

RECEIVED
MAR 24, 2017

RESOLUTION
VILLAGE OF MAMARONECK PLANNING BOARD
Adopted March 22, 2017

BY: *[Signature]*

18 M Clerk. Terzani
offia

RE: Adoption of Findings Statement for Residential Subdivision at 1000 Taylors Lane

After due discussion and deliberation, on motion by Mr. Verni, seconded by Mr. Sjunnemark and carried, the following resolution was adopted:

WHEREAS, the Planning Board of the Village of Mamaroneck ("Planning Board") received an application dated October 22, 2009, from Caroline and Richard Alter, the "Applicant," (all references to which shall include and be binding upon the Applicant's successors and/or assigns), for a proposed three-lot residential subdivision and associated tidal wetland permit at 1000 Taylors Lane ("Proposed Action"); and

WHEREAS, on November 12, 2009, the Planning Board, having determined that the Proposed Action is subject to the New York State Environmental Quality Review Act, Environmental Conservation Law Article 8 ("SEQRA"), and having classified the proposed action as a Type I Action under SEQRA, declared its intent to be Lead Agency for the purpose of reviewing the environmental impacts of the Proposed Action under SEQRA ("Lead Agency"); and

WHEREAS, on December 10, 2009, the Planning Board opened a public hearing on the subdivision and wetland permit application; and

WHEREAS, the Planning Board received an amended subdivision and wetland permit application dated November 10, 2010, addressing comments previously raised by the Village's Consulting Engineer, related to stormwater management; and

WHEREAS, the Planning Board continued the public hearing on December 9, 2010, and January 27, 2011, and adopted a Positive Declaration under SEQRA on January 27, 2011, and directed the Applicant to prepare an Environmental Impact Statement ("EIS"); and

WHEREAS, by Resolution dated April 13, 2011, the Planning Board adopted a Final Adopted Scope for the EIS; and

WHEREAS, on February 28, 2012, the Applicant submitted to the Planning Board a Draft Environmental Impact Statement ("DEIS") in connection with the Proposed Action; and

WHEREAS, the Planning Board carefully examined the DEIS and received comments and recommendations on completeness from its counsel, from the Village's Planning Consultant, BFJ Planning, in memos dated March 12, 2012, and March 28, 2012, and from the Village's Engineering Consultant in a memo dated March 27, 2012, and considered comment letters from the public regarding completeness of the DEIS; and

{00776078.DOCX.}

**1000 Taylors Lane Subdivision
Resolution Adopting Findings Statement**

WHEREAS, duly advertised public meetings were held to discuss the submitted DEIS on March 14, 2012; March 28, 2012; and April 11, 2012, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board adopted on April 11, 2012, a resolution determining that the DEIS was not complete, for the reasons described in a memo dated April 11, 2012, and written on behalf of the Planning Board by the Village's Planning Consultant, BFJ Planning; and

WHEREAS, on June 14, 2012, the Applicant submitted to the Planning Board a revised DEIS; and

WHEREAS, the Planning Board held an additional, duly advertised public meeting on July 11, 2012, to consider the completeness of the revised DEIS; and

WHEREAS, in considering the completeness of the revised DEIS, the Planning Board received comments and recommendations from its counsel and from the Village's Planning Consultants in a memo dated July 5, 2012, as well as correspondence from the public; and

WHEREAS, the Planning Board directed its counsel and the Village's Planning Consultant to coordinate with the Applicant on several additional modifications to the revised DEIS; and

WHEREAS, on July 19, 2012, the Applicant submitted to the Planning Board an amended, revised DEIS incorporating those requested modifications; and

WHEREAS, by Resolution dated July 25, 2012, the Planning Board, acting as Lead Agency for the Proposed Action, determined that an amended, revised Draft Environmental Impact Statement ("DEIS") submitted on July 19, 2012, on the proposed three-lot subdivision at 1000 Taylors Lane was adequate with respect to its scope and content for purposes of commencing the public review under SEQRA in accordance with New York State Department of Environmental Conservation Rule 617.9 (6 NYCRR §617.9); and

WHEREAS, by Resolution dated July 25, 2012, the Planning Board set a public hearing on the DEIS for 7 p.m. on September 12, 2012, in the Courtroom in Village Hall, 169 Mount Pleasant Avenue, Mamaroneck, New York; and

WHEREAS, the Planning Board issued a Notice of Completeness and a Notice of Public Hearing on the DEIS dated July 19, 2012, and the DEIS was filed, circulated, distributed and published all in accordance with New York State Department of Environmental Conservation Rule 617.9 and Rule 617.12 (6 NYCRR 617.9 and 617.12); and

1000 Taylors Lane Subdivision
Resolution Adopting Findings Statement

WHEREAS, the Planning Board held a public hearing on the DEIS on September 12, 2012 at which time all those wishing to be heard were given an opportunity to be heard; and closed the public hearing on that date and set a comment period for the acceptance of written comments on the DEIS which comment period expired on October 19, 2012; and

WHEREAS, the Applicant submitted to the Planning Board a draft Final Environmental Impact Statement dated January 14, 2015, ("January 14, 2015, Draft FEIS") in connection with the Proposed Action; and

WHEREAS, the Planning Board carefully examined the January 14, 2015, Draft FEIS and received comments and recommendations on completeness from its environmental consultant, Sven Hoeger, dated February 18, 2015, from the Acting Village Engineer, George Mottarella, dated February 24, 2015, from its landscape consultant, Susan Oakley, dated February 18, 2015, from its counsel and the Village's Planning Consultant in a consolidated comment memorandum dated March 24, 2015, and considered comments from the public; and

WHEREAS, duly advertised public meetings were held to discuss the submitted January 14, 2015, Draft FEIS on February 25, 2015; March 25, 2015; and May 13, 2015, at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, by letter dated from the Applicant's counsel, Keane & Beane, P.C., dated May 15, 2015, the Applicant withdrew the January 14, 2015, Draft FEIS from the Planning Board's consideration; and

WHEREAS, thereafter, the Applicant resubmitted a revised draft FEIS dated August 1, 2016, describing the FEIS Proposed Action as a three lot subdivision, including one lot on which the Applicant's current residence and yard will remain, with the following features: (a) a conservation easement area of 141,277 square feet (approximately 63% of the 5.169 acre Property) which will be permanently preserved; (b) restricted building envelopes defined by the 100' freshwater wetland buffer line for the rear yard, and by zoning setbacks for the front and side yards; and (c) limitations on floor area ratios ("FAR") of the future single family dwellings on the two new lots through a calculation of the land area outside of the wetland buffer, rather than the total lot area ("August 1, 2016 Draft FEIS"); and

WHEREAS, the Planning Board adopted on September 28, 2016, a resolution determining that the August 1, 2016 Draft FEIS was not complete, for the reasons described in a memorandum dated September 21, 2016, as further revised by the Planning Board's comments that evening, and written on behalf of the Planning Board by the Village's Planning Consultant, BFJ Planning; and

WHEREAS, an updated version of the September 21, 2016, BFJ memorandum dated October 6, 2016 incorporating those Planning Board comments was provided to the Applicant for purposes of the Applicant making further revisions to the August 1, 2016, Draft FEIS; and

1000 Taylors Lane Subdivision
Resolution Adopting Findings Statement

WHEREAS, accompanied by a cover letter from its counsel dated November 11, 2016, the Applicant resubmitted to the Planning Board a further revised draft FEIS dated November 2, 2016, which incorporated the following mitigation measures: (a) conservation easement area of 141,277 square feet (3.243 acres, or approximately 63% of the property to be subdivided); (b) 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; (c) 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; (d) use of native plants and shrubs for landscaping purposes consistent with the Planning Board's Coastal Planting Guide; (e) restrictions on the use of inorganic fertilizers, herbicides and pesticides; and (f) minimization of land disturbance through the use of retaining walls ("November 2, 2016 Draft FEIS"); and

WHEREAS, the Planning Board held an additional, duly advertised public meeting on November 30, 2016, to consider the completeness of the November 2, 2016, Draft FEIS at which time all those wishing to be heard were given an opportunity to be heard; and

WHEREAS, in considering the completeness of the November 2, 2016 Draft FEIS, the Planning Board received comments and recommendations from its counsel and from the Village's Planning Consultant, BFJ Planning, in a memorandum dated November 29, 2016, as well correspondence from the public; and

WHEREAS, on November 30, 2016, the Planning Board directed its counsel and the Village's Planning Consultant to coordinate with the Applicant on several additional modifications to the November 2, 2016, Draft FEIS; and

WHEREAS, accompanied by a cover letter from Evans Associates dated December 2, 2016, the Applicant submitted to the Planning Board a second further revised draft FEIS dated December 2, 2016, purporting to incorporate those requested modifications including, but not limited to, revising the proposed building envelope on Lot 1 so that it now lies 60' from the rear property line, providing at least 160' of separation between any structure and the wetland ("December 2, 2016, Draft FEIS"); and

WHEREAS, the Planning Board's Planning Consultants and counsel undertook a review of the December 2, 2016, Draft FEIS and letters received from the public on the December 2, 2016, Draft FEIS, determined that all the requested changes and modifications arising from the Planning Board's November 30, 2016, meeting had not yet been made and communicated with the Applicant regarding the need for additional revisions to the document before it could be accepted as complete; and

WHEREAS, accompanied by a cover letter from Evans Associates dated December 14, 2016, the Applicant submitted to the Planning Board the requested further revisions to the December 2, 2016, Draft FEIS ("December 14, 2016 Revisions"); and

1000 Taylors Lane Subdivision
Resolution Adopting Findings Statement

WHEREAS, the Planning Board held an additional duly advertised public meeting on December 14, 2016, to consider the completeness of the December 2, 2016 Draft FEIS, as updated with the December 14, 2016 Revisions; and

WHEREAS, the Planning Board reviewed the December 2, 2016, Draft FEIS and the December 14, 2016, Revisions, and received comments and recommendations from its counsel and from the Village's Planning Consultants, BFJ Planning, in a memorandum dated December 13, 2016, as well as correspondence from the public, and having considered other information available to them; and

WHEREAS, on December 14, 2016, the Planning Board, acting as Lead Agency adopted a "Resolution of Completeness of the Final Environmental Impact Statement (FEIS) for Proposed Three-Lot Subdivision at 1000 Taylors Lane" and in that Resolution (1) determined that the December 2, 2016, Draft FEIS, as updated by and incorporating the December 14, 2016 Revisions, on the proposed three-lot subdivision at 1000 Taylors Lane was complete and constituted the Final Environmental Impact Statement ("FEIS") for the Proposed Action; (2) directed Village staff and/or consultants and counsel to prepare a Notice of Completion of the FEIS in accordance with New York State Department of Environmental Conservation Rule 617.9 and Rule 617.12 (6 NYCRR §617.9 and §627.12), (3) directed the Applicant, on or before December 23, 2016, to prepare sufficient copies of the FEIS and file, distribute and submit for publication digital and printed copies of the FEIS and the Notice of Completion as necessary to satisfy the requirements of 6 NYCRR 617.9 and 617.12 ; (4) directed Village staff and/or consultants and counsel to (a) keep copies of the FEIS available for review and reproduction and distribution to the public, (b) deposit a copy or copies of the FEIS with the Village Library, (c) ensure that provision shall be made by the Applicant for the posting of the FEIS on a publicly available website; and (d) to take all steps necessary to implement the foregoing Resolution; and

WHEREAS, on January 25, 2017, March 8, 2017 and March 22, 2017 the Planning Board conducted work sessions to discuss drafts of the Findings Statement to be adopted under SEQRA for the proposed residential subdivision and received information and advice from its staff, consultants and counsel; and

WHEREAS, the Planning Board, having reviewed and considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS and the FEIS, and based upon the discussions at the work sessions and the information and advice received from its staff, consultants and counsel, determined that, with attendant mitigation measures, Alternative 4 in the FEIS, one similar to the FEIS Proposed Action except that the property would be subdivided into four (4) rather than three (3) lots: one lot containing the existing home; two new lots (on either side of the existing home) to be residentially developed within defined building envelopes; and, in lieu of conservation easements over a portion of each of these lots, a fourth lot, encompassing the conservation easement areas on each of the three lots in the FEIS Proposed Action to remain undeveloped and designated as a conservation lot to be conveyed to and to be preserved in perpetuity by a public body or not-for-profit conservation organization as those terms are defined in Article 49 of the Environmental Conservation Law, best balances the "relevant environmental impacts with

**1000 Taylors Lane Subdivision
Resolution Adopting Findings Statement**

social, economic and other considerations” and, among the reasonable alternatives is the “one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.”

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Mamaroneck Planning Board, in accordance with SEQRA, does hereby adopt the attached Findings Statement dated March 22, 2017, setting forth its findings and conclusions related to the Proposed Action, the FEIS Proposed Action and their alternatives detailed in the DEIS and FEIS and based upon the written facts and conclusions set forth therein, finds and certifies that:

- (1) the requirements of SEQRA and the SEQRA Regulations have been met; and
- (2) consistent with social, economic and other essential considerations from among the reasonable alternatives available, Alternative 4 in the FEIS is one that avoids or minimizes environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

AND BE IT FURTHER

RESOLVED, that Village staff and/or consultants and counsel are directed to file and circulate the Findings Statement in accordance with New York State Department of Environmental Conservation Rule 617.12 (6 NYCRR §617.12), and be it further

RESOLVED, that Village staff and/or consultants and counsel take all steps necessary to implement the foregoing Resolution.

VOTE:

Ayes: Wexler, Sjunnemark, Verni & Litman

Nays: None

Absent: Mendes

Abstaining: None

PLANNING BOARD
Village of Mamaroneck



Lee Wexler, Chairman

Date: March 22, 2017

**PROPOSED 1000 TAYLORS LANE SUBDIVISION
VILLAGE OF MAMARONECK, NEW YORK
STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT
Adopted: March 22, 2017**

Pursuant to the New York State ("NYS") Environmental Quality Review Act ("SEQRA") Article 8 of the New York State Environmental Conservation Law and Title 6 of the NYS Code of Rules and Regulations ("6 NYCRR") Part 617, the Planning Board of the Village of Mamaroneck makes the following findings:

Name of Proposed Action: Proposed 1000 Taylors Lane Subdivision

SEQR Classification: Type I Action

Location: 1000 Taylors Lane, Village of Mamaroneck, Westchester County, New York

Lead Agency: Village of Mamaroneck Planning Board, Village Hall Annex, 169 Mt. Pleasant Avenue, Mamaroneck, New York 10543

Date Final Environmental Impact Statement (FEIS) Accepted: December 14, 2016

Contact for Additional Information:

Betty-Ann Sherer, Land Use Coordinator
Village of Mamaroneck
169 Mt. Pleasant Avenue
Mamaroneck, New York 10543
(914) 825-8758

Project Site:

The project site is located in the Village of Mamaroneck, Westchester County, in a residential area near the west-central boundary of the City of Rye. The address is 1000 Taylors Lane, which is on the west side of the street, near the intersection of Taylors and Barrymore Lanes. Otter Creek and Magid Pond, two Village-designated Critical Environmental Areas (CEAs), are immediately to the north of the property. Two other CEAs, the Village-designated Van Amringe Millpond and the County-designated Long Island Sound, are both less than a half-mile from the project site. These CEAs are further discussed below.

Description of Action:

The Proposed Action consists of the subdivision of an existing 225,144-square-foot (5.169 acres) lot. The project site is in the southeastern portion of Mamaroneck, in the R-15 Zoning District. As described in the FEIS, the Applicant's Proposed Action is the subdivision of the property into three conforming residential lots, including one on which the current residence would remain, 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-foot freshwater wetland buffer line in the rear of Lot 3 and 60 feet from the 100-foot freshwater wetland buffer line in the rear of Lot 1.
- 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 would remain on the central lot of the proposed subdivision. Under the Applicant's Proposed Action, this central lot would 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 provision for adequate sight distance in both directions. No actual development is proposed for the two new lots, nor is any additional development proposed on the Applicant's existing property.

SEQR History:

The Planning Board, as Lead Agency, made a Positive Declaration on January 27, 2011, requiring preparation of a Draft Environmental Impact Statement (DEIS). A public scoping session was held on March 9, 2011, and the Board adopted a final scope on April 13, 2011, after receiving comments during the public comment period. Based on the scope, a DEIS was prepared that studied the Applicant's proposal at the time, which also involved a three-lot subdivision but with no conservation easement and no restrictions on building envelopes or FAR. 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.

After review, the DEIS was accepted 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's Harbor and Coastal Zone 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 Village's Local Waterfront Revitalization Program (LWRP) upon completion of the SEQR process.

In January 2015, the Applicant submitted an FEIS; after discussion of that FEIS at several meetings of the Planning Board, the applicant withdrew the FEIS in May 2015. The Applicant submitted revised FEIS documents in August 2016 and November 2016 that incorporated changes to the project, with the Applicant's Proposed Action incorporating a conservation easement and the development restrictions noted above. Additional revisions were made to the FEIS, and the Planning Board accepted it as complete on December 14, 2016.

FEIS Alternatives:

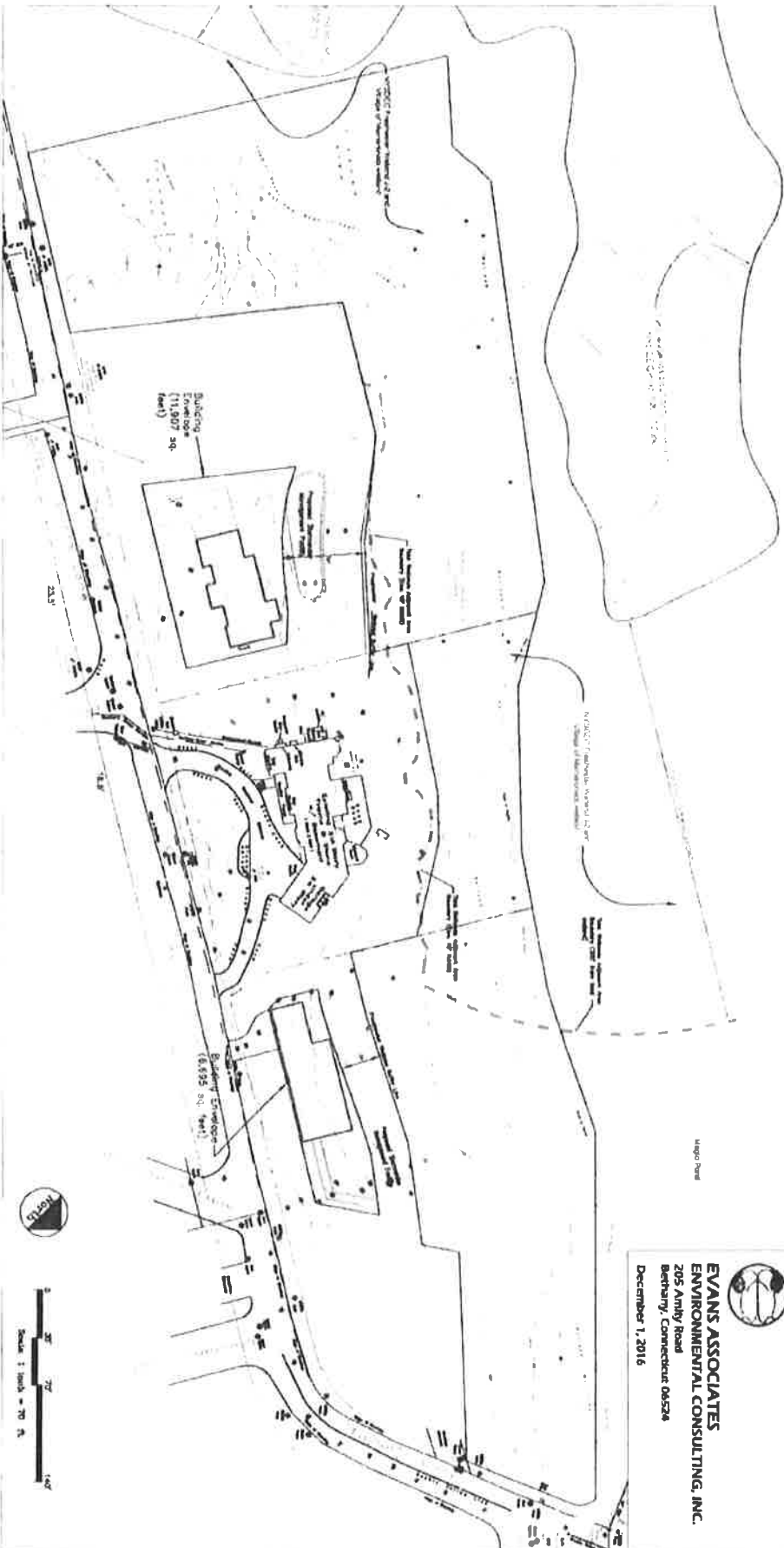
The full range of alternatives considered in the FEIS is as follows:

- **Alternative 1: FEIS Proposed Action.** As a result of comments from the public, the Planning Board, and its staff and consultants, and further study by the Applicant, the DEIS Alternative V.C.I became the Applicant's FEIS Proposed Action (see Figure 1). The FEIS Proposed Action is the subdivision of the site into three zoning-compliant residential lots, including one where the current home would remain. At the Board's request, a variation of this option ("Alternative 1a") was prepared to show potential future development associated with the FEIS Proposed Action.
- **Alternative 2: No Action.** A variation of this alternative ("Alternative 2a") was prepared to illustrate the potential future development which could occur on the existing property under the current zoning, without required approval by the Planning Board.
- **Alternative 3: Two-Lot Subdivision.** This alternative illustrates the subdivision of the property into two residential lots: the northeastern lot with the existing home, with potential additional amenities shown, and a new lot to the southwest as a new residential development. Because no conservation easement or lot is placed on the property, it could be subdivided in the future.
- **Alternative 4: Four-Lot Subdivision.** This alternative is similar to the FEIS Proposed Action (Alternatives 1 and 1a), except that the property would be subdivided into four lots: one lot with the existing home; two new lots on either side to be residentially developed within the defined building envelopes described in the FEIS Proposed Action; and a fourth lot to remain undeveloped and designated as a conservation lot.
- **Alternative 5: Three-Lot Subdivision (One Conservation Lot).** This alternative illustrates the subdivision of the property into three lots: one lot containing the existing home; one lot (to the southwest of the existing home) to be residentially developed; and a third lot to remain undeveloped and designated as a conservation lot.

After considering the FEIS and for the reasons provided below, the Planning Board finds that Alternative 4 (Figure 2), with mitigation measures listed on p. 2 and others discussed below, best balances the "relevant environmental impacts with social, economic and other considerations" (6 NYCRR Part 617.11 (d)(2)). While Alternatives 3 and 5 (neither of which, according to the Applicant, is consistent with its objectives and capabilities) would result in less environmental impact due to the potential construction of one residence vs. two under Alternative 4, "it is not the intention of SEQR for environmental factors to be the sole consideration in agency decision-making" (SEQR Handbook, 3rd edition). Rather, SEQR requires a balancing of environmental impacts with other considerations, with the underlying purpose to ensure that, among the reasonable alternatives available, this is "one that avoids or minimizes adverse environmental impacts to the maximum extent practicable" (Part 617.11 (d)(5)). This allows agencies to approve actions with social or economic benefits even if all environmental impacts cannot be totally avoided or mitigated. In making these findings, the Board has considered information in the FEIS, the public record and comments received during the DEIS public hearing.

LEGEND:

Conservation Easement



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

1000 Taylor Lane Southfield
1000 Taylor Lane
Village of Menomonee, N.Y.



**EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.**
205 Amity Road
Berkshire, Connecticut 06034
December 1, 2016

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



Statement of Facts and Conclusions Relied on to Support Findings:

The following section assesses relative impacts of the Applicant's Proposed Alternative and Alternative 4 (the Planning Board Alternative).¹ The assessment uses calculations provided in the FEIS in Table V.A.2 (part 1) for Alternative 1a vs. Alternative 4. Calculations for Alternative 1 are not comparable to Alternative 4 because Alternative 1 is for a subdivision only, with no development assumed.

1. Land Use and Zoning

Land Use Compatibility, Development Coverage and Land Disturbance

Overall, the Planning Board finds that, based on information described in the DEIS and FEIS, the scale and intensity of use of Alternative 4 is consistent with the established land use character and patterns in the surrounding area. The proposed size of the newly created residential lots would be 28,842 square feet (0.66 acre) and 18,570 square feet (0.43 acre), which conforms to the minimum lot size of 15,000 square feet in the R-15 zoning district.

Alternative 4 shows potential new dwellings and associated infrastructure on Lots 1 and 3, with a total development coverage of 6,500 square feet and 4,000 square feet, respectively. Combined with the existing development coverage of 10,500 square feet for Lot 2, this leads to total development coverage of 21,000 square feet, or 9.3% of the combined project area. This is less than the 23,000 square feet, or 10.2% of the combined project area, provided for in the Applicant's Proposed Alternative, reflecting 2,000 square feet less development coverage on Lot 3 under Alternative 4. The Planning Board notes that allowable building coverage – which is one element of total development coverage, in addition to other impervious surfaces such as driveways, patios, walkways and retaining walls – is 35% in the R-15 zoning district. Thus, both Alternative 4 and the Applicant's Proposed Alternative would result in significantly less building coverage than allowable under the Village's zoning regulations.

Alternative 4 results in comparable land disturbance than the Applicant's Proposed Alternative. Under both alternatives, a total of 71,203 square feet (1.63 acres, or 31.6% of the total project area) would be disturbed to accommodate future development. Land disturbance for both alternatives is reduced through the use of retaining walls.

¹ The impacts assessed are based on the components of the Final Scope, dated April 13, 2011, and table of contents of the DEIS, as accepted July 25, 2012. In adopting the Final Scope, the Planning Board sought to focus narrowly on areas of potential impact. As there were no anticipated impacts to historic or cultural resources of socioeconomic factors, the DEIS was not required to examine such elements. However, the Applicant did complete a Phase 1A Literature Review and Sensitivity Analysis and a Phase 1B Archeological Field Reconnaissance Survey, both of which are contained in the Appendix to the DEIS. The Phase 1A concluded that there were no historic resources, but that there was moderate potential for the site to contain prehistoric cultural resources, and recommended a Phase 1B be undertaken to confirm or rule out the presence of prehistoric resources. The Phase 1B survey determined that no prehistoric sites exist within the proposed area of potential impact, and that no cultural resources would be impacted by the proposed project. Therefore, historic and cultural resources are not discussed within this Findings Statement.

The Planning Board notes that the Applicant's Proposed Alternative would impose limitations on the FAR of the future residences on the two new lots by a calculation based on the land area outside of the wetland buffer, rather than the total lot area. This results in significantly smaller potential buildings than would otherwise be allowable under the Village's zoning regulations. Without these FAR limitations under the Applicant's Proposed Alternative, it would be possible to build homes of 28,889 square feet in floor area on Lot 1 and 17,851 square feet on Lot 3, compared with 7,974 square feet and 5,014 square feet, respectively, with the limitations in place. This represents a reduction in potential floor area of approximately 72% for both lots.

The Board finds that, under Alternative 4, a comparable restriction on floor area of the two potential future homes would be achieved without the need for FAR limitations, because the use of a conservation lot, rather than easement, would reduce the sizes of Lots 1 and 3 to the area outside of the wetland and wetland buffer areas. In fact, Alternative 4 would result in a slightly smaller potential house on Lot 1 (7,787 square feet of floor area vs 7,974 square feet under the Applicant's Proposed Alternative, a reduction of 187 square feet) because Lot 1 is smaller overall under Alternative 4.

In addition, one key distinction of Alternative 4 relative to the Applicant's Proposed Alternative and the other alternatives considered in the FEIS is that it would be most restrictive to future expansion of the existing house on Lot 2 and, absent demolition of the existing residence, preclude further subdivision of the lot. Under Alternative 4, allowable floor area for Lot 2 would total 9,848 square feet. Based on information provided by the Applicant and the Village's definition of gross floor area (which includes garages and basement areas but excludes porches and decks), the existing house has a gross floor area of 9,284 square feet. Thus, under Alternative 4, any expansion of the existing house would be restricted to 564 square feet of gross floor area.² All of the other alternatives would allow for the possibility of a larger as-of-right expansion of the existing home, ranging from 1,016 square feet under Alternative 5 to 22,621 square feet under Alternative 3. (Under the No Action alternative, the existing lot could accommodate an additional 51,510 square feet of allowable floor area under current zoning. Because this floor area would represent more than five times that of the existing home, a future subdivision of the property is more likely than such an expansion.)

Thus, although Alternative 4 creates greater development coverage and land disturbance than does Alternative 5, it appropriately balances greater restriction on future development on the Applicant's property, with the Applicant's ability to realize economic gain from the subdivision of an additional lot.

² The addition of accessory structures, such as swimming pools and tennis courts, which do not count toward gross floor area, would continue to be allowed even if the maximum allowable floor area were achieved.

Critical Environmental Areas

The Planning Board also finds that Alternative 4 is appropriately sensitive to the four Critical Environmental Areas (CEAs) found in the project vicinity, Long Island Sound (Westchester County), Magid Pond, Otter Creek and Van Amringe Millpond (each Mamaroneck). The three locally designated CEAs are noted as conservation areas in the Mamaroneck Local Waterfront Revitalization Program (LWRP) and described as follows:

- *Magid Pond (Freshwater Wetland) – Freshwater wetlands; major habitat for resident, overwintering, and migratory birdfowl and birds; open space and winter recreation. Concentration of wildlife, including many rare species.*
- *Otter Creek Salt March – Tidal estuary, tidal wetlands; habitat for resident, overwintering, and migratory waterfowl, birds, fish, shellfish, and mammals.*
- *Van Amringe Millpond – Littoral zone; tidal wetlands; habitat for resident, overwintering, and migratory waterfowl, birds, fish, shellfish (major hardshell clam and oyster habitat); concentration of fish and waterfowl, including osprey.*

The Otter Creek CEA is now encompassed by the Otter Creek Preserve, a 35-acre conservation area owned by the Westchester Land Trust ("Land Trust"). According to the Land Trust, the preserve is the largest privately owned tidal wetland designated and protected as a nature sanctuary in Westchester County, and more than 100 species of birds have been recorded.

Long Island Sound was designated by Westchester County as a CEA in 1990, and it is also designated an Estuary of National Significance. The designation relates to the tidal wetland areas found along much of its shoreline and the occurrences of several areas of scenic and historic interest, as well as other key environmental features that may be present.

As discussed below, through the use of building envelope restrictions and siting of the future residences close to Taylors Lane, Alternative 4 reduces the overall site disturbance, thus decreasing potential negative impacts to these CEAs from stormwater runoff and reduction of forested habitat areas. In addition, the creation of a conservation lot totaling 3.24 acres in the portion of the site in closest proximity to the CEAs significantly reduces the potential for adverse environmental impacts, and provides a social benefit due to the potential to complement the existing Otter Creek Preserve.

Both Alternative 4 and the Applicant's Proposed Alternative would impose restricted building envelopes on the two new residences, defined by the zoning setbacks for the front and side yards, and by a setback of 30 feet from the 100-foot freshwater wetland buffer in the rear of Lot 3 and 60 feet from the 100-foot freshwater wetland buffer line in the rear of Lot 1. This provides for greater distance of the future residences, and their areas of disturbance, from the wetland

and wetland buffer areas than required by the Village's regulations, offering more protection of the CEAs and their habitat areas.

The Planning Board also finds that, although the area to be conserved is the same (3.24 acres or nearly two-thirds of the site), the creation of a conservation lot under Alternative 4 would provide a stronger mechanism of land preservation than the conservation easement under the Applicant's Proposed Action. Based on public comments made during the SEQR process – including from the Westchester Land Trust, which owns the adjacent Otter Creek Preserve – the Board notes that a conservation easement would provide less direct control over the preserved land than would a conservation lot. In addition, as discussed, the conservation lot would result in significantly smaller new residences than allowable under zoning, without the need for the FAR limitations provided under the Applicant's Proposed Alternative. The Board finds that enforcing the development restrictions on a conservation lot, versus an easement, would be more practical and effective from a legal as well as a logistical standpoint.

The Board further notes that, under both the Applicant's Proposed Alternative and Alternative 4, future development on Lots 1 and 3 would be directed to use native plants and shrubs for landscaping purposes, consistent with the Planning Board's *Coastal Planting Guide*, and would be restricted from using inorganic fertilizers, herbicides and pesticides. Such restrictions, which could be incorporated in subdivision approval for the site and be enforced through deed restrictions on the new lots, offer a measure of protection to the adjacent CEAs from polluted stormwater runoff and invasive species.

Relationship to Adopted Plans

The Planning Board finds that Alternative 4 is consistent with the Village's 2012 Comprehensive Plan's goals regarding neighborhood character, conservation of environmentally sensitive areas and protection of water quality in Long Island Sound. The Planning Board also notes that, although the Harbor and Coastal Zone Commission (HCZMC) will have jurisdiction over the determination of consistency with the Village's Local Waterfront Revitalization Program (LWRP), the FEIS, at the Planning Board's direction, incorporates a detailed discussion of the FEIS Proposed Action with respect to each relevant policy of the LWRP. This discussion provides various mitigation measures, including stormwater management and erosion control measures designed to protect coastal fish and wildlife habitat areas. As discussed below, Alternative 4 incorporates these mitigation measures but also affords greater protection through use of a conservation lot as opposed to a conservation easement, as well as restricting the future expansion of the existing house.

Visual Resources

The Planning Board finds that Alternative 4 will present comparable visual impacts to the Applicant's Proposed Action on views from Otter Creek and Magid Pond by minimizing disturbance of wooded areas and by siting the potential future houses on Lots 1 and 3 close to Taylors Lane, creating a substantial buffer to the rear of the lots.

2. Soils

The Planning Board finds that Alternative 4 will result in slightly less impact to soils than the Applicant's Proposed Alternative, due to the less site grading required. Under the Applicant's Proposed Alternative, a total of 41,985 square feet (0.96 acre) would be re-graded to accommodate two homes on the new residential lots. In contrast, Alternative 4 would result in 41,444 square feet (0.95 acre) to be re-graded.

Under both Alternative 4 and the Applicant's Proposed Alternative, the installation of 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 for erosion during future construction activities on the lots. The DEIS included a detailed erosion control plan, which incorporates a variety of measures to prevent erosion from occurring during construction and to stop sediments from impacting downgradient areas of the property and off-site in the event there is erosion of disturbed soils. These measures include (i) installation of silt fences at the limit of disturbance, (ii) use of inlet protection to reduce the risk of sediment entering catch basins and the storm drainage system, (iii) use of vegetated swales, where feasible, to trap sediment, (iv) use of stone check dams to block sediment conveyed in vegetated swales, and (v) stabilization of construction entrances for both of the two new lots to reduce the possibility of sediment being conveyed onto Village streets.

3. Topography and Slopes

The Planning Board finds that Alternative 4 will result in the same impacts to sloped areas greater than 15% as the Applicant's Proposed Alternative. Under both alternatives, a total of 18,770 square feet (0.43 acre) of sloped areas would need to be cleared or graded.

On Lot 1, the steep slopes over 25%, which cover an area of about 455 square feet, would occur within the area of a proposed rain garden/stormwater management facility, and in an existing bedrock outcrop area. On Lot 3, the disturbance of slopes over 25%, which cover an area of about 1,085 square feet, would be limited to areas close to the street flanking the driveway, and in the side yard area to the north of the future house. The need to locate the potential residence as close as possible to Taylors Lane, in order to minimize impacts on the wetland area to the rear of the property, is a factor in the land disturbance of the steeper-sloped area of Lot 3. For both lots, it is anticipated that the grading of these steeper slope areas would result in a ground surface that is significantly less sloping, and a reduced risk of erosion once these areas are stabilized with vegetation.

Under both Alternative 4 and the Applicant's Proposed Alternative, mitigation of the impact of ground disturbance of the steeper slopes on Lot 1 would be accomplished by constructing a low stone wall to form the western side of the berm of the proposed rain garden. The areas of steeper slopes to the north and south of the rain garden would not be graded, and the stone wall would limit the impacts of the ground disturbance to the immediate area.

On Lot 1, there is shallow bedrock and/or a rock outcrop immediately to the west of the location of the house as shown on the site plans in the DEIS and FEIS. It is therefore anticipated that the construction of a house on this lot would require some rock removal. The amount of anticipated rock removal would depend on the design of the house and its basement. If the house were to be constructed with a full basement, then up to 6 feet of rock removal may be needed. Alternatively, if a house on Lot 1 were to be constructed with a partial basement or a crawl space, the amount of likely rock removal would be reduced accordingly. On Lot 3, there is no evidence of bedrock outcrops or ledge; as a result, no bedrock removal is anticipated with construction on this lot.

Whether blasting would be required for the rock removal on Lot 1 depends on the type of rock that is encountered, and whether it exhibits significant fracturing. If the rock is massive with little fracturing, then blasting is the preferred method of removal. If the rock is highly fractured, then the rock may be readily removed with conventional earth equipment, assisted as needed with a hoe ram. Under both Alternative 4 and the Applicant's Preferred Alternative, any blasting required would be conducted in conformance with the Village's blasting regulations, contained in Chapter 120 of the Village Code.

4. Wetlands and Watercourses

Both the Applicant's Proposed Alternative and Alternative 4 would result in a minimum of 100 feet from the wetland areas to the area of disturbance; this minimum is the same for all of the FEIS alternatives. In no case would any future development occur within a wetland or wetland buffer. However, the Planning Board finds that, because of the reasons discussed above regarding land disturbance, grading and impacts on sloped areas, and because of the reasons discussed below regarding surface water resources and stormwater management, Alternative 4 would result in less potential for impacts to wetlands and watercourses than the Applicant's Proposed Alternative.

5. Vegetation and Wildlife

The Planning Board finds that Alternative 4 will result in similar impacts to vegetation and wildlife habitat as the Applicant's Proposed Alternative. Under both alternatives, a total of 3.294 acres forested habitat would remain on the project site. However, because of the restriction on future floor area of the existing house resulting from a smaller Lot 2 (see discussion above), Alternative 4 presents less potential for disturbance to land and vegetation.

Both Alternative 4 and the Applicant's Proposed Action were designed to reduce and avoid impacts to the vegetation and wildlife on the property. The envelope for development on Lots 1 and 3 was minimized to the maximum extent practicable, and clearing beyond the limit of disturbance will not be permitted during construction. Permanent mitigation measures that will protect and enhance the vegetation and wildlife on and off the properties are proposed and discussed below under Surface Water Resources and Stormwater Management.

Vegetated buffers consisting of the existing upland wooded areas will be retained between the limit of proposed disturbance of each lot and the freshwater wetland. On both Lots 1 and 3, this buffer is more than 100 feet in depth. The vegetated buffer to the southwest of Lot 1 and to the north of Lot 3 will remain. The existing neighboring house lot to the north and northeast of Lot 3 has extended its lawn area onto the subject property by an average of 30 feet, which has reduced the wooded buffer between the lawn and the boundary of the freshwater wetland to between 45 and 50 feet. Once the subdivision occurs, the property lines will be survey-located and monuments installed to clearly delineate the property boundary. The area where the encroachment has occurred will be allowed to return to forest and will be monitored by the future owner of Lot 4 for potential invasive species.

The vegetated buffers will allow for:

- Protection of adjacent wildlife habitat, wetlands and water bodies from human activities.
- Prevention of soil erosion through soil stabilization, and removal of sediment in runoff. In the case of the Site, this would limit the impact of sediment on the downgradient freshwater and tidal wetland.
- Improvement of the quality of runoff, by promoting infiltration into the soils, where adsorption and biological uptake of nutrients will occur.
- Provision of wildlife habitat by providing forage sites, nesting and breeding areas, and by serving as mitigation corridors for fauna.
- Enhancement of the landscape by providing an aesthetically appealing open space.

Under both Alternative 4 and the Applicant's Proposed Action, about 3.2 acres of second-growth forest is proposed to be preserved, through the use of building envelopes that limit the area of disturbance. Based on a tree survey completed for the site in 2009, there are 42 regulated trees (8-inch diameter at breast height or greater) on Lot 1 outside of the regulated wetland adjacent area, 19 of which are within the proposed building envelope. On Lot 3, there are 38 regulated trees outside of the regulated wetland adjacent area, 20 of which are within the building envelope. Thus, while 47 trees are within the proposed building envelopes and would likely be removed, a total of 279 regulated trees are in the area proposed to be protected either via a conservation lot in Alternative 4 or a conservation easement in the Applicant's Proposed Action.

Any future development of the site shall conform to the provisions of Section 342-76 of the Village Code, including a requirement that "the landscape 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. Any grade changes shall be in keeping with the general appearance of neighboring developed areas."

Overall, the Planning Board finds that, due to ease of maintenance and access, the use of a conservation lot rather than a conservation easement would better ensure protection of vegetated areas to be preserved on the property. For those areas on Lots 1 and 3 to be disturbed, the future owners of those lots shall be responsible for maintaining, in perpetuity, all landscaping shown on the approved subdivision plat. Any resolution of approval shall provide for a reasonable replacement of regulated trees on Lots 1 and 3, especially within sloped areas of those properties, as a means of slope stabilization. In addition, prior to commencement of any site work on Lots 1 and 3, a construction plan shall be submitted showing the location of staging and storage areas and tree protection measures.

Beyond the project site itself, as discussed above with regard to CEAs, the Planning Board finds that Alternative 4 would better protect these significant wildlife habitat areas because of the use of a conservation lot rather than a conservation easement. In addition, as discussed, the restrictions on the use of non-native plants and inorganic fertilizers, herbicides and pesticides would further protect the CEAs and their wildlife habitats.

6. Surface Water Resources and Stormwater Management

The Planning Board finds that Alternative 4 and the Applicant's Proposed Alternative present similar potential impacts on surface water resources, as future development under both alternatives can be accommodated through stormwater management practices. However, the Board finds that Alternative 4 would have less potential for adverse impacts on stormwater management than the Applicant's Proposed Alternative, due to the smaller amount of development coverage (9.3% of the total site under Alternative 4 versus 10.2% of the site under the Applicant's Proposed Alternative), as well as the greater restriction on expansion of the existing residence on Lot 2.

Under both Alternative 4 and the Applicant's Proposed Alternative, each of the proposed new lots would have its own stormwater management facilities, to comply with the NYSDEC Phase 2 Storm Water Pollution Prevention Plan (SWPPP) and the Village's stormwater regulations. The stormwater management facilities would ensure that (i) the peak rate of runoff from each of the two new lots is no greater following their development plan than at present, and (ii) the water quality volume is captured and treated in accordance with the 2010 New York State *Stormwater Management Design Manual*. The DEIS and FEIS incorporate various stormwater management measures, including the use of green infrastructure techniques as required by the 2010 New York State *Stormwater Design Manual*, as delineated on p. 39 of the DEIS and p. 68 of the FEIS. Protocols for the Construction, Inspection and Maintenance of the stormwater management facilities shall be incorporated into a declaration to be recorded against each of the new lots.

7. Adverse Impacts That Cannot Be Avoided

The Planning Board finds that Alternative 4 presents less potential for adverse impacts that cannot be avoided (both short- and long-term) than the Applicant's Proposed Alternative, due

to less impervious surfaces created overall, less area to be re-graded and less potential for future expansion of the existing home on Lot 2.

8. Irreversible and Irretrievable Commitment of Resources

The Planning Board finds that Alternative 4 would result in similar consumption of resources such as gasoline, oil and electricity; building materials; water and sewer systems; and police and fire protection, as in the Applicant's Proposed Action.

9. Use and Conservation of Energy

The Planning Board finds that Alternative 4 would generate similar consumption of energy – both in the short-term related to construction activity and in the long-term upon completion of development – as the Applicant's Proposed Alternative.

10. Growth-Inducing Cumulative and Secondary Aspects

The Planning Board finds that none of the alternatives present potential for growth-inducing cumulative and secondary aspects. Neither Alternative 4 nor the Applicant's Proposed Alternative would allow for further subdivision of the property without demolition of the existing residence on Lot 2. Under the Applicant's Proposed Alternative, the potential for additional residential lots is restricted by the lot frontage on Taylors Lane. Under Alternative 4, further residential development is not possible because all portions of the project site not subdivided into residential lots would be designated as a conservation lot.

Conclusion:

The Planning Board, having considered the Draft and Final Environmental Impact Statements and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6NYCRR 617.11, makes the following certification of findings:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in these documents;
- It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- It has considered and addressed all substantive public and agency comments on the DEIS and FEIS;
- The requirements of 6 NYCRR Part 617 have been met;
- Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, Alternative 4 is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and

Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

**State Environmental Quality Review Act
FINDINGS STATEMENT SIGNATURE PAGE
Certification to Approve/Undertake**

Having considered the Draft and Final Environmental Impact Statements and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, Alternative 4 is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures and safeguards that were identified as practicable.

By the Planning Board of the Village of Mamaroneck,



Signature of Responsible Official

Lee Wexler

Name of Responsible Official

Planning Board Chairman

Title of Responsible Official

March 22, 2017

Date

Copies of this Findings Statement have been filed with:

Commissioner, NYSDEC
NYSDEC, Region 3 Office, New Paltz
Involved Agencies
Parties of Interest