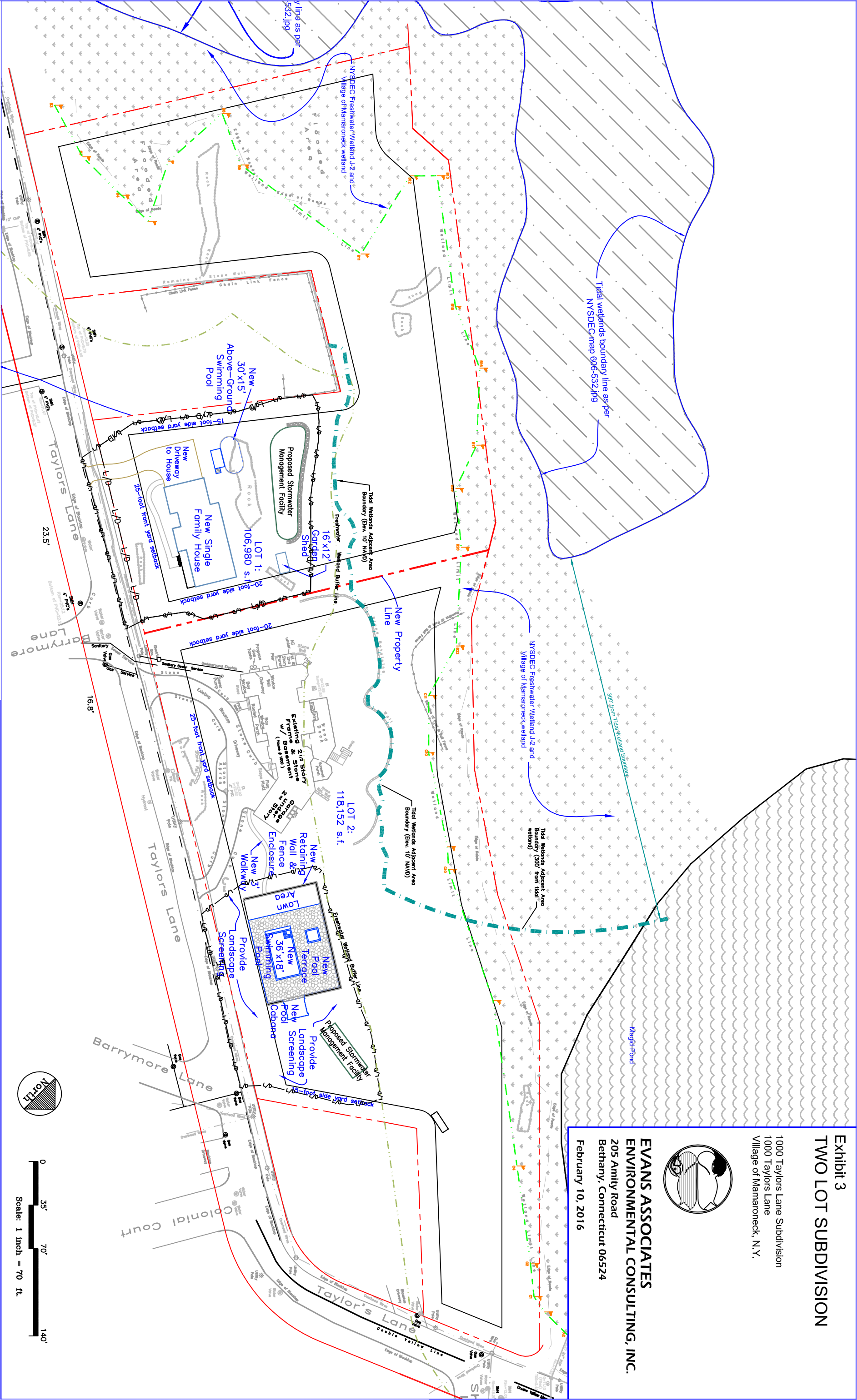


Exhibit 3
TWO LOT SUBDIVISION

1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



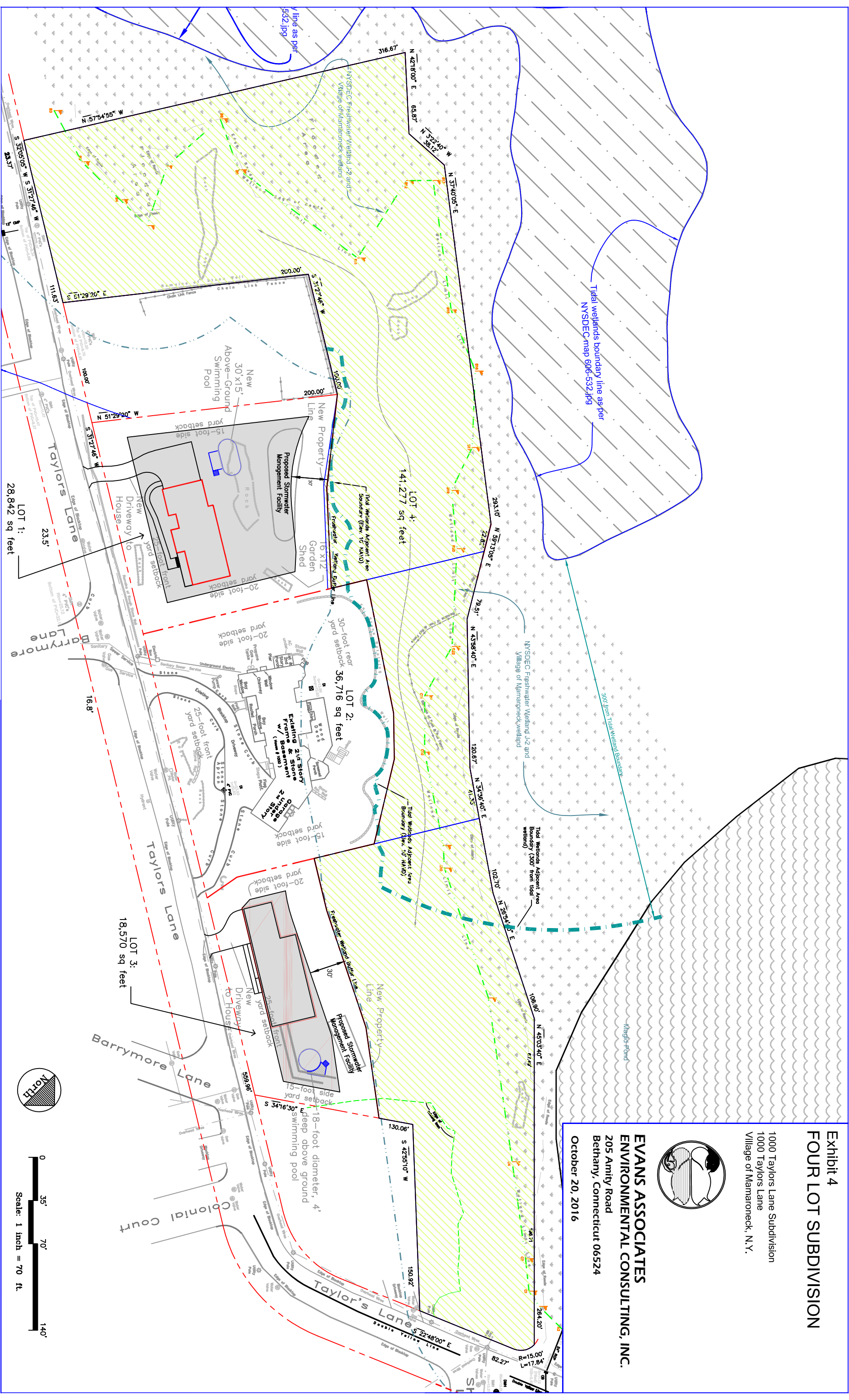
EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
February 10, 2016



1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



October 20, 2016



LEGEND:

Conservation Lot

Tidal wetlands boundary line as per
NYSDEC map 606-532.jpg

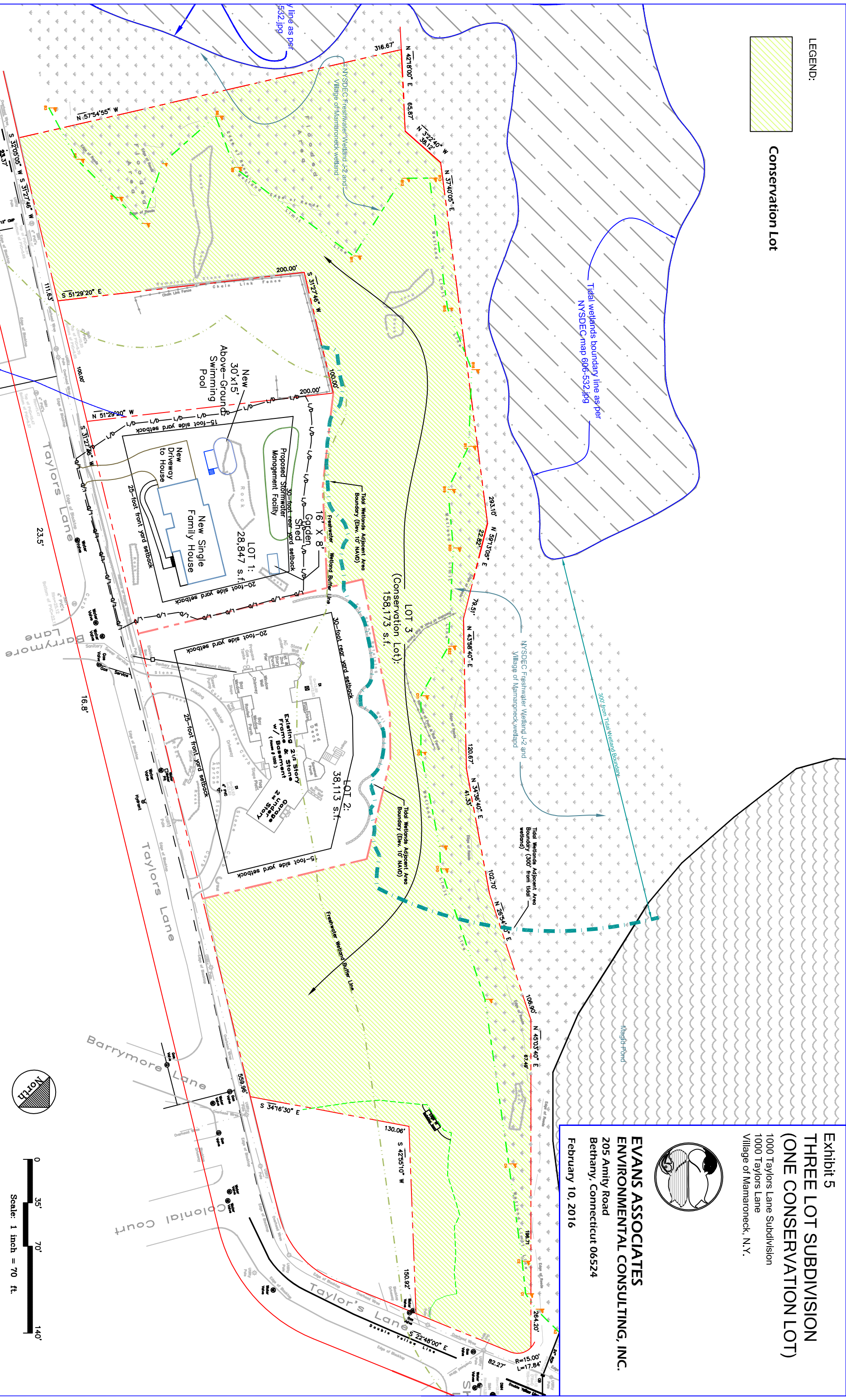


Exhibit 5
THREE LOT SUBDIVISION
(ONE CONSERVATION LOT)

1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
February 10, 2016

LEGEND:



Conservation Easement



Feet

Tidal wetlands boundary line as per
NYSDEC map 606-532.jpg

NYSDEC Freshwater Wetland J-2 and
Village of Mamaroneck wetland

Tidal Wetlands Adjacent Area
Boundary (300' from tidal
wetlands)

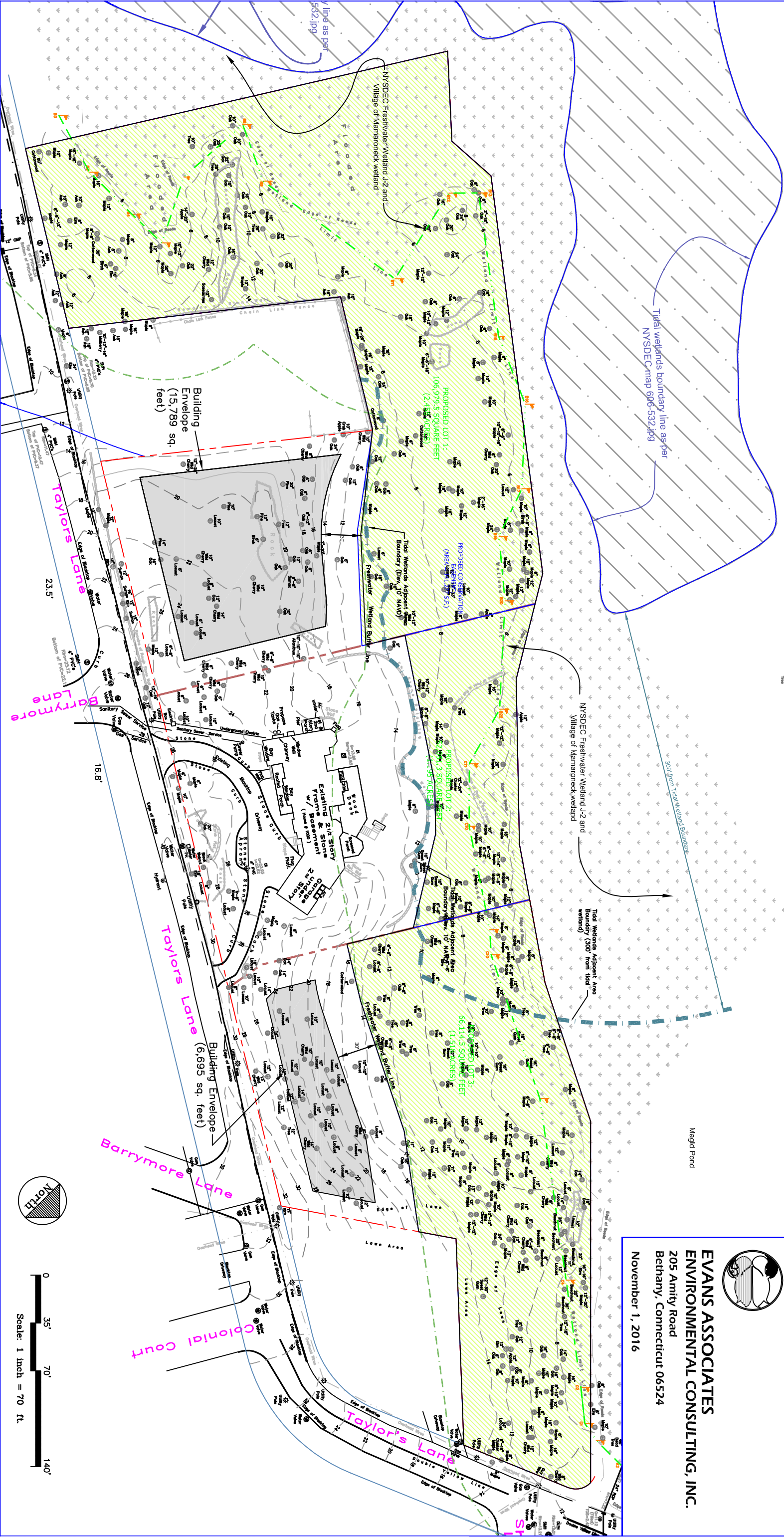
Magd Pond

Exhibit 6
PROPOSED ACTION
(overlay with 2009 tree survey)

1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
November 1, 2016



APPENDIX

Comment Letters / Memos Received by the Planning Board

***Comment Letters / Memos Received by the Harbor and Coastal Zone
Management Commission***

***Applicant's Transcript of Public Hearing held September 12, 2012
(not an official transcript)***

To: Beth Evans, Evans Associates Environmental Consulting

From: Frank Fish, FAICP, Principal, and Susan Favate, AICP, PP, Senior Associate, on behalf of the Village of Mamaroneck Planning Board

Subject: Comments on the 1000 Taylors Lane Subdivision DEIS

Date: October 11, 2012

This memo has been written to incorporate comments made directly by the Planning Board during the public hearing on September 12 and the work session on October 10, as well as BFJ Planning's review comments on behalf of the Board. We look forward to seeing these comments addressed in the Final Environmental Impact Statement (FEIS). Please contact us with any questions.

1. Land Use

- The applicant should discuss the potential for future additional subdivision of the property beyond the proposed three lots, including an estimate of the number of possible new lots.
- The applicant should provide an analysis of the existing setbacks along Taylors Lane.

2. Soils

- The applicant discusses anticipated fill generated by excavation of the two new lots, but not the need for fill to grade the lots for construction of two new houses. The proposed first-floor elevation of the house on Lot 3 is indicated as above the existing grade, but there is no discussion of the fill that would seem to be required for this to be possible.

3. Wetlands and Watercourses

- The applicant should include the need for an Article 25 Tidal Wetland Permit from the NYSDEC in its discussion of the NYSDEC's applicable regulation of wetlands on page 23 (this permit is correctly discussed among the required permits noted on page 25).
- The applicant should discuss the alleged nonconformities of the existing residence on the property, as relates to compliance with State and local wetland regulations.

4. Alternatives to the Project

- The applicant has provided a No Action alternative that indicates the potential amenities that could be constructed on the property under the allowable FAR and coverage requirements. These amenities should also be shown, as allowable, for each of the other alternatives presented, to indicate their maximum potential build-out.
- Alternative B (Two-Lot Subdivision) should discuss the potential for further subdivision.
- Alternative C (Limits to Area of Disturbance) should discuss the potential for building

Date: October 11, 2012
1000 Taylors Lane Subdivision
Review of DEIS

Page 2 of 2

envelope restrictions to control the size and location of the new houses.

- Alternative C should discuss how the proposed conservation easement or conservation could be managed. The applicant has indicated that this easement could be given over to the Nature Conservancy; have there been any discussions to gauge their interest?
- The discussion of Alternative C on p. 42 does not make a clear comparison between the allowable FAR, building coverage and setbacks for the three lots with a conservation easement vs. the three lots plus a fourth conservation lot. It would seem that creation of a fourth lot would make these requirements more stringent than would a conservation easement, but Table V.A-2 indicates that Alternative C-2 (creation of an open space lot) would allow for greater building coverage and FAR. The applicant should clarify this.
- The Planning Board has requested analysis of a fifth alternative: a three-lot subdivision, consisting of one new buildable lot, one conservation lot and a lot containing the existing house. This alternative is a slight variation on Alternative C-2 (see attached sketch). This new alternative should be compared to the proposed action as with all the other alternatives (see discussion below).
- Table V.A-2 compares the proposed action and the alternatives in terms of building coverage and floor area ratio, but not in terms of key environmental impacts of the proposed action vs. the alternatives. The table, and accompanying discussion, should be expanded to include the potential impacts for each topic area contained within the DEIS: land use, soils, topography and slopes, wetlands and watercourses, vegetation and wildlife, and surface water resources and stormwater management. Where quantitative comparison is possible (i.e. for impervious surface areas, vegetation removal) it should be provided; otherwise, a qualitative comparison is appropriate.
- In addition, each alternative should be compared to the proposed action (subdivision of the property) with potential development (see Figure II.C-2). Because alternatives B, C and D each assume additional residential development, comparing them to the proposed action without additional development is not an accurate comparison.
- Table V.A.-2 should show total building coverage for the entire site for each alternative.

5. Other Environmental Impacts

- The applicant discusses best management practices for sediment and erosion control (Appendix F) but should also discuss BMPs for traffic, noise and air quality impacts.
- The applicant should discuss potential additional mitigation measures to address long-term impacts such as tree removal and increased impervious surfaces.
- The applicant should quantify the potential for future subdivision of the property.

Cc: Village of Mamaroneck Planning Board
Lester Steinman, Planning Board Attorney
Hugh Greechan, Village Consulting Engineer

Exhibit V.C.1
LIMITS TO AREA OF
DISTURBANCE

1000 Taylors Lane Subdivision
1000 Taylors Lane
Village of Mamaroneck, N.Y.



EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
June 13, 2012

Conservation Easement



Maple Pond

Tidal wetlands boundary line per
NYSDEC map 005-533 Jf3

NYSDEC Freshwater Wetland List
Village of Mamaroneck

PROPOSED TOWNSHIPS
EASEMENT NO. 1
(78458-S1)

NYSDEC Freshwater Wetland List
Village of Mamaroneck

New Single
Family House

New Single
Family House

LOT 1
136,878 SQ. FEET

LOT 2
136,878 SQ. FEET

LOT 3
136,878 SQ. FEET

LOT 4
136,878 SQ. FEET

LOT 5
136,878 SQ. FEET

LOT 6
136,878 SQ. FEET

LOT 7
136,878 SQ. FEET

LOT 8
136,878 SQ. FEET

LOT 9
136,878 SQ. FEET

LOT 10
136,878 SQ. FEET

LOT 11
136,878 SQ. FEET

LOT 12
136,878 SQ. FEET

LOT 13
136,878 SQ. FEET

LOT 14
136,878 SQ. FEET

LOT 15
136,878 SQ. FEET

LOT 16
136,878 SQ. FEET

LOT 17
136,878 SQ. FEET

LOT 18
136,878 SQ. FEET

LOT 19
136,878 SQ. FEET

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136,878 SQ. FEET

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LOT 23
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LOT 24
136,878 SQ. FEET

LOT 25
136,878 SQ. FEET

LOT 26
136,878 SQ. FEET

LOT 27
136,878 SQ. FEET

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MEMORANDUM



TO: Mr. Michael Ianniello, Planning Board Chair, Village of Mamaroneck
CC: Members of the Planning Board, Village of Mamaroneck
Mr. Robert Galvin, Village Planning Consultant - Ms. Susan Favate, BFJ Planning
Mr. Robert Melillo, Assistant Building Inspector, Village of Mamaroneck
DATE: October 8, 2012
RE: 1000 Taylors Lane – Draft EIS Completeness Review

The purpose of this memorandum is to provide the Planning Board with a summary of our initial review of the Draft Environmental Impact Statement for the proposed subdivision located at 1000 Taylors Lane. This review was focused on the engineering design and the associated Village Code requirements in accordance with the following:

- Village of Mamaroneck Code, Chapter 294 Stormwater Management and Erosion and Sediment Control and other sections, as applicable.
- New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual, last revised August 2010.
- New York State Standards and Specifications for Urban Erosion and Sediment Control, dated August 2005.

DOCUMENTS REVIEWED

1. Draft Environmental Impact Statement (DEIS), by Elizabeth Evans, Evans Associates Environmental Consulting, Inc., Received February 28, 2012. Rev. 7/19/12

DISCUSSION

The Applicant has submitted a Draft Environmental Impact Statement (DEIS) for the proposed subdivision. We are in receipt of comments from the Village Planning Consultant Dated July 5, 2012. Based upon our review of the DEIS, in particular sections pertaining to stormwater management, we have no objection to the acceptance of the DEIS at this time. All stormwater practices on the "typical" building site plans in the DEIS appear to be designed in accordance with applicable State and Village Code Requirements. It is also indicated that all future development will occur outside of any State or local wetland buffers and 100 year flood plain. Applicant is required to prepare a Storm Water Pollution Prevention Plan (SWPPP) for the present lot configurations in the DEIS in accordance with section A348 of the Village Code. At the time of application for Building Permit the "actual" proposed plans will have to be submitted for the final design approval as part of the Village's MS4 Stormwater regulations.

If you have any questions regarding the above, please feel free to contact our office at (914) 448-2266.

DANIEL S. NATCHEZ and ASSOCIATES, Inc.

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TEL: (914) 698-5678
FAX: (914) 698-7321
E-Mail: dan.n@DSNAINC.com
Website: www.dsnainc.com

September 7, 2012

**Mike Ianniello ,Chairman
and Members of the Planning Board**
Village of Mamaroneck
Village Hall
123 Mamaroneck Avenue
Mamaroneck, NY 10543
Via email

RE: 1000 Taylors Lane – Proposed Subdivision – Alter

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Chairperson Ianniello and Members of the Board:

In our capacity as an Environmental Waterfront Design Consulting Company and on behalf of our clients, this letter is being filed with the Planning Board as Lead Agency to provide a summary of points of concern with respect to the content and plans contained within the DEIS (Revised 7/19, accepted 7/25/12 by Planning Board) for the above referenced Project, as well as to serve as a cover letter to the enclosed more detailed compilation to date of "Suggested Issues that Need to be Addressed for Modifying the DEIS to an FEIS - 2012-09-07."

It is also noted that the EAF Long Form – Part 2 sent out with the Village Public Notice does not seem to accurately reflect the Planning Board's or the public's concerns to date. It would seem that the EAF – Part 2 as issued in the Public Notice needs to be amended to better reflect the concerns expressed to date by both the Planning Board and public that led to the requirement that a DEIS be prepared for the project.

The following represents DSN&A's initial summary of points of concern, realizing that further review as well as discussion at the 9/12/12 Public Hearing may result in the need additional input.

- The DEIS's section on "Background and History" fails to mention that the original construction of the existing house and associated development, including considerable clearing, grading and wall construction within the 100 foot freshwater wetlands buffer and NYSDEC Tidal Wetlands adjacent area was done without obtaining the appropriate local or state permits for such work. It is requested that a full and proper background be completed by the Applicant to assist in reviewing the proposed subdivision.
- Discussion of impacts to the existing Critical Environmental Areas is extremely limited and fails to take into account the myriad species present and currently using the site, and the

importance of these relatively undeveloped brushlands and woods adjacent to the Nature Conservancy and Magid Pond resources.

- The quote from the revised LWRP that development within Mamaroneck since 1984 has likely affected the number of species present in the Village seems to have been included so as to suggest that these Critical Environmental Areas are somehow less important, when in fact it would seem that such a finding would warrant even greater protections.
- The Planning Board has previously rejected for inclusion in the scoping document for the DEIS the suggestion that the potential impacts to wildlife resources associated with the potential for increased domestic pet presence adjacent to and within these CEA's be considered when all scientific evidence suggests such threats and impacts are all too real. Consequently there is no such discussion within the DEIS, nor really any substantial discussion of how the development will impact the existing wildlife that uses the subject and adjacent properties.
 - Bird predation by outdoor cats is estimated at 1,000,000 deaths *per day* in the US. Outdoor cats also have significant impacts on numerous other small mammal, reptile and amphibian populations, and in reducing their populations can impact the higher order hunters that rely upon these food sources. The spring 2011 issue of Wildlife Society's journal "The Wildlife Professional," which can be found at <http://issuu.com/the-wildlife-professional/docs/feralcats> provides an excellent summary of these issues. While the link mentions "feral" cats the reference deals with all outdoor roaming domestic cats.
 - Dogs are also not off the hook. Research at the Colorado State University in 2006 on behalf of the City of Boulder, Colorado, demonstrated a clear link between wildlife populations and behaviors along hiking trails where dogs were allowed and trails where dogs were prohibited. As noted in the study mule deer activity was significantly lower in proximity to trails in areas that allow dogs, and this effect extended at least 100 meters (300 feet) off-trail. Small mammals, including squirrels, rabbits, chipmunks, and mice, also exhibited reduced levels of activity in proximity to trails in areas with dogs, and this effect extended at least 50 meters (150 feet) off-trail. Furthermore, the density of prairie dog burrows was lower within 25 m (75 feet) of trails in areas that allow dogs.
[http://www.friendsofboulderopenspace.org/documents/dogs_wildlife_communities.pdf]
 - While it is appreciated that the activity associated with one three-lot subdivision may be considered a proverbial drop in the bucket compared to all of the existing development in Mamaroneck and the behavior of pet owners and their pets associated with existing residences, the fact is that the proposed subdivision is located within and directly adjacent to what have been identified as among the most critical habitats in the Village and, thus, aside from direct habitat reduction, the increased likelihood for additional pet activity related to these houses is real and the impact not necessarily inconsequential.

- Simple protection of the wetlands buffer, if in fact it truly will be protected, does not necessarily mitigate impacts to wildlife.
- Preventing development within the formal buffer may be sufficient wetland protection along more typical wetland areas within the Village but it is respectfully submitted that it is not sufficient adjacent to these particular identified CEA's, and thus additional restrictions on development are warranted.
- The Applicant claims that the proposed addition of two large new houses "will preserve the visual conditions of the area." It is respectfully submitted that such a statement is a stretch at best, as there is no way that the addition of two large new houses will preserve the current visual conditions and the DEIS does not even offer any photographs of the site as viewed from the surrounding properties, including the Nature Conservancy property, Soundview Drive and the Parkway. The construction of the existing house on the property certainly had considerable impact to the previously existing visual conditions of the area.
- The Applicant still has not submitted site plans that include restricted building envelopes as originally requested in the Scope nor has the Applicant located the proposed houses on the potential development plans as close to Taylors lane as possible – as claimed within the DEIS. It is respectfully requested that the Applicant submit plans with a defined building envelope.
- Adequacy of Taylors Lane in its current condition adjacent to this area. Taylors Lane is particularly narrow in this area with many view obstructions to driveway entrances and a tight turn at the corner between Shadow Lane and Colonial Court. The addition of a driveway in this area, particularly in the vicinity of proposed Lot 3, will further aggravate already dangerous conditions. The DEIS does not consider the condition of Taylors Lane adjacent to the property or provide site distance analysis relative to the proposed driveway connections. Does the road meet current subdivision width requirements?
- Soils – the soils report contained within the DEIS suggests that there may be issues with a number of the soils present on site that will need to be addressed at the time of development but does not suggest just what those types of measures may be, making it difficult to ascertain full impact of development. A full explanation and outline of proposed construction measures would provide a clearer picture to work with in properly considering the environmental impacts of building a structure on these soils and adjacent to the wetland.
- Depth to bedrock on lot 1 is reported as generally less than 3' yet there is little discussion of how this will impact development and how the proposed/suggested rain garden will function. A more detailed cross section with calculations and a planting plan of the rain garden verifying its form and functionality would help in determining its validity on this site.
- "To the east of the wetland buffer line, there would be disturbance to most of the ground."
- "No disturbance is proposed on Lot 2" – because it was previously disturbed without obtaining all the needed approvals!

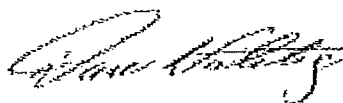
- Slopes – The Applicant continues to frame the discussion with respect to percentages of the development with slopes over 25% while seeming to ignore their own soils analysis wherein the identified CsD soil type, which typically includes slopes of 15% to 35%, is stated in the Applicant's own information as being too steep for dwellings..
- There is no substantive discussion of likely impacts to wildlife habitat resulting from the clearing of the portions of the lots to be developed beyond a basic discussion relating only to Osprey.
- There is no discussion as to whether the proposed reduction of runoff from Lot 3 as a result of stormwater management measures associated with development could negatively impact Magid Pond – which is of particular concern given the limited watershed that feeds the pond.
- The DEIS's concluding section, Adverse Impacts That Cannot Be Avoided, makes no mention of the impacts to tree removal, wildlife displacement and disturbance or similar very real impacts.
- The DEIS contains several alternatives within the alternative section of the DEIS, however, there is still not an alternative that includes a defined building envelope and potential development restrictions that could be incorporated as deed restrictions on the lots, nor is there any indication as whether any of the included alternatives would be acceptable to the Applicant.

DSN&A anticipates filing additional documentation and exhibits and welcomes the opportunity to further discuss the content of the DEIS at the Planning Board's 9/12/12 Public Hearing.

With warm regards ...

Sincerely,

DANIEL S. NATCHEZ and ASSOCIATES, Inc.



Daniel S. Natchez,
President

cc:

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Suggest Issues that Need to be Addressed for Modifying the DEIS to an FEIS - 2012-09-07

1. "The site plan for each of the lots demonstrates that construction of two new houses...can be built without directly impacting the Village and State-regulated freshwater wetland or its 100-foot buffer, or the tidal wetland." (pg. 1) [pdf pg. 6]
 - o Issue: Does this demonstration hold true if the site plan is changed? The Applicant still has not submitted site plans that include restricted building envelopes nor has the Applicant located the proposed houses on the potential development plans as close to Taylors Lane as possible – as claimed elsewhere within the DEIS. The DEIS contains several alternatives within the alternative section of the DEIS, however, there is still not an alternative that includes a defined building envelope and potential development restrictions that could be incorporated as deed restrictions on the lots, nor is there any indication as to whether any of the included alternatives would be acceptable to the Applicant. Lastly, the quoted statement itself would appear to be an admission that there will be indirect impacts to the Village and State regulated freshwater and tidal wetlands.
2. "...each of the three lots would have driveway access off of Taylors Lane." (pg. 1) [pdf pg. 6]
 - o Issue: Will the L-shaped lot (Lot 3) be allowed more than one access point? i.e. can they build a driveway in the direction of Barrymore Ln AND Shadow Ln or only in the direction of Barrymore Ln? Will this lot be allowed to access Taylors Lane from behind the existing neighbor's house?
 - o There is no site distance analysis provided for either of the proposed driveway locations.
 - o There is no discussion of the adequacy of Taylors Lane in this area to accommodate new development and two or more additional driveway connections. It is noted that the road condition in this area is poor and particularly narrow. Will improvements to the road be needed or will an already bad situation be allowed to be made worse?
3. "The property is zoned R-15 which requires a minimum lot size of 15,000 s.f." (pg. 2) [pdf pg. 7]
 - o Issue: Would these lots be allowed to be subdivided again? What is to prevent the new lot owners from subdividing and developing multiple homes? Again there are a number of alternatives discussed within the DEIS but there is no discussion to date as to whether the Applicant will consider modifying their current proposal in favor of any of the potential alternatives or what other means might be implemented to restrict future development, including re-subdivision, and alert potential buyers of the lots as to the environmental constraints associated with the lots.
4. "Fully detailed site plans have been prepared to demonstrate that development of the new lots can be accomplished with no disturbance to the tidal wetland, tidal wetland buffer, DEC Freshwater wetland J-2, nor the 100-foot DEC adjacent area." (pg. 2) [pdf pg. 7]

- Issue: *No direct disturbance does not necessarily mean no impact* – and the question of how direct disturbance is prevented in the future remains.
 - The site plans are far from fully detailed. There are numerous items missing from a fully detailed site plan, including proposed grading and there is no mapping of existing trees and trees that would need to be removed.
 - The zoning setbacks shown on the various proposed and alternative site plans are mostly inaccurate. The front and rear yard setbacks appear slightly off, at least as measurable on the provided plans, and the side yards seem to have applied 25 feet to *each* side vs. the zoning's requirement for 25 feet *combined*. This could be potentially misleading on several fronts, including the amount of buildable area proximate to Taylors Lane or the full extent/width of a building located further towards the rear of the lots (closer to wetlands buffer).
5. SUMMARY OF ALTERNATIVES (pg. 2) [pdf pg. 7].
- Issue: The included summary does not seem to reflect the current range of alternatives and there remains, both here and in the referenced section, no discussion as to whether the applicant is prepared to actually consider and accept any of the proposed alternatives.
6. "DEC SPDES General Permit for Stormwater Discharges from Construction Activities" (pg. 3) [pdf pg. 8]
- Issue: It is appreciated that this has been included and that its inclusion was suggested by the NYSDEC. However, it should also be noted that if each of these lots is developed individually in the future and the areas of disturbance kept below the state's threshold (which would currently be the case with the suggested potential development plans for each individual lot), then this DEC permit would not be required and this additional level of development oversight would not come into play.
7. "The property slopes from east to west, with the highest elevation (approximately 30') along Taylors Lane, and the lowest elevation (approximately 6') in the southwest corner of the property." (pg. 3) [pdf pg. 8]
- Issue: No datum is defined in this description.
8. Site plans for each of the lots were prepared and evaluated to demonstrate that construction of two new, 4-bedroom houses and amenities, along with driveway access from Taylors Lane, can be built without directly impacting the Village and State-regulated freshwater wetland or its 100-foot buffer, or the tidal wetland. (pg. 4) [pdf pg. 10] (Emphasis added)
- Issue: As noted above, the quoted statement itself would appear to be an admission that there will be indirect impacts to the Village and State regulated freshwater and tidal wetlands.
 - The site plans are far from fully detailed. There are numerous items missing from a fully detailed site plan, including proposed grading and there is no mapping of existing trees and trees that would need to be removed.

- The zoning setbacks shown on the various proposed and alternative site plans are mostly inaccurate. The front and rear yard setbacks appear slightly off, at least as measurable on the provided plans, and the side yards seem to have applied 25 feet to *each* side vs. the zoning's requirement for 25 feet *combined*. This could be potentially misleading on several fronts, including the amount of buildable area proximate to Taylors Lane or the full extent/width of a possible building located further towards the rear of the lots (closer to wetlands buffer).
- 9. "...existing single-family home will remain on a 52,051-square-foot lot, bounded on the northeast by a 106,980-square-foot lot and on the southwest by a 66,114-square-foot lot." (pg. 3) [pdf pg. 8]
 - Issue: These lot sizes differ from elsewhere in the document, and it is also noted that the directions are reversed in this description – the 106, 980 square foot lot, Lot 1, is to the southwest and the 66,114 square foot lot, Lot 3, is to the northeast of the existing single family home.
- 10. "Construction of the proposed two new houses and associated infrastructure would involve approximately 1.01 acres of site development and vegetation removal, in addition to the 0.67 acre of the site that is developed." (pg. 4) [pdf pg. 10]
 - Issue: This seems rather disproportionate. The existing lot has developed more than each of the new lots supposedly will. What prevents the new development from disturbing as much as the existing house disturbed? Are limitations to be put into place and properly monitored? While the alternatives section now includes the possibility of a conservation easement or a fourth lot to remain undeveloped, there is no discussion of whether any such restriction are acceptable to the Applicant and even the most restrictive alternatives do not include proposed building envelopes or potential language that could be incorporated as deed restrictions to limit the extent of new development on the lots.
- 11. "The property is located within the Long Island Sound Critical Environmental Area (CEA), as designated by Westchester County, effective January 31, 1990. This CEA covers a large area spanning the entire length of the Long Island Sound coastline within Westchester County, including upland and wetland areas." (pg. 5) [pdf pg. 13]
 - Issue: While it is true that the fact that the County designated such a large and diverse area as a CEA tends to diminish the overall import of the designation, it also should be pointed out that the boundary of the area was specifically extended "inland" from the coastline to incorporate the subject area, which had also already been designated as CEAs by the Village.
- 12. "...development that has occurred in Mamaroneck since the first LWRP was adopted in 1984 has likely affected the number of wildlife species present in the Village." (pg. 5) [pdf pg. 13]
 - Issue: This comment again seems to have been incorporated to somehow diminish the importance of the designation of the subject CEAs. If in fact the suggestion is true can it not be further assumed that future development would further affect the wildlife here? Does this not suggest greater environmental protection rather than less?

13. "The proposed 3-lot subdivision would create lower-density residential properties compared with most of the surrounding patterns of development. The wetlands and wetland buffers on the properties will not be impacted or cleared, thereby retaining the character of the nearby tidal wetlands and the surrounding areas." (pg. 6) [pdf pg. 15] (Emphasis added)

- Issue: The lower density is only achieved by virtue of the proposed "theoretical" development. The document alternately treats the theoretical development plan as "theoretical" or "proposed" when either term best suits their interest. There is still nothing actually proposed that in any way serves to limit the development of the three parcels to that which exists and is proposed, which is the key to validating most of the Applicant's conclusions.
- Of course the wetlands and buffer areas will be impacted. The Applicant demonstrates this later in the water runoff table showing a reduction in water to the wetland. Additionally, any disturbance or use of the land will have some form of impact on the wetland and associated resources, including but not limited to noise, light, pets and fertilizers.
- There has also been little analysis provided as to how the theoretical lower density development would impact current views from the adjacent CEAs and the residences located along Soundview Drive or The Parkway.

14. Subdivision and any future residential development are very possible and appropriate for this property, as care has been taken in preparing potential development scenarios, meeting zoning and development guidelines, analyzing their potential impacts, and avoiding or mitigating those impacts. (pg. 7) [pdf pg. 16] (Emphasis added)

- Issue: The appropriateness of the project is an opinion of Beth Evans Assoc. and is to be determined by the board. It can certainly be argued that this property never should have been developed and that the proposed subdivision and future residential development are simply adding insult to injury, particularly if any such further development is not strictly regulated by the Planning Board and other various involved agencies.

15. The Fish and Wildlife Policies have been addressed in detail in Section IV. D. Wetlands and Watercourses, and Section IV. E. Vegetation and Wildlife of this document. (pg. 7) [pdf pg. 16]

- Issue: No specific mention is made of any LWRP policy in either of the referenced sections.

16. The Flooding and Erosion Hazards Policies are discussed in detail in Section IV. F. Surface Water Resources and Stormwater Management, including on and off-site existing conditions, along with potential project impacts and mitigation. (pg. 7) [pdf pg. 16]

- Issue: No specific mention is made of any LWRP policy in the referenced section.

17. BMP's for the proposed project are discussed in Section IV.F.3 Proposed Mitigation. In addition, Section IV.F.1. Existing Conditions, and 2. Potential Impacts offer in-depth analysis of surface water and stormwater management on the property. Section IV. D. Wetlands and Watercourses address how impacts to on and off-site wetlands and the their functions will be avoided. (pg. 8) [pdf pg. 17]

- Issue: No specific mention is made of any LWRP policy in the referenced sections.
 - It would have seemed preferable to include a specific review of each policy as opposed to sending the reader in search of the policies and then finding answers within the general topics of discussion. Would a more in-depth review/discussion of each individual policy reveal more about the project in relation to the LWRP policies?
18. "These cross-sections demonstrate that the development of these lots will be consistent with other residential parcels nearby." (pg. 8) [pdf pg. 17]
- Issue: How are these consistent? No explanation is given to include detail. The cross section house size appears to be the same, however, what are the effects of building a larger, or more irregularly-shaped, house? The ratios on these sites allow for much larger houses than those existing on nearby lots. Again the Applicant is using the theoretical development plan to reach a conclusion without anything that would assure its outcome or even alert a potential buyer as to the site's environmental restrictions.
 - The profiles show a "typical form" of a house that appears to be consistent in size/height as the "approximate" house across the street. However, it seems likely that an atypical form of a house will be built instead. A building envelope represented on this profile would be of use.
 - An additional profile running north/south and showing the proposed subdivision with all three houses would also be helpful to see the building envelope represented in both directions as well as comparing the proposed houses to the existing 1000 Taylors Lane house.
19. "...the preservation of the freshwater wetland and its 100-foot buffer, as well as the tidal wetland and its buffer area, will preserve the visual conditions of the surrounding area." (pg. 8-9) [pdf pg. 17-19]
- Issue: Even the proposed theoretical development plan with no intrusion into the wetlands or buffers will not "preserve" the visual conditions. The addition of any new structures will compromise the existing visual conditions. The limiting of the extent of development and preservation of the wetland and buffer areas will help mitigate the visual impact but it is disingenuous to suggest that the existing conditions would be preserved, and once again, there is nothing actually proposed that would limit potential site development and ensure the preservation of the wetlands or, more particularly, wetlands buffer.
 - In fact, the DEIS does not even include photographs illustrating the current views from the Nature Conservancy property or from the existing residences located along Soundview Drive and The Parkway, let alone how the potential development would affect such views.
20. "Restrictions of Building Envelopes to Move Potential Buildings as Close to Taylors Lane as Consistent with the Zoning Ordinance" "The potential buildings have been located as close to Taylor's Lane as possible while respecting Zoning setbacks. As shown, the potential house would be consistent with other homes in the neighborhood." (pg. 9) [pdf pg. 19]

- Issue: They have not discussed the creation of a more restrictive building envelope, simply mentioning their theoretical development plan. They have also not located the house on Lot 1 in particular as close as possible to Taylors Lane, as the house could be moved roughly 20 feet closer to the road per the zoning restrictions.
21. (pg. 11) [pdf pg. 22] Issue: How much of the site will become Udothents, smoothed (Ub) type soil/how much imported fill will be required? What impact will this have on drainage to the wetland?
22. "Very limited' Indicates that the soils have one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. The information provided is not site specific, however, and does not eliminate the need for on-site investigation and analysis specific to the proposed project by professionals experienced in engineering." (pg. 14) [pdf pg. 25]
- Issue: This report suggests the limitations of the existing soil "cannot be overcome" without extensive measures.
23. (pg. 15) [pdf pg. 26] Table IV. B. 1-3. Issue: All soils within the acceptable boundaries of construction are listed as somewhat- to very-limited. This suggests soils may have to be removed and replaced with Ub soil type.
24. (pg. 16) [pdf pg. 27] Table IV. B. 1-4. Issue: All soils have limitations for construction of roads (driveways) and lawns/landscaping. This site is not ideal for development.
25. "Based on the descriptions, properties, and limitations of the soils, listed in the above two tables, much of the upland portions of the property appear to be suitable for the proposed potential development." (pg. 17) [pdf pg. 28]
- Issue: Such a statement does not seem to be consistent with the information provided in the referenced tables. There appear to be several limitations, and there is little if any discussion as to how those limitations would be overcome.
26. "Overall, the soils on the property in the areas proposed for development will likely be well suited for many development activities, if considerations are made for the limitations." (pg. 17) [pdf pg. 28]
- Issue: How will these 'considerations' effect the adjacent wetland? The first portion of the quoted statement seems to directly contradict the information provided in the DEIS's soils analysis.
27. "Grading impacts (i.e. disturbance of soils) would be limited to upland areas outside of the freshwater wetland buffer." (pg. 18) [pdf pg. 30]
- Issue: "Would be" is apropos as once again the proposed development plan is theoretical, and there is no actual grading plan included within the theoretical development plan.

28. "To the east of the wetland buffer line, there would be disturbance to most of the ground." (pg. 18) [pdf pg. 30]
 - Issue: What is the ratio of developable land to how much is actually being disturbed (i.e. not taking into consideration protected areas)?
29. "It is also anticipated that the construction of the footings, foundation and basement would require some rock removal. Some of this rock could [be] used to create the stone wall that is depicted on the west side of the rain garden." (pg. 18) [pdf pg. 30]
 - Issue: Recognition that rock removal and possibly blasting will likely be required appears to be a change from previously anticipated conditions. In Appendix A: SEQRA Documentation, page 4 of the Full Environmental Assessment Form (page 7 of the pdf document) states that *no blasting* will occur as responded to question 8. How much rock removal is anticipated?
30. "Movement of vehicles and storage of building materials and vehicles beyond the designated construction areas will also be avoided by the installation of orange geogrid fence along the entire grading and clearing limit line." (pg. 19) [pdf pg. 31]
 - Issue: This should be *prohibited*, not 'avoided.' It may be appropriate to require that chain link fencing be installed so as to better prohibit movement of vehicles and storage of building materials beyond the designated construction areas. Where will materials be stored and vehicles parked during construction?
31. (pg. 20) [pdf pg. 33] Issue: *Table IV. C. 2-1 Area of Disturbance by Slope* is missing information on Lot 1.
32. "The majority of disturbance for the eventual construction of the two new house lots would occur on slopes that are less than 25%. In all, less than 1% of the area of disturbance on Lot 1 would take place on slopes greater than 25%; on Lot 3, about 6% of the area of disturbance would be on slopes over 25%." (pg. 20) [pdf pg. 33]
 - Issue: This section of the DEIS continues to refer to steep slopes as only those areas over 25%, yet this is in direct contrast to the soils report within the DEIS wherein steep slopes are indicated to begin at 15% and stated as being too steep for dwellings. Percentage of development on steep slopes will be considerably higher when thus considered.
33. "The grading of these steeper slope areas [on both lots] would result in a ground surface that is significantly less sloping, and a reduced risk of erosion once these areas are stabilized with vegetation." (pg. 20) [pdf pg. 33]
 - Issue: This could reduce stormwater runoff to the wetland, causing the potential for adverse effects.
 - There is no evidence of erosion within the existing thickly vegetated steep slopes. It will be the disturbance of these areas that opens the potential for erosion, and the referred to reductions in slope are only attained by virtue of creating walls and berms to allow for development and for

what seems to be the only way to provide the required stormwater management given the slopes and depth to bedrock.

34. "Article II, Section 186-9 of the Village Code, Erosion and Sediment Control, notes that '[d]evelopment shall reflect the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible. In the design of cut and fill slopes, consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors.'" (pg. 21) [pdf pg. 34]

- o Issue: Is it possible to create a more reserved design to create less of an impact on the grading? Perhaps no basement on the grounds that it will have a lesser impact on the site and surrounding wetlands? It would seem the only way these lots can be developed is the very cuts and fills that are recommended to be avoided, particularly with respect to meeting current stormwater requirements.

35. "Untreated stormwater runoff during and after potential future construction has the potential to reduce the water quality of downgradient wetland and watercourses. Development of the subject property would increase the impervious surfaces on the site, which could cause an associated increase in stormwater peak flow rates and an increase in nutrient and contaminant loads discharging to wetlands and surface waters." (pg. 24) [pdf pg. 38]

- o Issue: Some portions of the developed area of the site's runoff are to be left untreated according to the stormwater management plan. Why is this so and why should it be acceptable?

36. "In that the applicant is not proposing any direct impacts to the tidal wetland or the area that is regulated by the NYSDEC under 6NYCRR Part 661, the Village of Mamaroneck wetlands regulations apply only to the subdivision of this property" (pg. 25-26) [pdf pg. 39-40]

- o Issue: The concern here is that a future developer of the subject lots could propose massive houses outside of the wetlands buffer and never be asked to come before the Planning Board unless suitable restrictions are incorporated into the approval of the subdivision.

37. "The response letter from the NYNHP dated June 9, 2010 indicates that they have no known records of rare or State-listed animals or plants, significant natural communities, or other significant habitats, on, or in the immediate vicinity of the site. A copy of the response letter from the NYNHP is included in Appendix B of this document." (pg. 29) [pdf pg. 43]

- o Issue: Given that Osprey, which is state-listed as a species of Special Concern, are known to exist in the immediate area, has the NYSDEC Division of Fish, Wildlife & Marine Resources office been alerted to its presence and an inquiry made to determine if its presence alters their findings and updates the NYNHP database? Furthermore, the letter from NYSDEC Division of Fish, Wildlife & Marine Resources states, "If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information. It does not appear that such an update has been pursued."

- The DEIS also does not seem to indicate whether there has been any direct contact with the US Fish & Wildlife Service, as was included within the Final Scoping document issued by the Planning Board. Furthermore the web-site printout from the USF&WS included in Appendix B of the DEIS specifically states, "After reviewing our website and following the steps outlined, we encourage both project proponents and reviewing agencies to contact our office to determine whether an accurate determination of species impacts has been made." The site conditions would appear to be potentially suitable habitat for the New England cottontail. The USF&WS homepage for the New England Cottontail can be found at <http://www.fws.gov/northeast/indepth/rabbit/index.html>
 - The Final Scope also asked that the DEIS include a review of indirect impacts to existing vegetation resulting from any disturbance and use of the portions of the lots beyond the limit of disturbance line, and this does not appear to have been included.
38. "Clearing will not be permitted beyond the proposed limit of disturbance during construction." (pg. 30) [pdf pg. 44]
- Issue: Does this hold true if the design is changed? Again, the document at times assumes the theoretical development plan as real and at times as simply a suggestion, and there do not appear to be any real proposed restrictions on the future development of the parcels.
39. "The osprey...prefers to build a large stick nest on the top of a dead tree. Man-made structures such as building towers, poles and platforms are also used as locations to build nests, as are occasionally rocks on the ground." (pg. 30) [pdf pg. 44]
- Given the disturbance to the upland woods that could provide nesting opportunities for Osprey, it might be appropriate to consider that a nesting platform be built on one or more lots to accommodate the osprey as mitigation for indirect impacts caused by development of these sites.
40. "The envelope of development for each of the lots has been minimized to the maximum extent practicable..." (pg. 30) [pdf pg. 44]
- Issue: But there is nothing suggested to limit the envelope of development in fact.
41. "The area where the encroachment has occurred will be allowed to return to forest and will be monitored for potential invasive species." (pg. 30) [pdf pg. 44]
- Issue: For how long will this area be monitored? Who will undertake such monitoring?
42. (pgs. 32-33) [pdf pg. 47-48] Issue: Drainage condition areas do not appear to be delineated on any of the drawings submitted as part of the DEIS, nor are Design Points. What are the exact boundaries of these areas?
43. "Future Condition Drainage Area 1a.2 (FDA-1a.2) is 3,405 s.f. in size and would consist of the portion of the property which would contribute runoff to the design line on Lot 1, but not, due to topography, to the rain garden. This drainage area is mostly lawn, but includes a portion of the low retaining wall in the

rear yard." "Future Condition Drainage Area 1b (FDA-1b) is 4,255 s.f. in size and consists of lands to the south of the driveway which would contribute runoff to the design line to the south of the property. This area would consist of mostly lawn and with some woods." (pg. 34) [pdf pg. 50]

- Issue: Do these areas lead to drainage that leads back to the wetland? Are these areas allowed to be fertilized? If so, this may have a negative impact on the wetlands.

44. (pg. 34) [pdf pg. 50] Table IV. F. 2-1. Issue: Future condition flows to the design line for Lot 1 is reduced 40% for 1-year storm. Future condition flows to the design line for Lot 3 is reduced 25% for 2-year storm.

45. "The results in the table show that peak rates of runoff would be reduced if the two lots were developed in the future with the stormwater management mitigation measures proposed, as compared to current peak runoff rates." (pg. 35) [pdf pg. 51]

- Issue: Reductions in runoff to the wetlands can have adverse effects, particularly with a freshwater pond with limited contributing watershed such as the Magid Pond.

46. "The topography of the property is depicted in the same North American Vertical Datum, 1988." (pg. 37) [pdf pg. 53]

- It would be helpful if all the drawings clearly stated this.

47. "Furthermore, the grading of the property could be done without impacting the flood storage of the Otter Creek floodplain." (pg. 38) [pdf pg. 54] (Emphasis added)

- Issue: It could be. Will it be? Again it is a question of measures being implemented to ensure limitations on disturbance. The existing house development on what would be Lot 2 did involve filling within the floodplain.

48. "A. Alternative A – No Action" (pg. 40) [pdf pg. 56]

- This is not a true 'no action' alternative. It is appreciated that the applicant is trying to show that they could create as much disturbance to the site through the construction of amenities as would be created by the theoretical development shown on the proposed subdivision plans. While this may be true to some extent, it does not really represent an apples to apples comparison in several respects, including but not limited to:
 - There would be stormwater options potentially available for the swimming pool and tennis court that are not available for house construction;
 - The provision of such amenities outside of the wetlands buffer reduces the pressure to provide such amenities within the buffer;
 - The pool and tennis court would have far less visual impact than the potential houses; the pool and tennis court would likely be used far less often than two new houses;

- The amenities do not come along with increased disturbance to wildlife caused by increased numbers of people and their associated cats and dogs.

49. "Some of these impacts and mitigation are discussed within previous chapters of this document." (pg. 44) [pdf pg. 67] (Emphasis added)

- Issue: It would seem that all anticipated mitigation should be included. This implies that there is more that is not being disclosed.

50. "... (the 2 new lots will not contain impervious surfaces, however development of the lots with residences and driveways could produce up to about 12,000 square feet of new impervious surfaces)." (pg. 44) [pdf pg. 67]

- Issue: Considerably greater areas of impervious surface could be created if appropriate development restrictions are not incorporated into any approval of the subdivision.

Issues for Appendix C – Wetland delineation Report

1. The subject report is last revised in March 2009, and thus it is questionable the extent to which it is reflective of currently existing conditions.
2. The description of the NYSDEC Wetland Regulations does not mention the Tidal Wetlands on and adjacent to the site.

Issues for Appendix D – Stormwater Management Report and Pollutant Loading Calculations

3. "The system has been designed so that the bottom of the rain garden is essentially at grade." (pg. 4 of Stormwater Management Report)
 - a. Issue: How much cut is required to create the rain garden? Is any blasting required? Has the depth to bedrock been confirmed and, if so, does it provide sufficient clearance?

Issues for Appendix E – Critical Environmental Areas and Former Taylors Lane Landfill Report

1. Issue: What is the point of including the Taylors Lane Landfill Report along with the CEA documents? Is the applicant trying to discredit once again the validity of the CEA designation? The fact that there have been past environmental abuses at another adjacent site should not suggest that environmental abuses should be allowed on the subject site, further compounding what may be existing stresses on these critical wetland areas. Having raised the issue of the Taylors Lane Landfill, has the Applicant considered the potential for cumulative or reverse impacts?

Issues for Ex II C.1 Proposed Action [pdf pg. 11]

1. Existing conditions relative to Lot 2: What are the zoning setback requirements, if any, for the existing retaining walls on proposed Lot 2? Should the proposed lot line be moved to accommodate proper zoning? How much access exists between the wall and property line? Is it possible to maintain the existing wall with this limited access without crossing into the proposed lot?

Issues for Ex II.C.2 Proposed Action [pdf pg. 12]

1. The houses on proposed Lots 1 and 3 seem rather reserved and basic in comparison to the existing house. Are we to believe the houses proposed to be built here are to be this basic? Would other, more complicated foundation shapes cause additional disturbance? What would be the impacts of changing the shape of the foundation?
2. Could not the proposed construction avoid the existing exposed bedrock?
3. Many labels on the drawings contained in the DEIS are nearly impossible to impossible to read. Suggest re-releasing documents to the public with legible labels.
4. No building envelopes are shown.
5. Additional issues as have been previously noted above.

Issues for Ex IV.A.2-1 Cross Sections [pdf pg. 18]

1. What is the limit of disturbance for creating the fill and stone wall? Will it encroach on the Freshwater Wetland Buffer? There is approximately 6' from outside edge of wall to line of NYSDDES Freshwater Wetland Buffer.
2. Where is the edge of the existing/proposed tree line?
3. No representation of the limits of building envelope is shown.
4. "Typical form" is only useful if the extent of an atypical form is represented as well.

Issues for Ex IV.D.1-1 Wetlands Map [pdf pg. 36]

1. Proposed lot lines have been omitted.

Issues for Ex IV.F.1-2 100-Year Floodplain [pdf pg. 49]

1. There is a considerable extension of fill relating to the existing development into the floodplain area.
2. What FEMA zones exist on the site?
3. Datum noted in text of DEIS but not on drawings. Datum should be noted on drawings.

Issues for Ex V.B.2. Two Lot Subdivision [pdf pg. 61]

1. This drawing is missing yard offset lines along south and east boundaries of proposed Lot 1 as well as north and west boundaries of proposed Lot 2.

Issues for Ex V.C.1 vs. V.C.2. [pdf pgs. 63-64]

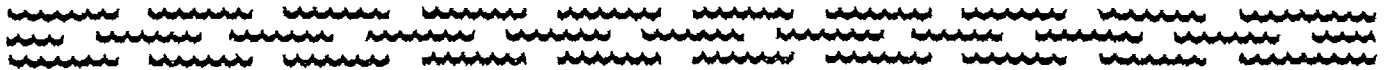
1. V.C.1. Is missing yard offset lines along south and east boundaries of Lot 1.
2. Lot 1 house is closer to Taylors Lane in V.C.2. than in V.C.1. as well as slightly smaller. Wall on downhill side of rain garden appears to have been removed as well.
3. Lot 3 house appears to be significantly smaller in V.C.2. than in V.C.1. All retaining walls appear to have been removed in this alternative as well.

Issues for Ex V.D.1. [pdf pg. 66]

4. Missing yard offset lines along south and east boundaries of Lot 1.

\2009- alter subdivslon 1000 taylors lane\EIS\2012-08-20 Draft Environmental Impact Statement\Comments\2012-09-07-DEIS Issues.doc

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Office of the President

September 12, 2012

Mike Ianniello, Chairman
and Members of the Planning Board
Village of Mamaroneck
Village Hall
123 Mamaroneck Avenue
Mamaroneck, NY 10543

RE: 1000 Taylors Lane – Proposed Subdivision – Alter

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Chairperson Ianniello and Members of the Board:

In our capacity as an Environmental Waterfront Design Consulting Company and on behalf of our clients, this letter is being filed with the Planning Board as Lead Agency to provide additional information with respect to the content and plans contained within the DEIS (Revised 7/19, accepted 7/25/12 by Planning Board) for the above referenced Project and supplements our filings of September 7, 2012 together with attachments as follows:

During the public meetings and discussion regarding the Applicant's submission to the Planning Board of the DEIS, the Board and the public had expressed desires to have further discussion regarding the proposed action with its potential adverse impacts, possible approaches to minimize those impacts, including alternatives and the creation of potential building envelopes, as well as other potential restrictions.

This filing attempts to start to address these approaches and encloses the following exhibits:

- 1000 TAYLORS LANE ILLUSTRATIONS – SHEETS 1-3
- OVERLAY – ZONING OFFSETS, STREET WIDTHS AND SUGGESTED BUILDING ENVELOPES
- SUGGESTED SPECIAL CONDITIONS

With respect to the Illustrations:

- Sheet 1 of the illustrations shows the existing conditions as they appear on the Bing Maps "bird's eye view" of the area together with an overlay of the property lines and both the Tidal Wetland Adjacent Area and Freshwater Wetland 100 Foot Buffer limits. The image on the right side of

the sheet illustrates, as noted within the DEIS, that essentially all of the area landward of the buffers will need to be cleared for any future residential development.

- Sheet 2 of the illustrations provides a rough model (without attics) of the two suggested potential house plans/locations as proposed by the Applicant for each of the new lots (left illustration). The illustration to the right relocates the potential house on Lot 1 roughly 20 feet closer to Taylor's Lane so as to reduce the amount of clearing required towards the wetlands. The house on Lot 3 was not relocated, though it could be shifted several feet closer to the road than currently suggested.
- Sheet 3 of the illustrations compares the Maximum Buildout Alternative contained within the DEIS (left illustration) with a version where the basement square footage has not been included in the house plan (right illustration), which considerably increases the footprint of the building. Of course a single story house or one without any countable square footage in the attic would create an even bigger house footprint, though this would likely require extension into the buffer.

With respect to the Overlay:

- It is noted that the plans included in the DEIS are not scaled correctly as the bar scale and actual drawings do not match. If you measure a line dimensioned as 100 feet at the indicated 1" = 80' scale it measures roughly 115 feet. DSN&A has thus taken the liberty of correcting the drawing scale in the overlay sheet provided to have the site plans actually shown at 1" = 80'.
- The overlay shows the corrected side yard offsets for the three lots. It is not known why the proposed plans have included larger than required side yard offsets for the R-15 zone that the property lies within. However, by using the correct side yard offsets there is more building area available up close to Taylors Lane/farther away from the wetlands.
- Suggested Building Envelopes for Lots 1 and 3 have been included that would serve to restrict future building development to the portions of the lots closest to Taylors Lane while still allowing for houses of considerable square footage to potentially be built. Such building envelopes would necessarily also need to be tied to conditions that address site disturbance and uses beyond the buildings themselves.
- Since proposed Lot 2 already contains the existing house, no building envelop has been included and it is suggested that the building restriction be that no additional building be allowed west of the 100 foot wetland buffer line as described in the suggested conditions also attached hereto.
- The dimensions of Taylors Lane at various locations along the property have been included to help demonstrate that most of this section of Taylor's Lane does not meet the Village's current minimum subdivision street width of 24 feet, and portions of the road are considerably narrower than this current requirement -- raising the question as to whether the street as is should be further burdened with two additional houses.

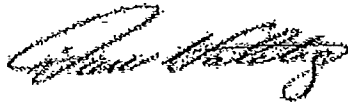
To further assist the Planning Board, attached are Suggested Special Conditions. While it is questionable whether the existing development should have been or any future development of the subject property should be allowed, if it is ultimately determined that subdivision is approvable and future construction allowable, the Suggested Special Conditions combined with the suggested building envelopes would help to mitigate the inevitable impacts and provide a means of assuring that any future purchaser of the newly created lots will enter into such purchase fully aware of the lots' constraints.

DSN&A anticipates filing additional documentation and exhibits based upon the discussion at the Planning Board's 9/12/12 Public Hearing. It is also suggested that due to the environmental sensitivity of this area as well as the magnitude of the information being presented, the Board may wish to keep the public hearing open for at least one or two more meetings to allow for sufficient time to discuss the impacts and desired changes to the DEIS in formulating the Planning Board's FEIS.

With warm regards ...

Sincerely,

DANIEL S. NATCHEZ and ASSOCIATES, Inc.



Daniel S. Natchez,
President

cc:

Susan Favate
Lester Steinman
Hugh Greechan
Gerry Diamond
Sally Roberts
Robert Melillo
Beth Evans

SUGGESTED SPECIAL CONDITIONS

Proposed 1000 Taylors Lane Subdivision

While the wisdom of allowing any future development of the subject property is arguable, should it be resolved that some type of subdivision will be approved, the following special conditions are suggested due to the unique nature of the subject property and its location within and adjacent to the tidal and freshwater wetlands, Critical Environmental Areas, Significant Fish & Wildlife Habitat, and steep slopes, all as more fully discussed in the DEIS and the numerous filings, comments and discussion relating thereto:

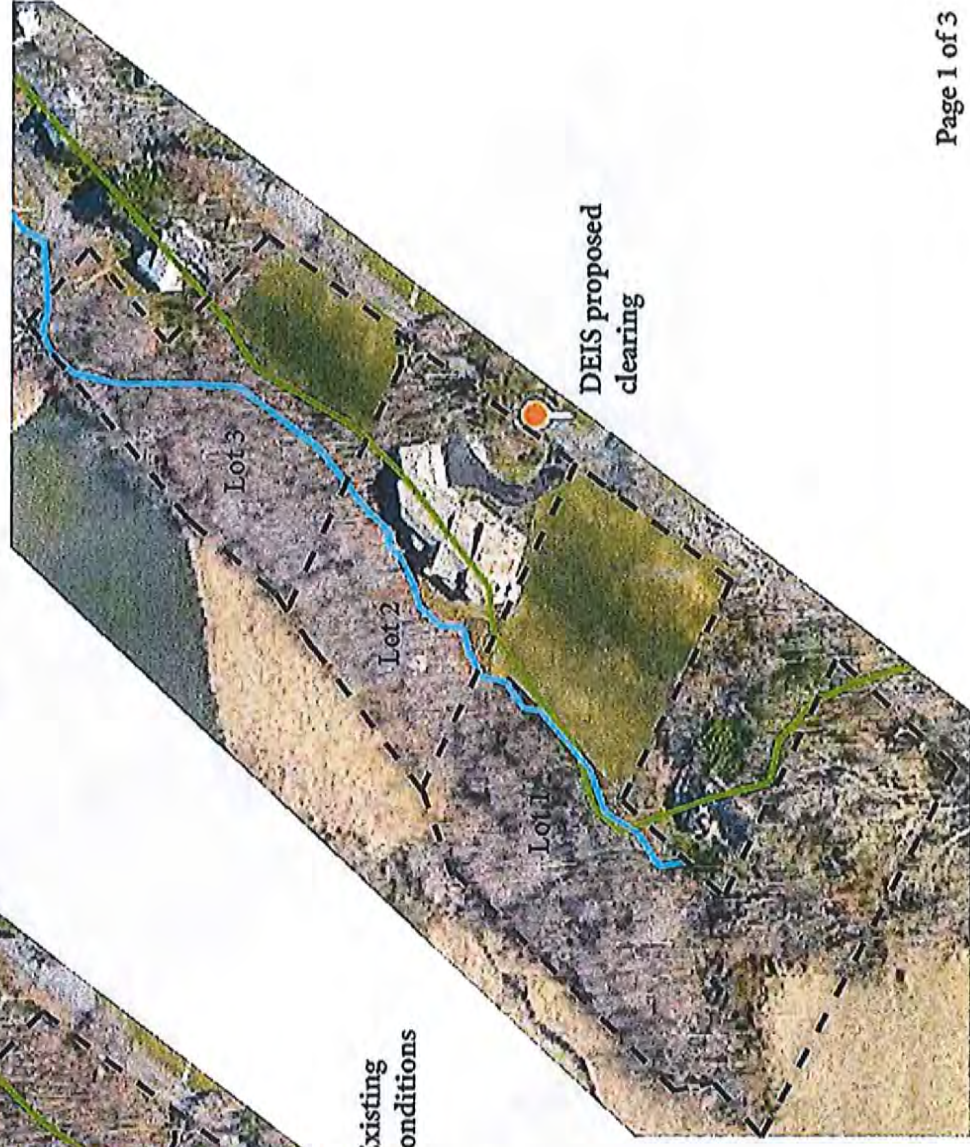
- 1.) That no additional building lots shall be created beyond the three lots being approved per this resolution and shown on the approved plans and included in the filed subdivision map. Further subdivision of Lots 1, 2 or 3 as shown on the approved plans and included in the filed subdivision map shall be prohibited where such subdivision is for the purpose of creating additional or enlarging building lots either within or without the subject property.
- 2.) That no *new* buildings or driveways (including motorcourts or similar areas intended for use by vehicles) shall be allowed below/west of the building envelopes as shown on the approved plans and included in the filed subdivision map for Lots 1 and 3, or the existing 18' NAVD88 contour line for Lot 2, with said contour line to be clearly shown and labeled on the approved plans and included in the filed subdivision map.
- 3.) That no structure of any type, including any form of sports court, or any area of lawn shall be allowed for Lots 1 and 3 within the 100 foot wide Freshwater Wetlands Buffer area or for Lot 2 below/west of the 14' NAVD88 contour line as shown on the approved plans and included in the filed subdivision map.
- 4.) That no trees with trunks greater than six (6) inches diameter at breast height may be removed without specific approval of the Planning Board. To that end the filed subdivision map must include an inventory of all existing trees with trunks greater than six (6) inches diameter at breast height.
- 5.) That there shall be no disturbance for any purpose of the land and vegetation within the mapped Wetlands Limit Line as shown on the approved plans and included in the filed subdivision map nor within a 100 foot wide buffer thereto for Lots 1 and 3 or below/west of the 14' NAVD88 contour line for Lot 2. [The preceding shall not absolve the owner of any of the lots from demonstrating that the area upland of the existing mapped Wetlands Limit Line continues to not meet the applicable wetlands definition at the time of any proposed work nor absolve the owner of any of the lots from complying with any more restrictive wetlands or other ordinances in effect at the time of any proposed work.]
- 6.) That no plant materials as listed on the NYS Invasive Species List shall be planted on any of the lots and that the initial development landscape plans for Lots 1 and 3 shall be reviewed and approved by the Planning Board.
- 7.) That no proposed development on any of the lots shall be entitled to any so called "area variances" under the Village Zoning Code (such as relating to required minimum yards, maximum building height, allowed number of stories, FAR, etc.)
- 8.) That there be no increase in impervious surfaces beyond those shown on Exhibit II.C.2 - PROPOSED ACTION WITH POTENTIAL DEVELOPMENT of the DEIS/FEIS plus up to an additional 10% to allow for design variation for actual versus theoretical development plans as well as changes to the existing development as it exists on Lot 2. For the purpose of this condition all driveways, motorcourts or similar areas intended for use by vehicles shall be considered impervious, regardless of the surface type proposed.

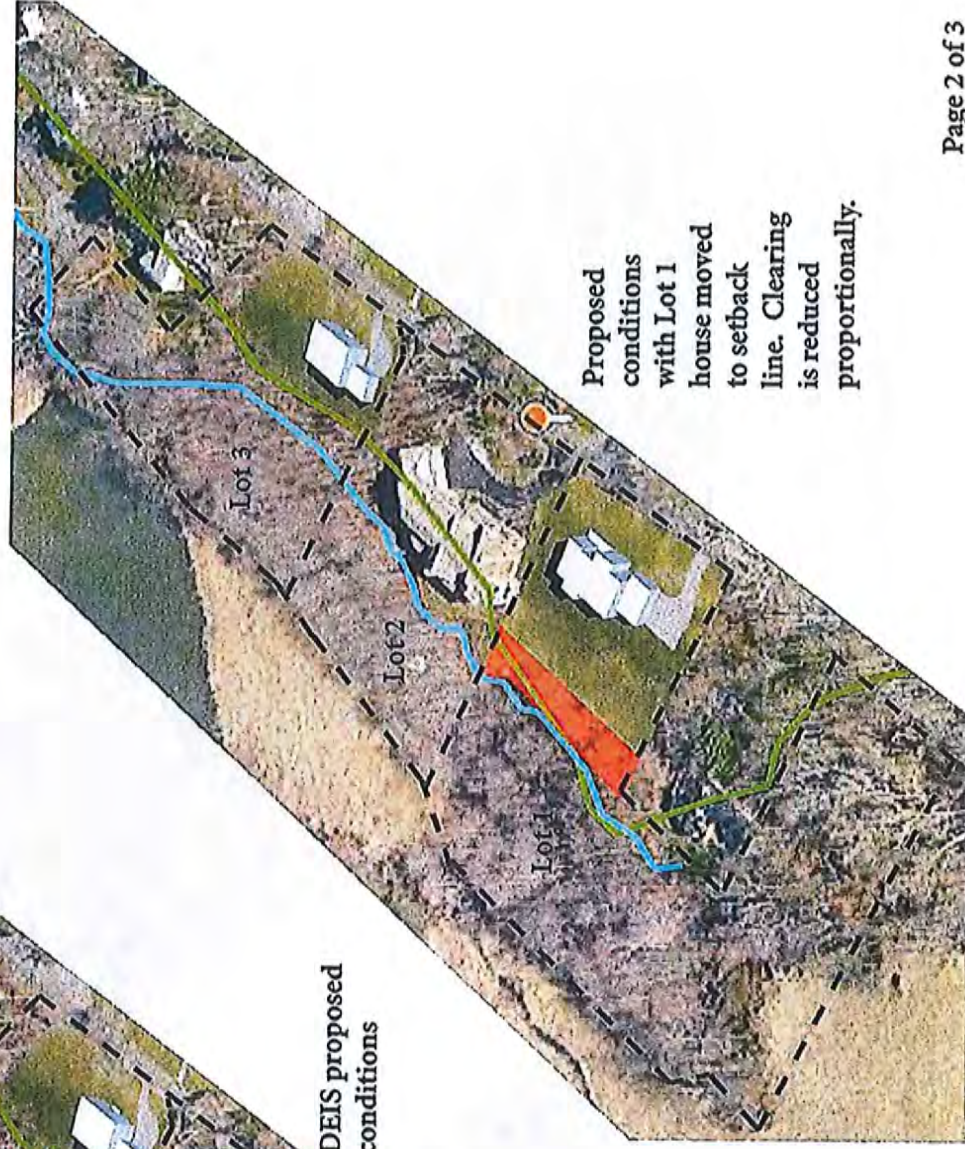
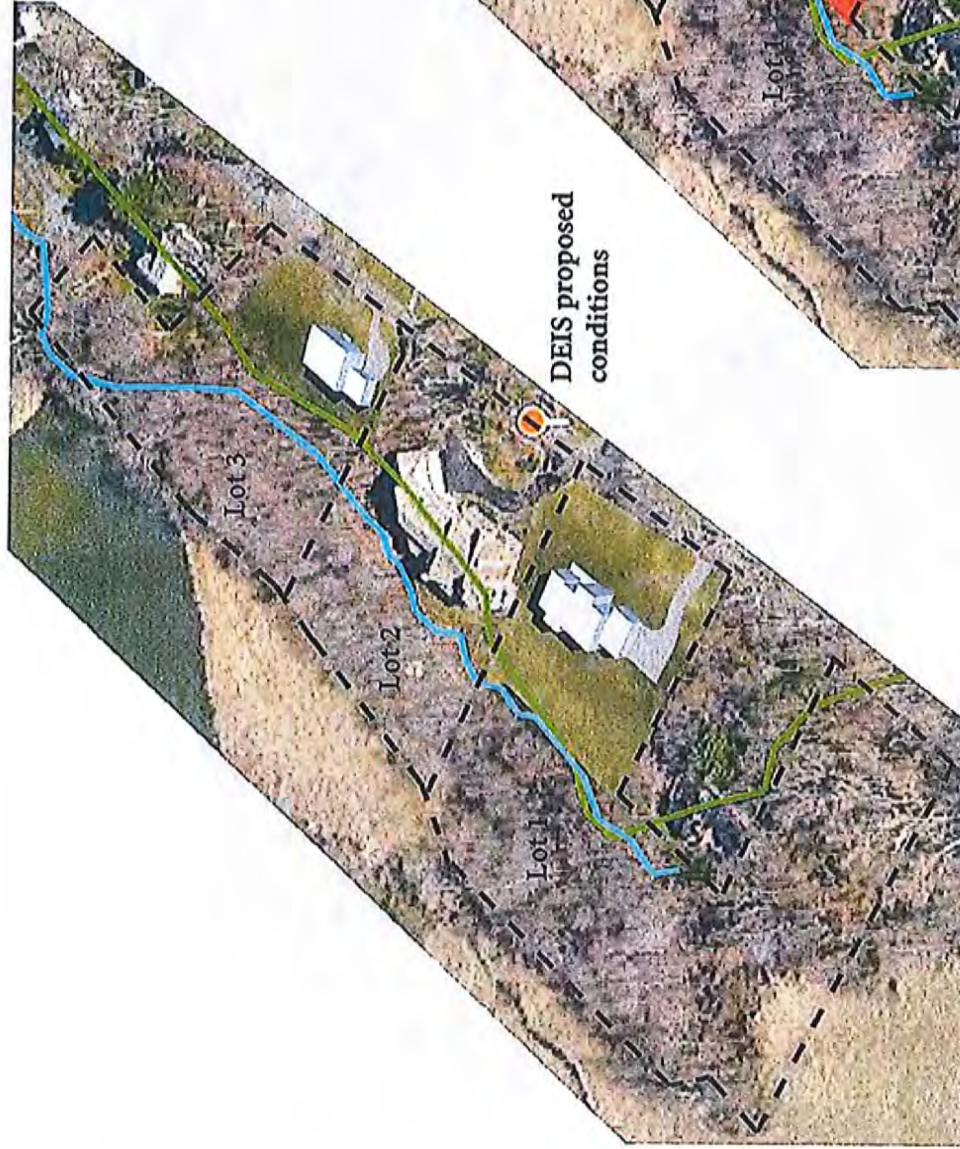
- 9.) That sufficient stormwater management systems be designed and approved by the appropriate Village Boards/Commissions, the Village Engineer or Consulting Engineer and the Village Building Inspector to assure that adequate erosion and stormwater controls are provided to prohibit any degradation of both the Freshwater and Tidal Wetlands, including assuring that the freshwater wetland water supply volume coming from the properties is not reduced from pre-development volume.
- 10.) That all catch basins or drain inlets receiving stormwater runoff from driveways, motorcourts or similar areas intended for use by vehicles shall be provided with hydrocarbon filter inserts or similar measures for reducing potential pollutants in stormwater and that all such stormwater be directed to drain into the stormwater detention/filtration system (such as a rain garden or similar system as approved by Planning Board and Village Engineer) located on site.
- 11.) That the owners of the respective lots 1, 2 and 3 shall submit annual letters to the Building Department demonstrating that the storm water system has been properly maintained. If the Building Department finds that the stormwater system has not been properly maintained, the landowner shall be held responsible for remedying said condition as well as all adverse effects to any and all affected wetland and wetland buffer areas within a reasonable timeframe as determined by the Planning Board.
- 12.) That no land disturbing activities beyond routine yard and garden maintenance shall be carried out without prior review and approval by the appropriate Village Boards/Commissions, the Village Engineer or Consulting Engineer and the Village Building Inspector to assure that adequate erosion and stormwater controls are provided.
- 13.) That As-Built Topographic Surveys shall be required to be submitted to the appropriate Village Boards/Commissions and Building Department as part of the approval for any new construction or work that disturbs the land on Lots 1, 2 or 3 demonstrating compliance with the above development requirements, and with said surveys including as-built invert elevations relating to all required stormwater management features.
- 14.) That within 6 months of the approval of a subdivision, the applicant, at applicant's sole cost, shall improve Taylors Lane by widening the pavement to a minimum width of 20 feet in the area adjacent to the subdivision property lines in a manner prescribed by the Village Engineer and/or Consulting Village Engineer, including relocation of utility lines where needed, and in a manner that does not extend the road surface to the east of the existing pavement.
- 15.) That these Special Conditions shall run with the land and be recorded in the Office of the County Clerk with the subdivision and the deeds for each of the three respective lots so created.



— Tidal Wetlands Adjacent Area Boundary

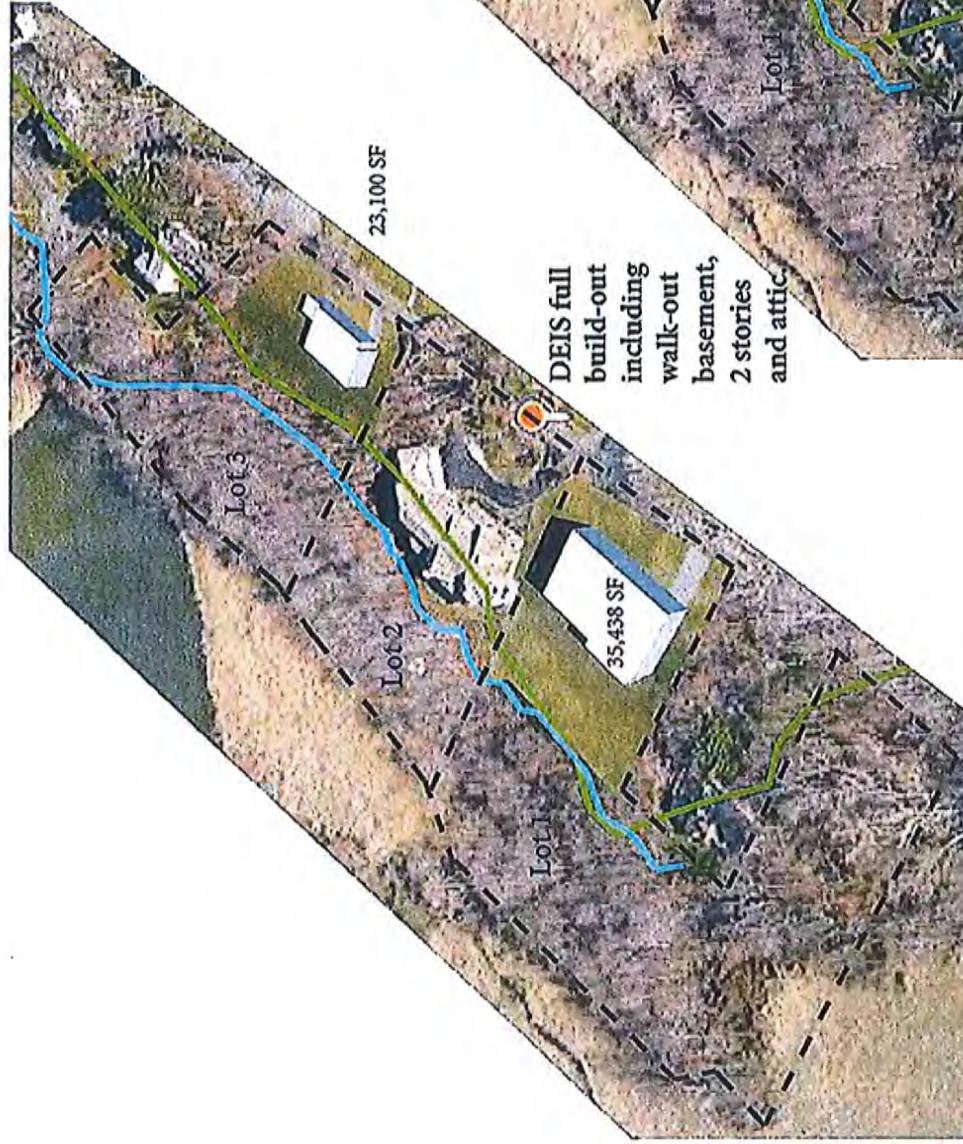
— Freshwater Wetland Buffer Line





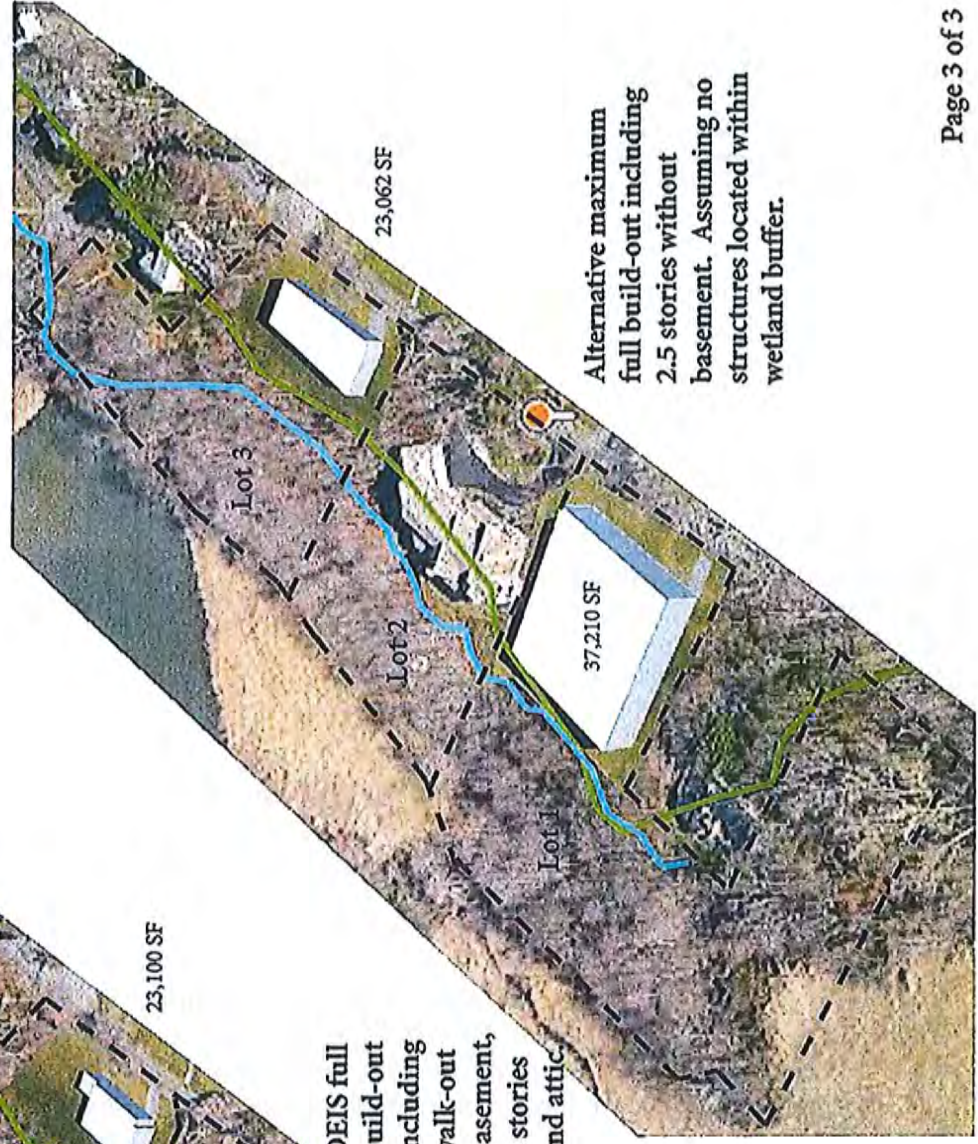
— Tidal Wetlands Adjacent Area Boundary
— Freshwater Wetland Buffer Line

1000 Taylors Lane



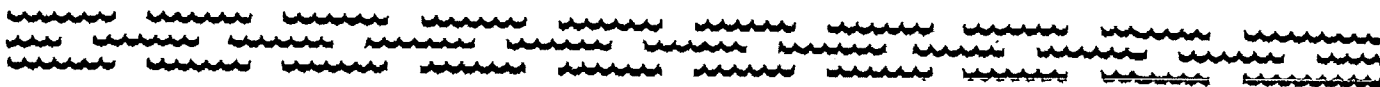
— Tidal Wetlands Adjacent Area Boundary

— Freshwater Wetland Buffer Line



1000 Taylors Lane

DANIEL S. NATCHEZ and ASSOCIATES, Inc.



916 East Boston Post Road
Mamaroneck, New York 10543-4109
1-914-698-5678
FAX 1-(914) 698-7321
E-mail: dan.n@dsnainc.com
www.dsnainc.com

Office of the President

October 11, 2012

Mike Ianniello, Chairman
and Members of the Planning Board
Village of Mamaroneck
Village Hall
123 Mamaroneck Avenue
Mamaroneck, NY 10543

RE: 1000 Taylors Lane – Proposed Subdivision – Alter

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Chairperson Ianniello and Members of the Board:

In our capacity as an Environmental Waterfront Design Consulting Company and on behalf of our clients (including Novick, Freeman and Berenzweig), this letter is being filed with the Planning Board as Lead Agency to provide additional information with respect to the DEIS (Revised 7/19, accepted 7/25/12 by Planning Board) for the above referenced Project and supplements our previous filings together with attachments.

Attached hereto is a copy of the letter with attachments filed with the HCZMC at their 9/19/12 meeting that was to have been cc'd to the Planning Board et al but which we believe may not have formally found its way to the Planning Board to be addressed in the FEIS. This 9/19/12 letter with attachments contained an initial take on a neighborhood analysis as requested by the Planning Board as part of the review of the DEIS at its Public Hearing on 9/12/12. The attached letter demonstrates that:

- Most of the residences in the vicinity of the proposed Project are at or very close to the 25 foot front yard setback.
- The size houses suggested by the Applicant in their various likely development scenarios can be built at or close to the 25 foot front yard setback line in a way that is consistent with the exiting residential development along Taylor's lane.

The discussion of consistency with the development pattern in the area at the 9/12/12 hearing arose out of a discussion concerning the use of building envelopes to encourage the eventual new houses to be built as close to Taylors Lane as Village Zoning allows and as far from the wetlands and sensitive environmental resources as possible.

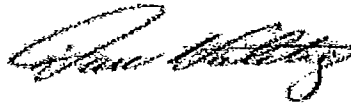
The building envelope concept is one which those concerned with the Application have repeatedly suggested be specifically discussed and examined in the FEIS along with possible deed or similar development restrictions.

The Applicant, for whatever reason, to date has appeared extremely reluctant to include such envelopes or restrictions even though this was included as part of the scoping document. It is believed that a detailed analysis of the building envelope and/or other restrictions is relevant for the *Planning Board* as Lead Agent to include in undertaking the completion of the FEIS.

With warm regards ...

Sincerely,

DANIEL S. NATCHEZ and ASSOCIATES, Inc.



Daniel S. Natchez,
President

Enclosures

cc:

Susan Favate
Lester Steinman
Bob Galvin
Hugh Greechan
Gerry Diamond
Sally Roberts
Robert Melillo
Beth Evans

G:\WPDOCS\2009- alter subdivision 1000 taylors lane\BIS\2012-08-20 Draft Environmental Impact Statement\Comments\2012-10-11 - PB - follow-up.doc

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Platt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-4659

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

May 14, 2013

Michael Ianniello, Chairman
Village of Mamaroneck Planning Board
123 Mamaroneck Avenue
Mamaroneck, New York 10543

Re: 1000 Taylors Lane, Alter Subdivision
DEC Tracking ID #: 3-5532-00381/00001
Village of Mamaroneck, Town of Rye, Westchester County
Draft Environmental Impact Statement Comments

Dear Chairman Ianniello:

I apologize for the lengthy delay in response. The Department of Environmental Conservation (DEC) has reviewed the State Environmental Quality Review (SEQR) Draft Environmental Impact Statement which was accepted by the Village as Lead Agency on July 25, 2012 for this proposed subdivision of lands and development of two single-family homes. This property is subject to regulation by DEC under Article 24 of the Environmental Conservation Law, Freshwater Wetlands and Article 25, Tidal Wetlands. The DEC would like to offer the following comments:

Freshwater Wetlands

The site plans show no direct disturbance to DEC-regulated freshwater wetland or the 100-foot adjacent area. To determine that the development will not have any impacts to the wetland, the applicant would have to ensure maintenance of an intact 100 feet of natural vegetation in the adjacent area. This would require that all current and future housing elements and amenities be outside of the regulated adjacent area. Amenities would include pool, decks, patios, tennis courts, etc as well as expansion of existing lawn areas.

As proposed, the subdivision shows that the houses are outside of the adjacent area but each of the houses will be limited in the amount of amenities that will be added in the future:

- The house that is currently built on the site will be Lot 2, this house is already in the adjacent area and if Lots 1 and 3 are built then there will be no area outside of the house that can be used in the future without needing a freshwater wetland permit. Meeting standards in the future for Lot 2 would be difficult since the house and lawn area are already impacting the adjacent area of J-2.
- On Lot 3 they have shown on the plans that the house can fit outside of the adjacent area but this house is considerably smaller than the other two homes and will have little if any usable space outside of the home without encroaching in the adjacent area. If in the future the homeowner wanted to expand into the AA, they would again find it difficult to meet permit issuance standards.
- Lot 1 appears to provide sufficient area outside of the DEC-regulated area for both the house and future amenities.

Re: 1000 Taylors Lane, Alter Subdivision
DEC Tracking ID #: 3-5532-00381/00001
Village of Mamaroneck, Town of Rye, Westchester County

With regard to the alternatives presented for the subdivision, staff offers the following comments:

- A. No Action: this alternative would allow the current house to add future amenities with less impact to the adjacent area. In addition, overall impacts would be reduced because the property would be inhabited by one household.
- B. Two lot subdivision:
 - Exhibit V.B.1- This configuration would provide a second lot (Lot 1 of the proposed) with sufficient area for the house and amenities, as indicated above, while allowing the existing house area to expand amenities outside of the DEC-regulated area.
 - Exhibit V.B.2- This configuration allows the existing house room for expansion, but creates a lot (Lot 3 of proposed) with little room for a yard or amenities outside of the DEC-regulated area.
- C. The current proposal with an easement on undeveloped DEC-regulated lands: Removal of a large portion of the property to be placed under an easement or as a fourth lot for conveyance to a conservation entity would address the DEC's concerns regarding future expansion by homeowners.
- D. Maximum buildout on three lots: This proposal would increase the size of the homes and allow even less area for potential future use for amenities.

Tidal Wetlands

Overall the subdivision meets the minimum lot size standards in 6 NYCRR Part 661.6 and there appears to be sufficient land area to meet the standards for a) minimum setback from the tidal wetland and b) adjacent area coverage. The DEC does have concerns about future vulnerability of these sites to storm surge, as described below:

Minimum lot size standards

The subdivision of the lands at 1000 Taylors Lane requires a DEC Article 25 tidal wetlands permit pursuant to Section 661.5 of the tidal wetlands regulations, use number 57. The lots created by the proposed subdivision would meet the DEC minimum lot areas of 20,000 square feet where the principal building will be served by a public or community sewage disposal system, and 40,000 square feet where such building will not be served by a public or community sewage disposal system.

Minimum setback requirements

DEC staff previously delineated freshwater and tidal wetland boundaries and these appear to be depicted accurately on the site maps contained in the DEIS. The DEIS maps also show the extent of freshwater wetland adjacent area (100 feet from freshwater wetland boundary) as well as tidal wetland adjacent area (for this property, the 10-foot elevation contour). There are no structures proposed within the 75-foot setback for structures and other impervious surfaces. As indicated in the freshwater wetland discussion, future additional structures in the regulated area may not meet permit issuance even if the setback were maintained.

Re: 1000 Taylors Lane, Alter Subdivision
DEC Tracking ID #: 3-5532-00381/00001
Village of Mamaroneck, Town of Rye, Westchester County

Future storm surge vulnerability

This property is vulnerable to storm surge and rising sea levels. Global sea levels continue to rise steadily due to the melting of the polar glaciers and ocean expansion due to warming. By 2100, experts project sea level to rise in New York City and Long Island by as many as six feet (55 – 72 inches) under certain scenarios¹. These rates are for the rapid ice melt scenario that is now considered by experts to be the most likely to occur, due to continued high emissions of greenhouse gases.

Under the site plans provided in the DEIS, with structures built at 12 to 18-foot elevations, future structures at this site could be inundated by storm surges in combination with future elevated high tides (such as the recent 11-foot surge).

DEC recommends that the Final BIS address the likely impacts of projected sea level rise on both the current and proposed structures and on the wetland adjacent areas. The Village may wish to require a larger set-back to insure adequate buffer for the freshwater and tidal wetlands and the Otter Creek Critical Environmental Area (CEA).

State Pollutant Discharge Elimination System (SPDES) - stormwater

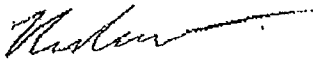
The project will require coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). As the Municipal Separate Storm Sewer System (MS4), the Village will be responsible for review and approval of the Stormwater Pollution Prevention Plan (SWPPP).

State Historic Preservation Act

The site is an area of archeological sensitivity as designated by the NY State Office of Historic Preservation (SHPO). Phase 1A and 1B surveys were included in the DEIS and SHPO was listed as an involved or interested agency, but it does not appear that a determination of impact has been made by SHPO. As indicated in the DEIS, a determination of impact from SHPO is a required element for completeness of the DEC tidal wetland permit application.

If you have any questions, please contact me at (845) 256-3014 or the above address.

Sincerely yours



Rebecca Crist
Environmental Analyst

Cc: Caroline and Richard Alter
Alan Pilch, Evans Associates

Ecc: Betsy Blair, NYSDEC Bureau of Marine Resources
Heather Gierloff, NYSDEC Bureau of Habitat

¹ Source: New York State 2100 Commission. p. 600

September 12, 2012

Village of Mamaroneck Planning Board
123 Mamaroneck Avenue
Mamaroneck, NY 10543
Stewart E. Sterk, Chair

Dear Mr. Sterk:

I am writing in regard to the proposed subdivision at 1000 Taylor's Lane and the Draft Environmental Impact Statement (DEIS). We continue to have concerns regarding the completeness of this document.

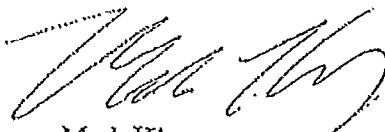
Of particular concern is the failure to fully address potential impacts to the adjoining Otter Creek Preserve, especially in regard to the potential for construction related activities. As we have stated before Otter Creek is a sensitive environmental area and utmost care should be taken to avoid negative impacts resulting from construction. Impacts to wildlife are of particular concern as the project is bound to have effects to birds and animal species that occur in the preserve, these should be more fully addressed. We would also like to see additional attention given the eventual use of non-native landscaping and vegetation and the effects of these on the adjacent preserve.

We are also concerned with the long term maintenance of project elements such as drainage and stormwater features as any future failure of these elements will could impact the preserve.

Finally, we would be pleased to see additional attention given to the fact that previous development activity occurred within the wetland boundary and every effort must be made to see that this doesn't not happen again should the subdivision be approved.

We appreciate the tremendous amount of time the Planning board has already devoted to this project and hope you willing continue to provide a careful and detailed review of this proposal.

Sincerely,



Mark King
Director of Protection Programs

Rec'd 9/12/2012

Barbara Novick
955 Soundview Drive
Mamaroneck, NY 10543

Re: 1000 Taylors Lane -- Proposed Subdivision

Dear Mr. Ianniello, Chairman & Members of the Village of Mamaroneck Planning Board,

The proposed subdivision of 1000 Taylors Lane raises many environmental issues, especially in light of the existing house and its associated disturbance of the adjacent wetlands. We are concerned that the recently completed DEIS skirts over several of these issues and we hope the Board will give them full consideration in determining what conditions or restrictions need to be included in the deeds of any newly created parcels as a result of the proposed subdivision.

We all agree that Magid Pond and Otter Creek are special and sensitive environmental areas. The simultaneous occurrence of a fresh water and a salt water wetland is relatively rare and provides a unique environment for both animals and plants. The area under discussion provides a habitat for an incredibly diverse set of birds and mammals. We regularly see swans, geese, herons, egrets, ducks, and wild turkeys, as well as deer, beaver, raccoon, turtles, and a host of other animals. The DEIS does not seem to address the impact on these animals even when an osprey nest is clearly in sight of the property. This area has been deemed a Critical Environmental Area for a reason and the utmost care should be taken in evaluating any application for development.

We are particularly concerned about Magid Pond. The quantity and quality of the water are both important to the health of the pond and in turn the plant and animal life that it supports. Schemes that divert runoff may be as detrimental as plans that do not treat runoff at all, especially given the limited watershed that feeds the pond. I recall a similar situation in a neighboring community where one property owner diverted water resulting in damage to an adjacent wetland. This type of damage is virtually impossible to reverse, making it extremely important to avoid this outcome.

In addition, in the DEIS section on "Background and History", there is no discussion of the development that was done to create the existing house and grounds at 1000 Taylors Lane. That project (which was completed only a few years ago) included clearing an area that extended into the wetland buffer and adding a significant amount of fill to regrade the lot. All of which was done without appropriate local or state wetland permits. In the DEIS's concluding section "Adverse Impacts That Cannot Be Avoided", there is no mention of the impacts to tree

removal, wildlife displacement, or similar real impacts which gives us great concern about the level of the Applicant's sensitivity to these issues. In considering additional development of this sensitive area, we believe any calculations should take into account the existing structure, grading, and clearing of buffer land. Any new clearing, grading or building should be downsized to compensate and ameliorate the aggregate damage across the entire parcel, and the resulting impact on the wetlands.

During the scoping phase of this project, we understood that the Applicant would be including in the DEIS an alternative that included a defined building envelope and potential development restrictions that could be incorporated as deed restrictions on the lots. In reviewing the DEIS, we were not able to find mention of any such alternative. We believe this is critical to the approval process so that any future buyer of the subdivided parcels would understand the intentions of this Board and the restrictions are placed on this property given the sensitive nature of its environmental status.

As you saw on your site visit, Otter Creek is an unusual jewel in the Village of Mamaroneck. It is home to an incredible amount of wildlife, including many birds that nest in the tall trees and eat insects in the marsh and fish from the pond. The environment is a rare find and one that should be carefully preserved for the benefit of future generations. The wetland laws require it, and hopefully any project that is approved will reflect the importance of preserving this area.

Thank you for taking the time to undertake a detailed review of this proposal.

Respectfully submitted,

Barbara Novick

Susan Berenzweig

931 Soundview Drive Mamaroneck, NY 10543
TEL 914 698-2368

September 8, 2012

Mike Iannello, Chairman and Members of the Planning Board
Village of Mamaroneck
Village Hall
123 Mamaroneck Avenue
Mamaroneck NY 10543

Dear Mr. Iannello and Members,

I am writing to urge you to consider very carefully the potential environmental impact of the proposed subdivision for 1000 Taylors Lane. Having followed the process of the present DEIS from the start, I want to voice my concern about some vital issues that need to be addressed.

Even though I have interest as a neighbor, the "neighbors" most vulnerable to impact here do not have voices: the ospreys, hawks, bitterns, owls, songbirds, insects, otters, opossums, fish and other denizens of Long Island Sound. One look at the map demonstrates that it is Otter Creek Nature Preserve, stewarded by the Nature Conservancy, that will bear the largest brunt of the impact of construction on this adjacent land. In fact, it is just these concerns that prompted Mark King, Director of Protection Programs for the Nature Conservancy to write a strong letter to you dated January 10, 2011. In addition to several technical concerns identified in the letter, he raises the crucial and relevant point that there is a serious question of environmental impact that could result from development on the marsh and pond borders. The fact that it is designated a Critical Environmental Area should be given strong weight. You must address the zoning and planning questions differently than if the property were in the middle of a residential block, on the Parkway, for example. In the past few months, I have identified not only osprey, but rare Great Horned Owl and bitterns. The latter two are thrilling experiences.

From one's seat in an office it may be difficult to envision the actual tangible (potentially destructive) changes in the natural world that would follow should construction on this property--particularly construction of homes similar to the one already standing on this property. This brings up the uncomfortable fact that the home that was built first on this property may have violated the integrity of the wetland buffer and disregarded other environmental concerns by the clearing and grading the site, mitigating the impact of water runoff, and placing part of the structure within the wetland buffer. Besides the fact that this should never have happened once, this letter is written so it does not happen again.

In previous meetings and letters, those of us interested in this issue have urged the Planning Board to define a building envelope and potential restrictions at the time of subdivision so there is no future conflict or misunderstanding for whomever might do the building. I have read the September 7 letter and detailed "suggested issues" addendum from Daniel S. Nachez and Associates, Inc. I hope you closely consider these specific points identifying environmental problems in the DEIS line by line.

Sincerely yours,

Susan Berenzweig

To the Village of Mamaroneck Zoning Board/Building Department:

My family and I have been residents of our home at 600 Barrymore Lane since 1991, and we have witnessed firsthand the type of flooding that occurs in this area despite having the wetlands—Otter Creek and Magid Pond to protect the area. In addition we have experienced a burdened or weak infrastructure in the form of multiple power outages, poor Verizon service and more recently increased pedestrian and vehicular traffic along Taylors Lane to the Post Road from the residents of Taylors, Barrymore and Colonial Ct and their vendors/service providers (landscapers, contractors, etc).

As a result, we believe the subdivision application of 1000 Taylors Lane must not be approved as it will only further increase the incidents and severity of flooding and tax an already burdened infrastructure. The removal of additional pervious land adjacent to Otter Creek, an area that serves to absorb the ebb and flow of heavy rains and flooding, needs to be protected to avoid aggravating an already tenuous flood area. We do not agree that this application will have no or minimal impact to our community. It will negatively impact our community.

Area Flooding and Taxed Infra-Structure

Major floods in this area as well as our community of the Village of Mamaroneck are common—as recently as Irene in 2011, and in March/April 2007 we experienced storms that devastated the area with significant flooding and left all of us in the Barrymore, Colonial Court and Taylors Lane areas without electrical power.

Taylors Lane itself has been underwater, trapping the residents on the wrong side of the flood. There are children and elderly residents in this community, many of who cannot afford back up generators or 2nd homes or other means to get through a disaster. So the burden will fall on the emergency service teams to aide those in need in such a situation. The Board should consider the distress caused by a flooded Taylors Lane with no access to the Post Road.

As quoted from Westchester County's own publication, which can be found at:
<http://www.westchestergov.com/planningdocs/reports/FLOODGUIDE.pdf>

"During a 30-year mortgage, a house located in 100-yr floodplain has a 26% chance of being impacted by a 100-year flood.

That same house has a 1-2% chance of catching fire and is 27 times more likely to experience a flood than having a fire."

Heavy rainfall alone, which is a common experience, also causes local area flooding.

To continue to eliminate existing pervious land, (bear in mind the existing house on the subject property is newly built and perhaps its existence has contributed to our increased flooding incidents in the area)-- to build two more 4,000 SF or larger

homes in this area will further decrease the wetlands ability to absorb and withstand heavy rains and consume significant infrastructural resources—power, gas, telecommunication lines as well as increase traffic to the area and tax an already burdened infrastructure.

Finally even in the application itself, the design of the proposed houses include special rainwater runoff mitigation plans/devises, which is an admission by the designers that the proposed buildings/lots would negatively impact the water absorption characteristics naturally in place today. Should this proposal go through what assurances do we have that the ultimate owners will incorporate such techniques in their home site?

Wildlife Considerations

Wildlife – the subdivision and its ultimate development would also displace the wildlife that currently lives there—the area is populated with numerous deer that walk through and eat in our backyards. There are large turtles, birds of all types including 2 swans that live in Otter Creek, as well as other mammals that live in the area and could potentially be displaced. They will have fewer places to go and spend more time on our lawns.

Independent Experts

Independent Experts – the experts involved were hired by the applicants, and as a result are by default not independent. In order to properly evaluate this application an independent set of experts with no conflicts should be engaged to report on its impact; without an independent expert representing the Village, how can the Zoning Board be confident it has reviewed objective data?

In summary, the application subdivision of the 1000 Taylors Lane property should be denied and the natural or current eco-system remain untouched to support and aid in flood mitigation.

Doug and Rosa Jung 9-12-2012

Gerry Diamond

From: dougjung [dougjung@optonline.net]
Sent: Thursday, October 18, 2012 8:11 AM
To: Gerry Diamond; Ann Powers
Subject: 1000 Taylors Lane Matter

Greetings-- i have written to you before on this topic and wanted to make sure i corresponded again prior to the next hearing/meeting regarding the sub division application for 1000 Taylors Lane.

We are long time residents of 600 Barrymore Lane (since 1991) and as we stated in my first email to you prior to the September meeting, we oppose the sub division on the grounds that this community already suffers from significant flooding and infrastructure issues with the current population. The additional building of two very large homes directly adjacent to an area that mitigates area flooding would only aggravate an already tenuous situation.

This community comprised of Taylors, Barrymore, Colonial Court and part of Shadow Lane suffers flooding and power loss even when other communities in the Village do not.

The documents prepared by the applicant and their consultants purport that 2 homes constructed with various run-off mitigation devices or features, will not substantially increase flood risk in this area. While i am not an expert in such engineering, assuming those devices work, what assurance does the neighborhood, and the Village have to ensure that should these homes be built, that these devices would be constructed and properly maintained? Would the Village inspect them annually (at the homeowners expense)?

The addition of two very large homes on top of the already very large home on that site would change the character of the neighborhood significantly; we would lose the quiet, rustic nature of the area north of Taylors Lane, the setting that Otter Creek helps create. And not to mention the added traffic, landscaper noise, both of which are already at high levels. There is also a significant amount of pedestrian traffic comprised of residents, school children to/from school who are already at risk due to vehicular traffic. The next thing we would need is a traffic light on the corner of Taylors and Post Road....

Please forward this email to other board members and Village officials who are or will be involved in deciding this matter.

I will also re-send my prior email.

Thanks,

Doug Jung
(M) 646.321.6616
dougjung@optonline.net

**David and Ellen Freeman
941 Soundview Drive
Mamaroneck, N.Y. 10538**

September 10, 2012

VIA HAND DELIVERY AND ELECTRONIC TRANSMISSION

Michael Ianniello, Chair
and Members of the Planning Board
Village of Mamaroneck
Village Hall
123 Mamaroneck Avenue
Mamaroneck, NY 10543

**Re: 1000 Taylors Lane - Proposed Subdivision
Draft Environmental Impact Statement**

Dear Chairperson Ianniello and Members of the Planning Board:

We are writing you, as Village residents and neighbors adjoining the proposed 1000 Taylors Lane Subdivision, regarding the Draft Environmental Impact Statement ("DEIS") that will be considered at a public hearing on September 12.

We are not opposed in principal to the concept of this property's being subdivided so that one or two additional houses can be built. However, neither the DEIS, nor the applicants' prior actions in constructing their own residence (in apparent disregard of existing regulations), gives us confidence that these activities will be undertaken in a way that protects the wildlife, the outstanding scenic qualities, and the unique ecosystem of The Nature Conservancy's Otter Creek Preserve.

We are particularly concerned about:

- The DEIS' lack of analysis of how the clearing of land, construction activities, and subsequent human habitation will affect wildlife resources, including the ospreys which nest within sight of the proposed subdivision;
- The plans for handling of drainage and storm runoff, which could significantly alter the delicate balance needed to maintain the health of both the fresh water and salt water wetlands which adjoin the proposed subdivision; and

Michael Ianniello, Chair
September 10, 2012
Page 2

- The lack of any concrete proposals to restrict building envelopes so that there is as minimal an environmental impact as possible, including no visual impact on the viewsheds within the Preserve.

We hope and trust that, as is this process moves forward, these concerns will be more fully addressed than they have been to date.

Sincerely,



David J. Freeman



Ellen G. Freeman

David & Marjorie Kaufman
917 Taylors Lane
Mamaroneck, NY 10543

October 18, 2012

Re: Richard Alter subdivision proposal

To whom it may concern;

I am writing this letter in support of Richard Alter's proposal to subdivide his property along Taylors Lane into several plots for future home building. I assume that these plans will not in any way negatively impact the viability of the surrounding wetland area. With this in mind, I have no issues with the above referenced proposal.

Sincerely,



David M. Kaufman

Arnold Kastenbaum

655 Barrymore Lane
Mamaroneck, NY 10543
Telephone 914 381 2829
Fax 413 385 2829
Email akastenbaum@yahoo.com

Mamaroneck Village Harbor and Coastal Zone Management Commission
Village Hall
123 Mamaroneck Avenue
Mamaroneck, NY 10543

Members of the Board,

Richard and Caroline Alter have indicated that the HCZM board was seeking neighbor's opinions regarding the proposed subdivision at 1000 Taylors Lane. I live at 655 Barrymore Lane, directly across the street from the Alters' property. I have had the opportunity to speak with the Alters, review the proposed plans, attended public meetings of the Board and at his and neighbors homes.

I have no objection to the proposed plan and most likely would not find the construction of single family homes in our suburban setting objectionable as well.

Please feel free to contact me if you have any questions.

Yours truly,

Arnold Kastenbaum

Following are emails that were sent directly to me in response to my request for comments from the neighbors. I added an address to the Shaw's email.

To the Members of the VOM zoning Committee:

I am writing to acknowledge that the Alter's have shared their proposed subdivision plans with us.

Knowing that the proposed plans do not infringe on the wetlands or the adjacent buffer zone, we have no objections.

Thank you for considering our opinion with this matter.

Thank you.

Thomas O'Brien
533 Taylor's Lane

Re Taylors Lane Subdivision.

Hi Rich,

I understand the plans are to subdivide your property into 3 lots with no immediate aim to build on the two lots which would be either side of your house (each of one acre in size). We would have no objections to this plan, the lot size is on the large size for the neighborhood and ultimately having two new houses on Taylors Lane is unlikely to visually impair the area in any way. Good luck with the plans.

Steve and Tracey Shaw
[645 Barrymore Lane]

Dear Members of the Zoning Board,.

I write concerning the proposed subdivision of 1000 Taylors Lane from a single approximately three acre lot into three separate approximately one acre lots. It is my understanding that the Zoning Board has requested that Mr. and Mrs. Alter, the owners of the 1000 Taylors Lane property, solicit opinions of their neighbors as to the proposed subdivision of such property. I live at 675 Barrymore Lane, approximately 200 yards from 1000 Taylors Lane. I write to to inform the Zoning Board that I have no objection to the proposed subdivision of the 1000 Taylors Lane into three separate approximately one acre lots.

Regards,

Christopher Brennan
675 Barrymore Lane
Mamaroneck, New York 10543
[\(914\) 346-0290](tel:9143460290)

Att: HCZM Board

We have no objection to the subdivision plan being proposed by the Alters on Taylors Lane.

Thanks,

Bob Sonenclar

941 Taylors Lane

RECEIVED
CLERK'S OFFICE

2012 OCT 19 PM 12: 10

VILLAGE OF MAMARONECK
NEW YORK

October 19, 2012

**Chairman and Members of the Planning Board and Harbor and Coastal Zone
Management Commission
Village Hall, 123 Mamaroneck Ave,
Mamaroneck, NY 10543**

Re: Public Comments - 1000 Taylors Lane DEIS Subdivision

Dear Chairman and Members of the Planning Board and of the Harbor and Coastal Zone
Management Commission (HCZMC):

In a previous letter, dated October 12, 2012, I mentioned a SEQRA regulation—at 6 NYCRR §617.9 (b)(5)(vi)—that requires that all environmental impact statements must include an explanation of the action's consistency (or inconsistency) with the local waterfront revitalization program (LWRP). I also noted that the DEIS for the 1000 Taylors Lane Subdivision failed to meet this requirement

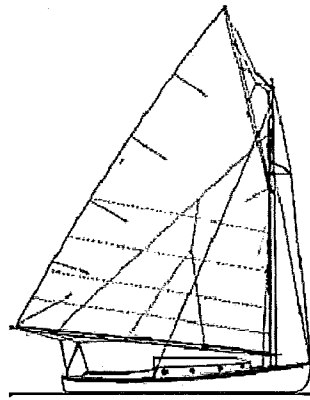
At the HCZMC meeting of October 17, 2012, I raised the issue and the applicant explained that the DEIS included a discussion of the LWRP in section IV, at pages 6-8, dealing with potential land use impacts. Thus, to clarify, the DEIS does refer to the LWRP and its policies, which is a good starting point. Nonetheless, I respectfully submit that the DEIS' consistency analysis is insufficient, as it simply asserts consistency and mentioned topics relating to the various LWRP policies covered in the DEIS. Also, it does not explain the how the alternatives relate to the policies and the consistency determination. Thus, I urge the HCZMC, as well as the Planning Board, request that this information be included in the Final EIS for the 1000 Taylors Lane DEIS Subdivision.

Other key topics, connected to the LWRP analysis, which also need further discussion, are the DEIS's "growth-inducing aspects of the proposed action" and other effects (DEIS section VI) as well as the description and evaluation of "the range of reasonable alternatives to the action that are feasible," (DEIS section V), as per 6 NYCRR 617.9 (b)(5)(iii) and (v).

Sincerely,



Victor M. Tafur



Mark Sherrid, MD
625 The Parkway
Mamaroneck, NY 10543

10/6/12

Re: 1000 Taylors Lane – Proposed Subdivision

Dear Mr. Allison, Chairman & Members of the HCZM Commission:

I am a long time Shore Acres resident, and love Otter Creek, the Nature Conservancy preserve and Magid Pond. I have enjoyed boating on Otter Creek and wandering in the preserve. I have run into an amazing diversity of wildlife there. This amazing wetland - in a near NY suburban village - is as precarious as it is lovely. I hope this lovely enclave will be preserved for my own, and others future enjoyment.

Besides, being lovely, the area provides a habitat for birds and mammals. I have seen swans, geese, herons, egrets, ducks, and wild turkeys, as well as deer, beaver, raccoon, and turtles.

I am concerned that if the houses in the proposed development are too big it will adversely affect the run-off into the creek and pond. The quantity and quality of the water are important to the health of the pond, and in turn to the plant and animal life that it

supports. Damage will be virtually impossible to reverse. We must avoid an adverse outcome.

1. I would hope for a small footprint for the houses, situated close to Taylors Lane. This will have less environmental impact than larger footprint houses placed closer to the wetlands.
2. I hope that as much of the existing forest as possible can be preserved, both for its beauty and to prevent erosion.
3. In the environmental impact statement, the applicant suggested (as one option) a four lot subdivision with one lot containing the most critical environmental pieces being placed under a conservation easement. I am encouraged by the idea of a conservation lot combined with specific restrictions on size and location of future development ! **Choose this plan !**

I hope that whatever conditions are agreed upon should become part of the deed to each property to ensure future owners are aware of any conditions related to the property at the time of purchase. This approach would protect the environment, the sellers, the buyers, and the Village.

I have spent many happy hours walking around Otter Creek and Magid Pond. Please help conserve their beauty and their wildlife.

Sincerely,
Mark Sherrid, MD

Westchester Land Trust

It's Our Nature



May 13, 2015

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Mr. Stewart Sterk, Chairman
Members of Village of Mamaroneck Planning Board
169 Mount Pleasant Avenue
Mamaroneck, NY 10543

Re: 1000 Taylors Lane Subdivision Application

Dear Chairman and Planning Board Members:

I write to follow up on our letter to you dated April 1, 2015, in which we expressed concern about the impact that the proposed subdivision at 1000 Taylors Lane will have on the ecosystem of the Otter Creek Preserve. Westchester Land Trust (WLT) is taking ownership of the Preserve from The Nature Conservancy, and we have a keen interest in ensuring that this proposed development minimizes deleterious effects on the Creek, the Preserve, and ultimately Long Island Sound.

In our earlier letter we informed you of our potential interest in holding a conservation easement, or a conservation lot in order to create as much of a buffer as possible between the building envelopes and the Preserve.

Our review of the drawings submitted by the applicant, and dated April 27, 2015, lead us to conclude that in the context of this proposal, a conservation lot owned by one organization is a preferable alternative to conservation easements on several private homeowners' properties. The reason for this is straightforward. It has been our experience (WLT holds 188 conservation easements on almost 5,000 acres), that private homeowners who have small backyard conservation easements frequently forget about or neglect their responsibilities to adhere to the terms of the easement. Additionally, as these properties are sold in future years to the "next generation" of homeowner, the more removed from the original process that created the easement, the less likely the homeowners are going to know or understand their responsibilities as conservation easement landowners. This leads to increasing potential for easement violations, and encroachment into the fragile easement area.

As to the ownership of a potential conservation lot, one alternative is for it to be held by a homeowners association comprised of the owners of each of the lots resulting from the subdivision. The HOA would be the legal owner of the lot, would be responsible for the costs of maintaining the land, and would be subject to the restrictions of a conservation easement on the lot, to be held by a qualified conservation organization. WLT could potentially be the holder of such an easement.

Alternatively, having the conservation acreage held by a conservation organization whose core mission is to preserve and protect natural lands, ensures that it will be



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monitored and stewarded in accordance with best management practices for fragile wetland systems. With Westchester Land Trust taking ownership of the abutting Otter Creek Preserve, we suggest that it might make the most sense for a conservation lot to be held and managed by the owner of the Preserve.

Whether a conservation lot or conservation easements are ultimately held by WLT, it should be noted that the obligation of the Land Trust is to monitor and enforce the boundaries of the conservation lot, or the terms of the easements—*in perpetuity*. This unique legal obligation brings with it costs of annual monitoring, and the possibility of having to legally defend against future encroachments. As such, we are required as a nationally accredited land trust, to provide for permanent stewardship funding for all properties that we take on, whether by easement, or in fee. We maintain a permanently restricted endowment expressly for this purpose. The presence of such an endowment should assure the community that the preserved lands will be overseen by an organization that has the resources to uphold its commitments.

This stewardship funding would need to be provided by the applicant (typically as a one-time payment), and the level of such funding would be calculated based on factors specific to the lots in question, as determined by a site visit. The required stewardship amount could potentially be higher for a multiple conservation easement scenario, as compared to a one-lot conservation set aside owned by the Land Trust.

In sum, Westchester Land Trust remains interested in discussing the role it might play in preserving as much of the fragile ecosystem of this property as possible. We have the expertise and the wherewithal to do so in a way that will honor the integrity of the Otter Creek Preserve for generations to come.

Lori Ensinger
President



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Creative Habitat Corp.

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From: Sven Hoeger, Environmental Consultant to the HCZMC

To: Members of the HCZM Commission

Date: September 15, 2012

RE: Proposed 1000 Taylors Lane Subdivision, Alter property

The Draft Environmental Impact Statement (DEIS) for the above referenced property is very thorough and generally does not raise concern with regard to the policies of the Village of Mamaroneck LWRP. The DEIS refers several times to the Draft LWRP, which is not yet a set of regulations on which the Commission is supposed to base its findings. My comments are therefore still based only on the environmental aspects of the currently valid LWRP. In detail the following are my remarks concerning the above referenced application:

1) Policies 7 – 10 Fish and Wildlife Policies:

Policy #7 Significant coastal fish and wildlife habitats, as identified on the N.Y. Coastal Area Map (when finalized), shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Commentary: This policy does not apply.

Policy #7a. Significant coastal fish and wildlife habitats, as identified in the LWRP, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Commentary: The proposed subdivision borders and partially includes portions of tidal and freshwater wetlands along Otter Creek and Magid Pond, both designated as "Significant fish and wildlife habitat" in the LWRP. The application carefully delineates the respective tidal and freshwater wetland borders and buffer zones. Given the vegetation description of the property, it is unlikely that rare or endangered species, or species of special concern would currently make use of the portions of the property that are proposed for development.

One of the development alternatives, Alternative C – Limits to Area Disturbance, starting on page 42, offers two equally interesting scenarios with regard to Otter Creek and Magid Pond, both of which could "protect, preserve, andmaintain their viability as habitats". One of the listed options for protecting these habitats would place a Conservation Easement over much of the undeveloped portions of the new subdivision lots or transfer property rights to the Nature Conservancy. The other alternative would create a 4-lot subdivision, where the forth lot would be configured similar to the conservation easement. The applicant does not mention what would happen to this lot, but it is safe to assume that it would never be built on and would therefore act as permanent buffer protecting the wetlands.

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Policy #8. Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Commentary: This policy applies and the subdivision plans are in compliance with this policy. The stormwater runoff from the new buildings and driveways has the potential to pollute Long Island Sound. The proposed raingarden and infiltration chambers respectively comply with current stormwater quality regulations and are likely going to remove whatever pollutants would be generated from yard maintenance and vehicle operations.

Policy # 9. Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner, which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.

Commentary: This policy does not apply.

Policy # 10. Further develop commercial finfish, shellfish and crustacean resources in the coastal area.

Commentary: This policy does not apply.

2) Policies 11 – 17 Flooding & Erosion Hazard Policies:

Policy # 11. Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding.

Commentary: As discussed on pages 38 and 39 of the DEIS the applicant considers the science underlying current sea level rise predictions as inconclusive and therefore opts to adhere solely to current flood regulations. Flooding of the basement of the proposed building on lot #1 could occur if flood levels exceeded the 100-year floodplain by a mere 1.5 feet. Technically the applicant is compliant with LWRP Policy #11, however, I, as your environmental consultant, recommend that the Village of Mamaroneck Harbor and Coastal Zone Commission clearly advise applicants Mr. and Mrs. Alter of the potential for flooding, should the prevailing sea level rise prediction come to pass.

Policy # 12. Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features.

Commentary: This policy does not apply

Policy # 13. The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years.

Commentary: This policy does not apply

Policy # 14. Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable

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increase in erosion or flooding at the site of such activities or development or at other locations.

Commentary: This policy does not apply

***Policy #17.** (Policies #15 and 16 listed as are not applicable to the LWRP) Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the floodproofing of buildings or their elevation above the base flood level.*

Commentary: This policy does not apply

3) Policies 30 – 44 Water & Air Resources policies:

***Policy #30.** Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.*

Commentary: This policy does not apply

***Policy #31.** State coastal area policies and the purposes of this local program will be considered while modifying water quality standards; however those waters already overburdened with contaminants will be recognized as being a development constraint.*

Commentary: This policy does not apply

***Policy # 32.** Not applicable*

***Policy # 33.** Best Management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.*

Commentary: The applicant complies with this policy. The plans show compliance with sediment and erosion control requirements during construction and permanent stormwater controls after the site has been developed, such as a proposed Erosion and Sediment Control Plan, a Storm Water Pollution Prevention Plan and various Best Management Practices.

***Policy #34.** Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.*

Commentary: This policy does not apply

***Policy #35.** Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State and Federal dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.*

Commentary: This policy does not apply

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Policy #36. Activities to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spill occur.

Commentary: This policy does not apply

Policy #37. Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics, and eroded soil into coastal waters.

Commentary: The applicant complies with this policy. The subdivision proposal contains provisions for the building of a raingarden on one lot and of infiltration chambers on the other lot. The majority of nonpoint storm flow discharges will be channeled into these stormwater collection and infiltration system. These systems are designed to overflow only when rainfall exceeds 2.8 inches (1-year storm event – page 36), which applies to the majority of precipitation events in this area. The overflow volume will enter into the adjacent wetlands via overflow structures as point source discharges. The applicant demonstrates with water quality calculations that Total Nitrogen and Total Phosphorus discharges will be lower after development when compared to pre-development conditions (due to the proposed collection and infiltration features).

Policy #38. The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Commentary: The applicant complies with this policy. All stormwater from the site will be directed into permanent infiltration features, such as a raingarden and collection and infiltration chambers. The nearest surface water body is Otter Creek leading into Long Island Sound. Neither quality nor quantity of this surface water will be affected negatively by the proposed project. Similarly, infiltration into the ground will recharge groundwater supplies. Any potential pollutants will likely remain near the infiltration point.

Policy #39. The transport, storage treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.

Commentary: This policy does not apply

Policies # 40 - #43. Not applicable

Policy #44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Commentary: The applicant complies with this policy.

Lastly, I would like to request that the applicant correctly reflect guidance given by the New York State Department of Environmental Conservation with letter of July 30, 2010, whereby the filing of an Article 25 Tidal Wetland Permit will be required. This requirement was omitted from the discussion of regulations on page 23.

End of Commentary

E-Mail: Sven@creativehabitatcorp.com ; Jacqueline@creativehabitatcorp.com

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From: Sven Hoeger, Environmental Consultant to the HCZMC

To: Members of the HCZM Commission

Date: September 26, 2012

RE: **Proposed 1000 Taylors Lane Subdivision, Alter property
Suggested Requests For Additional Information To Be Provided in FEIS**

Summary:

To assist the Commission in determining consistency with the LWRP, the Commission should request additional, specific information in the FEIS about the species inhabiting Otter Creek and Magid Pond and the impact that the proposed subdivision would have on significant habitats of those species.

Commentary:

The intent of the LWRP is the protection of the environment while fostering responsible development along the line of the 44 LWRP policies. This subdivision proposal generally follows standard design practices and does take standard setbacks to wetlands into consideration. As such it does not raise serious concerns with regard to the LWRP policies. However, the application mentions the proximity to two "significant fish and wildlife habitat areas", yet omits detailed information about those areas. The LWRP policy directly addressing this issue is policy 7a, which clearly states, that "*Significant coastal fish and wildlife habitats, as identified on the N.Y. Coastal Area Map (when finalized), shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.*" As I will explain in detail later, detailed species lists for both Otter Creek and Magid Pond will assist the Commission, in determining consistency with the LWRP, to assess the impact of the proposed subdivision on Otter Creek and Magid Pond natural areas. The FEIS should focus on groups of organisms that might need buffer width exceeding those provided for in standard regulations and laws.


The DEIS states that the applicant consulted with the New York Natural Heritage Program (NYNHP) regarding the known presence of endangered, rare or threatened species at or near the site and received a letter stating that none such species were known from the general vicinity (DEIS p. 29; June 9, 2011 letter from NY Natural Heritage Program). Such a letter statement is often regarded as sufficient proof that an area does not require extraordinary steps of protection beyond those already provided for by local and state laws and regulations. The proposed subdivision has been developed on this assumption and shows all legally required setbacks, buffers and treatment facilities. The referenced NY Heritage communication however cautions: "*The absence of data does not necessarily mean that rare or state-listed species, natural*

communities or other significant habitats do not exist on or adjacent to the proposed site." Since Otter Creek and Magid Pond are known and listed areas of significant habitat, the applicant would aid the Commission in its decision making process by providing species lists for invertebrates, amphibians, reptiles, mammals and birds in particular – and lists of plants for a better picture of the habitat characteristics.

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Legal setbacks are NOT cure-alls for all habitat requirements of every species that may inhabit the protected areas. A 100-foot setback from a freshwater wetland and a 300-foot setback from a tidal wetland allow for errors made in determining the exact location of the wetland edge; these setbacks are generally adequate to protect the wetlands from threats of erosion and sediment accumulations, but they DO NOT address the habitat requirements of all species that may occur in those wetlands. For many species a 100-foot wide wetland buffer is more than sufficient. However, there are other species that will require larger – and potentially significantly larger – wetland buffers to complete their respective life cycles.

The DEIS mentions that “According to The Nature Conservancy, the Otter Creek tidal wetlands feature more than 100 species of plants, abundant marine and terrestrial life, and more than 100 species of birds.” The DEIS however does NOT provide a list of those hundreds of species known to benefit from the protected status of Otter Creek. I suggest that the HCZMC request such a list, should it exist, to be included in the FEIS, to allow for a more educated review of the potential environmental impact the proposed subdivision could have on protected natural resources, especially on those animals that may not be endangered as of yet, but do require extended buffer zones beyond the limits of a wetland to complete their life cycles.

In the absence of a list of known species for Otter Creek and Magid Pond, **the next best solution to “protect, preserve and maintain the viability as habitats” of Otter Creek and Magid Pond would be a restrained attitude toward development**, such as proposed by the applicant as Alternative C – Limits to Area Disturbance, starting on page 42 of the DEIS. This alternative development proposal suggest the possibility of restricting development on portions of the proposed subdivision through a Conservation Easement or through the creation of a separate conservation parcel that could be deeded to a land trust.

Finally, the DEIS characterized this property as “second growth”, and the opposition to this development raised doubts about the correct location of the wetland delineation. I suggest that the Commission request that the correctness of the wetlands delineation be confirmed by the Planning Board as part of the FEIS.

End of Commentary

MEMORANDUM



TO: Mr. Nick Allison, HCZMC Board Chair,
CC: Members of the HCZMC, Village of Mamaroneck
Mr. Robert Melillo, Building Inspector, Village of Mamaroneck
DATE: September 17, 2012
RE: 1000 Taylors Lane – Draft EIS Completeness Review

The purpose of this memorandum is to provide the HCZMC with a summary of our review of the Draft Environmental Impact Statement for the proposed subdivision located at 1000 Taylors Lane. This review was focused on the engineering design and the associated Village Code requirements in accordance with the following:

- Village of Mamaroneck Code, Chapter 294 Stormwater Management and Erosion and Sediment Control and other sections, as applicable.
- New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual, last revised August 2010.
- New York State Standards and Specifications for Urban Erosion and Sediment Control, dated August 2005.

DOCUMENTS REVIEWED

1. Draft Environmental Impact Statement (DEIS), by Elizabeth Evans, Evans Associates Environmental Consulting, Inc., Received February 28, 2012. Revised 7/19/12.

DISCUSSION

The Applicant has submitted a Draft Environmental Impact Statement (DEIS) for the proposed subdivision. We are in receipt of comments from the Village Planning Consultant Dated July 5, 2012. Based upon our review of the DEIS, in particular sections pertaining to stormwater management, we have no objection to the acceptance of the DEIS at this time. All stormwater practices on the "typical" building site plans in the DEIS appear to be designed in accordance with applicable State and Village Code Requirements. It is also indicated that all future development will occur outside of any State or local wetland buffers and 100 year flood plain. Applicant will also be required to file a SWPPP with the Village in accordance in MS4 regulations. At the time of application for Building Permit the "actual" proposed plans would have to be submitted for the final design approval.

If you have any questions regarding the above, please feel free to contact our office at (914) 448-2266.

DANIEL S. NATCHEZ and ASSOCIATES, Inc.

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September 18, 2012

Nick Allison, Chair
and Members of the Harbor & Coastal Zone
Management Commission
Village of Mamaroneck
Village Hall
123 Mamaroneck Avenue
Mamaroneck, NY 10543

RE: 1000 Taylors Lane – Proposed Subdivision – Alter

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Chairperson Allison and Members of the Board:

In our capacity as an Environmental Waterfront Design Consulting Company and on behalf of our clients, this letter is being filed with the Harbor and Coastal Zone Management Commission to provide several thoughts relative to the LWRP policies as well as the memo from Sven Hoeger, Environmental Consultant to the HCZMC, dated 9/15/12 providing Sven's comments on the DEIS (Revised 7/19, accepted 7/25/12 by Planning Board) for the above referenced Project and the Project's consistency with the LWRP.

While we appreciate that Sven has actually pieced together discussions from the DEIS with the actual policies of the Village LWRP, something that the Applicant has appeared reluctant to do, we believe that there are additional issues to consider which would alter the conclusions offered to date. The continual back and forth within the DEIS between the proposed subdivision, theoretical development plans and potential alternatives tends to confuse the issues and makes it difficult to put the proposal into the appropriate context.

The facts are that the Applicant to date has proposed the subdivision of the property. The resulting lots *without appropriate restrictions* would allow for potential development *well beyond the theoretical development plan* that is the focus within the DEIS, and the existing house along with its landscaping/rear yard development were apparently issued both a Building Permit and Certificate of Occupancy by the Village even though its development should have also required wetlands permits from the Village and the NYSDEC and possibly a LWRP Consistency Determination from the HCZMC (or its predecessor the CZMC) and a Site Development Permit from the Village that presumably would have better protected the wetland buffer and floodplain, particularly given the extensive land area that was available outside of these areas.

It is respectfully suggested that maximum development of the three lots has great potential for environmental impact and a finding of being inconsistent with the LWRP, and thus it is incumbent that those measures that would serve to mitigate or reduce the potential impacts be made real through the current review and approval process.

For ease of review of these issues, we have taken Sven's memo as a basis for offering the following discussion:

Sven notes in comments relative to policy #7a, *Significant coastal fish and wildlife habitats, as identified in the LWRP, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats*, "...it is unlikely that rare or endangered species, or species of special concern would currently make use of the portions of the property that are proposed for development." [Emphasis Added] Now, while one might debate that conclusion, particularly with respect to potential use of some of the taller trees by Osprey, on a more fundamental level is the fact that the Applicant has not yet indicated whether they are prepared to accept any of the various measures or alternatives as part of the approval for the property's subdivision that would limit future development in any way, shape or form. It is also perhaps worth noting that the comment focusses on rare or endangered species and does not mention the many other species that utilize the site. It is respectfully suggested that the policy was not intended solely to protect rare and endangered species habitat but to protect habitat for a far wider range of species as noted in the LWRP, and there can be no denying that development of the proposed lots will impact the overall habitat value of the area, the only real question is to what extent.

Sven continues on policy #7a, "One of the development alternatives, Alternative C – Limits to Area Disturbance, starting on page 42, offers two equally interesting scenarios with regard to Otter Creek and Magid Pond, both of which *could* "protect, preserve, andmaintain their viability as habitats". One of the listed options for protecting these habitats would place a Conservation Easement over much of the undeveloped portions of the new subdivision lots or transfer property rights to the Nature Conservancy. The other alternative would create a 4-lot subdivision, where the forth lot would be configured similar to the conservation easement. **The applicant does not mention what would happen to this lot, but it is safe to assume that it would never be built on and would therefore act as permanent buffer protecting the wetlands.**" [Emphasis added] Here again the emphasis has been added to make the point that there has been very little specificity included in the DEIS as to how either the Conservation Easement or Fourth Lot alternatives would work and whether either of these potential alternatives would meet the objectives and be acceptable to the Applicant. The fourth lot is indeed a particularly interesting alternative depending upon the details and what other development restrictions are applied to the three building lots.

With respect to Policy #8, *Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources*, Sven comments, "This policy applies and the subdivision plans are in compliance with this policy." Again it is noted that the actual subdivision plans offer no means to affect such an outcome. The DEIS considers a theoretical development as a means of showing how a house could be constructed on each of the lots, not what is proposed to take place on either of the new lots, and it is known that the existing house, which will remain on Lot 2, did not, in fact, follow the same patterns suggested for the theoretical development of the new lots, as the house, tree clearing, grading and retaining walls extend well into the wetlands buffer. Sven also notes, "The stormwater runoff from the new buildings and driveways has the potential to pollute Long Island Sound. The proposed raingarden and infiltration chambers respectively comply with current stormwater quality regulations and are likely going to remove whatever pollutants would be generated from yard maintenance and vehicle operations." As to a detail, it is noted that yard area runoff is not generally shown as being directed to the stormwater management measures in the theoretical plans, and this is frequently

and necessarily the case in most development scenarios. It also has not been clear that even with constructing a rain garden above existing grades on Lot 1 (requiring a sizable berm) whether there actually is adequate depth to bedrock to meet current stormwater requirements, and the infiltrator fields on Lot 3 are set uphill from new retaining walls needed to terrace the steeply sloping existing grades.

Policy # 11. *Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding.* Sven has rightly noted that the theoretical development plan for the house on Lot 1 sets the basement “a mere 1.5 feet” above the current 100 year flood level for this area. It is worth further noting that if this building were located within the mapped flood zone instead of being in the area adjacent to the flood zone the minimum basement elevation required by NYS would be 2 feet above the 100 year flood level. It would seem appropriate to follow such requirements for new development on these lots as a means of helping meet the intent of this policy.

Policy # 12. *Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features.* Sven notes that this policy does not apply, however it would seem that this policy should apply as the wetlands on site at a minimum are clearly a natural protective feature and need to be protected. The key then, once again, is assuring that any future development of the proposed lots will be compliant with this policy, and what means might be incorporated into the subdivision to achieve this goal.

The same type of approach applies to Policies 14 and 17 which have also been suggested as not applying:

Policy # 14. *Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations.*

Policy #17. *Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the floodproofing of buildings or their elevation above the base flood level.*

In fact the proposed subdivision results in three lots that contain wetlands and mapped flood hazard areas, and thus it would appear that these policies very much apply and that the subdivision needs to incorporate measures that allow for the goals of the policies to be met.

The discussion of Policies 33, 37 and 38 also takes a position that the proposals within the theoretical development plans included in the DEIS demonstrate compliance with the policies, though once again these are all theoretical plans that are not part of the Applicant's actual proposal.

“Policy # 33. Best Management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters. Commentary: The applicant complies with this policy. The plans show compliance with sediment and erosion control requirements during construction and permanent stormwater controls after the site

has been developed, such as a proposed Erosion and Sediment Control Plan, a Storm Water Pollution Prevention Plan and various Best Management Practices.”

“Policy #37. Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics, and eroded soil into coastal waters. Commentary: The applicant complies with this policy. The subdivision proposal contains provisions for the building of a raingarden on one lot and of infiltration chambers on the other lot. The majority of nonpoint storm flow discharges will be channeled into these stormwater collection and infiltration system. These systems are designed to overflow only when rainfall exceeds 2.8 inches (1-year storm event – page 36), which applies to the majority of precipitation events in this area. The overflow volume will enter into the adjacent wetlands via overflow structures as point source discharges. The applicant demonstrates with water quality calculations that Total Nitrogen and Total Phosphorus discharges will be lower after development when compared to pre-development conditions (due to the proposed collection and infiltration features).”

“Policy #38. The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply. Commentary: The applicant complies with this policy. All stormwater from the site will be directed into permanent infiltration features, such as a raingarden and collection and infiltration chambers. The nearest surface water body is Otter Creek leading into Long Island Sound. Neither quality nor quantity of this surface water will be affected negatively by the proposed project. Similarly, infiltration into the ground will recharge groundwater supplies. Any potential pollutants will likely remain near the infiltration point.”

There are also a number of points made relative to the theoretical plans that raise or are related to previously expressed concerns. Specifically Sven notes that, “These systems are designed to overflow only when rainfall exceeds 2.8 inches (1-year storm event – page 36), which applies to the majority of precipitation events in this area.” The related question is what would be the potential effect to Magid Pond of possible reductions in the wetland water supply resulting from such stormwater management measures required to comply with development requirements? It is also again noted that the comments talk about the theoretical stormwater controls capturing all stormwater from the site when this is not the case, even when just looking at the suggested areas to be developed.

Lastly, with respect to Policy #44, *Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas*, the commentary simply states, “The applicant complies with this policy.” As noted above, there is nothing included in the Applicant’s proposal to assure such an outcome. It is respectfully submitted that only by taking measures to restrict the future development of these lots can there be any assurance that the tidal and freshwater wetlands that exist here can be preserved and protected.

We do very much appreciate the fact that the theoretical development plans and actual proposed subdivision plans are frequently quite muddled within the DEIS and, in fact, throughout the entirety of the application process to date. It is understood that there is value in indicating the feasibility of a theoretical plan as to how the lots might be developed, but there are considerable physical and environmental constraints associated with the subject property - from steep slopes, shallow depth to bedrock, tidal and freshwater wetlands, to identified significant fish and wildlife resources and Critical Environmental Area designations - that have not been addressed in the actual subdivision plans.

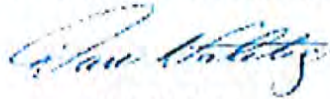
All of this points to the balancing act the HCZMC may wish to consider – i.e. if the Commission desires to find some type of subdivision consistent with the LWRP, it would be meaningful and appropriate to do so with meaningful restrictions (an approach that the NYSDOS frequently takes), including through such measures as the potential fourth conservation lot, restricted building envelopes, etc., that need to be part of the subdivision so that the eventual owners of the lots will know what to expect and so that those reviewing the proposals will be fully aware of the property's many restrictions.

DSN&A looks forward to further discussing the Project, DEIS and LWRP at the HCZMC's 9/19/12 meeting.

With warm regards ...

Sincerely,

DANIEL S. NATCHEZ and ASSOCIATES, Inc.



Daniel S. Natchez,
President

cc:

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Susan Favate
Anna Georgiou
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Hugh Greechan
Planning Board
Gerry Diamond
Sally Roberts
Robert Melillo
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September 19, 2012

Nick Allison ,Chair
and Members of the Harbor & Coastal Zone
Management Commission
Village of Mamaroneck
Village Hall
123 Mamaroneck Avenue
Mamaroneck, NY 10543

RE: 1000 Taylors Lane – Proposed Subdivision – Alter

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Chairperson Allison and Members of the Board:

In our capacity as an Environmental Waterfront Design Consulting Company and on behalf of our clients, this letter is being filed with the Harbor and Coastal Zone Management Commission to provide additional comments relating to the DEIS (Revised 7/19, accepted 7/25/12 by Planning Board) for the above referenced project and focuses on preliminary comments relative to the visual and spatial consistency of the proposed subdivision and various theoretical houses in relation to the existing surrounding neighborhood to be addressed in the DEIS as it moves forward to become the FEIS.

As part of the review of the DEIS at its Public Hearing on 9/12/12, the Village of Mamaroneck Planning Board specifically requested that additional information be provided as part of the record to assist in deliberations for completing the FEIS relating to the existing development pattern of the neighborhood. The Planning Board also suggested that both the Applicant and those concerned with the proposed subdivision review this development pattern. The further background for those who may not have attended or viewed the 9/12/12 Public Hearing is that this request originated following a discussion of proposed building envelopes and whether encouraging the eventual new houses to be built as close to Taylors Lane as Village Zoning allows would be consistent with the existing development in the area.

To this end we have attached the following preliminary analysis as a work in progress:

- Drawing entitled: 1000 Taylors Lane Subdivision - Neighborhood Consistency: Sheet 1 – DEIS Proposed Action
- Drawing entitled: 1000 Taylors Lane Subdivision - Neighborhood Consistency: Sheet 2 – Adjusted DEIS Proposed Action
- Drawing entitled: 1000 Taylors Lane Subdivision - Neighborhood Consistency: Sheet 3 – Believed Full Build-out
- Spreadsheet entitled: 1000 Taylors Lane Subdivision - Neighborhood Consistency: Neighboring Property Attributes

As displayed in the attached drawing entitled "1000 Taylors Lane Subdivision - Neighborhood Consistency: Sheet 1 - DEIS Proposed Action," which also shows the two proposed theoretical houses from the DEIS, the majority of the existing houses in the area have been built at or very close to the 25 foot front yard setback. It thus would not appear to be unreasonable or inconsistent to consider the suggestion of building envelopes proximate to Taylors Lane so as to minimize development towards the wetlands. In fact, if the Alter's existing house at 1000 Taylors Lane (proposed Lot 2) had been built closer to the front yard setback its encroachment into the wetlands buffer, at least with respect to the actual house, could have been minimized or perhaps entirely eliminated. Its encroachment certainly could have been eliminated with some minor design changes. Additionally, it is noted that the majority of the houses on Soundview Drive that border the wetland have been constructed *at or near the 25 foot front yard offset*, close to the road and *away from the wetland*. It is therefore respectfully suggested that it would be entirely appropriate to require any new construction on the proposed Lots 1 and 3 to be constructed within a defined building envelope beginning at the 25 foot front yard setback line to ensure the houses are constructed as far away from the wetland as possible with the intent of minimizing impacts to the wetlands/significant fish and wildlife habitats/critical environmental areas. On Sheet 2 of the enclosed drawings DSN&A has taken the liberty of moving the two new theoretical houses proposed in the DEIS up to the 25 foot front yard setback.

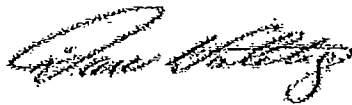
However, it should also be noted that the lots as proposed in the DEIS allow for houses that far exceed existing nearby houses in both footprint and livable space, with the potential for a believed maximum house (per zoning FAR) of 37,210 SF for Lot 1 and 23,062 SF for Lot 3, which are well above even the largest of the existing houses in the area and as much as eight to ten times larger than the more typical house sizes in the area. On Sheet 3 of the enclosed drawings DSN&A has depicted what a house of this size would look like, assuming that the square footage is distributed through 2.5 stories. Realizing this potential, it is believed that either restrictions should be set in place for these new proposed lots to also limit house size or that the Four Lot subdivision alternative as described in the DEIS be seriously pursued, assuming the fourth lot is dedicated as a no-build conservation lot.

DSN&A looks forward to further discussing the Project, DEIS and LWRP at the HCZMC's 9/19/12 meeting and to the HCZMC's future review of the proposed subdivision's Consistency with the LWRP.

With warm regards ...

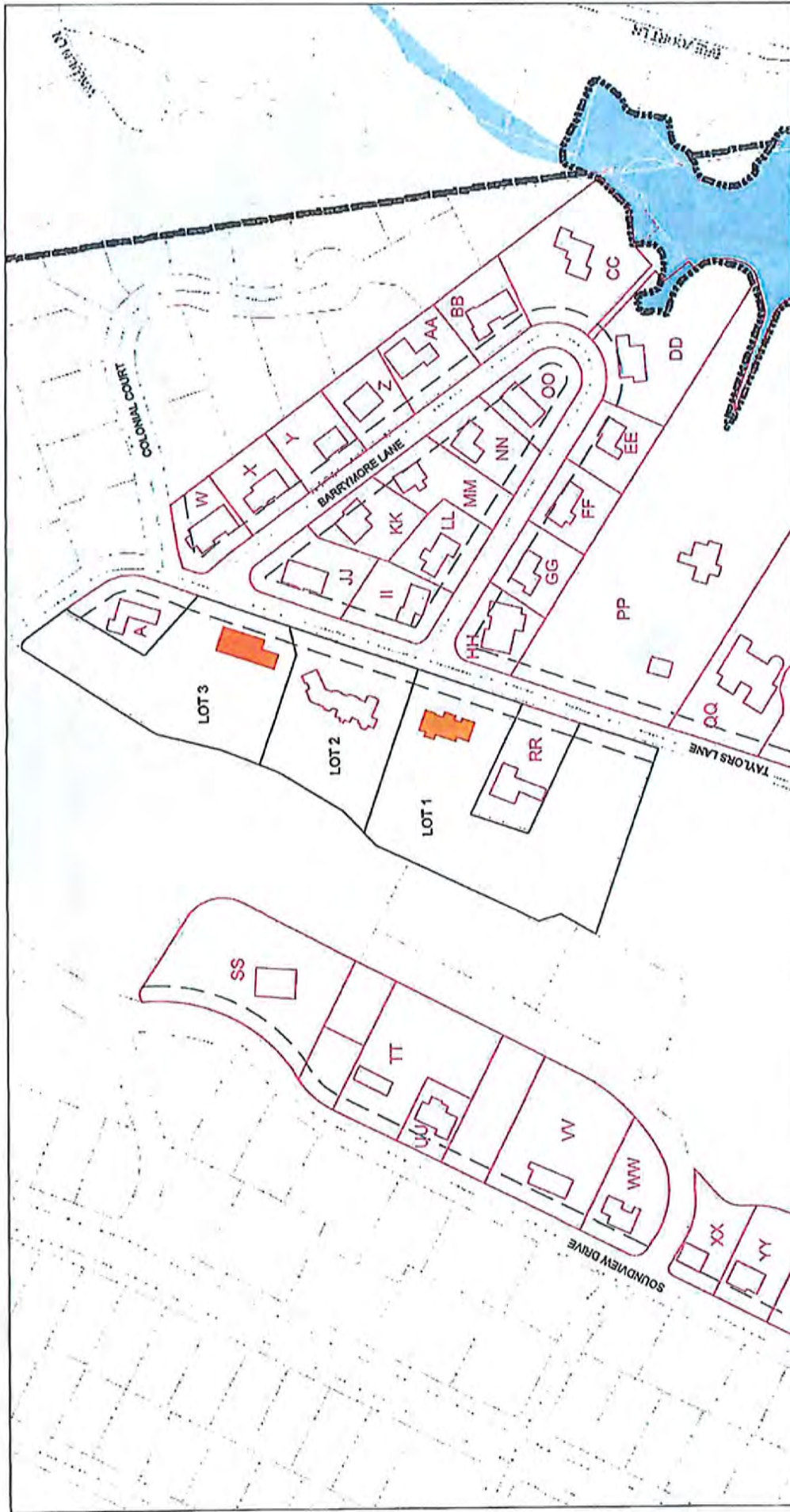
Sincerely,

DANIEL S. NATCHEZ and ASSOCIATES, Inc.



Daniel S. Natchez, President

cc: Sven Hoeger
Susan Favate
Anna Georgiou
Lester Steinman
Hugh Greechan
Planning Board
Gerry Diamond
Sally Roberts
Robert Melillo
Beth Evans



1000 TAYLORS LANE SUBDIVISION - NEIGHBORHOOD CONSISTENCY

SHEET 1 - DEIS PROPOSED ACTION DATE: 9/19/2012

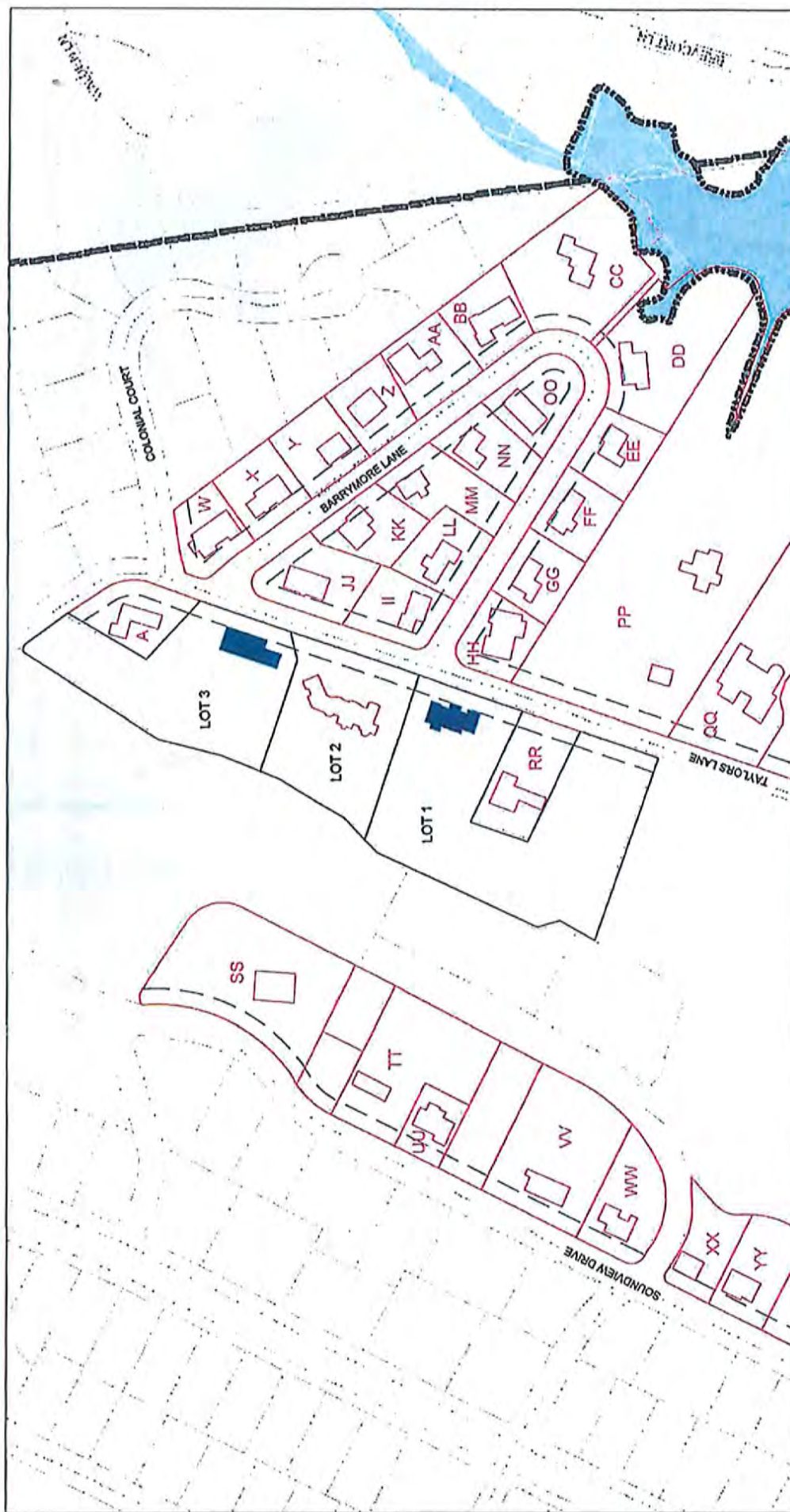
NOTE: SEE ATTACHED TABLE FOR CORRESPONDING LOT DETAILS.

1000 TAYLORS LANE PROPERTY
 PROPOSED TAYLORS LANE SUBDIVISION LINES
 EXISTING PROPERTY LINES
 25' SETBACK

GRAPHIC SCALE
 (IN FEET)
 1 inch = 150 ft.

100 200 300 400 500 600 700 800 900 1000

W N E S



1000 TAYLORS LANE SUBDIVISION - NEIGHBORHOOD CONSISTENCY

SHEET 2 - ADJUSTED DEIS PROPOSED ACTION

DATE: 9/19/2012

NOTE: SEE ATTACHED TABLE FOR
CORRESPONDING LOT DETAILS.

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1000 TAYLORS LANE PROPERTY

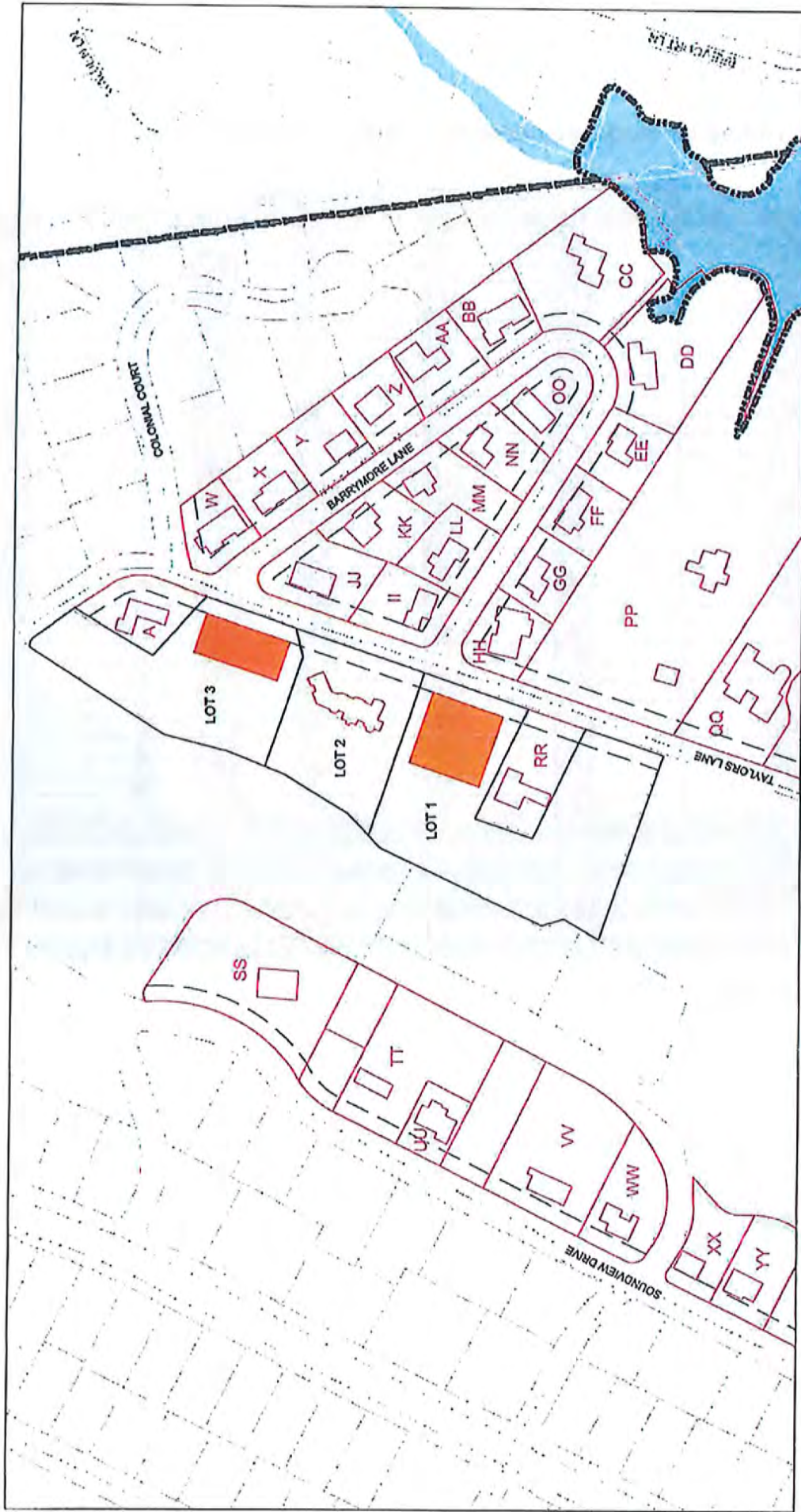
PROPOSED TAYLORS LANE SUBDIVISION LINES

EXISTING PROPERTY LINES

25' SETBACK

GRAPHIC SCALE

(IN FEET)
1 inch = 150 ft.

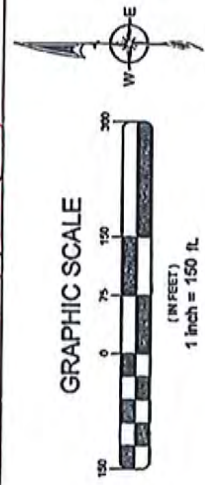


1000 TAYLORS LANE SUBDIVISION - NEIGHBORHOOD CONSISTENCY SHEET 3 - BELIEVED FULL BUILD-OUT

DATE: 9/19/2012

NOTE: SEE ATTACHED TABLE FOR
CORRESPONDING LOT DETAILS.

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1000 TAYLORS LANE PROPERTY

PROPOSED TAYLORS LANE SUBDIVISION LINES

EXISTING PROPERTY LINES

25' SETBACK

1000 Taylors Lane Subdivision - Neighborhood Consistency: Neighboring Property Attributes

Source: Town of Rye Assessor's Online Database						
Lot	Address	Gross Area (SF)	Living Area (SF)	Lot Size (Acres)	Lot Size (SF)	Stories
AA	533 Taylors Lane	2,024	1,776	0.30	15,682	1
W	600 Barrymore Lane	5,544	2,661	0.3	13,068	1.5
X	610 Barrymore Lane	4,025	2,532	0.33	14,376	1
Y	620 Barrymore Lane	3,870	2,140	0.33	14,376	2
Z	630 Barrymore Lane	5,374	3,138	0.3	13,068	2
AA	640 Barrymore Lane	5,935	4,601	0.36	15,682	3
BB	650 Barrymore Lane	5,527	2,668	0.34	14,810	1
CC	660 Barrymore Lane	4,726	3,167	0.95	41,382	2
DD	695 Barrymore Lane	6,458	3,228	0.94	40,946	2
EE	685 Barrymore Lane	4,080	2,325	0.31	13,504	2
FF	675 Barrymore Lane	4,788	2,390	0.3	13,068	2
GG	665 Barrymore Lane	5,500	2,954	0.3	13,068	2
HH	655 Barrymore Lane	6,132	2,735	0.3	13,068	1.5
II	670 Barrymore Lane	3,440	2,000	0.34	14,810	2
JJ	1041 Taylors Lane	4,548	3,044	0.42	18,295	1
KK	625 Barrymore Lane	6,016	2,858	0.33	14,376	2
LL	680 Barrymore Lane	4,671	2,742	0.32	13,939	2
MM	635 Barrymore Lane	3,058	2,170	0.38	16,553	1
NN	641 Barrymore Lane	5,082	3,034	0.34	14,810	2
OO	645 Barrymore Lane	4,478	2,589	0.37	16,117	1
PP	941 Taylors Lane	7,812	4,171	4.55	198,198	2.5
QQ	917 Taylors Lane	14,999	9,259	2.36	102,802	2
RR	942 Taylors Lane	3,444	3,120	0.46	20,038	1
SS	955 Soundview Drive	10,881	5,990	1.2	52,272	2
TT	941 Soundview Drive	8,631	4,021	0.83	36,155	2
UU	931 Soundview Drive	4,180	1,780	0.22	9,583	1
VV	911 Soundview Drive	5,549	3,044	0.9	39,204	1.5
WW	901 Soundview Drive	4,748	2,408	0.44	19,166	1.5
XX	847 Soundview Drive	3,952	2,168	0.31	13,504	1.5
YY	835 Soundview Drive	4,694	2,656	0.39	16,988	1.5
ZZ	1000 Taylors Lane	**10,360	5,504	5.17	225,205	2
Lot 1 (DEIS Proposed Action)		9,595		2.456	106,983	2.950
Lot 1 (DEIS Full Build Out)		35,438		2.456	106,983	9.450
Lot 1 (Bellevue Full Build Out)		37,210		2.456	106,983	10.884
1000 Taylors Lane (DEIS Lot 2)		12,385		1.195	52,054	5.266
Lot 3 (DEIS Proposed Action)		11,000		1.518	66,124	3.740
Lot 3 (DEIS Full Build Out)		23,100		1.518	66,124	6.180
Lot 3 (Bellevue Full Build Out)		23,082		1.518	66,124	9.880

* Measured from Westchester County Tax Map

**Differs from DEIS's 12,385 SF

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October 4, 2012

Nick Allison, Chair
and Members of the Harbor & Coastal Zone
Management Commission
Village of Mamaroneck
Village Hall
123 Mamaroneck Avenue
Mamaroneck, NY 10543

**RE: 1000 Taylors Lane – Proposed Subdivision – Alter
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Dear Chairperson Allison and Members of the Commission:

In our capacity as an Environmental Waterfront Design Consulting Company and on behalf of our clients (including Novick, Freeman and Berenzweig), this letter is being filed with the Harbor and Coastal Zone Management Commission following up on the discussion at the HCZMC's 9/19/12 meeting and the HCZMC's suggestion to "connect the dots."

It is inevitable that there will be overlap between the Planning Board's review and the HCZMC's review as both entities are ultimately charged with ensuring the protection of the wetlands and environmental resources, minimizing potential erosion and flood damage and ensuring that new development within the Village is undertaken in a responsible manner. The Planning Board, as Lead Agency, has been particularly involved in the review of the application to date, including throughout the Applicant's preparation of the DEIS. The Planning Board has also asked that the HCZMC request any information that the HCZMC may deem appropriate to be developed in the Planning Board's creation of the FEIS and has allotted time specifically for the HCZMC to do this.

As you know, once the FEIS is completed, the Application reverts back to the HCZMC to make a Consistency Determination on the Application, which must be undertaken prior to the Planning Board making its decision on the Application.

While the DEIS is somewhat lengthy, there are several substantive issues that you may wish to have further developed for inclusion in the FEIS that would be of assistance to the HCZMC (and the Planning Board) as you go through your review:

1. Magid Pond Water Supply:

Provide an analysis of potential adverse effects from the potential *decrease* of freshwater run-off into Magid Pond, which is of particular concern given the limited watershed that feeds the pond. Sven Hoeger notes in his 9/15/12 memo that the suggested stormwater detention/infiltration systems will *only overflow* during storm events that produce more than 2.8 inches of rain (the one year storm), which means there will be *no overflow from most of the precipitation events in this area*.

2. Habitat/Buffer:

Examine whether a 100 foot buffer is sufficient or, in this site-specific CEA area, is a wider buffer appropriate for

- clearing,
- house, and
- accessory structures

as well as the development of meaningful clearing and building restrictions that can be incorporated into the future deeds of Lots 1, 2 and 3.

There is currently no substantive discussion of likely impacts to wildlife habitat—including the site’s relatively undeveloped brushlands and woods adjacent to the Nature Conservancy and Magid Pond resources—resulting from the clearing of the portions of the lots to be developed beyond a basic discussion relating only to Osprey.

3. Scenic Vistas/Visual Analysis:

Provide a more detailed examination as to how the clearing and development of the lots will visually impact the area both from Otter Creek/Magid Pond as well as Taylors Lane, potentially including such tools as Photoshop renderings, Sketch-Up modeling, etc., as well as what additional measures would help mitigate such an impact. It is stated in the DEIS that the proposed addition of two large new houses “will preserve the visual conditions of the area,” however, the addition of two large new houses will undoubtedly have an impact. It would also be useful to consider in such an analysis the potential development of the two additional undeveloped lots owned by the Alters on the northwest side of Magid Pond.

4. Proposed Subdivision vs. Theoretical Development Plan:

Present acceptable restrictions *to include* in the language of the future deeds of Lots 1, 2 and 3 pertaining to construction/expansion of houses and amenities, and specifically including **building envelopes**. Once any subdivision is approved, future building and development would, based on current Village protocols, likely be able to take place *without further land use board oversight*.

- The Applicant to date has proposed the subdivision of the property with no restrictions on future development.
- The Applicant has suggested a theoretical development plan with *relatively* modest proposed construction plans for each property.
- The DEIS has assessed the environmental impacts *based upon the theoretical development plan*.
- The resulting lots *without appropriate restrictions* would allow for potential development *well beyond the theoretical development plan* that is the focus within the DEIS.
- Inappropriate development of the proposed lots has the potential to create a *significant environmental impact* and a finding of being inconsistent with the LWRP.

5. LWRP Policies:

Specifically address the LWRP policies in the usual fashion of listing each policy with a specific meaningful response to each policy as opposed to referring to other sections within the DEIS which allows for misinterpretations and confusion. While Sven Hoeger in his

9/15/12 memo has attempted to begin to piece together discussions from the DEIS with the actual policies of the Village LWRP it would be appropriate for these policies to be addressed within the FEIS in one place rather than flipping from section to section and making assumptions as to what is actually meant. It also should state that the HCZMC will make its own interpretations and findings with respect to each policy.

6. Soils:

Provide a discussion of what types of measures should, as a minimum, be implemented by any future developer for dealing with the site's poor soils (as stated within the DEIS) so as to ascertain the full impact of development. A full explanation and outline of proposed minimum construction measures would provide a clearer picture to work with in properly considering the environmental impacts of building a structure on these soils and adjacent to the wetland.

7. Depth to Bedrock on Lot 1:

Provide more complete information concerning the site development constraints associated with limited depth to bedrock (reported at generally less than 3 feet), including a more detailed cross section with calculations, details and a planting plan of the rain garden verifying its functionality on this site. It would appear from the information presented that the depth to bedrock in the proposed rain garden location would not allow sufficient percolation and therefore the rain garden would not function as theoretically suggested. This information is necessary to determine the full impact of the proposed subdivision.

8. Slopes:

Correct the inconsistencies in the DEIS wherein the Applicant's own soils analysis is contradicted with respect to what is considered to be steep slopes. While the Village code to our knowledge does not define what slope constitutes a steep slope, many other communities in Westchester do and that threshold typically is set at 15%, consistent with the descriptions in the DEIS's soils reporting. The percentages of development occupying areas of steep slope, and thus potential impacts associated with same, are far greater when the 15% threshold is used, particularly with respect to Lot 3.

9. Background & History:

Provide a complete history of the development of the existing house, including all permits received, as well as disclosure of other properties in the area surrounding Magid Pond owned or controlled by the Applicant. The fact that the Alters were issued a building permit by the Village and the development occurred despite many available alternatives that would not have required disturbance of the buffer is key to understanding the current concern with respect to the proposed subdivision.

- The Alters acquired this large undeveloped piece of property upon which they proposed the construction of a new house.
- The existing house possibly along with its landscaping/rear yard development were apparently issued both a Building Permit and Certificate of Occupancy by the Village even though its development should have also required, at a minimum, Wetlands Permits from the Village and the NYSDEC.
- The existing house, retaining wall and rear yard fill extend into the 100 foot wetland buffer by up to 69 feet amounting to approximately ¼ acre in total size.
- The current staff at the Village Building Department has suggested that it looks like

mistakes were made at the time of the Alters' application – but a CO was issued and what's done is done.

- The Alters also own two undeveloped parcels of land on the west side of Magid Pond within Shore Acres which were previously listed for sale.

In contrast to what was stated at the HCZMC meeting, it should also be noted that in addition to the letters of concern submitted by the previously noted residents along Soundview Drive, *The Nature Conservancy has also been monitoring the situation and has submitted several letters to the attention of the Planning Board expressing the Conservancy's concerns with respect to the proposed subdivision and potential development of the property.*

As we have previously noted, it is understood that there is value in indicating the feasibility of a theoretical plan as to how the lots might be developed, but there are considerable physical and environmental constraints associated with the subject property - from steep slopes, shallow depth to bedrock, tidal and freshwater wetlands, to identified significant fish and wildlife resources and Critical Environmental Area designations - **that have not been addressed in the actual subdivision plans.**

All of this points to the balancing act that the HCZMC may wish to consider – i.e. if the Commission desires to find some type of subdivision consistent with the LWRP, it would be appropriate to do so with meaningful restrictions (an approach that the NYSDOS frequently takes), including through such measures as the potential fourth conservation lot, restricted building envelopes, etc., that need to be incorporated into the deeds of the subdivision's proposed lots so that the eventual owners of the lots will know what to expect and so those reviewing the proposals will be fully aware of the property's many constraints.

We hope this letter has served to simplify and summarize previous filings into a more concise, organized form. For complete detail on any of the topics presented in this letter, please refer to previous filings or contact our office.

With warm regards ...

Sincerely,

DANIEL S. NATCHEZ and ASSOCIATES, Inc.



Daniel S. Natchez,
President

cc: Sven Hoeger
Susan Favate
Anna Georgiou
Lester Steinman
Hugh Greechan
Planning Board
Gerry Diamond
Sally Roberts
Robert Melillo
Beth Evans

Barbara Novick
955 Soundview Drive
Mamaroneck, NY 10543

September 25, 2012

Re: 1000 Taylors Lane – Proposed Subdivision

Dear Mr. Allison, Chairman & Members of the HCZM Commission:

Thank you for taking the time to listen to the rather long presentations regarding the proposed subdivision of 1000 Taylors Lane. As you know, the Otter Creek area (which includes Magid Pond) is an important and sensitive '*Critical Environmental Area*', and your interest in learning about this project and its potential impact is appreciated.

As a followup to the HCZM meeting on September 19, I wanted to take this opportunity to try to "connect the dots" as you suggested. Attached is a short letter that I provided to the Village Planning Board for their September 12 meeting since I was unable to attend that meeting. The letter highlights the issues associated with Magid Pond and the diverse wildlife that depends on this habitat.

We have recognized from the beginning of this process that some type of subdivision is likely to be approved. We hope that in the approval process, the HCZM Commission will consider the need to protect this *Critical Environmental Area* (designated by both the Village and New York State) as part of its environmental mission. As you heard at the hearing, once a subdivision is approved, the resulting building lots will be subject to significantly less (or even no further) environmental review than during the current subdivision discussions. Therefore, we are asking that any subdivision approval include specific conditions on both the size of the area that can be disturbed and the location of that disturbance:

1. Clearly, a smaller footprint situated closer to Taylors Lane will have less environmental impact than a larger footprint placed closer to the wetlands.
2. Likewise, in the DEIS, the Applicant has suggested a four lot subdivision with one lot containing the most critical environmental pieces being placed under a conservation easement.

We are encouraged by the idea of a conservation lot combined with specific restrictions on size and location of future development. Importantly, whatever conditions are agreed upon should become part of the deed to each property to ensure future owners are aware of any

conditions related to the property at the time of purchase. This approach would protect the environment, the sellers, the buyers, and the Village.

From the outset of this process, we have encouraged a transparent process and an open dialogue with the Applicant. We do not object to development per se, but rather we want to also find a solution that protects the wetlands as this is a unique habitat with fresh water and salt water wetlands converging. Simply put, Otter Creek is a jewel of our Village and cannot be replaced.

We welcome and encourage you individually or as a group to come for a site visit. You are invited to walk in our yard or on our patio for a better view of the pond and the marsh. As you will see, there is a tremendous amount of wildlife including countless birds who depend on the pond, the marsh, and the surrounding trees. If this habitat is destroyed, it will be very difficult, or maybe impossible, to reverse the environmental damage.

We welcome any questions on the area under consideration as well as any suggestions on how best to address both the needs of the Applicant and the needs of the environment.

Respectfully submitted,

Barbara Novick

the 1990s, the number of people in the UK who are aged 65 and over has increased by 1.5 million (1990–1999) and is projected to increase by a further 1.5 million by 2010 (Office for National Statistics, 2000). The number of people aged 65 and over is projected to increase by 2.5 million by 2020 (Office for National Statistics, 2000).

There is a growing awareness of the need to develop strategies to meet the needs of the ageing population. The Department of Health (1999) has published a strategy for the ageing population, which sets out the government's commitment to improve the health and quality of life of older people. The strategy is based on three main principles: (1) to ensure that older people have access to the services they need; (2) to ensure that older people are able to live independently; and (3) to ensure that older people are able to participate in society.

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Applicant's Transcript of September 12, 2012 Planning Board Public Hearing

Chairman Next on the agenda is the Public Hearing for 1000 Taylor's Lane Subdivision

LS This is a public hearing with a dual purpose; it is a public hearing on the Draft Environmental Impact Statement for the 1000 Taylor's Lane project, and it is also a public hearing on the preliminary subdivision application.

Chairman So we could close one hearing and leave the other open?

LS Yes, you could do that. Let's see how we go towards the end of the evening. I guess if you want to, you can just open the public hearing.

Chairman made a motion to open the public hearing, which was seconded and unanimously approved.

BE Good evening, my name is Beth Evans, I am principal of Evans Associates Environmental Consulting, and I'm here this evening representing my clients Richard & Caroline Alter. Caroline's here with me this evening, my associate Allen Pilch who is a licensed professional engineer in the State of New York as well as a licensed landscape architect in New York. We also have the applicant's attorney Martha McCarty. What I would like to do is to take a few minutes to review the application with you and for the public so that the document which has been prepared, the Draft Environmental Impact Statement, might make a little bit more sense. The Draft Environmental Impact Statement was submitted and accepted at your July meeting, and has been posted on Village website since that time. The subject property is slightly over 5 acres, its 5.165 acres in size, and on the west side of Taylor's Lane in the Village of Mamaroneck. It is in an R-15 Residential Zone and the applicants have owned it for a number of years. They have lived there since 2005. We first made application to the Planning Board back in 2009 for the subdivision application, and we appreciate the Planning Board's careful review. You declared yourselves Lead Agency under SEQRA in November 2009. We prepared a Full Environmental Impact statement at your request and submitted that in 2010. That Environmental Assessment Form was based on the current three-lot residential subdivision. After reviewing the EAF and looking at engineering drawings which we had been asked to prepare, you, as Lead Agency, made a positive declaration and asked us to prepare a Draft Environmental Impact Statement be prepared. A public scoping session was held to identify the items which were to be addressed in the DEIS. We have spent a better part of a year preparing that DEIS, and you accepted it as complete at your July meeting.

The proposed subdivision will create two new residential lots in addition to the existing residence on the property. Lot 1, which is on the southerly side, will be 2.456 acres in size, Lot 2, which has the existing house is on, 1.195 acres in size, and Lot 3, on the northerly side, is 1.518 acres. All of these lots are significantly larger than the required 15,000 ft. minimum lot size, which is roughly 1/3 acre.

All of the proposed lots are served by public water and public sewer, and those utilities currently in Taylor's Lane, and do not require extension to serve the proposed lots.

As part of our review with you over the years, you asked us to develop fully engineered site plans to show potential development of these 2 new lots as they relate to wetlands and wetland buffers, since both are also on the property. Those plans were prepared and reviewed with you and are included in the EIS as the proposed action. At this time the Alters have no intention of developing these 2 lots. They are living as I say in the existing lot and the existing house on the property which will remain on lot 2, but it is their hope that they can at some point build a smaller house and go ahead and move out of the house they are in now.

If we can just go to the aerial photograph which shows the surrounding land use. Single family residential land use comprises the majority of the area to the east and south of the subject project. Magid Pond freshwater wetland system, is directly to the west, as is Otter Creek, which is a tidal marsh owned by the Nature Conservancy (NC). All of this area, the entire surrounding and subject property are part of the Long Island Sound Critical Environmental Area (CEA) and the Village of Mamaroneck also designated Magid Pond and Otter Creek as their own CEAs back in the 1990s.

The proposed subdivision has been done in a way that the lots are over-sized and we believe they can be developed without encroaching into wetlands or wetland buffers in any way. All of the lots conform to existing zoning; we're not asking for any variances or deviations from side yard, front yard, or rear yard setbacks.

As part of the preliminary review – the freshwater wetland and the tidal wetland are also regulated by New York State DEC, and as part of that agency's preliminary review they identified the potential for known or historic archeological sites on or near the property, and requested that the Applicants prepare a study of these resources. The Alters retained a cultural resource consultant who prepared a Phase 1A Sensitivity Analysis and determined there were no historic or cultural resources near the property, but when on to prepare a full Phase 1B Archeological Field Reconnaissance Survey and the results of that showed that there were no pre-historic sites or archeological resources on the property. That study is included, in its entirety, as an appendix to the EIS.

One of the other topics that we been asked to address is the project consistency with the Local Waterfront Revitalization Program (LWRP). We reviewed both the existing LWRP policies and the working draft that is currently under consideration by the Village in preparing the Draft Environmental Impact Statement. We believe, as the Applicant's consultants, that the project is fully consistent with the policies of the LWRP, both as it is written today, and also the work in draft.

Specifically, the DEIS details the project in relation to the Fish & Wildlife Policies, that can be found in detailed discretion in Section D, which deals with Wetlands and Watercourses, and in Section E, which is Vegetation and Wildlife. The Flooding and Erosion Hazard Policies are discussed in detail in the Surface Water and Storm Water Management, Section F of the DEIS. My colleague, Alan Pilch, has taken care to develop a full Erosion and Sediment Control Plan for the project, as well as a full Storm Water Management Plan for the project, and those are again included in the DEIS document in their entirety.

The other thing that the Planning Board asked us to prepare are the detailed engineering plans. The other thing the Board asked us about is to prepare cross-sections of the proposed project as it relates to street frontage and as shown here on the figure which is included in the DEIS showing the cross-sections.

We have developed the engineering plans using house footprints which we believe to be realistic and conform to the zoning regulations and fit entirely within the building setbacks that would apply to the lots.

Finally, an environmental impact statement goes through a number of alternatives, and these alternatives were identified by the board as a way of assessing potential land uses that could occur on this property. The first alternative considered is the so-called No Action Alternative. As I say, the Alters currently live on this property, this 5 acre property, and it is entirely possible that they, or future owners, could wish to develop amenities on the property in accordance with the regulations and the zoning requirements that pertain to the property. So No Action doesn't mean that there will be no further disturbance of the property, it simply means we would not subdivide the land. What we chose to do in the DEIS was to show some of the potential amenities, a tennis court or swimming pool –we showed both of them – we didn't do that as a way of saying that's what would happen, we simply wanted to let the Board and the public know that there are permissible activities which could occur on the site which could or would cause disturbance in exactly the same locations where the new houses are proposed.

PB So that would mean that the subdivision still in lots would be used for something other than...

BE No. No action would be no subdivision.

PB No subdivision.

BE No subdivision. The proposed action is simply the subdivision of the land, we are not proposing to build anything; we are simply proposing to subdivide the land. So No Action is leaving it as a 5 acre lot, a 5 acre residential lot and looking at potential use of that lot.

PB Maybe tennis court, maybe swimming pool...

BE Right, by this or a future owner...

PB Although one of the questions that I had is that, although you showed that as a possibility, but you didn't show that as a possibility on the subdivided lots. That is, if we were to approve the subdivision, I take it that the same rules would permit the owner to try to build a swimming pool or a tennis court on each of the three lots.

BE If they were trying to do that within a regulated area, such as a wetland setback, they would need to come before your Board to get approval for that.

PB Right, but if they tried to do it in a place close to where the current houses are, which are not within the wetland buffer, I assume that the situation would be the same as if the current owner had to come back to us and do that. Because I take it that the current owner would have to come back to us to put in a swimming pool or a tennis court if there were any incursion into any of the wetland buffers.

BE Correct.

PB So I couldn't quite figure out why you would put together the swimming pool and the tennis court on the No Build alternative without also putting it on the alternatives that you drew for the subdivided lots.

BE Because we're not proposing to develop those lots at this point.

PB But it's possible, if we were to grant the subdivision, that we would then have applications later, or maybe not even applications, depending on where they located the swimming pool and/or the tennis courts, that would include additional development on those other lots.

PB If it's the same owner owns all of three lots, they don't have to build houses they can make a swimming pool, they could have a tennis court or have other activities.

BE We'll be happy to detail this for you. Using an accessory use on a different lot probably does not conform to your zoning.

LS I think what you're getting at is your asking the Applicant as part of the FEIS to explore the possibility of putting those amenities on the subdivided lots and indicate what issues would arise and whether they could be put on

PB Certain apples and oranges quality

LS In the setting we're asking questions to be responded to in the FEIS I think the applicant should take that as a question to be responded to and show what amenities the zoning would potentially permit and what impact could result from those.

BE We'll be happy to do that.

PB That becomes important, because if we were to approve the subdivision and we were trying to figure out what sort of conditions we might want to impose on them, we'd like to see what it is would actually be possible if we don't impose those conditions.

BE We will be happy to provide that information. My only point in including those on the No Action alternative is to show that it doesn't mean that nothing else would happen with this 5 acre lot; that there are things that could happen.

PB Sure. I had a question. You had mentioned that the minimum lot size had to be 15,000 square feet, you were above and beyond that.

BE Well above.

PB What prevents someone from buying that and trying to then subdivide again?

BE We will address that, that's an excellent question and one that's been brought up as part of your review. We will be happy to address that in the FEIS for you.

PB I'm sorry.

BE Go ahead. I made a good stopping point, so I'm happy to have these questions.

PB I just have a question for you in legal terms. A lot of the letters that have been coming in people are referencing the house that's pre-existing conditions and was not subject to the latest updated laws and codes. I don't think that's our realm of responsibility yet or what is there. It is what's proposed to be there. Or am I missing something?

LS I think that it was a comment that was made on the document – that some information was not provided, so I think that the applicant is going to have to address. It may not be part of your overall decision making on this particular application, but it's been a question raised by a comment on the draft environment impact statement and it will have to be responded to.

BE Correct. And I will just very briefly say the house that is there was fully permitted and fully approved by the Village's Building Department.

PB When it was built it was according to the rules at that time.

BE Correct

PB So there is no corrections that had been taken afterward and if had been built, and the laws had been as they are today, there would have been maybe fines or something like that?

BI I didn't really look at the current house that's there, but by today's standards, if you have a CO on a house its fine. It was built to code. It's legal.

PB So I'm beginning to not understand why it is being pointed out, not only in one letter, but in several letters again, and again and again.

BE It is a consistent theme and we will certainly address it in the FEIS. But I just wanted to state on the record, during the public hearing, that there is a CO for the house, and it was all built in accordance with the permits issued. It is there, and you are correct, Mr. Chairman, what we're looking at is a proposal to subdivide this 5 acre parcel into 3 lots.

LS Ingemar, I just want to clarify one thing. Because of the unique nature of this hearing – normally if we had an application and an issue like that arose we would get to the bottom of it tonight and move on. But because it is a comment on the draft EIS, that and all the other comments that are received tonight and may be received in the future with a comment period, are required to be responded to in writing to the final EIS which ultimately will become this Planning Board's document. So not only will it have to be responded to the board will have to determine whether the responses are adequate.

BE Moving on, the Board asked us to consider a 2-lot subdivision of the property instead of the 3-lot subdivision, and we came up again with two alternatives to look at we feel the lot lines are in the appropriate place and so we explored both the 2 lot subdivision with the new lot being to the north of the existing as well as to the south of the existing residence. And again I don't mean this to confuse the apples and oranges issue, but we did add potential other amenities to the larger lot. Again just to show what fits within the zoning regulations and setbacks in what would it be permissible we believe by the building permit under your code. Outside, completely outside of the wetlands or the wetland regulated setback.

The third set of alternatives that we addressed in the EIS were alternatives which provided a limit to the area of disturbance. Again we provided two versions of this – the first version with the 3-lot subdivision leaves all of the lots as proposed in size and area and configuration, but puts a proposed conservation easement area, potential conservation easement area on those three lots consisting of 1.8 acres. That would be deeded as permanent non-disturbance open space, and in that case, there would not be an application to come back to you for a pool or a tennis court or any other improvement within that conservation easement area.

The second alternative that we developed for this analysis is actually a 4-lot subdivision plan, with the 4th lot being an open space lot and permanently deeded as such; either deeded to the nature conservancy or some other open space organization. In this case, the residential lots themselves get smaller. Lot 1 becomes a 0.66 acre lot, Lot 2 with the existing house a 0.83 acres, and Lot 3 about 0.5 acre lot. We had shown the zoning setbacks the building envelope within those lots accordingly. This open space lot, the fourth lot, that would be left of the 5 acre site, is about 3.18 acres in size, and it is our assumption that if it were deeded to the Nature Conservancy or some similar organization, that it would be taken off the tax rolls and no longer a part of the residential tax base.

Finally, we did at your request, Planning Board's request, show a maximum building, how being a house could go on these lots. That alternative is in the EIS, but I just wanted to emphasize that this is not the applicant's intention. It is not our goal to build the biggest house or to sell to a future owner who would build the biggest house. But you had asked for a demonstration of what it would look like if these new lots were built out completely, and we provided that. Again, though we've shown that in comparison to the fully engineered proposed site plan, again the Alters have no intention of building, but we feel that we developed a reasonable development proposal and engineered plan. We did deep hole tests for the storm water, we believe we've proved out the plan, and that it would work without encroaching on the regulated areas, wetlands

or wetland setbacks.

PB Can I interrupt you for a minute?

BE Please.

PB You did include the maximum house size for your proposed 3-lot subdivision, but again didn't do that for, for instance, the 4-lot subdivision, where the houses would be smaller because the FAR would be different?

BE We will do that for you.

PB OK. It might be relevant to see what the impact would be if we were to do a 4-lot subdivision rather than 3 on what kind of house somebody might propose to build in the future.

BE We can do that for you. We can develop that. We haven't done a full build out on that. That's all I have. I believe that the document has a lot of detailed information in it. We'd be happy to answer any questions the board has. Of course we're here to receive.

PB In looking at some of the layouts, how far are you away from the buffer?

BE From the edge of the buffer?

PB Yes

BE In some cases we are quite close to the edge of the buffer with retaining walls and structural demarcation for grading on the lot

PB Distance wise.

PB Couple feet.

BE About 5 to 10 feet.

PB You did do a nice job of giving us cross-sections from the street. I did not notice that there were any cross-sections across the proposed boundary lines of the property. That is, to the extent, especially Lot 3 tends to be in a hole, I was looking to see if we could see a cross-section along the boundary line running from the street to the back of the property so that we could get an idea of what the pitch of that lot would look like if it were actually developed.

BE Sure, we can provide more cross sections.

(a couple of PB members are talking)

PB The conservation easement. Is that something that is then deeded over to the Village?

BE The conservation easement I can probably answer this better. The conservation easement can be deeded, it is a deed restriction on it– who supervises that easement or oversees it is really up to Board or the Applicant in terms of who it is offered to. It can be any number of agencies, but it is usually deeded to someone to make sure that it is respected.

MM If I can....

LS Mike, while Martha is coming up to the microphone, again, because of the nature of this hearing, when you raise a question, even though they are giving you some brief answers this evening, they are going to have to give you full answers in the document, so it is not really necessary for the Applicant to answer all of these questions at this point, because they are going to be fully answered in the document.

MM Martha McCarty, attorney for the Applicant. Quick response chairman: often in this community conservation easements have gone to the Nature Conservancy, and I actually don't know of any that have been given to the Village. Maybe Mr. Steinman knows, but I know that a couple of clients of mine who have given easements to the Nature Conservancy and that's to me entirely appropriate. That's their business. And obviously once it's an easement it's permanent. It doesn't matter if the Alters own the property, or if you own it or I own it, it's permanent and goes with the land.

PB Les, just to clarify this, I think this is right, as between the two alternatives, the conservation easement and the 4-lot subdivision easement, both of which the Applicant has proposed, and both of which there are some numbers attached, the conservation easement would have little effect on the size of the building that the Applicants could build on the two new lots because it wouldn't have an effect on the FAR of the lot for instance or on the size of setback restrictions. While, if there were to be a deeding of the 4th lot to the Nature Conservancy, that would have a more significant effect both on the setbacks and on FAR. Is that correct? (Question was directed to PB attorney)

LS Well certainly the second part is true, if they deed the property.

PB Right

LS As to the effect of the conservation easement I would want to think about that a little more.

PB Ok, thanks.

PB I think that gets to a question I have. I'm poring over the limits to the area of disturbance alternatives. Just trying to understand both how you came up with the way they are drawn, and also exactly what they would mean in terms of both the extent of any development that we could see in the wetland, and the alternate size of the houses that could be built.

BE Again, I will briefly, how we came up with these two alternatives, I believe it was at a Planning Board meeting, probably 18 months ago, that we talked about ways of potentially limiting disturbance on the lots, and we talked about placing some sort of restrictive covenant or conservation easement on the wetlands and wetland buffer areas. So in terms of the one where the conservation easement is shown, that was a plan that we had developed I think in consultation with your Board a while ago, so that is a "hard-line" if you will of that plan.

PB I'm sorry, where the easement is drawn is based on the freshwater wetlands for the line, is that possible?

BE For the two new lots it is drawn contiguous with the extent of the adjacent area or buffer. For the existing house lot, I believe it was Mr. Fuery who suggested that we take a number of feet off the existing retaining wall, I believe it was 5 feet off the retaining wall, to allow for maintenance and repair of that wall if necessary, and draw the line across that back of that lot there. On Lot 2.

PB But it didn't take into account, I mean it presumably could have been drawn even closer to Taylor's Lane. I mean it seems like there's a little bit of an imbalance on the lot, on one of the lots, actually that buffer line ends up being quite close to Taylor's Lane. The other one, it is actually pretty much in the same place where the existing house extends along with the retaining wall.

PB I assume that some of that has to do with the need to put the storm water management facility on the lot rather than on the conservation lot? For instance, on Lot 1, I think what they would want to do is make sure that they have that rock outcropping and then they have the storm water behind it, so they moved it out past where it is on Lot 3 simply because they didn't want to put that either on somebody else's land or on the easement.

BE That's correct. It's also candidly we put it at the edge of what is the non-regulated buildable area on the lot. We wanted to insure that future owners of these lots had as much land area to work with.

PB I understand, but that makes it less of an alternative for us in terms of a limit to the area of disturbance. It has a...

PB Right, we could move it back. Presumably there is nothing -- we could condition this on moving the boundary in Lot 1 back to roughly the edge of

PB The storm water management area.

PB Or we could argue that this alternative at least contemplate having it moved back to a real significant limit to the area of disturbance. Whether they require they put it in the alternative or not, we would still require it. Sure..

BE And for the four lot plan the boundaries of the fourth lot were drawn where the limit of

the conservation easement was proposed.

PB It's the same boundaries?

BE Same boundary, just one is a non-buildable lot that would be deeded as a separate lot and one is a part of the fee simple three lot subdivision.

PB Practically speaking how would, and maybe the fellow board members can help me understand this, how would this conservation easement change the development that could happen on this site? Both in terms of the actual houses that could be built and in terms of landscaping and disturbances they could have.

PB Well the FAR would be different.

PB Well that's the question I was just putting to Les a minute ago, because my sense is, that, as opposed to the deeded lot four, there might be a chance that the conservation easement imposes fewer restrictions on the size of the development, but Les was going to check on that to be sure.

PB But even with the deeded lot four, it would just be helpful to understand exactly where the limit to disturbance would be.

PB Right

PB And what the maximum house size would be

PB What I was pointing out before is that when they put the maximum house size and on their proposal, they didn't draw the same things on the alternatives. They only drew it on the proposed three lot subdivision, and it would be helpful for us, for each of the alternatives, to see what the maximum build out would look like.

BE We could do that.

PB As a matter of fact, I think there is a lot three there is actually a foot print shown here is actually bigger than in the four lot division.

PB That's just a sample house, that's not the maximum.

PB Probably not. This would give us an idea of the limitations of the four lot subdivision as compared to the conservation lot.

PB It seems to me we're practically interested in at least three things. One is the extent of the landscaping and disturbance. One is the extent of the house itself, and one is the maximum size of the house. Extent of the house. Location. I mean the extent of the house to the proximity of the wetland.

PB I think you're right. So I don't know if that was clear.

BE It was very clear.

PB That's what I'm trying to ask

BE I appreciate you itemizing like that, that's very helpful, thank you.

(PB are talking low amongst themselves)

PB Did we request a proposal showing the house, the swimming pool and tennis court all on one lot?

BE Did you request that?

PB Why are you showing a proposal with just one lot?

BE The no action proposal? Again, I will be perfectly candid; my intent in showing that is to simply show parts of the site that could be disturbed by other amenities were the subdivision not to be undertaken.

PB Without casting any, it's like it implicit threat. That even if we do nothing it still could be disturbed. That's all. I don't mean it in any bad way.

(a couple of people are talking at the same time 2 PB and BE)

BE It's not a threat. It's simply looking at land-use potential.

PB It's easy to have a swimming pool or a tennis court that they have it redeveloped in three houses.

BE And that is certainly your prerogative. My only point, I think sometimes people think that "no action alternative", which is what SEQRA calls that alternative, no action, no subdivision, means that nothing will ever change on that five-acre lot. And in a residential area like this that's not the case.

PB Does it mean that a swimming pool and a tennis court you'd still seek a subdivision? Would you still seek a subdivision if you just had a swimming pool and a tennis court?

BE Again, the no action, so if the subdivision is dropped, it doesn't mean that the owner of this five-acre lot, whoever that is, can't use that five-acre lot. So I just want to be clear that there is usable area on this five-acre lot that could be developed as a swimming pool, a tennis court, a house, a driveway, whatever it is, those trees would potentially come down under the zoning without needing a wetland permit.

PB So you're not really seeking

BE No.

PB As this is one of the options

BE That's correct. We're simply showing potential disturbance. In the public letters that we've gotten, in public comments over the last three years, there has been a lot of question about what kind of disturbance to the habitat in Otter Creek or Magid Pond would occur from a subdivision. That kind of disturbance to the upland portions of this lot could happen for any number of reasons.

PB All right.

PB Anyone else from the public want to speak?

DN Good evening. For the record my name is Dan Natchez, President of Daniel S. Natchez & Associates, an environmental water-front consulting company located at 916 East Boston Post Road, Mamaroneck, New York. We are here representing several of the neighbors. We appreciate the opportunity to go through this and we appreciate the DEIS that has been prepared. I think that there are a couple perspectives that I think need to be present. First, we would respectfully request that this hearing be kept open for at least one or two more meetings. If for no other reason, for getting answers from or to the questions raised tonight that goes by the board and I think will be raised by commentators tonight but also the Harbor and Coastal Zone Commission will not be meeting until next week to review this, and they may or may not have comments, but I think it's substantive enough action that, for no other reason, that it be held open until that happens. But any comment in writing I think they may choose to do else wise but I know it's up to them. But I think it's just of substance.

In terms of comments that were made, well actually what we're here for is to determine if a subdivision should be granted, and if so, how it should be granted. So it's a two-step approach. The question in terms of both there are some very significant environmental issues that you have been addressing, and we have provided you with some information last Friday which I'm not going to go through it right now, but there's been a statement here that everything was done in terms of development of the existing house on what is designated as Lot 2 for the subdivision in accordance with all the rules and regulations at the time. That's actually not true; the only change in the Village law that took place since the time that approval was sought to today is freshwater wetlands, I'm sorry, yes, the wetlands buffer that the Planning commission addresses, which is 100 feet, but the DEC's 100 buffer, has been in existence, and all of the other rules and regulations of the Village were in existence at the time. Whether the Village exercised its due diligence, whether the materials that were supplied for approvals were totally correct, or had inadvertent omissions, is relevant to the fact that we need to be careful that it did not follow the rules, and so whatever action is taken, the reason that that has been raised by I think a lot of the comments that you've received, is to take note of that and be careful so that whatever happens

and whatever approvals that may take place, that could not happen inadvertently again. I think that that is part of the perspective that is taken. I think the issue that the Board has been focusing on, and just the back-and-forth in the last few minutes, has to do with not the building lot size and the setbacks, but what most communities use in environmentally sensitive areas as a building envelope, which is different than a conservation easement, which says take this area and you can't do anything. The building envelope says this is the only thing you can disturb. And the building envelopes can be in two fashions. One is for the actual disturbance of the land, whether it's clear-cutting or otherwise, and B, where is the actual boundaries that you could actually build anything, and I think that's something that has a lot of merit, particularly in this case to consider as we go forward. With that as a premise, I would like to ask Paul Milliot of our office to go through a submission we would like to make tonight. We have copies, Shawn Barton of our office will pass them out to you, and we have one for the applicant as well. Actually that one you should probably give to Rob, so he gave it to Gerry for the official file as the original, and we'll go from there.

PM Good evening, Paul Milliot, also with Dan Natchez and Associates. As this is being handed out before we get to that I would like to ask the Board's indulgence just to take a moment to go through a little bit. The Board received an e-mail inclosing a letter from Barbara Novick, who very much wanted to be here this evening and was unable to due to a previous commitment. The letter that she submitted does summarized quite nicely a lot of what's been provided both in comments from Daniel S. Natchez and Associates, her own, and some of the other commenters on the DEIS. So if I may, Barbara Novick who resides at 955 Soundview Drive, across Magid's Pond.

PB Paul, why are we getting this today, instead of a week ago?

PM Because we didn't have that all together until today.

LS Given the context where we are, it really doesn't matter because again

PB We're not going to do anything

LS We're not going to do anything with it, and it's going to be responded to in the FEIS.

PB It's just easier for us to intelligently ask you questions if it's something we've already looked at, than if it's something we haven't. That's all.

PM From Barbara Novick: The proposed subdivision of 1000 Taylor's Lane raises many environmental issues especially in light of the existing house and its associated disturbance on the adjacent wetlands. We are concerned that the recently completed DEIS skirts over several of these issues and we hope the Board will give them full consideration in determining what conditions or restrictions need to be included in the deeds of any newly created parcels as a result of the proposed subdivision. We all agree that Magid Pond and Otter Creek are special and sensitive environmental areas. The simultaneous occurrence of a freshwater and saltwater wetland is relatively rare and provides a unique environment for both animals and plants. The

area under discussion provides habitat for an incredibly diverse set of birds and mammals. We regularly see swans, geese, herrings, egrets, ducks and wild turkeys, as well as deer, beaver, raccoon, turtles and a host of other animals. The DEIS does not seem to interest the impact on these animals, even when an osprey nest is clearly in sight of the property. This area has been deemed a critical environmental area for a reason and the utmost care should be taken in evaluating any application for development. We are particularly concerned about Magid Pond. The quantity and quality of the water are both important to the health of the pond, and in turn the plant and animal life it supports. Schemes that divert runoff may be as detrimental as plans that do not treat runoff at all, especially given the limited watershed that feeds the pond. I recall a similar situation in the neighboring community where one property owner diverted water resulting in damage to an adjacent wetland. This type of damage is virtually impossible to reverse making it extremely important to avoid this outcome. In addition in, the DEIS section on background and history, there is no discussion of the development that was done to create the existing house and grounds at 1000 Taylor's Lane. That project, which was completed only a few years ago, included clearing an area that extended into the wetland buffer and adding a significant amount of fill to regrade the lot. All of which was done without appropriate local or state wetland permits. In the DEIS's concluding section, adverse impact that cannot be avoided, there is no mention of the impacts to tree removal, wildlife displacement, or similar real impacts which gives us great concern about the level of applicant sensitivity to these issues. In considering additional development of this sensitive area, we believe any calculation should take into account the existing structure, grading and clearing of buffer land, and any new clearing and grading or building should be downsized to compensate and ameliorate the aggregate damage across the entire parcel and the resulting impact on the wetlands. During the scoping phase of this project, we understood that the applicant would be including in the DEIS an alternative that included a defined building envelope and potential development restrictions that could be incorporated as deed restrictions on the lots. In reviewing the DEIS we are not able to find mention of any such alternative. We believe this is critical to the approval process, so that any future buyer of the subdivision parcels would understand the intentions of this Board and the restrictions are placed on this property given the sensitive nature of its environmental status. As you saw on your site visit, Otter Creek is an unusual jewel in the Village of Mamaroneck. It is home to an incredible amount of wildlife including many birds that nest in the tall trees and eat insects in the marsh and fish from the pond. The environment is a rare find, and one that should be carefully preserved for the benefit of future generations. The wetland laws require it, and hopefully any project that is improved will reflect the importance of preserving this area. Thank you for taking the time to undertake a detailed review of this proposal. Respectfully submitted, Barbara Novick.

And moving on to the letter that we are providing this evening, along with various attachments. I'll start first with the graphic that is on the board, it's in three separate sheets, it's titled 1000 Taylor's Lane illustration sheets one through three. And beginning with sheet one, we're simply providing additional aerial perspective and the image to the left side of sheet one is the existing conditions with the boundary lines of the lots indicated. The image to the right side of the screen is giving an indication to the amount of land that would be cleared, which is essentially everything, as stated in the DEIS, that is land-ward of the buffer line, in order to accommodate the likely or proposed theoretical development. If we move to sheet 2, sheet 2 contains sketch up

models without attics of the suggested potential house development in the location shown in the theoretical development plan. And then the right side illustration, it's noted several times in the DEIS the houses have been located as close to Taylor's Lane as possible, when in fact there is room for moving both houses, more so the house on Lot 1 than Lot 3, closer to Taylor's Lane. So the right side illustration is showing that Lot 1 house moved 20 feet closer to the actual front yard building envelope, which then theoretically will allow for 20 feet less clearing and disturbance towards the wetlands towards the back or west side of the lot. Moving on to sheet three, sheet three the left side image is a sketch up version of the maximum development alternative contained within the DEIS and with the house footprints as indicated, again without attics, just for ease of sketch up production time. And the right side illustration is doing another version of max build out where no square footage is assigned to the basement. So the house on Lot 1 in particular, which is also slightly larger than the applicants max build out which we believe the max FAR is 37,000 ft.² house, which could be built on this piece, and with no square footage attributed to the basement occupies essentially the entire developable area as a 2 1/2 story structure and we've put 50% of the second floor into the attic level of that structure to get to that 37,000 ft.². Obviously if you went to portions without attic or with one-story sections of the house, such a structure could get even larger. We felt it important to put an alternative with no basement FAR counted, that as a frequent goal of people looking to buy houses, is to not count FAR in the basement. We have not gone through what the original Building Department approvals were for the existing house on Lot 2, but based on footprints and analysis of the existing house on Lot 2, and the stated 12,000+ square feet of the existing house that it is unlikely the existing house counts its basement square footage in terms of its total house size existing on Lot 2. So it was appropriate, when looking at a max build out solution, to consider a max build out that takes the square footage at a minimum out of the basement area and puts it all in an above ground space. As to what sizes of houses could happen here, and the concern that these which these oversize lots could result in truly massive construction if built to the full extent that the zoning theoretically would allow, and the commensurate impacts that would be associated with such greater development, than what the applicant is showing as a theoretical potential development of these lots. Similarly, we haven't demonstrated it in an illustration that the existing houses on sheet two, if you will, the proposed reasonable size houses, I think they're in the ballpark of 6000+ square feet or 6 to 9,000 ft.² each, also include all the square footage of the basement to get to that level of square footage. So someone could also easily look to build that size house without square footage in the basement, which then further gets to if we as we started discussing or started to be discussed by the Board, even when you're looking at the four lot subdivision and saying that okay, with a four lot subdivision perhaps the theoretical development becomes the max build out of how big a structure could be built on this property. That max build out on the four lot subdivision with that house in our heads from the DEIS, is including square footage of the full basement as a walkout basement, full basement. And a theoretical house alternative could put all of that square footage into above- ground space, could not have an attic and therefore build a much larger dimensioned house, etc. The alternatives granted could become infinite, but it's to keep an eye on the fact that the theoretical proposed development is a theoretical proposed development, and is not an actual proposed development and there is no guarantee that someone will build a nice confined structure, two-and- a- half stories, with a full walkout basement and countable towards FAR.

PB Although in fairness, given the topography of a lot three, it would be pretty difficult to build a house that didn't include part of the basement of this.

PM We could get into a lot of theoretical discussions with Rob and the Building Department as to what the Village Code can allow or not allow in terms of basements, even with a sloping lot such as this, there's potential for burying the basement if one so chooses to do it to lose the FAR. It's done fairly often, there's interpretations of how that basement is determined to be a basement to a cellar for inclusion of the FAR and space relative to the curb level or the elevation of the front of the house relative to the street versus the slope of the lot, etc. etc. So there are a number of variations that come into play, and it's not terribly unreasonable to get all of the FAR not counted from below, and we have a number of clients who they are typically hoping not to include when they're looking to build the max size house they can build, they are hoping not to have FAR accounted in the basement, to have that as cellar, if you will in Mamaroneck lingo, and then have that extra bonus space, if you will, on top of whatever is allowed by FAR.

With that as sort of a precursor, the second exhibit or that was submitted with a cover letter this evening, is an overlay of the proposed subdivision essentially with a couple of things done to it. The first thing done to it is just to take note that the 11 x 17 drawings within the DEIS, as we actually started looking and trying to put building envelopes and setbacks and whatnot on here, it came to our attention that the stated scale was 1 inch equals 80 feet, and it turns out that the actual plans aren't at 1 inch equals 80 feet, they are more like 1 inch equals 70 feet or 69 1/2 per the bar scale that's on there. So the plan that we submitted tonight actually scales the site plan to match all the dimensions that are on the site plan in terms of lot line lengths and whatnot, and is at 1 inch equals 80 feet. And there are a couple of comments in what we submitted last week about side setback lines that seem to be off by a foot or two here or there or front yard setbacks off by a foot or two here or there that in fact were not off, it was simply the scale of the drawing wasn't right so, what we were measuring on that drawing didn't line up to what the dimension should've been. Beyond those errors of scale, however, one of the items that is being shown here in the green lines that are included on here are the fact that the proposed lot side yard offsets are off for some reason assuming a 20 foot side yard setback when the R15 zoning requirement is for a 25 foot combined yard setback, so you would have 10 feet on one side and 15 feet on the other or some combination thereof to end up at a 25 foot instead of the applicant is showing for the most part with the exception of the north side of lot three, there are 20 foot setbacks on both sides. The main point in making this point is that if you adhere to the zoning setbacks for the zone, you can theoretically have more developable areas closer to Taylor's Lane then you might think is available with a setback shown at 20 feet. I'm not saying this was done to slant anything in one way or another, but simply making the point that if you do apply the zoning setbacks you do end up as a result with more square footage that could be developed closer to the road.

SF I just want to clarify. You're talking about the side yards setbacks though, right?

PM Correct.

SF So how does that affect Taylor's Lane?

PM Because, it's essentially 15 feet by whatever depth you would decide to go backwards on each side. Right now we're encumbering 40 feet on each side of the lot with the side yard setback, when in fact there should be 15 feet less of that by the depth of a house that's being built or driveway or whatnot.

PB Your point is you get the same number of square footage of house closer to Taylor's Lane if you use side yard setbacks that are smaller.

PM Correct. So you can create a building envelope or the building envelope shown for that matter. That's another factor which could be from someone else's perspective in terms of where (mic is being moved) gets what houses in particular further away from the wetlands and available lot area for development further away from the wetlands. One could look at it from a different perspective you would think looking at the plan that there is this bigger side yard in terms of if someone was building side yard to side yard there is more open space between the houses. That's not a perspective we have been particularly looking at given the critical environmental areas, wetland issues etc., we've been looking at measures and alternatives that tend to concentrate development by Taylor's Lane farthest away from the wetlands. So there are couple of different ways one could look at it, is simply to make note of the fact that there seems to be something slightly amiss on how the side yards are depicted.

Step two of this particular overlay is we've taken the liberty of drawing in what Dan referred to earlier as potential building envelopes for the two new proposed lots. Not in a building envelope that's a result of the zoning side yard and rear yard and front yard setbacks, or the hundred foot buffer, or whatnot, but a frequent mechanism of subdivision approval as proposed developer to propose an actual housing sites if you will and have the subdivision approval restrict the future development into a particular building envelope for the buildings that would be constructed on the site. So what is being shown there is on both lots three and lot one, lot one has a 50 foot deep building envelope, by the full width of the lot, and these are based on the house dimensions that they showed in the theoretical development, and lot three has a 45 foot deep by the full width of the lot which is a slightly wider lot.

PB What's the setback from Taylor's Lane?

PM The required front yard is 25 feet

PB And that's what is on this drawing?

PM Correct, that's with the house on the line. And the paved road is beyond that 25 feet if you will. That's 25 feet from the property line which is the edge of the Village right-of-way, not 25 feet from the edge of the pavement.

PB There was another question in Dan's letter that came today at 5:45 or something like that, about whether this road is wide enough for the subdivision.

PM I don't think that was in Dan's letter. I don't think we had a letter at 5:45 today but that

may have come at 5 or last Friday there was some comment on the adequacy of Taylor's Lane or whatnot.

PB You're right. Does the road meet the current subdivision width requirement? Can we answer that question with a yes or no?

PM Well actually we were frantically digging for that number Friday afternoon and for whatever reason it was escaping us. And actually if we go to point 3, if you will, of the overlay submitted this evening, has included the same sheet but we've gone out and measured the width of Taylor's Lane at various locations in front of the subdivision, and in fact the current if you are proposing a new subdivision and building new roads, the current Village subdivision street width is 24 feet. The existing widths of Taylor's Lane are all well below that and range from roughly 15 1/2±, frequently 16, 16 1/2, 17 as we get sort of beyond the project we start to approach sort of standard road width of getting above 20-21, when you come around the curve it gets wider accommodating the curve to some extent. And then going out to Post Road, the road is consistently wider, the road is even wider for most of its distances it appears as you go further towards the end to the waters and of Taylor's Lane. But for whatever reason this particular section in front of 1000 Taylor's Lane is particularly narrow, and has struck more than one person including those from our office measuring street width, those driving back and forth to other clients on Taylor's Lane etc. of the narrowness of this particular section of the road. So that is another question that seems it's not something that was included in the original DEIS scoping document, it's sort of an issue that's come up during this long process that Beth outlined of dealing with the property of

PB Your office was of course not advocating the Village widen the road in this critically environmentally sensitive area?

PM This becomes a balancing act of addressing safety concerns to a road that is well deficient of what current subdivision standards are, and the wetland impacts or potential mitigation for those wetland impacts, and putting the whole package together to come up with a solution that tries to do the least wrong to most things.

DN Just as a comment most of the Taylor's Lane in the area of the subdivision is pitched away from the wetlands so if it were widened if you will the water would not be going to the wetlands.

PM Or not directly in any event.

PB Wouldn't that actually depend on which direction it was widened?

PM It would depend on how the road is widened and how it is crowned.

HG You said those were field measurements? Looks like a CAD measurement, because it's to hundredths, and you don't measure in the fields to hundredths, unless you're adjusting is Looks like CAD measurements. Were you out in the field to verify it?

SB I am Shawn Burton from Dan Natchez & Associates. I field verified measurements and brought it back to the drawing that Beth Evans submitted and compared it to the lines that they had and rescaled it to the proper scale so that my measurements matched their measurements

HG Ok

SB So I scaled it to the hundredths obviously just for accuracy, but I verified in the field as well.

HG Ok

PM So sort of jumping then, the other submission that we made this evening, is an attempt to start what in a way giving teeth to some of the alternatives and suggestions that have been bantered about, both here in this room and in the DEIS. The DEIS makes note of the conservation easement, but hasn't provided any detail of the specifics of a conservation easement. What would that really mean? I think we've already seen the Board questioning what does that really mean? It's suggested we will consider an alternative with a conservation easement, but there's no terms defined associated with that conservation easement as to just how it would restrict development, whether it's in terms of FAR, setbacks, house size, location etc. etc. So the WORD document that was provided this evening is a sort of a first cut at a number of suggested potential deed restrictions, conditions of approval, it is open to continued discussion, of how such measures would be implemented or whatnot. Keeping on the issue of road width, well down towards the end of them, there is a suggestion of requiring that the applicant have Taylor's Lane partially meet the current required road width.

PB The requirement of 24 feet?

PM The requirement is 24 feet

PB So in some locations they would have to widen it by 9-10 feet.

PM Well that's why we

HG We've heard that would be for a new subdivision road.

PM That would be for a new subdivision, which this is not a new subdivision road, it's a new subdivision on an existing road.

PB You still don't know what that number should be?

PM Well we've made the suggestion, the average current width in front of the 1000 Taylor's Lane property is about 16 feet. Expanding that to the full 24 gets to be, well what kind of impacts if we're expanding by 8 to 9 feet in some places, that splitting the difference if you will to the west side property owners deficiency, making the road a consistent 20 foot width would be

my way of addressing the particular narrowness of this section, without going to a full new subdivision development to a 24 foot width.

PB So that must be something that also has changed over time because there already today the lot 2 existing house as well as two more existing houses on the same stretch of road.

PM Correct.

PB So there has been subdivisions in the past I guess from this area.

PM Correct. It's whether the current proposal to add yet two more houses in the subdivision of this existing piece, warrants taking a look at the current safety of the road, the conditions of the road, the fact that it's wider on both sides, but narrows in this particular section, which is also at the crest of the hill on top of that. Whether it's something that should be addressed as part of a condition of subdivision approval.

PB To clarify at this point, is there a requirement in the Village Code that in order to approve a subdivision we have to make sure that all subdivision lots are on suitably improved roads. I seem to remember that

LS People asked that. This is probably dedicated to the Village for a period of time.

PB I understand that. What I'm trying to figure out is, if we're now taking a subdivision of an existing lot, does each of the new lots have to be on a suitably improved road?

LS I think the real question, and I think Paul was just beginning to touch on it, is the impacts on safety.

PB Right

LS That maybe ingress and egress, and traffic you conduct it in a safe manner. Now if you found for some reason that that was not the case, then we begin to look at what road improvements should be required in mitigation.

PB But there is no... what I'm trying to get at is, that Paul was thinking he didn't find it, there is no Village Code provision for what road width is safe, suitable etc. or a use for it but adding or subdividing a lot.

LS I'm not aware of it. If we had road criteria that's generally for the creation of a new road, and they have to meet that, but I'm not aware of specific

PM We since did more digging and we did find the section with 24 feet as for new subdivisions, and that is absolutely true for new subdivisions. In terms of subdivision of an existing lot, there is a sort of very broad giving great liberal interpretation of the Planning Board for considering safety and any other issues the Planning Board may see fit, in the approval of the

subdivision, or language similar to that effect, without going through any specific criteria relative to roads or any number of full subdivision with new roads, new sewers, new services and all that type of whole different level of subdivision.

So at that we've gone through a whole bunch of language and I'm not going to go through all of this at this venue, but again the goal is most all of it is at putting some teeth to the theory that were only going to build this size of a house or we're not going to disturb areas as they are close to the wetland buffer other than for rain garden or whatnot, that you get into some actual language that can accomplish that. And to help to mitigate the impacts that any development of the property will have impact. It's a question of to what degree do those impacts to wetlands and critical environmental area, the Osprey etc. etc. so there's

PB Can I address a question actually to you and Les both about your suggestion of potential building envelopes here, which is, suppose we were to decide to impose building envelopes of the sort that you proposed here? And these lots are then subdivided, because we've imposed them as a condition. I take it the subsequent purchasers can come before the Planning Board and ask for modification of the building envelope. And since this is just something approved by us as a condition of the site plan approval, our successors could just decide to change it.

PM We are simply opening our suggestion in the printed version is that all of these not just be conditions of approval, but ultimately made deed restrictions filed with the subdivision.

PB Enforceable by whom?

PM Well, enforceable by ultimately the Village, but once it's filed with the County beyond the approved subdivision plan, then anyone coming to purchase the property, when they do their due diligence and get their title report, that plan should show up as well as being filed in the Village and the Planning Department, Building Department what not. So that someone coming forward to construct, or one coming forward to purchase, should be aware, unless they did bad homework

PB No I'm not saying they did bad homework

PM But if they did bad homework, than they have less of a hardship case to say we paid \$5 million for this piece because we thought we could build Versailles, only to find out we can only build a 9000 ft.² house, and 9000 is still a nice size house but...

PB If I may, and this is all for discussion, are you restricting or us restricting the side yard to 10 feet. I think you know professionally nobody's going to put up a 9000 ft.² house 10 feet from somebody else's property line. It just doesn't equate. A 3000 ft.² equates to maybe a 10 foot property side yard, but not a 9000 ft.², the scale is completely off. I appreciate the fact pushing forward is a nice concept, but I think we're going off base with something like a 10 foot side yard. I just don't think it's reasonable. And obviously we can take in, push it, mold it

PM I would differ in opinion

PB So you would put up a 9000 ft.² house knowing that you would have a 10 foot side yard?

PB We don't need a 9000 ft.² house.

PB Well that's what I'm saying, controlling the limit of the house.

PM In fact you could build a 9000 ft.² house without going setback to set back because the house they've already shown, if you include the basement, is a 9000 ft.² house and it doesn't fill that entire opening. In terms of the reasonableness, if you did want to go edge to edge, while I might conceptually say, ideally, no I wouldn't do it. There are certainly plenty of houses, usually on smaller lots, that we usually call them McMansions...

PB Which are horrible.

PM Are built side yard to side yard, and the developer, or whoever it is who's bought the lot, is just looking for maximizing whatever he or she can get out of that lot and they don't care whether it's a yard to side yard and oversized for the frontage.

PB I understand. That's a 3000-4000 square foot house, more than doubling it with the same side yard just is not reasonable.

PB In fairness, Mike, since Lot 2 already has a house with a side yard setback that's way bigger than 10 feet, it wouldn't be as if the houses were right on top of each other.

PB It doesn't matter. Because the house is built, and all I could do is put a fence 10 feet from my building. It changes the dynamics of the site. And maybe you were meant to do that.

PM It might be something that the Alters wouldn't want to see happen either, and might want to actually put greater side yard restrictions and that's for them to decide.

PB I understand your concept, pulling away further from the buffer and putting it closer to the road, obviously that does make more sense the further away you are, obviously the better it is.

PM And just one, in terms of would I build edge to edge? Given the development pattern here, I would say it's more plausible if you will then if it weren't as currently built. The current house is set quite a bit farther back, and the house that's enveloped by Lot 1 is not shown on any of these plans, but it set the very, very far back, so in effect it's not as though the house would be shoehorned in between two existing houses, because you would have house, back house, front house, back house, front and the existing house on the corner

PB I understand, I'm just purely thinking that boundaries, walls, fencing

PM Right

PB I think the main point is the houses that they're proposing would actually fit in these envelopes. With that square footage, with additional width, substantial room on the side (3 people talking at same time)

PB Tell us why they (speaking low) tell us why you're pushing the house away from the rear so everyone gains from the rear, but now Taylors Lane becomes house, house, house with a 20 foot front yard and that doesn't help Taylors Lane either. I don't know if I understood what you meant, but...

PB I agree that there some balances, but I think overall the Planning Board is going to find in favor of pushing them as close to Taylor's Lane as possible when we're talking about a wetland, and a nature preserve...

PB We're not about to build a 6000 ft.² house 20 feet away from Taylors Lane that will have an impact on the dynamics also. There needs to be some sort of a happy medium. I don't like it. I might not approve of it that 5000 ft.² house 20 feet away from Taylor's Lane. I think it would change the whole dynamics of Taylor's Lane. So there has to be some sort of a happy medium

PB Again this is just a concept.

PB If I'm across the street, and I saw the size of those houses and you put a huge house with a 25 foot front yard I don't think the neighbors across the street would be happy with that.

PB Right.

(3 are talking at once)

DN I think this discussion points up the issue of not only building envelopes, but size that these are the things are before them part of the subdivision as a planning board believe is appropriate for this area or not in lieu of all of the environmental considerations and that's why you guys get paid the big bucks.

LS This information has now been provided so the Board can have the opportunity and the ability to analyze what's been submitted. We're at a fairly early stage in the process and the review of the application and you don't have to make any decisions tonight.

PB In these letters you say "on behalf of our clients". It would be helpful if you would state who the clients are so we know if these are neighbors

DN They are all neighbors

PB Are the comments in your letters the only comments that you have cleared with your clients. Are there some of your own concern? Are some your clients concern? And how does that work?

DN It works in that we have a frank discussion with our clients.

PB Who are they?

DN Clients are the Novicks, Freemans, Berenzwig.

PB Individuals, not an organization?

DN These are all individuals.

(2 talking at same time)

DN They live across from the subject property.

PB None of your clients live on Taylor's Lane?

DN Say again?

PB None of your clients live on Taylor's Lane?

DN That is correct. There are people on Taylor's Lane who have been involved in discussions with our clients regarding this as well as others.

PB And those are mostly the clients on the other side of the pond? Or have adjacent properties to the pond?

DN Those are our clients. That's correct. As I say, there have been discussions with our clients, and other neighbors on both sides of the subdivision.

PB Would you say that this is not just an environmental issue, it's also a view issue from the other side?

PB Are your clients concerned about the current view?

DN Scenic vista and open space is all part of the environmental issue.

PB So it's both. We're talking about environmental issues.

PB They are not separable. Your clients love being next to the pond and have the pond as a view, but they don't want to see a house on the other side, basically.

DN I wouldn't make that characterization. I think...

PB I'm sure you wouldn't.

DN You have letters from the Nature Conservancy, which are not our clients.

PB I have read that too.

DN Which go into much more detail on environmental issues regarding this. All three of our clients are very environmentally conscious and have started this, I believe, for environmental reasons.

PB Not because they don't want to see a house on the other side?

DN They see it. When the first house was proposed, they did not object, but I think what some of the concerns that they have, that have raised their concerns to a higher level, is what they believe would happen, versus what the regulations are, were different. For whatever the reason is

PB Are they in the same situation as the existing house on Taylor's Lane, because they were building those houses before we had the same requirement and buffers as we have today. I remember the field trip we took. We went to one of those houses, and they were very, very close I'm sure they were within 100 feet of the wetland.

DN There are houses that were developed long before any of the environmental regulations, since the 70s, which is where they were, and what we have learned over time is that things that may have appeared to be reasonable before, are not reasonable today, but having preserved and enhanced what is left and that is what is before you. That is why you have the environmental rules and regulations, both from the state and federal government, as well as the Village. That is the concept.

PB In your letter here on the 7th of September, on two occasions your pushing the point that the existing house was built without following and because it was previously disturbed without obtaining that all needed approvals and here you're saying the original construction, including considerable clearing, grading, water, construction with 100 feet freshwater wetland, was done without obtaining appropriate local or state environmental permits. That is contrary to the fact that we hear the building inspector telling us it was all legal. Today the inspector is saying that the time it was built it was legal.

DN No, what he's saying is they got a CO. Whether there was no application to the DEC for violating the wetlands setback, which was in effect at that time.

PB Dan, would you agree at this point, other than we should be vigilant with regard to what is built, what happened with the original building is largely irrelevant for this application.

DN That's what I said at the beginning.

PB I understand that. Which I raised at the beginning of the meeting, so let's keep it at that

it's irrelevant. We're going to strike that.

DN It's only for perspective purposes, not for vindictive purposes, and going backwards.

PB I understand.

PB Can I ask you a question?

DN Sure.

PB Do you agree that some sort of subdivision can take place here? (speaking real low)

DN I believe that it is a foregone conclusion that some type of subdivision could be approved.

PB So, I think the information we've been going through, it's actually good information, and stuff we've been asking for, and what will be the impact of such subdivision in the future, so some teeth to this application can be provided. So is that where we should be going? To find a happy medium between placing a particular structure so that it fits both needs.

DN I think you're right. The proposed restrictions we gave you on the two-page summary at the end actually address those points very substantively. It is trying to say, here is the issue, everyone has a right to try and do what they want to do, nobody saying you can't do that. On the other hand, we have the environmental impact issue, and we have all of the other issues well documented, so the question is how do you marry the two, and what has been suggested is we don't intend to do it and we're saying if you don't intend, here's a way of doing it. And moving the ability to build a house as far back from the wetlands, is one way of doing it. Putting in deed covenants is a way of solidifying it. The biggest problem you have, when somebody buys a property, even if you have all sorts of conditions which the Planning Board does on many approvals, the buyer doesn't know about it. Okay? It doesn't mean they may not have done as much due diligence as they should, but it didn't come up in a title search.

PB I think we're going to get to the point. What I'm trying to say is I think you're trying to push some sort of a proposal, and it doesn't fit Taylor's Lane either, so we need to get something that is a happy medium.

DN I thought we tried to do that. What we have proposed, we do not believe is restrictive from the vantage point that cannot accomplish what the applicant has said is the desire, and a way of doing it to preserve it. That's your job to do. To tweak it whatever way you wish, but the framework of how to do it, and we think the major approaches in terms of the contour lines and what we've seized upon as a rationale to it that follows the DEIS as presented, and puts it in a perspective that solidifies it in a way that's meaningful. You can change that any way you want and massage it, and that's your prerogative, and that's your responsibility. We're just suggesting that here's a way of doing it, and here's the specifics of how we think you can do it. If you don't like it, you can change it or you can make it

PB No, no, no.

PB I was going to ask for one more piece of data that I think might help in accordance with what Lew was asking. Data that both the applicant and Dan might provide what we're trying to do is make sure that whatever we approve ultimately fits in with Taylors Lane, it would be useful to know what the size of the footprint is and what the size of the square footage is, of all of the homes that are currently located on Taylors Lane, from Colonial Court to the end of the lane.

PB To the end of the lane or to the end of the subdivision area?

PB Well I would say at little past the end of the subdivision area. Maybe to the end of the lot one.

DN There's a house past lot one. We can do that.

PB At least to the sort of area that the road is public. But if we could get that data we would have some sense of whether the size house that is proposed would fit on Taylor's Lane, if it will fit within your building envelopes comfortably, or whether it won't. I think that's what one of Lew's concerns is.

PB Okay. My question for Lew is (laughing)

Someone say's that's what you get for asking questions....

PB So it seems to me that what's been presented here could be sort of boil down to a pretty simple one main simple restriction, which is the building envelopes cannot extend beyond in the case of lot 1 75 feet from Taylor's Lane, and I think it's 70 feet for lot 3. So you're basically establishing that sort of backstop on the development. And so Lew's concern which I really hadn't thought of, does that mean you get much more mass close to Taylor's Lane?

PB How much to room to leave, and I totally agree with Mike, I'm just afraid of the big house 30 feet away.

PB But it seems to me even if you didn't have that restriction, you're still open to having these houses 25 feet from Taylor's Lane, and also that is the most likely case given the topography.

DN I think we'll get there, and I think the only thing I would add to it is that you have an area for the house, and then you have to also address, if you're so inclined, amenities that could then be added or not added. You have setbacks to push everything forward, you to have an open area without the restriction, where theoretically you could put in your swimming pools, tennis courts or whatever. I think that's what was demonstrated.

PB I'd like to move along. There's probably more people who would like to speak. We do have your input and will read everything you submitted.

PM Thank you.

Chairman Thank you. Would anyone else like to speak? Really it looked like everyone wanted to speak. (laughter). Les, based on the request. They all looked at me like

PB We burned them out.

LS In fact, the only reason why I suggested that there might be other people waiting to speak. Now you have a couple of options, you can of course keep a public hearing open if you wish. And let's divide the two. You are going to keep a public hearing on the preliminary subdivision open, that's not even a question, but the next time that that probably come back is when the final environmental impact statement has been submitted and the finding statement, and we are further along in the process. In terms of the DEIS hearing, nobody else has come out, you may want to afford another opportunity for people to come out. On the other hand, it's also the opportunity to establish a written comment. So the people who haven't come out can submit written comments. The Harbor & Coastal Commission, as I think Dan has mentioned, has not made a formal request, but it's my sense that they will require some additional time. They are meeting next week and it's unclear if they would be able to, at that meeting, get a complete memo of all of their comments so, if the Board, whatever the Board was going to do on the public hearing, that they might establish a date for your comment period to cover an additional meeting by the Harbor & Coastal Commission.

PB I was going to say that

PB To cover that, my thought would be the comment period could be extended to October 19, which would give the Harbor & Coastal Commission two meetings and a couple of days after the second meeting, to get their comments in. And also I think Susan is going to prepare a comment memo as well on this, so it does provide the additional time that should be satisfactory to them.

PB So we will leave the public comment period open. So all you people that really wanted to speak tonight can come back and speak the next time.

PB So I think the Board needs to decide whether they wish to close the public hearing on the DEIS, and establish a comment period to close on 19 October for written comments, or does the Board wish to continue the public hearing. Now, one of the things that Dan said earlier was he had requested the public hearing to be continued to get answers, but that's not really the purpose of the DEIS public hearing. It's really for the public to express, and the Board to express, their comments and then to respond to them. So those are really the choices that the Board has: whether they feel there's a need to keep the public hearing open. If the Board does close the public hearing, that kind of gives the applicant the ability to get started, at least on those portions of the comments, and then, as the remaining written comments come in, they can keep going. So it's really up to the Board what they want to do.

BE If I could just add, we are on the agenda for Harbor & Coastal next week, so we will be giving them a similar presentation to the one we've given you tonight, just so that they have the same information to form their comments.

LS This will be the first time that they've actually seeing this, as opposed to the Board having seen it, so that's why I'm sensing that they'll probably need more than one meeting to digest all of this.

PB I think very little is going to turn on what we do because there is still going to be public comments on the subdivision plan even if not on the DEIS.

LS There's going to be additional public hearings as we go down the road.

PB Right

PB And the public hearing is really just the comments we've already received

LS Just on the DEIS itself. The other public hearing is going to be continued.

(someone is commenting)

LS It triggers the process to keep it moving. When you close the public hearing, you set the comment period and keeps the process moving.

PB So when the Board deliberates next on how to additionally respond to the draft DEIS and request changes for the final EIS we can get the public input at that point as well.

LS You're going to do it at a public meeting. You could get public input. The difference would be it would be close to a public hearing, unless they put them in writing than the applicant is not required to respond to them. It's an attempt to kind of establish a process that SEQRA tries to do, so that you have oral comments at public hearings

PB But the applicant would still be required to respond to anything we specifically asked for.

LS Absolutely. And the Board can present its own memorandum too.

PB Okay.

LS This is just the public comment part, and does not restrict the Board. The Board would have again to submit other questions.

PB So this sort of establishes that huge list of public comment, Q&A's

LS But if the board feels that they wish to have another debate on this, and will have additional public comments, then they might keep the public hearing and the DEIS open for

another meeting.

DN The only thing I would like to offer, if I may, is that there's been subsequent questions and I think you've asked for that is more than just finishing the DEIS, and that could also be an interesting dialogue that might be very helpful as part of the record. Once you close the hearing the comments you may use them but they're not part of the record.

LS That's not the case. Which comments are we talking about?

PB On the FEIS.

PB Who cares. It's about the subdivision.

PB Exactly.

SF Basically, the applicant can't do an FEIS, can't get started or submit it until the public comment period is over.

LS We have to at some point close that so they can prepare the FEIS.

PB Let's take a vote.

DN You should also be aware that the Harbor Commission only meets once a month.

SF Right. And I think the time that Les was discussing covers two meetings.

(someone is talking low)

LS I think you have some very significant powers to shape on the proposed approval here. You've got the provisions of the zoning ordinance, which will have to guide you but you have some substantial discretion in terms of looking at the environmental impacts of this proposed development, and making sure that they have been addressed.

Chairman Let's put this to a vote. Do I have a motion to approve the closing of the public hearing for the DEIS for 1000 Taylor's Lane.

PB So moved.

Chairman Do I have a second?

PB Second.

LS And then a motion to set the comment period and a written comment to end on October 19, which I believe is a Friday,

BE Yes, it's a Friday.

Chairman It is Friday?

BE It is a Friday.

Chairman Motion to approve?

PB So moved.

Chairman Second?

PB Second.

Both votes were unanimous in favor of approval.

