

**NOTE: The following Draft Findings Statement is intended as a starting point for Planning Board discussion and a framework for finalization of the Planning Board's Alternative. Further details will be added to this document based on discussion with the Planning Board, and modifications to the Planning Board Alternative are anticipated.**

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BUILDING DEPT.

**PROPOSED 1000 TAYLORS LANE SUBDIVISION  
VILLAGE OF MAMARONECK, NEW YORK  
STATE ENVIRONMENTAL QUALITY REVIEW ACT  
FINDINGS STATEMENT**

**Adopted:**

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 mainly 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 Lane and Barrymore Lane. Otter Creek and Magid Pond, two Village-designated Critical Environmental Areas (CEAs), are located 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 discussed in further detail below.

**Description of Action:**

The 1000 Taylors Lane Subdivision project consists of the subdivision of an existing 225,144-square-foot (5.169 acres) lot. The project site is located in the southeastern portion of the Village of Mamaroneck, within 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 lot on which the current residence and yard would 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-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 Applicants' 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 are as follows:

- **Alternative 1: FEIS Proposed Action.** As a result of comments from the public, the Planning Board, and its staff and consultants, as well as further study by the Applicant, Alternative V.C.I from the DEIS became the Applicant's FEIS Proposed Action (Alternative 1, see Figure 1). The FEIS Proposed Action is the subdivision of the existing property into three zoning-compliant residential lots, including one lot on which the current residence and yard would remain. At the request of the Planning Board, a variation of this alternative ("Alternative 1a") was prepared to illustrate the 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 containing the existing home with additional amenities, and a new lot to the southwest as a new residential development.
- **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 containing the existing home; two new lots (one to the northeast and one to the southwest of the existing home) to be residentially developed within the defined building envelopes described in Alternatives 1 and 1a; 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 consideration of the FEIS and for the reasons further outlined below, the Planning Board has decided that Alternative 5 (see Figure 2) is the most environmentally sensitive. In approving Alternative 5, the Board finds that, from among the reasonable alternatives available, this is "one that avoids or minimizes adverse environmental impacts to the maximum extent practicable" (SEQR Section 617.11 (d))

(5)). In making these findings, the Planning Board has considered information in the FEIS, the public record and both written and oral comments received during the public hearing on the DEIS. The Planning Board also notes the following as described in the SEQR Handbook (third edition, 2010):

*“A project sponsor generally develops its project proposal based solely on its own goals and objectives. These goals and objectives may not include maximum protection of environmental factors, and are not always shared by the reviewing agencies or the public. Requiring that reasonable alternatives be discussed allows a reviewer to independently determine if the proposed action is, in fact, the best alternative for that project when all environmental factors have been considered.”*



LEGEND:



Conservation Easement

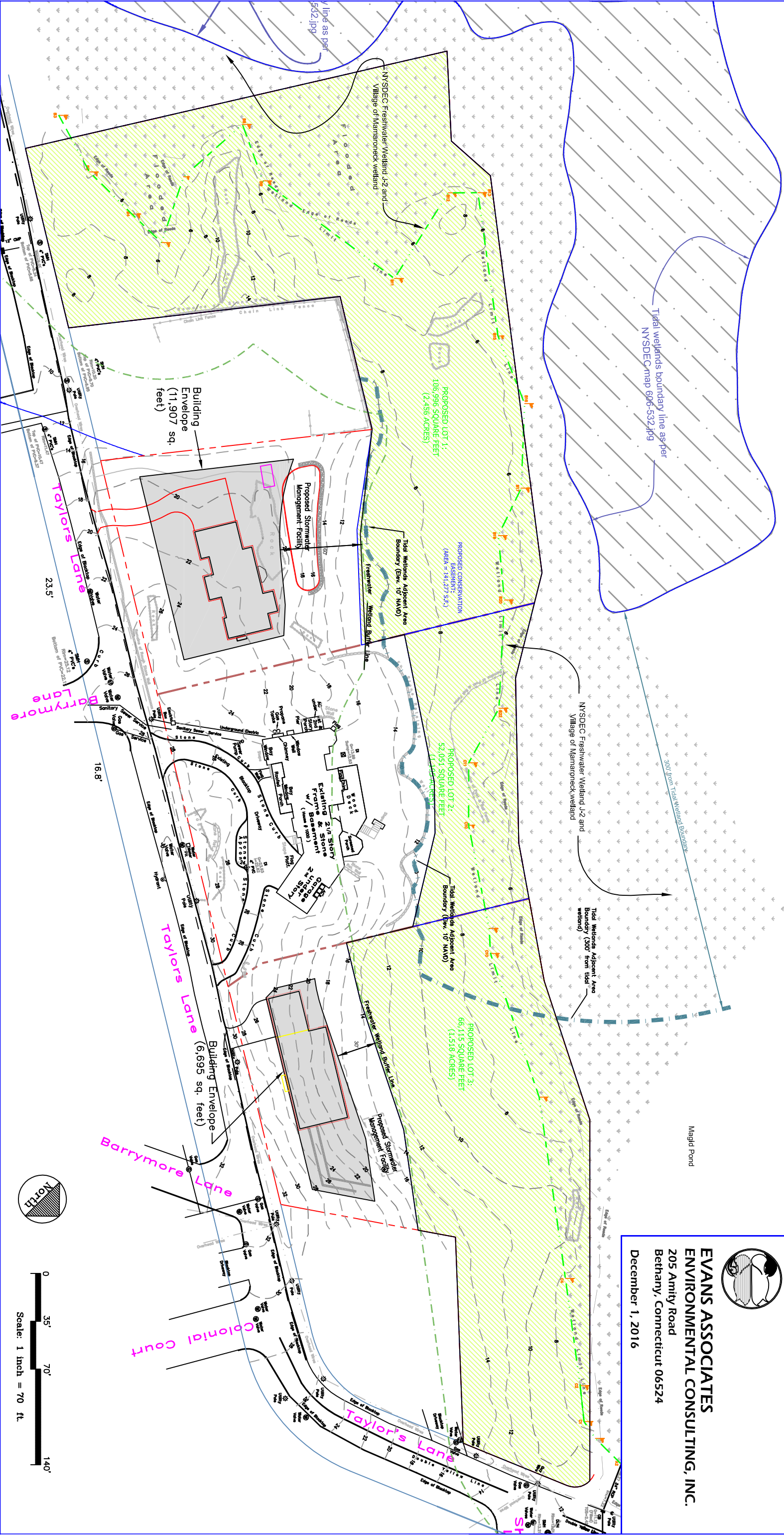
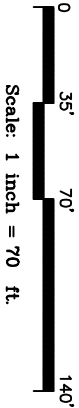


Exhibit 1a  
**PROPOSED ACTION**  
(showing Buildings, Driveways  
and Conservation Easement)

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



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



LEGEND:

Conservation Lot

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)

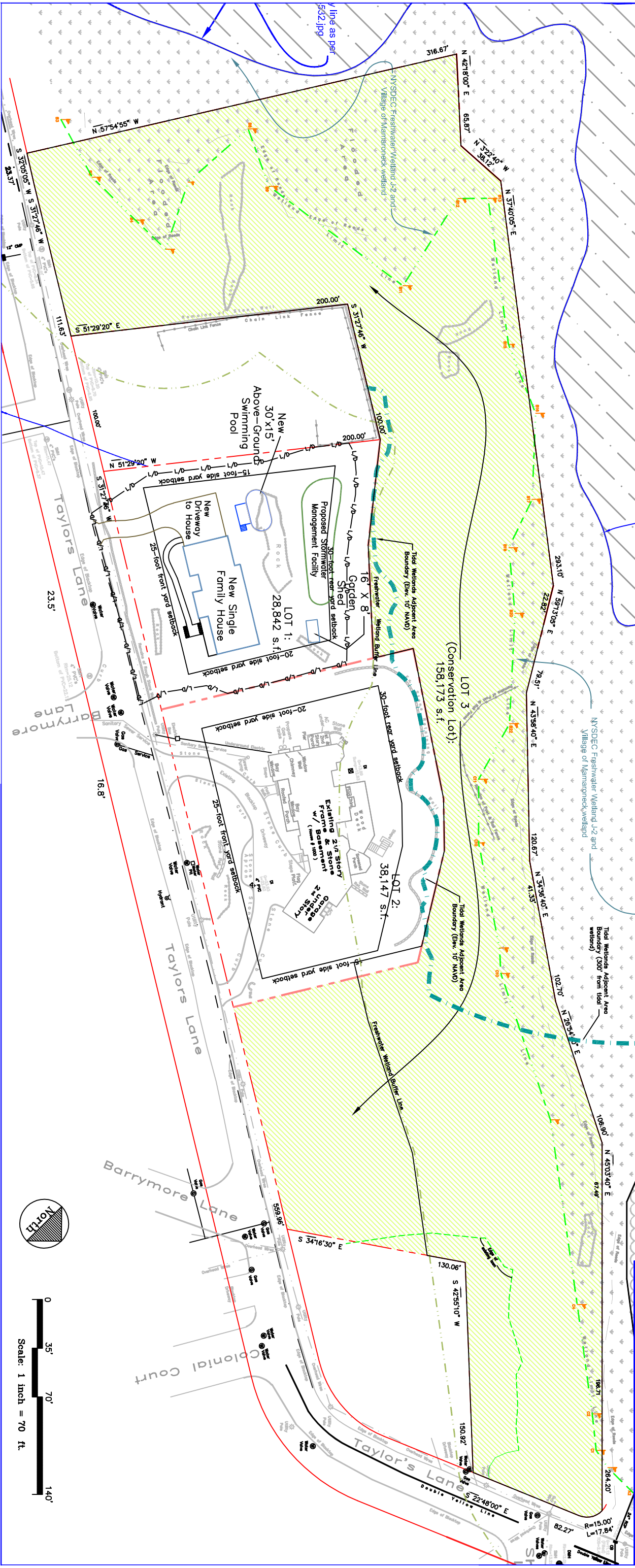
Margit Pond

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  
December 1, 2016



## **Statement of Facts and Conclusions Relied on to Support Findings<sup>1</sup>:**

### **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 5 is consistent with the established land use character and patterns in the surrounding area. The proposed size of the newly created residential lot would be 28,842 square feet (0.66 acre), which conforms to the minimum lot size of 15,000 square feet in the R-15 zoning district.

Alternative 5 shows a potential new dwelling on Lot 1 with associated infrastructure, with a total development coverage on that lot of 6,500 square feet. Combined with the existing development coverage for Lot 2 of 10,500 square feet, this leads to total development coverage of 17,000 square feet, or 7.5% of the combined project area. This is more than one-quarter less than the 22,885 square feet, or 10.2% of the combined project area, provided for in the Applicant's Proposed Alternative.

Alternative 5 also results in far less land disturbance than the Applicant's Proposed Alternative. Under the Applicant's Proposed Alternative, 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 resulting from a three-lot subdivision. Under Alternative 5, the amount of land disturbance is 54,074 (1.24 acres, or 24% of the total project area); this is nearly one-third less than the Applicant's Proposed Alternative.

#### *Critical Environmental Areas*

The Planning Board also finds that Alternative 5 is 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.*

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<sup>1</sup> The following section assesses relative impacts of the Applicant's Proposed Alternative and Alternative 5 (the Planning Board Alternative). The assessment uses calculations provided in the FEIS in Table V.A.2 (part 1) for Alternative 1a vs. Alternative 5. Calculations for Alternative 1 are not comparable to Alternative 5 because Alternative 1 is for a subdivision only, with no development assumed.



- *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.

Alternative 5 best minimizes the overall site disturbance, thus reducing potential negative impacts to these CEAs from stormwater runoff and reduction of forested habitat areas. In particular, the inclusion of the area designated as Lot 3 under the Applicant’s Proposed Alternative into the conservation lot in Alternative 5 reduces the potential for adverse environmental impacts on Magid Pond, because that area of the project site is located in closest proximity to the pond.

#### *Consistency with Adopted Plans*

The Planning Board finds that Alternative 5 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.

#### *Visual Resources*

The Planning Board finds that Alternative 5 will present fewer visual impacts than the Applicant’s Proposed Action on views from Otter Creek and Magid Pond by minimizing disturbance of wooded areas and siting the potential future house on Lot 1 close to Taylors Lane, creating a substantial buffer to the rear of the lot.

## **2. Soils**

The Planning Board finds that Alternative 5 will result in fewer impacts to soils than the Applicant’s Proposed Alternative, due to the significantly 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 5 would result in 24,531 square feet (0.56 acre) to be re-graded, or more than 40% less land area. This is primarily



due to the re-grading that would be required to construct a home on Lot 3 in the Applicant's Proposed Action.

### **3. Topography and Slopes**

The Planning Board finds that Alternative 5 will result in fewer impacts to sloped areas greater than 15% than the Applicant's Proposed Alternative. Under the Applicant's Proposed Alternative, a total of 18,770 square feet (0.43 acre) of sloped areas would need to be cleared or graded, compared with a total of 4,837 square feet (0.11 acre), or more than 74% less, under Alternative 5. This is primarily due to the fact that Lot 3 in the Applicant's Proposed Action contains a significant amount of sloped land that would need to be graded.

### **4. Wetlands and Watercourses**

Both the Applicant's Proposed Alternative and Alternative 5 would result in a minimum of 100 feet from the wetland areas to the area of disturbance; this distance is the same for all of the FEIS alternatives. 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 5 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 5 will result in fewer impacts to vegetation and wildlife habitat than the Applicant's Proposed Alternative, for several reasons. First under the Applicant's Proposed Alternative, a total of 3.294 acres forested habitat would remain on the project site, compared with a total of 3.694 acres, or more than 12% more, under Alternative 5. This reflects the fact that the area designated as Lot 3 in the Applicant's Proposed Action would become part of the conservation lot in Alternative 5 and remain undeveloped.

The Planning Board also notes that Alternative 5 would preserve approximately 20 trees that are indicated in the Applicant's Proposed Alternative as being within the building envelope of Lot 3 (see Exhibit 6 in the FEIS). These trees would all remain under Alternative 5. In addition to providing wooded habitat area, these trees also serve as stabilization for slopes found in the area designated as Lot 3.

Beyond the project site itself, as discussed above with regard to Critical Environmental Areas, the Planning Board finds that Alternative 5 would have less impact to the wildlife habitat areas of Otter Creek and Magid Pond.

### **6. Surface Water Resources and Stormwater Management**

Although the Planning Board notes that future development under both the Applicant's Proposed Alternative and Alternative 5 can be accommodated through stormwater management practices, the Board finds that Alternative 5 would have slightly less potential for

adverse impacts on stormwater management than the Applicant's Proposed Alternative, due to the smaller amount of development coverage and disturbed or cleared area.

**7. Adverse Impacts That Cannot Be Avoided**

The Planning Board finds that Alternative 5 presents less potential for adverse impacts that cannot be avoided (both short- and long-term) than the Applicant's Proposed Alternative, due to less construction activity, less tree removal, and less impervious surfaces created.

**8. Irreversible and Irretrievable Commitment of Resources**

The Planning Board finds that Alternative 5 would result in marginally less consumption of resources such as gasoline, oil and electricity; building materials; water and sewer systems; and police and fire protection, than in the Applicant's Proposed Action. In the short-term, this is due to less construction activity and materials required for Alternative 5. In the long-term, Alternative 5 would present less development potential than the Applicant's Proposed Alternative, resulting in comparatively less impact on community facilities and services.

**9. Use and Conservation of Energy**

The Planning Board finds that Alternative 5 would generate less consumption of energy – both in the short-term related to construction activity and in the long-term upon completion of development – than 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 5 nor the Applicant's Proposed Alternative would allow for further subdivision of the property. Under the Applicant's Proposed Alternative, the potential for additional residential lots is restricted by the lot frontage on Taylors Lane. Under Alternative 5, 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 5 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.

DRAFT

**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 5 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

\_\_\_\_\_  
Name of Responsible Official

\_\_\_\_\_  
Title of Responsible Official

\_\_\_\_\_  
Date

Copies of this Findings Statement have been filed with:

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