

Courtney Wong

From: Brian Hildenbrand
Sent: Friday, August 07, 2020 1:07 PM
To: Roy, Aparna (DEC)
Cc: Jerry Barberio; Gonfa, Berhanu (DEC); Frank Tavoracci; Daniel Sarnoff
Subject: RE: Village of Mamaroneck MS4: IDDE RE: 3" outfall discharging to Delancey Cove
Attachments: 1.jpg; 2.jpg; 3.jpg

Aparna,

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Photos attached.

BRIAN HILDENBRAND, P.E.



KELLARD SESSIONS CONSULTING

500 Main Street | Armonk, New York 10504

T: 914.273.2323 | F: 914.273.2329

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CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
SITE & ENVIRONMENTAL PLANNING

From: Roy, Aparna (DEC) <aparna.roy@dec.ny.gov>
Sent: Thursday, August 06, 2020 11:38 AM
To: Brian Hildenbrand <bhildenbrand@kelses.com>
Cc: Jerry Barberio <jbarberio@vomny.org>; Gonfa, Berhanu (DEC) <berhanu.gonfa@dec.ny.gov>
Subject: RE: Village of Mamaroneck MS4: IDDE RE: 3" outfall discharging to Delancey Cove

Brian, please let me know the status of your investigation. Thanks
Aparna

From: Jerry Barberio <jbarberio@vomny.org>
Sent: Monday, August 03, 2020 9:11 AM
To: Brian Hildenbrand <bhildenbrand@kelses.com>
Cc: dsarnoff@vomny.org; ftavoracci@vomny.org; CMountain@vomny.org; Roy, Aparna (DEC) <aparna.roy@dec.ny.gov>
Subject: Fw: Village of Mamaroneck MS4: IDDE RE: 3" outfall discharging to Delancey Cove

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Hi Aparna, please accept this email as receipt of the complaint as well as the initiation of the investigation.

Have a wonderful week all. JB

Thanks. JB

Jerry Barberio

Village Manager



Village of Mamaroneck

123 Mamaroneck Avenue

Mamaroneck, NY 10543

Phone 914-777-7706

Fax 914-777-7760

E-mail jbarberio@vomny.org

**To Our Mamaroneck
Essential Employees
Health Care Workers
&
First Responders**

THANK YOU



From: Roy, Aparna (DEC) <aparna.roy@dec.ny.gov>
Sent: Monday, August 3, 2020 8:06 AM
To: Engineer <Engineer@vomny.org>; Jerry Barberio <jbarberio@vomny.org>
Cc: Gonfa, Berhanu (DEC) <berhanu.gonfa@dec.ny.gov>
Subject: Village of Mamaroneck MS4: IDDE RE: 3" outfall discharging to Delancey Cove

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Thanks
Aparna Roy

Aparna Roy
Assistant Engineer,
Region 3 Division of Water

New York State Department of Environmental Conservation

100 Hillside Avenue, Suite 1W, White Plains, NY 10603
(914) 803-8149 | aparna.roy@dec.ny.gov

www.dec.ny.gov |  |  | 

From: Roy, Aparna (DEC)
Sent: Thursday, July 30, 2020 8:19 AM
To: engineer@vomny.org; jbarberio@vomny.org
Subject: RE: 3" outfall discharging to Delancey Cove

Please let me know if you receive my email. Thanks
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From: Roy, Aparna (DEC)
Sent: Wednesday, July 29, 2020 8:56 AM
To: engineer@vomny.org; jbarberio@vomny.org
Subject: FW: 3" outfall discharging to Delancey Cove

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I also tried to reach you via phone this morning. Thanks
Aparna

From: Roy, Aparna (DEC) <aparna.roy@dec.ny.gov>
Sent: Wednesday, July 29, 2020 8:17 AM
To: ryamuder@VOMNY.org; HDeAlmeida@VOMNY.ORG
Cc: Browne, Natalie S (DEC) <natalie.browne@dec.ny.gov>; Gonfa, Berhanu (DEC) <berhanu.gonfa@dec.ny.gov>
Subject: Fw: 3" outfall discharging to Delancey Cove

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From: Roy, Aparna (DEC)

Sent: Tuesday, July 28, 2020 5:20 PM

To: HDeAlmeida@VOMNY.ORG <HDeAlmeida@VOMNY.ORG>

Cc: ryamuder@vomny.org <ryamuder@vomny.org>

Subject: 3" outfall discharging to Delancey Cove

Mr. De Almeida, I need information about a discharge from Hampshire County Club. It looks like a continuous discharge. Please investigate the discharge as soon as possible and let me know the status of your investigation. I received a complaint about this discharge.

The outfall is located at the following coordinate:

N: 40 55' 57"

W: 73 44' 14.7"

Discharging into Delancey Cove, apparently the pipe is from Hampshire County Club side.

Thanks

Aparna Roy

Aparna Roy

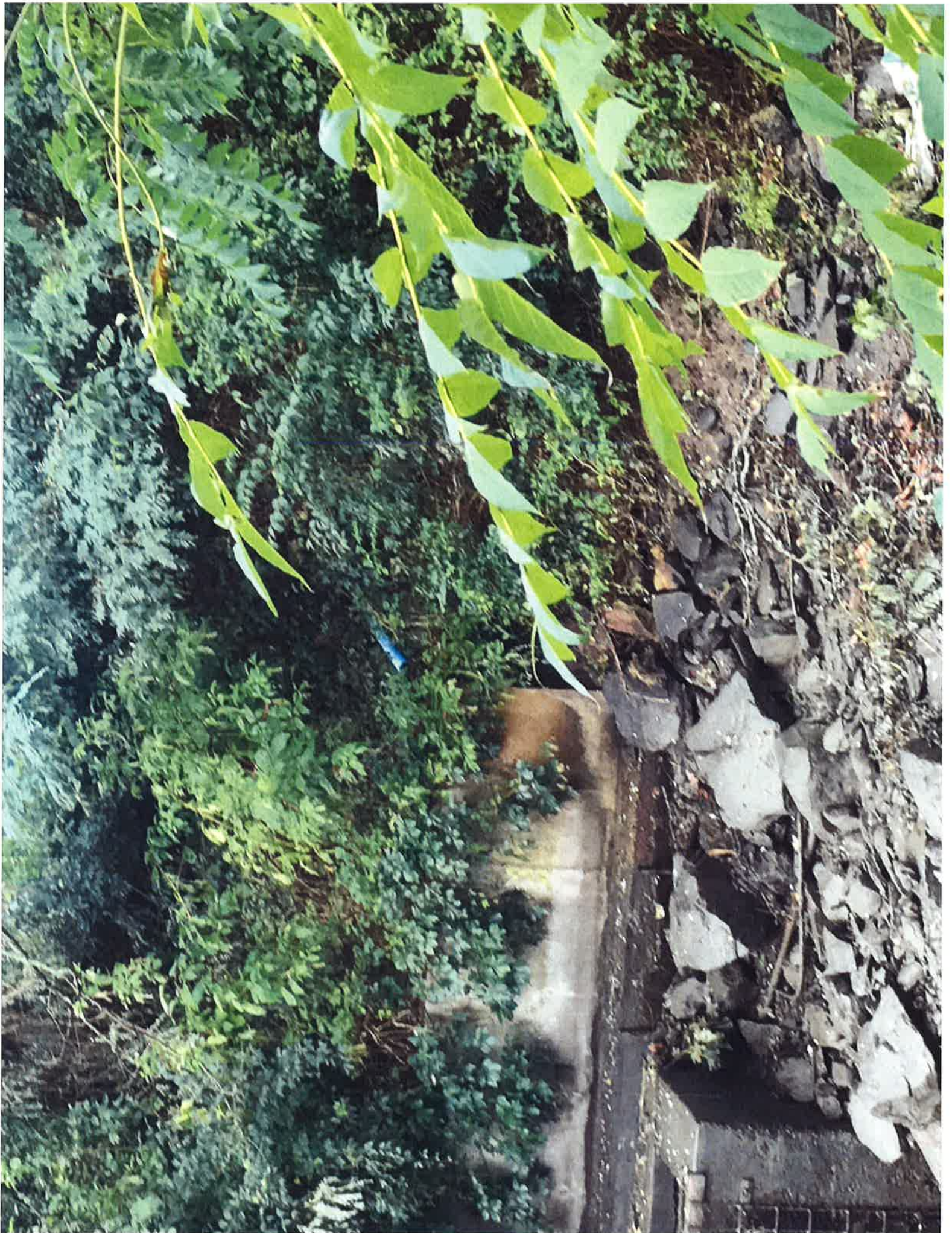
Assistant Engineer,
Region 3 Division of Water

New York State Department of Environmental Conservation

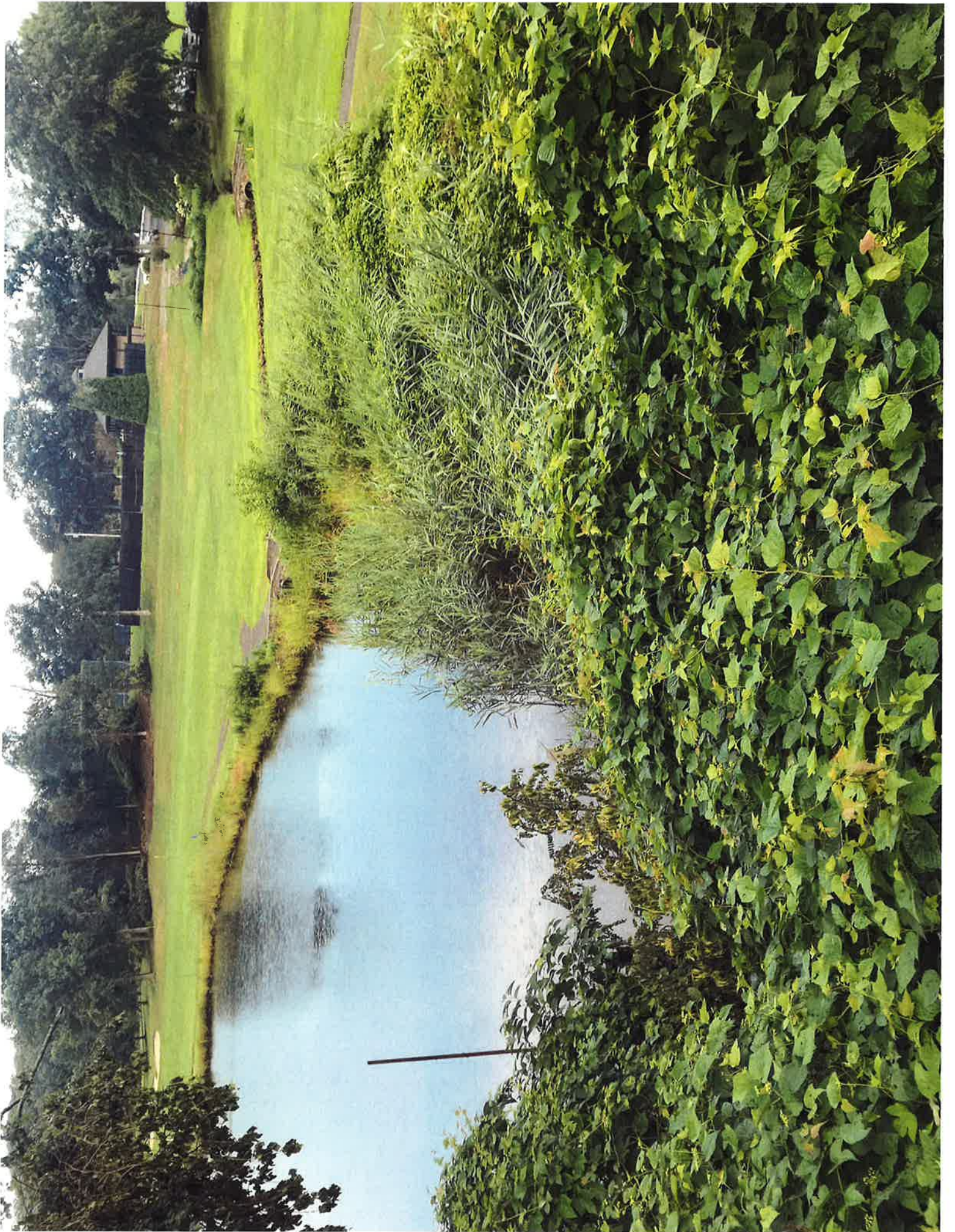
100 Hillside Avenue, Suite 1W, White Plains, NY 10603

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Courtney Wong

From: George, Meena (DEC) <meena.george@dec.ny.gov>
Sent: Monday, August 10, 2020 1:16 PM
To: Frank Tavalacci
Cc: Smith, Matt; Jerry Barberio
Subject: FW: Village of Mamaroneck MS4: IDDE RE: 3" outfall discharging to Delancey Cove
Attachments: 1.jpg; 2.jpg; 3.jpg

Hello Frank: We are getting calls on this unpermitted piped discharge . Please verify this discharge and let us know your findings. If it is contaminated water the owners/operators need to get a Discharge permit from NYS DEC

Also, who is the current village Engineer?

Meena George, P.E.

Professional Engineer 1

New York State Department of Environmental Conservation

100 Hillside Ave , White Plains, NY 10603

P: (914) 803-8141 | F: (914) 428-0323 | meena.george@dec.ny.gov

www.dec.ny.gov |  |  | 



Department of
Environmental
Conservation



From: Roy, Aparna (DEC) <aparna.roy@dec.ny.gov>
Sent: Friday, August 07, 2020 1:36 PM
To: Brian Hildenbrand <bhildenbrand@kelses.com>
Cc: Jerry Barberio <jbarberio@vomny.org>; Gonfa, Berhanu (DEC) <berhanu.gonfa@dec.ny.gov>; ftavalacci@vomny.org; dsarnoff@vomny.org; George, Meena (DEC) <meena.george@dec.ny.gov>
Subject: FW: Village of Mamaroneck MS4: IDDE RE: 3" outfall discharging to Delancey Cove

Thank you Brian for the response.
Aparna.

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Phone 914-777-7706

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**To Our Mamaroneck
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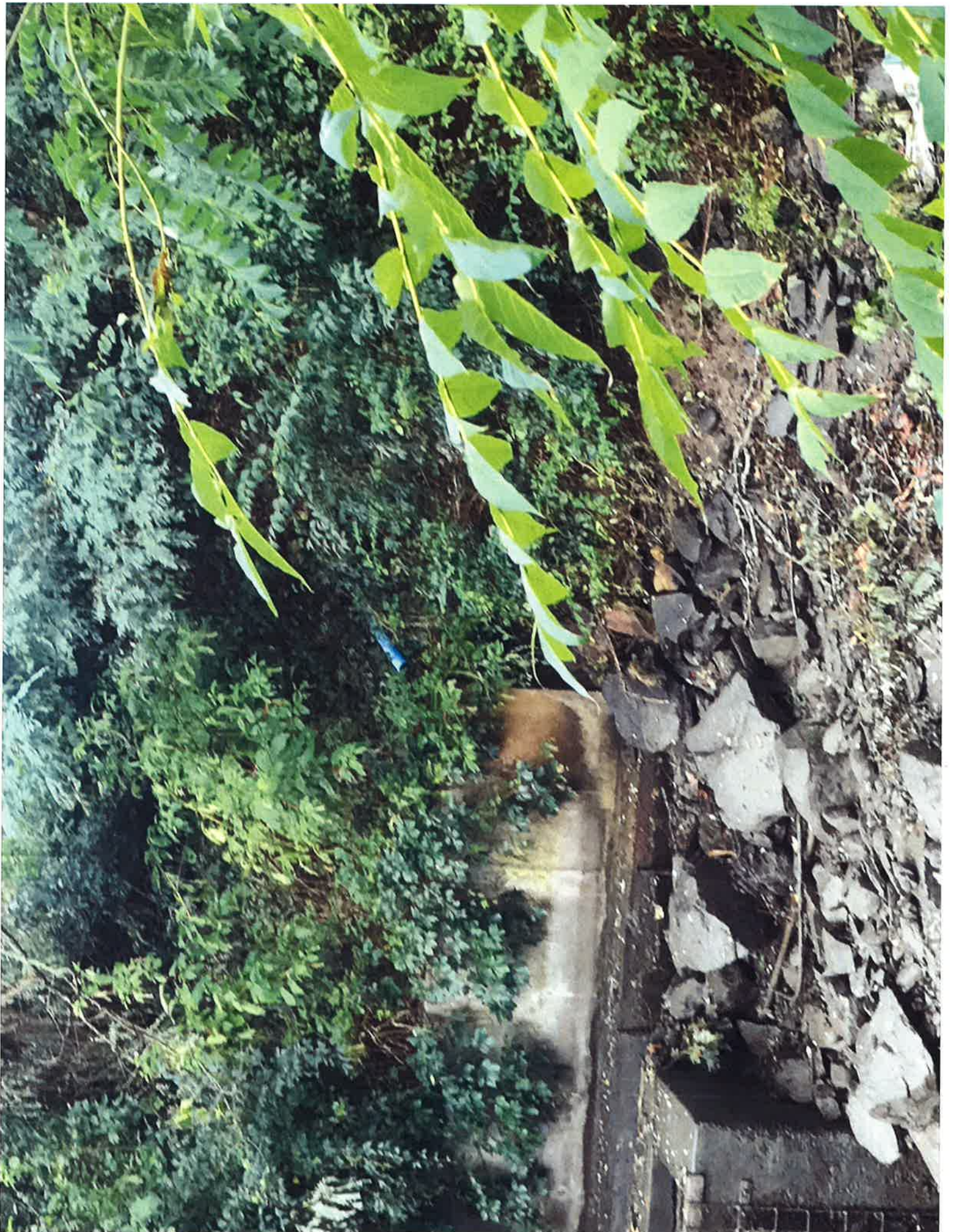
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Courtney Wong

From: Stuart Tiekert
Sent: Thursday, August 13, 2020 9:39 AM
To: Victor Tafur
Subject: MS-4 Report - Inventoried SWPPP

Dear Trustee Tafur

I am writing because the Village is finally coughing up some MS-4 Annual Report records and I believe of all the Board members you have the most interest and understanding of the program.

Please see below the Village's response to my FOIL request for records of inventoried infiltration and other post-construction stormwater management systems.

I believe you were at last year's MS-4 Annual Report Presentation when the Village Engineer explained that the inventorying process is simply receiving the as-built plans for the stormwater management systems. After his presentation, the Village could not make ANY records of as-built plans for any of the stormwater management practices the Village Engineer had claimed as inventoried. I know it may be hard to accept but he just lied to you, the Board and the public.

This year the Village reported six "Infiltration Basins" inventoried.

I requested the records necessary for inventory. The Village's response is below.

What I received in response were **five** SWPPPs. No as-built plans of any stormwater management practices, in fact no plans at all were made available. It should be noted that NONE of the SWPPPs provided even include the legally required Contractor Certification of the SWPPP. I hope you understand that without the Contractor Certification, as I understand it, there is no legal basis to enforce the requirements of a SWPPP.

I understand to you have an interest in believing that the Village MS-4 Annual Report is accurate and the Village does a competent job implementing our MS-4 program regarding construction stormwater and post-construction stormwater management. Sadly the facts and public records indicate just the opposite.

The Building Department does virtually NOTHING to enforce Chapter 294 or submitted plans for erosion and sediment controls, just look 207 Grand any day of the week. As I have written you, it appears the Village does not even have someone trained to inspect erosion and sediment controls.

Our recently hired current Village Consulting Engineer has, during his short tenured, repeatedly demonstrated either an ignorance of or disregard of the requirements of Chapter 294. His work on 526-530 Fayette Avenue and 207 Grand St. in a Village who engineering serious should have enough to have him replace.

It is inarguable that this year's MS-4 Annual reports is both inaccurate and incomplete. This is not first time, hopefully it will be the last. Even with minimal record keeping the Annual Report should NOT be difficult to complete accurately and in the manner our SPDES permit requires.

I hope going forward, even if you don't advocate for structural improvements to how the Village does stormwater management I hope you will work toward more honest and transparent reporting for our MS-4.

As always, I am always more than happy to answer any questions or speak with you about anything to do with stormwater management.

Sincerely,

Stuart Tiekert

Sincerely,

Stuart Tiekert

----- Forwarded Message -----


From: Elena Decunzo <edecunzo@vomny.org>
To: Stuart Tiekert <tiekerts@yahoo.com>
Cc: FOIL <foil@vomny.org>
Sent: Monday, August 3, 2020, 01:00:59 PM EDT
Subject: FW: Foil 4445

Below are the records responsive to FOIL 4445.

Please consider this a FOIL request for the records of the 6 SWPPPs inventoried this year as reported in this year's MS-4 annual report. This request all records leading to their necessary for the inventorying process.

From: SharePoint Online <no-reply@sharepointonline.com>
Sent: Monday, August 03, 2020 12:09 PM
To: Courtney Wong <cwong@vomny.org>
Subject: The folder "ms4 swpps" has been shared with you.

Daniel Sarnoff shared this with you 7 days ago. If you missed it, here's a quick reminder.

 This link will work for anyone.



ms4 swpps

Open

 Microsoft OneDrive

Microsoft respects your privacy. To learn more, please read our [Privacy Statement](#).
Microsoft Corporation, One Microsoft Way, Redmond, WA 98052

[Notification Settings](#)

Courtney Wong

From: Stuart Tiekert
Sent: Friday, October 23, 2020 7:38 AM
To: Kelly Wenstrup
Cc: Mayor and Board
Subject: The Mason Grift
Attachments: Sheldrake_DEIS_03-13-06.pdf

Dear Trustee Wenstrup,

I am writing again about my use of the word "grift" to describe what has happened on so many developer's projects in the Village over the last few years.

Attached is the Draft Environmental Impact Statement ("DEIS") for The Mason. On page 1-2 it is clearly stated that "Grades or elevations on the site will not change substantially, since the site is currently level and paved and changes in the grade are not required to implement the proposed plan."

The Final Environmental Impact Statement ("FEIS") states "The proposed actions in the DEIS have not changed in terms of the proposed uses and project density."

I don't know if you are aware of the importance of Environmental Impact Studies to protecting the environment but if you aren't I suggest you speak with Trustee Tafur who practices environmental law and natural resources law with a focus on sustainable development.

There is nothing sustainable about The Mason grift. By violating their FEIS with the introduction of 25,000 yards of undocumented fill to raise the grade up to seven The Mason developers have increased the threat of flooding for every property owner in our floodplain. That is simply a fact. In fact, the Board was told that by the ex-Village Planner.

Sadly, it is also a fact that, despite being made aware of the deviations during construction, there is no record of this Board doing anything to protect resident's interests or hold developer's accountable for their actions. To the contrary, this Board's actions apparently only focused on fixing the developers problems in secret, illegal meetings.

I provided you the definition of "grift". What The Mason developer's have done to the Village would only not fit the definition because it certainly was not "petty or small-scale". Their grift added millions to their bottom line, definitely not small time.

You described my use of "grift" as "demeaning to all". The definition of "demeaning" is "causing someone to lose their dignity and the respect of others." I believe that the "someone" demeaned here is the Village and its resident's.

If you don't think that The Mason developers brag over whiskey and cigars about how they gamed the Village for millions, I think you are naïve. They even bragged about it in a local business publication "The Mamaroneck property was supposedly shovel ready, Joel Halpern said. But it is in a flood zone of the Sheldrake River, so the developers decided to increase the elevation."

The fact is that it was shovel ready, as the FEIS said, but their grift added millions to the developer's bottom line and damaged the Village forever.

Going forward, instead of making excuses and enabling grifters, I hope you will focus on protecting Village residents from them.

Sincerely,

Stuart Tiekert

SHELDRAKE ESTATES CONDOMINIUM, LLC
DRAFT ENVIRONMENTAL IMPACT STATEMENT

270 Waverly Avenue
Village of Mamaroneck, Westchester County, New York

Project Sponsor: RE-NEW PROPERTIES, L.L.C.
16 Rock Ridge Circle
New Rochelle, New York
Contact: Mr. Ofer Attia
(914) 632-5757

Lead Agency: VILLAGE OF MAMARONECK BOARD OF TRUSTEES
Municipal Office
123 Mamaroneck Avenue
Mamaroneck, New York 12563
Contact: Mr. Phillip Trifiletti, Mayor
(914) 777-7738

Prepared By: TIM MILLER ASSOCIATES, Inc.
10 North Street
Cold Spring, New York 10516
Contact: Tim Miller, AICP
(845) 265-4400

Project Engineer: BOHLER ENGINEERING
2800 Westchester Avenue
Purchase, New York 10577
Contact: Craig Tompkins, P.E.
(914) 251-9800

Project Architect: SULLIVAN ARCHITECTS
154 East Avenue
Norwalk, Connecticut
Contact: Raymond Sullivan, R.A.
(203) 838-5036

Lead Agency Acceptance Date: March 13, 2006
Public Hearing Date: April 10, 2006

Written comments will be accepted by the Lead Agency
for ten days after the close of the Public Hearing.

March 13, 2006

Sheldrake Estates Condominium Project
Draft Environmental Impact Statement
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1.0 EXECUTIVE SUMMARY

This Draft Environmental Impact Statement (DEIS) has been prepared in response to a Positive Declaration issued by the Village of Mamaroneck Board of Trustees on October 24, 2005. The Applicant, Re-New Properties, LLC, has requested a zone change for a 2.31 acre parcel of developed land located at 270 Waverly Avenue in the Village of Mamaroneck, Westchester County, New York. The property is currently zoned M-1 with a small portion of the property (0.56 acres) zoned R-4F. The applicant proposes to rezone the majority of the property from M-1 to RM-3 (1.75 acres). The zone change will allow a new residential development consisting of 114 condominium units in three main buildings and two smaller buildings to be built, eliminating the long term use of the site as a commercial auto wrecking yard. The property and project is referred to as Sheldrake Estates Condominiums.

The DEIS has been prepared to present and evaluate the potential environmental impacts associated with the proposed zone change and a residential development consistent with the requested zone change. This DEIS has been prepared in accordance with the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations.

The contents and format of this DEIS were established in a Scoping Document developed by the applicant and the Village of Mamaroneck Board of Trustees, acting as the SEQRA lead agency. A public scoping session was held on November 14, 2005. Following the incorporation of public and involved and interested agency comment, the Scoping Document was formally adopted by the Village Board on November 28, 2005.

Summary of Potential Environmental Impacts and Mitigation

This Draft Environmental Impact Statement (DEIS) examines the existing conditions on the subject property and nearby community, potential impacts from the project, and proposed mitigation measures. A summary of potential impacts and mitigation are as follows:

Land Use, Zoning, and Public Policy

The proposed zone change would eliminate an incompatible use and replace a remaining area of M-1 manufacturing zoning with residential zoning along the eastern most block of Waverly Avenue. The proposed R-3 zoning would be compatible and consistent with the adjoining R4-F zoning located on the north and south sides of Waverly Avenue. The proposed rezoning action and subsequent development of the Sheldrake Estates project would be consistent with major plan recommendations in the Village Master Plan (November, 1986). The proposed Action will be consistent with existing land use, zoning, and public policies applicable in vicinity of the site and would not result in any adverse impacts to land use, zoning or public policy. The creation of the proposed housing, in an area where there is a demand for such housing, would be accomplished. As described above, the proposed project as designed meets the Village of Mamaroneck Zoning Code requirements for density, bulk, parking and setback requirements. No variances from the Zoning Code will be required for the project.

The proposed rezoning and residential development would bring the property into conformity with the land uses and zoning adjoining the property to the north and in the Washingtonville

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The primary environmental and health concerns regarding VOCs and metals in soil would be from long-term direct contact with soils and ingestion. The proposed use of the site is residential, but the site will be extensively graded and the majority of the site (approximately 70 percent) will be paved or covered with buildings, driveways and parking areas. Therefore, exposure to on-site soils will be limited by the proposed development and buildings and pavement.

The applicant proposes to excavate and remove those areas of petroleum impacted soil and properly dispose of the soil off-site. Soil removal will be completed during the site-grading phase of construction, in the two areas of concern. A formal remediation plan will be provided to the NYSDEC for review and comment. The final site remediation plan will be approved and agreed upon by the NYSDEC and all remediation work will be completed according to that plan.

Stormwater and Drainage

Untreated stormwater currently discharges directly from the former auto salvage yard and this condition has existing for at least 40 years. The proposed project will enhance stormwater quality through: 1) the reduction in the amount of impervious surface at the site and 2) through the use of current stormwater treatment facilities and controls. In addition, stormwater discharge rates from the site will be reduced compared to pre-development conditions through the use of stormwater controls.

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared to meet NYSDEC design guidelines to control erosion during construction, to attenuate post development increases in the peak rate of stormwater discharge, and to prevent post construction increases in pollutant loading. The SWPPP has been developed using current NYSDEC Design Standards and is in compliance with the Phase II Stormwater regulations. The proposed Action will not result in significant adverse impacts as a result of modifications to existing stormwater and drainage facilities. Rather, the Action will improve water quality in the Sheldrake River prior to its entering the Long island Sound.

Transportation:

A comprehensive transportation and traffic analysis was completed for the project including; an analysis of existing conditions, analysis of No Build conditions, and evaluation of impacts from the proposed project (Build Condition). The traffic study also included a survey of local parking and evaluation of local pedestrian access. The traffic study found that all intersection movements are expected to continue to operate at level of service D or better and unchanged under the proposed Build Condition except for the Waverly Avenue approach to Plaza Avenue continues unchanged from the Existing condition's level of service F. Since removing the site egress from that intersection should reduce delay and increase safety, no further traffic mitigation measures are proposed for the development.

Peak hour delays were calculated to establish the quality of operation (level of service) of the intersections studied under the existing condition, future condition without the project and the future condition with the project. No lane group is anticipated to decline in level of service resulting from the proposed project. Delays will be slightly reduced and safety improved at the Waverly Avenue/Plaza Avenue intersection by removing the site's existing egress at this intersection.

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facilities and the low scale of the proposed buildings, no adverse impacts are anticipated to fire and ambulance services.

Approximately 7 to 8 school age children are expected to reside at the proposed development once it is fully occupied, based on multipliers for school-age children for two- and three-bedroom condominiums in the Northeast Region found in the Urban Land Institute's 1994 *Development Impact Assessment Handbook*. These new children would slightly increase enrollment in the local school district. It is anticipated that some future residents may relocate to the project from homes or apartments in the Village of Mamaroneck where their children already attend local schools. Any new students would be spread out over various grade levels. Therefore, increase in enrollment at each local public school as a result of the proposed project is expected to be somewhat lower than 8 students.

There would be no significant adverse impacts to community services as a consequence of the proposed Action. Instead, there would be significant increases in municipal property tax revenues generated by the project site, which may be used to fund community facilities and services.

Summary of Necessary Approvals and Permits for the Proposed Action

As the Lead Agency, the Village Board of Trustees has primary responsibility for review of the proposed action and for determining its conformance with the Village's requirements for the consistency with the Zoning Code and Village Master Plan. The proposed action will require the following approvals or referrals by the following listed agencies (involved agencies):

Zone Change

Village of Mamaroneck Board of Trustees
Village Hall
P.O. Box 369
Mamaroneck, New York 10543

Site Plan Approval

Village of Mamaroneck Planning Board
Village Hall
P.O. Box 369
Mamaroneck, New York 10543

Chapter 240 Coastal Zone Permit

Village of Mamaroneck Planning Board
Village Hall
P.O. Box 369
Mamaroneck, New York 10543

Chapter 186 Special Flood Hazard Development Permit

Village of Mamaroneck Building Inspector
Village Hall
P.O. Box 369
Mamaroneck, New York 10543

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 Introduction

This Draft Environmental Impact Statement (DEIS) has been prepared in response to a Positive Declaration issued by the Village of Mamaroneck Board of Trustees on October 24, 2005. The Applicant, Re-New Properties, LLC, has requested a zone change for a 2.31 acre parcel of developed land located at 270 Waverly Avenue in the Village of Mamaroneck, Westchester County, New York. The property is currently zoned M-1 with a small portion of the property (0.56 acres) zoned R-4F. The applicant proposes to rezone the majority of the property from M-1 to RM-3 (1.75 acres). The zone change will allow a new residential development consisting of 114 condominium units in three main buildings and two smaller buildings to be built, eliminating the long term use of the site as a commercial auto wrecking yard. The property and project is referred to as Sheldrake Estates Condominiums. The project location and local setting are shown in Figures 2-1 and 2-2, respectively.

The DEIS has been prepared to present and evaluate the potential environmental impacts associated with the proposed zone change and a residential development consistent with the requested zone change. This DEIS has been prepared in accordance with the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations.

The contents and format of this DEIS were established in a Scoping Document developed by the applicant and the Village of Mamaroneck Board of Trustees, acting as the SEQRA lead agency. A public scoping session was held on November 14, 2005. Following the incorporation of public and involved and interested agency comment, the Scoping Document was formally adopted by the Village Board on November 28, 2005. The Final Scoping Document for this DEIS is included in Appendix A.

2.2 Site Location and Description

2.2.1 Description of the Project Site in the Context of the Village

The 2.3 acre project site, located at 270 Waverly Avenue, is in the central portion of the Village, south of Waverly Avenue and north of the New Haven - Metropolitan Transportation Authority (MTA) Amtrak railway. The site, formerly used by Blood Brothers Auto Wreckers for a commercial auto wrecking business, is adjacent to an urban reach of the Sheldrake River. The property is identified on the Village of Mamaroneck tax map as Section 8, Block 823, Lots 229, 280, 285.1, 285.2, 389.1 and 389.2 (see Figure 2-1 Location Map, and Figure 2-2 Aerial Photograph).

The property supports two zoning districts: the majority of the site is zoned M-1, Manufacturing District; a small portion of the site, adjoining Waverly Avenue is zoned R-4F, One to Four Family Residence District. The project site's location shown on the Village of Mamaroneck Zoning Map is provided in Figure 2-3. Existing land use and Zoning Districts in the vicinity of the site include:

- Residential multi family (R-4F) immediately to the north,
- Commercial (C-1) and mixed residential (R-M3 and R-20) to the east, along Mamaroneck Avenue and east of Mamaroneck,

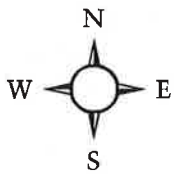


Figure 2-2: 2003 Aerial Photograph
Sheldrake River Project
Village of Mamaroneck, Westchester County, New York
Base: Terraserver
Approx. Scale: 1 inch = 230 feet

Description of the Proposed Action

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- Manufacturing (M-1) to the west and immediately south of the site and the Sheldrake River, and
- Commercial (C-1) and Residential (R-5), to the south of the MTA/ Amtrack rail lines and Bishop Avenue.

Abutting properties, which are predominantly residential, are zoned residential R-4F (one to four family) to the immediate north on both sides of Waverly Avenue. Manufacturing uses abut the property directly to the west, east and south (see Figure 2-3 Zoning Map).

The project site is irregularly shaped and abuts the Sheldrake River for 120 feet on the southwestern portion of the site, and 720 feet on the southern (southeastern) edge of the property. An office building, formerly used for storage by Blood Brothers is located at the southwestern corner of the property near Waverly Avenue. A single story masonry warehouse building, formerly used by a distribution company, is located in the northeastern portion of the site.

As described above, the southern edge of the site abuts the Sheldrake River. The survey prepared for the project (see Figure 2-4 Proposed Site Plan) shows the southern property line slightly north of the Sheldrake River. Recent Title investigations have established that this edge of the property consisting of 0.28 acres is part of the larger site and owned by the applicant. This portion of the property has been used in the bulk and zoning calculations for the Site Plan.

According to the Village of Mamaroneck Master Plan (1986), the property is located at the southern edge of the Washingtonville neighborhood. This area of the Village is described as older residential and mixed use neighborhood lying between the New York State Thruway to the north and the MTA/ Amtrack train station and the Village Center to the south. Residential sections include single family and two family houses and multi-family apartment buildings. Mamaroneck Avenue, which is the commercial "spine" of the Village lies approximately 300 feet east of the project site. Directly east of Mamaroneck Avenue from the site is Columbus Park.

The project site lies within the Village of Mamaroneck, which in entirety has been designated by the New York State Department of Environmental Conservation (NYSDEC) as a Small Municipal Separate Stormwater System (MS4).

2.2.2 Environmental Setting, Historic Use, Natural Resources

The project site is within walking distance (approximately 250 m) to the MTA/Amtrack commuter rail station plaza and the Mamaroneck Avenue commercial district. The site is less than one mile from Exits 18A/18B of Interstate Route 95 (I-95), and one half mile from Mamaroneck Harbor on the Long Island Sound (see Figure 1, Site Location Map).

The 2.31 acre parcel is narrow, rectangular shaped and commercially developed land. The property has generally flat topography, but does contain some sloping land that leads down to a 4 to 6 foot high concrete and stone wall along the Sheldrake River to the east. The subject property is in the base flood elevation of the Sheldrake River, which is a shallow watercourse approximately 10 feet wide, totally embanked by stone and concrete walls. Construction within areas of the Village which are subject to potential and/or actual damages from flooding are subject to regulations in Chapter 186 of the Village of Mamaroneck General Code. Appropriate sections of this code are applicable to new construction in order to minimize the threat of such

damages. These sections establish conditions for compliance, including the following requirements:

- a development permit shall be obtained from the Village prior to the start of any construction within areas of flood hazard,
- a licensed professional engineer or architect shall prepare and certify plans related to the code, and
- the Village Building Inspector shall monitor compliance with permit conditions.

There are no significant natural resources, such as wetlands or surface water features, with the exception of the Sheldrake River, present on the site or in the adjoining developed areas. Minor areas at the perimeter of the site are disturbed by adventitious trees or shrubs. There are no cultural resources located on, or adjacent to, the subject site that are listed on the New York State or National Registers of Historic Places.

As noted above, the project site lies within the Village of Mamaroneck, which in entirety has been designated by the New York State Department of Environmental Conservation (NYSDEC) as a Small Municipal Separate Stormwater System (MS4). As a State designated MS4, the Village is required to prepare a Stormwater Management Program (SWMP), and submit a Notice of Intent (NOI), pursuant to New York's January 8, 2003 Pollution Discharge Elimination System *General Permit for Stormwater Discharges from Municipal Separate Stormwater Systems*, to gain authorization to discharge stormwater into "waters of the United States", including the Sheldrake River. The specific purpose of the SWMP is to address pollution found in stormwater. The NOI "outline[s] how [the Village] will adopt appropriate measures to address stormwater within the MS4 area." The overall purpose of the designation, and preparation and implementation of the SWMP, is to reduce pollutants in stormwater that are discharged within the Village.

As indicated by historical mapping and Village property records, discussed below, the property was used by the Blood Brothers Auto Wrecking service as an auto wrecking business since at least the 1960's. Vehicles were disassembled for parts, then crushed and removed from the property for sale as scrap metal.

2.2.3 Easements, Rights of Way, Special Districts, and Other Legal Devices

Except as discussed above, no easements, Rights of Way or Special Districts have been identified on, or adjacent to, the project site.

2.2.4 Existing Infrastructure

Village of Mamaroneck municipal water and sewer service is available to the project site and is located in Waverly Avenue. Natural gas and underground electrical service is also located along the northern side of Waverly Avenue. Gas, water and sewer service enters the property at the southwestern corner, at the property entrance at Waverly and Plaza Avenues. Currently there are no stormwater structures or controls on the property. A concrete curb separates the on-site pavement from the Sheldrake River.

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Granting of the requested zone change and construction of the proposed residential units (see Figure 2-4 Proposed Site Plan) would be consistent with major plan recommendations of the Village Master Plan (November, 1986). In particular, the proposed rezoning and residential project will remove the existing M-1 manufacturing zoning along the eastern most residential block of Waverly Avenue, and make the property's zoning consistent with the adjoining residential uses and zoning on the north and south sides of Waverly Avenue (see Figure 2-3 - Village of Mamaroneck Zoning Map). Although the Master Plan recommendations do not specifically address the subject property, the Master Plan includes the property in the Washingtonville residential neighborhood boundary.

The project would also complement recommended improvements to the Washingtonville/Columbus Park Subarea of the Village, consistent with overall planning policies for this section of the Village, which call for streetscape improvements for roads within the neighborhood, and bank side improvements along the Sheldrake River. Furthermore, by introducing a residential development within walking distance from Columbus Park and the MTA/Amtrak rail station, the project would also be consistent with the Master Plan recommendation to promote the public use of this midtown park, located at the confluence of the Sheldrake and Mamaroneck Rivers. Residential development in this area of the Village would also increase the "after business-hours" security for residents and visitors near the property, which is now unoccupied.

2.3.2 Zoning and Existing Land Uses

The 2.31 acre site is presently zoned both M-1, Manufacturing District (1.75 acres), and R-4F, One to Four Family Residence District (0.56 acres), in the northeastern portion of the site, adjacent to Waverly Avenue. Existing land use and Zoning Districts in the vicinity of the site include the following:

- Residential multi family (R-4F) immediately to the north,
- Commercial (C-1) and mixed residential (R-M3 and R-20) to the east, along Mamaroneck Avenue and east of Mamaroneck,
- Manufacturing (M-1) to the west and immediately south of the site and the Sheldrake River, and Commercial (C-1) and Residential (R-5), to the south of the MTA/ Amtrak rail lines and Bishop Avenue (See Figure 2-3, Zoning Map).

2.3.3 Compliance with Zoning and Site Plan/Subdivision Approval Standards

Village of Mamaroneck subdivision regulations which define a subdivision as "the division of any parcel of land into two (2) or more lots, plots, sites or other divisions of land for immediate or future sale or for building development, with new streets or highways, including any extension of an existing street, and including resubdivision. This definition, however, shall not apply to a plot which, under the zoning requirements for lot area and street frontage, cannot be subdivided into more than three (3) conforming lots and is situated on an existing improved street or highway, do not apply to the proposed action.

Article XI, Sections 342-75 and 342-76 of the Village of Mamaroneck Code, *Site Development Plan Approval* (the Code), identify uses and actions subject to Site Development Plan Approval and the general criteria and standards of Planning Board review.

Site Plan Approval

Village of Mamaroneck Planning Board

Village Hall

P.O. Box 369

Mamaroneck, New York 10543

(Required pursuant to the Code for earthwork on a property larger than one half acre and involving more than 25% of the site)

Chapter 240 Coastal Zone Permit

Village of Mamaroneck Planning Board

Village Hall

P.O. Box 369

Mamaroneck, New York 10543

(Required pursuant to the Code for construction of a structure within 50 feet of a tributary to Long Island Sound)

Chapter 186 Special Flood Hazard Development Permit

Village of Mamaroneck Building Inspector

Village Hall

P.O. Box 369

Mamaroneck, New York 10543

(Required pursuant to Chapter 186 of the Village Code for construction within the area of special flood hazard as established in Chapter 186-3B)

Wastewater Disposal

Westchester County Department of Health

White Plains, New York

(Required for sewer connection)

Pollution Discharge Elimination System Permits for Stormwater Discharges

New York State Department of Environmental Conservation

(Required for the discharge of stormwater from the proposed development)

Mandatory Referral

Westchester County Department of Planning

622 Michaelian Office Building

Martine Avenue

White Plains, New York

2.5.2 Interested Agencies for DEIS Distribution

A list of interested parties, as identified at the time of preparation of this document, is as follows:

Village of Mamaroneck Department of Public Works

Union Free School District No. 1

New York State Office of Parks, Recreation, and Historic Preservation

Village of Mamaroneck Board of Architectural Review

Village of Mamaroneck Committee for the Environment

Village of Mamaroneck Board of Traffic Commissioners

3.0 ENVIRONMENTAL SETTING

3.1 Land Use and Zoning

3.1.1 Existing Conditions: Land Use and Zoning Controls

The 2.3 acre site is located in the central portion of the Village of Mamaroneck (See Figures 2-1 and 2-2: Location Map and Aerial Photograph). Presently zoned both M-1 (Manufacturing District) and R-4F (One to Four Family Residence District), the property was used as a commercial automobile junkyard. The junkyard operations were suspended in 2005.

Existing land use, and Zoning Districts, in the vicinity of the site include residential multi family (R-4F) immediately to the north, residential (R-20) and commercial to the south, residential and commercial to the east, and manufacturing to the west (See Figure 2-3, Zoning Map). Use of the lands in these Zoning Districts is generally consistent with the controls imposed by the Code.

Use(s) of the subject property, and those throughout the Village, are controlled by the zoning provisions of the Village of Mamaroneck Code (the Code). Accordingly, the majority of the surrounding properties are occupied by existing residential units.

Official planning policies applicable to the subject property, in the context of the Village, are set as set forth in the *Master Plan*, Village of Mamaroneck, 1986 (the Plan). Further, the "Legislative Intent" of the Code (cited below) identifies the goal of the Code in controlling land uses in the Village. An evaluation of the proposed action in the context of these policies confirms that the proposed Action is consistent with overall Village planning policies, and the recommended improvements to the Washingtonville, Columbus Park sub-area of the Village, as identified in the Plan.

Section 3.10 of the Plan, discusses the Washingtonville section of the Village, in which the subject property lies, and describes Washingtonville as "an older residential and mixed use neighborhood lying between the train station and [the] Village Center and the thruway. Residential sections include single-family and two-family houses and multifamily apartment buildings. Among Washingtonville's important buildings and places are St. Vito's Church, Mamaroneck Avenue School, the Martin Luther King Center and Columbus Park."

"Mamaroneck Avenue, the Village's major Commercial spine [on which the subject property is located] traverses Washingtonville, acting as a Village "Gateway" off the New York State Thruway. This four lane road has a mixture of contemporary buildings such as a supermarket, gas stations, and three story office buildings and a food processing factory. A neighborhood commercial area is found on Old White Plains Road extending north from the Village Center. The majority of the housing units in the neighborhood were built prior to 1940."

Section 3.12 describes the Mamaroneck Village Center as the "main shopping street in the Village. Mamaroneck Avenue between Columbus Park and Harbor Island Park acts as the commercial spine of the Village Center. A variety of clothing stores, restaurants, furniture and antique stores, as well as office and entertainment uses are located in this mixed use

- “To enhance the appearance of the Village as a whole.”
- “To provide a guide for public action in the orderly and efficient provision of public facilities and services and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Village.”

In addition to the legislative intent, the Zoning Code has specific bulk and setback requirements for proposed land development. The proposed project meets all minimum setback, density and parking requirement of the Village Zoning Code. No variances will be required for the project, as further described below.

Existing Project Setting

Residential and commercial properties presently adjoin the project site. These properties either abut the project site, in the case of the residential properties, or are on commercially zoned lots that border the Sheldrake River immediately across this waterway from the project site (see Figure 2-2 - Aerial Photograph).

Between the site and Waverly Avenue are ten single and multiple family residences that abut the project. These residences are part of the larger residential neighborhood (approximately 23 acres and 175 residential structures, both owner-occupied and renter occupied) that extends to the northwest for a distance of approximately one-fifth of a mile before ending at the highway right-of-way of Route 95. This neighborhood, part of the Village community known as Washingtonville, is a mixed-use area that includes:

- Single-family and two-family houses,
- Multi-family apartment buildings,
- Apartment buildings,
- Churches and schools,
- Storefront businesses, as well as
- Multistory office buildings.

Within this neighborhood, the single block of Waverly Avenue that lies between Plaza Avenue (at the Sheldrake River bridge crossing) and Mamaroneck Avenue includes a total of 31 residential buildings. These residences are one- to three-story structures that are typical for the street and for the larger residential neighborhood.

Across the Sheldrake River from the site are several operating commercial businesses, abandoned properties and other lots used for off-street parking. The locations, operating entities on the properties and descriptions of the businesses conducted on the properties is presented in Table 3.1-1.

Overall planning policies for this section of the Village, as set forth in confirm that the project would complement recommended improvements to the Washingtonville, Columbus Park sub area of the Village, which calls for streetscape improvements for roads within the neighborhood, and bank side improvements along the Sheldrake River. By providing the proposed alternate means of pedestrian access from Waverly Avenue to Columbus Park and the MTA/Amtrak rail station at 100 Halstead Avenue, the project would also be consistent with the Master Plan recommendation to promote the public use of this midtown park, located at the confluence of the Sheldrake and Mamaroneck Rivers. A residential development in this area, such as the one proposed, would also increase security for residents and visitors near what is now an unoccupied property after business hours.

As described above, the proposed project as designed meets the Village of Mamaroneck Zoning Code requirements for density, bulk, parking and setback requirements. No variances from the Zoning Code will be required for the project. A zoning compliance bulk table is provided in Table 3.1-2, below.

Table 3.1-2 Sheldrake Estates Bulk Table, RM-3 Zoning		
	Required/Allowed	Provided
Minimum Lot Area (sf)	20,000	93,838
Density/Min Lot Area Per Unit @ 1,000 sf	93 Units	N/A
Density/20% Increase w/ Below Market Rate Units	111 Units	108 Units
Minimum Lot Depth (ft)	100	105.66
Minimum Lot Width (ft)	150	737
Maximum Height (stories)	4 1/2	4 1/2
Maximum Height (ft)	50	50
Min. Front Yard Setback (ft)	25	31
Min. Lesser Side Setback (ft)	25	25
Min. Combined Side Setback (ft)	50	52
Min. Rear Setback (ft)	30	66
Max. Lot Coverage	35% (32,843 sf)	35%
Max. FAR	1.5 (140,757 sf)	1.11 (105,516 sf)
Min. Open Space (sf)	200 sf/Unit	200.32sf/Unit
Max. Building Length (ft)	185	172
Min. Building Separation (ft)	50	50
Parking (spaces)	180	181
Source: The Sullivan Architectural Group		

The project will require a permit from the Planning Board for construction of a structure within 50 feet of a waterway feeding into Long Island Sound, per *Chapter 240 Management of Coastal Zone, Harbor and Watercraft*, of the Village Code. Without such a permit, development on approximately one-half of the project site would be restricted and the development potential of the site would be severely limited.

A positive impact resulting from the project would be the removal of an auto wrecking yard, a potential contamination source to the Sheldrake River and Long Island Sound watersheds, and its replacement with a more compatible use. Currently, there are no stormwater controls on the property. The development of the site and installation of current stormwater controls

3.2 SOILS AND GROUNDWATER

3.2.1 Existing Conditions

Soils

Soil maps from the Soil Survey of Putnam and Westchester Counties, New York (Soil Conservation Service, September, 1994) classify the soil for the project site as Urban Land (Uf). The Urban Fill designation extends beyond all edges of the site and applies to soils which have been significantly altered by filling, regrading, and/or construction. Past disturbance and possible filling on the project site limit the potential for historic or archeological concerns.

According to the Soil Survey, this soil unit consists of areas where at least 60 percent of the land surface is covered with buildings or other structures. The areas include parking lots, shopping centers, industrial parks and institutional sites. Much of the mapped Urban land is found in the business centers of villages and cities. The soil survey indicates that reclamation is required if Urban land is converted from its present use.

Since the soils are categorized as Urban Land, the specific characteristics provided by the Soil and Water Conservation District for specific soil units are not provided for Urban Land, since this soil unit can consist of fill material from various sources and soil types.

A series of soil borings were completed on the site. The soil borings confirm the Soil Survey information. Soils on the project site generally consist of silt with fine sand mixed with coarse sand, brick, concrete and cinders (fill material). Fill was generally encountered to a depth of approximately 4 to 6 feet. Natural soil generally consisted of fine sand with layers of more coarse sand and silt. It should be noted that the portion of the site occupied by the Blood Brothers Auto Wreckers contained concrete pavement varying from 6 inches to one foot in thickness.

Topography

The property has a generally flat topography, which varies approximately eight feet across the site. Local topography is also generally level in the vicinity of the site. Local topography is shown in Figure 2-1, Site Location Map, which is the USGS topographic map for Mamaroneck.

In general, existing grades on the property are at an elevation of 21 to 23 feet. A rock outcrop at the northern (northwestern edge) of the site has the highest elevation of 28 feet, while the lowest elevation on-site is approximately 20 feet in the southeast corner of the site.

A topographic survey has been prepared by the project engineer and is provided in Drawing C-5 Grading and Drainage Plan. As shown in the Plan, approximately 2.28 acres or 99 percent of the site has topography with slopes of 1 to 15 percent, while the small area of rock outcrop, 0.03 acres has a slope category of greater than 15 percent.

The ASTs appeared to be in good condition, although minor staining was observed on the concrete around the petroleum ASTs.

In addition, three 275 gallon aboveground diesel fuel storage tanks were observed on the former Carnevalla warehouse property, located at the northeast portion of the site. Two of the tanks were located in the building and a third tank was located outside of the building. These tanks appeared in good condition and no leaks or staining was observed in the vicinity of the tanks.

Spills

The environmental database obtained for the environmental assessment lists a total of 15 spills for the former Blood Brothers property (Lots 229 and 280), according to the Spills Database maintained by the NYS Department of Environmental Conservation (NYSDEC). In summary, fourteen (14) of the spills have been formally closed by the NYSDEC. As described in the database, the majority of the spills listed for the Blood Brothers property related to materials management (housekeeping), and surface spills of petroleum or auto fluid materials. No leaking tanks were reported for the Blood Brothers property.

The single open spill case at the Blood Brothers property resulted from the Phase 2 investigation completed by Tim Miller Associates, Inc. in November, 2004. The spill case (Spill No. 0405493) is associated with an unknown material found in the subsurface near the car crusher that was formerly used at the auto wrecking yard. This crusher has been removed from the Blood Brothers property, as well as all cars, equipment and debris associated with the former auto wrecking operations. Further discussion of on-site spills and mitigation measures are provided in Section 3.3 Hazardous Materials.

Results of Soil and Groundwater Sampling

The soil and groundwater sampling program has identified two areas on the Blood Brothers property that have soil concentrations of petroleum compounds above NYSDEC soil cleanup guidance values; 1) the area under and directly south of the car crusher, and 2) in the vicinity of the gasoline aboveground storage tanks. The investigation focused on those areas of the site where petroleum products were stored and handled. It was observed that the entire site is paved and a minimum of 6 inches of concrete was found at all boring locations.

The area of affected soil appears limited to the upper three feet near the crusher and the upper four feet near the storage tanks. Based upon borings completed near the crusher bedrock was encountered in each of the borings at approximately 2.5 to 3.5 feet. Near the aboveground storage tanks a sample collected at a depth of 5 feet did not contain elevated levels of VOC's, indicating that affected soil is limited to three or four feet below the concrete pavement.

The single groundwater sample collected in the vicinity of former petroleum storage tanks contained volatile compounds above the NYSDEC ambient groundwater standards. The compounds found were typical of weathered petroleum. The groundwater sample collected near the eastern edge of the site contained levels of MTBE slightly above the NYSDEC ambient groundwater standard; with of result of 15.4 ug/L compared to the groundwater standard of 10.0 ug/L. MTBE is a highly mobile gasoline additive commonly associated with gasoline releases or spills.

As described above, the site is nearly entirely level with a small area of rock outcrop containing the only slopes on the property. Given that there are essentially no steep slopes on the property, the potential run-off will be easier to manage with erosion control features. The project engineer has developed a Soil Erosion and Sediment Control Plan, which is further described below. The potential for soil erosion and run-off will be minimized during project construction by adhering to the Soil Erosion Control Plan.

3.2.2.1 Potential Impacts to groundwater Quality

As described above, groundwater was encountered during the environmental drilling program at approximately 7 feet below ground surface. Construction activity will primarily involve the grading and disturbance of the upper two to three feet of soil on-site. This surface grading is not anticipated to intercept the groundwater or affect its quality in the shallow groundwater aquifer.

3.2.3 Proposed Mitigation Measures

3.2.3.1 Soil Erosion and Sediment Control

The greatest potential impact associated with the proposed project related to soils disturbance would be from erosion and sedimentation during construction. A Soil Erosion and Sediment Control Plan has been developed for this project and is provided in the set of submitted site plans, Drawing C-5. This plan has been developed to reduce soil erosion from areas exposed during construction and prevent silt from reaching the Sheldrake River and any off-site areas.

The Soil Erosion & Sediment Control Plan (Drawing C-6) provides construction details and specifications for erosion control features, such as silt fencing, construction entrance and stockpile management. Detailed erosion control notes are provided construction procedures and sequence as they relate to soil erosion control.

Notes provided in the Soil Erosion Control Plan, as described above indicate that it is intended to be used in conjunction with the Stormwater Pollution Prevention Program document (SWPPP), as required for the New York State Department of Environmental Conservation (NYSDEC) General Permit for Stormwater Discharges from Construction Activity (GP-02-01). The SWPPP is provided in Appendix C. The Soil Erosion Control Plan was developed in accordance with the New York Guidelines for Urban Erosion and Sediment Control.

The objectives of the Erosion Control Plan are the following:

- Control erosion at its source with temporary control structures;
- Minimize the amount of sediment-laden runoff from areas of disturbance, and control the runoff prior to discharge to off-site areas;
- Deconcentrate and distribute stormwater runoff through structural means before discharge to critical zones such as the Sheldrake River; and
- Maintain erosion control features in order that they properly function, as designed.

3.3 Hazardous Materials

The majority of the project site was formerly used by Blood Brothers Auto Wreckers, Inc. as a commercial auto wrecking and salvage business. According to property records maintained by the Village, the majority of the project site has been owned by Blood Brothers since at least the 1960's and has been used for their auto salvage operation until the spring of 2005. Since the recent purchase of the property by the applicant, all autos, parts, equipment and any petroleum has been removed from the project site. The northeastern portion of the site, now used as a distribution warehouse (Lots 285.1 and 285.2) were formerly used as a bakery. Based upon historical maps and property records, the two lots located adjacent to Waverly Avenue, Lots 389.1 and 389.2 were historically used as residences.

The applicant completed environmental assessments of the project site, based upon its prior use as a auto wrecking yard and other commercial uses (Lots 285.1 and 285.2). The purpose of the assessments was to determine if former uses on the site have impacted the property and to provide an evaluation of environmental risk on the property.

At the time of the assessment of the Blood Brothers property in November, 2004, the auto wrecking business was in operation. Wrecked autos were towed into the yard, disassembled for parts and then crushed in a crusher located at the north central portion of the site. Prior to crushing, fluids such as gasoline, motor oil, transmission fluid and antifreeze were drained from the vehicles and stored on-site in aboveground storage tanks. These tanks were periodically emptied for off-site material disposal. Crushed vehicles and salvaged auto parts were stored in on the property until they were transported off-site for sale.

3.3.1 Existing Conditions

Environmental Assessments

Environmental assessments were completed for the site in two phases, based upon two separate parcels and acquisition of those parcels. The first assessment consisted of a Phase 2 Environmental Site Assessment of the former Blood Brothers Auto Wreckers, Inc. property, completed November 19, 2004. This portion of the site contains the largest area (1.58 acres) and was used by Blood Brothers for their auto wrecking and salvage operations. This investigation involved ten (10) soil borings in targeted areas of the Blood Brothers property, the collection and laboratory analysis of soil samples and a groundwater sample.

The Second Environmental Assessment was completed for the portion of the property at 147 East Plaza Avenue, and was completed on October 20, 2005. This portion of the property is located in the northeast portion of the site, formerly owned by J. Carnavalla. A distribution warehouse and offices are contained on the property. This investigation involved five soil borings and the collection and laboratory analysis of soil and groundwater samples.

The environmental assessments are provided in full in Appendix D.

Results of Soil and Groundwater Sampling

The soil and groundwater sampling program has identified two areas on the Blood Brothers property that have soil concentrations of petroleum compounds above NYSDEC soil cleanup guidance values; 1) the area under and directly south of the car crusher, and 2) in the vicinity of the gasoline aboveground storage tanks. The investigation focused on those areas of the site where petroleum products were stored and handled. It was observed that the entire site is paved and a minimum of 6 inches of concrete was found at all boring locations.

The area of petroleum impacted soil appears limited to the upper three feet near the former crusher location and the upper four feet near the former storage tanks location. Based upon borings completed near the crusher bedrock was encountered in each of the borings at approximately 2.5 to 3.5 feet. Near the aboveground storage tanks a sample collected at a depth of 5 feet did not contain elevated levels of VOC's, indicating that affected soil is limited to three or four feet below the concrete pavement.

The single groundwater sample collected in the vicinity of former petroleum storage tanks contained volatile compounds above the NYSDEC ambient groundwater standards. The compounds found were typical of weathered petroleum. The groundwater sample collected near the eastern edge of the site contained levels of MTBE slightly above the NYSDEC ambient groundwater standard; with of result of 15.4 ug/L compared to the groundwater standard of 10.0 ug/L. MTBE is a highly mobile gasoline additive commonly associated with gasoline releases or spills.

3.3.2 Potential Impacts

The primary environmental and health concerns regarding VOCs and metals in soil would be from long-term direct contact with soils and ingestion. The proposed use of the site is residential, but the site will be extensively graded and the majority of the site (approximately 70 percent) will be paved or covered with buildings, driveways and parking areas.

Therefore, exposure to on-site soils will be limited by the proposed development and buildings and pavement.

Approximately one-third of the site will be landscaped. These areas are proposed to be graded, including the removal of unsuitable fill containing brick and concrete, and the placement of a minimum of one foot of topsoil for landscape purposes.

The environmental investigations recommended the excavation and removal of the two identified areas of soil impacted by petroleum. In addition, any additional areas of soil found to be impacted by the former auto wrecking operations will required excavation and off-site disposal.

A proposed remediation (clean-up) program is described in the Mitigation discussion, below. The remediation proposal will require approval by the NYSDEC since an open spill case number is assigned to the property. The NYSDEC will require a formal Remediation Plan be submitted to the agency for review. The site remediation and documentation of the clean-up will be required prior to the site Spill Number being closed. Following the required remediation of existing impacted soil, no long-term impacts to project residents are expected from existing contaminated soil.

3.4 Stormwater and Drainage

3.4.1 Existing Conditions

Project Setting

The site is contiguous with the Sheldrake River, which flows into the Mamaroneck River within one quarter mile downstream of the project. The combined flow from the two rivers travels approximately one half mile to enter the Long Island Sound, within the East Basin of the Mamaroneck Harbor. The site and much of the surrounding neighborhood is within the FEMA 100-year flood plain contour. A base flood elevation of 29.0 feet exists at this location. The existing elevation of the paved site parking lot is approximately 23.0 feet across the site. This lower drainage area of the Sheldrake and Mamaroneck Rivers has been the subject of major flood control review projects by the Village and the United States Army Corps of Engineers (ACOE), and development planning within this district should be conducted in conjunction with the findings of these reviews.

The project site lies within the Village of Mamaroneck, which in entirety has been designated by the New York State Department of Environmental Conservation (NYSDEC) as a Small Municipal Separate Stormwater System (MS4). As a State designated MS4, the Village is required to prepare a Stormwater Management Program (SWMP), and submit a Notice of Intent (NOI), pursuant to New York's January 8, 2003 Pollution Discharge Elimination System *General Permit for Stormwater Discharges from Municipal Separate Stormwater Systems*, to gain authorization to discharge stormwater into "waters of the United States", including the Sheldrake River. The specific purpose of the SWMP is to address pollution found in stormwater. The NOI "outline[s] how [the Village] will adopt appropriate measures to address stormwater within the MS4 area." The overall purpose of the designation, and preparation and implementation of the SWMP, is to reduce pollutants in stormwater that are discharged with the Village.

The Sheldrake River is rated as a Class C water body by the NYSDEC, indicating that the river is suitable for fish propagation and survival. Class C waters are also suitable for primary and secondary contact recreation (NYS Code Part 701), although other factors, such as accessibility and stream flows or depths, may limit their use for these purposes.

The federal Clean Water Act (CWA) requires states to periodically assess and report on the quality of waters in their state. Section 303(d) of the Act requires states to identify Impaired Waters, where specific designated uses are not fully supported. For these impaired waters states must consider the development of a Total Maximum Daily Load (TMDL) or other strategies to reduce specific pollutants and restore or protect uses. The Sheldrake River is listed in the Section 303(d) list (September 24, 2004) of individual waterbodies with impairment. The Sheldrake is classified as a Class C waterbody, and the cause of impairment is listed as phosphorus and silt/sediment both as a result of urban runoff.

The Clean Water Act also requires a water quality monitoring and assessment program based upon drainage basins which are implemented on a five-year basis. A Section 305(b) Water Quality Report provides the State with a comprehensive assessment of New York State water quality, including the identification of waters that do not meet water quality standards or support designated uses. The Section 305(b) Report includes a Waterbody

the site and 2) through the use of current stormwater treatment facilities and controls. In addition, stormwater discharge rates from the site will be reduced compared to pre-development conditions through the use of stormwater controls.

The project plan calls for a reduction in the amount of impervious surface at the site by approximately 25 percent. Currently, approximately 95 percent of the site contains impervious surface. The propose site plan results in 0.76 acres of landscaped area, or approximately 29 percent of the site. Precipitation on this landscaped area will be removed from the volume of stormwater that currently discharges to the Sheldrake River.

The project engineer proposes to treat the remaining stormwater run-off discharging from the site with eleven (11) Stormceptor treatment basins (STC 900). The Stormceptor systems will provide both stormwater quality and stormwater detention functions. Post-development stormwater flow rates as wells as peak flow rates for the 1, 5, 10, 25, 50, and 100 year storms are provided in the SWPPP (see Appendix B). The calculations indicate that post-development peak stormwater run-off rates will be below current (pre-development) run-off rates.

3.4.3 Mitigation Measures

The proposed action includes a Stormwater Pollution Prevention Plan (SWPPP) with both an Erosion and Sediment Control Plan (to prevent erosion and sedimentation during construction) and a Stormwater Management Plan (to control stormwater flow rates and remove pollutants from stormwater after the site has been stabilized). By incorporating these measures into the proposed action, the applicant will reduce potential adverse impacts to the Sheldrake River and Mamaroneck River watershed, and has developed program that will result in beneficial impacts on the water quality for the receiving waters.

the Mamaroneck Avenue signalized intersection with Waverly Avenue and the unsignalized East Plaza/Mamaroneck intersection is a channel for traffic to enter Van Ranst Place. Van Ranst Place traffic enters Mamaroneck Avenue opposite Waverly Avenue. Waverly Avenue and Van Ranst Place are one way streets that meet at the traffic signal at Mamaroneck Avenue. Therefore, at the Mamaroneck Avenue/Waverly Avenue/Van Ranst Place intersection: Waverly Avenue and Van Ranst Place traffic must turn onto Mamaroneck Avenue, and Mamaroneck Avenue traffic must go straight.

One block northwest of Waverly Avenue, Mamaroneck Avenue turns north toward the Mamaroneck Avenue/I-95 Exit. In this area Mamaroneck Avenue intersects with White Plains Road, and an offset extension of Center Avenue. This intersection is referred to herein as Mamaroneck Avenue, White Plains Road, and Center Avenue.

The Mamaroneck Avenue Bridge over the Sheldrake River was improved in 2005 after the Waverly Avenue traffic counts were taken. This project did not involve changing network capacity and thus has no effect of analysis of the traffic volumes nor conditions.

Van Ranst Place: Van Ranst Place is a two lane road divided at its terminus with Mamaroneck Avenue. Vehicles headed northbound toward I-95 can turn right into Van Ranst Place prior to the Van Ranst Place/Waverly Avenue/ Mamaroneck Avenue signalized intersection. Columbus Park separates Van Ranst Place from the Mamaroneck Railroad station.

Fenimore Road: Fenimore Road is a two lane road. Its intersection with Waverly Avenue is signalized with turn lanes. Traffic traveling away from New York City can use Exit 18A to access Fenimore Road. There is no access from Fenimore Road to I-95. Fenimore Road is primarily commercial in this area. Like Mamaroneck Avenue, Fenimore Road's southern terminus is also US Route 1.

Waverly Avenue: Waverly Avenue is primarily a two lane road with commercial uses. The block between Plaza Avenue and Mamaroneck Avenue differs from Waverly Avenue to the west in that it is a one-way, primarily residential street. The Blood Brother Auto Wreckers commercial use on the project site was an exception to the residential use on that block. Waverly Avenue a.m. peak hour traffic utilizes the street to gain access to the Mamaroneck Avenue/I-95 Exit and points south toward New York City. In the afternoon traffic is lighter as vehicles returning from points south exit I-95 at Fenimore Road or use Center Avenue to Plaza Avenue to gain access over the Waverly Avenue Bridge. West of the Plaza Avenue/Waverly Avenue intersection is the Waverly Avenue Bridge over the Sheldrake River. Trucks are prohibited from crossing the Waverly Avenue Bridge. This bridge has a posted 5 ton limit. Non-local truck traffic is prohibited from Waverly Avenue east of Plaza Avenue.

Hoyt Avenue: Hoyt Avenue parallels Waverly Avenue from Fenimore Road to Mamaroneck Avenue. Trucks are routed to Hoyt Avenue as trucks are prohibited from Waverly Avenue and Center Avenue except local deliveries. The truck routing reflects the 5 ton posting on the Waverly Avenue Bridge. Hoyt Avenue is commercial on the north side and the south side borders the Metro North railroad.

Plaza Avenue: Plaza Avenue is a two lane road that is four blocks long. It serves as the terminus of residential streets including Center Avenue north of and paralleling Waverly

Existing Parking

A parking survey was done on Saturday February 11, 2006 and Wednesday night February 22, 2006.

Existing parking was reviewed on the block formed by Plaza Avenue, Mamaroneck Avenue, Center Avenue, and Waverly Avenue. Parking can be categorized into three areas:

- residential parking on Waverly and Center Avenue east of Plaza Avenue,
- retail parking on Mamaroneck Avenue, and
- Office commercial on Waverly west of Plaza Avenue.

Existing signing prohibits parking commercial vehicles on the residential streets. Also, once a month parking is restricted on residential streets in a rotating fashion.

The residential parking would be expected to peak during the night-time periods, weekends, and holidays. Customers of the nearby retail stores on Mamaroneck Avenue may compete with neighboring residential parking on Saturday. The commercial and office uses on Waverly west of Plaza Avenue would typically not compete with the residential parking east of Plaza Avenue on Waverly Avenue and Center Avenue.

Local drivers are most likely to find available parking in the Waverly Avenue commercial area west of the Sheldrake River, during weekends and evenings. The Mamaroneck railroad Station begins at Mamaroneck Avenue between Hoyt Avenue and East Plaza. The railroad station offers free parking weekends, and holidays and is the nearest major parking area to the site.

Table 3.5-1 shows local area parking on Saturday morning and weekday evening. Saturday is a time when residential and retail parking would mix.

Parking on Van Ranst Place has a 2 a.m. to 7 a.m. parking prohibition, and therefore this area would not be suitable for overnight parking.

Metro North has 265 parking spaces and has issued 249 permits. There are no permits available and a waiting list of 112. Actual weekday daytime utilization is 88%. A new parking garage at New Rochelle may reduce the local demand for commuter parking. Parking is free in the Metro North lot on weekends and holidays. Paid daily parking is available for 16 or 24 hours. During the weekday evenings and Saturday the Metro North lot near the project site is virtually empty with over 100 vacant permit parking spaces.

Metro North has listed a Mamaroneck Station Rehabilitation and Parking Improvement project PIN M402-03-09. This is intended to be phase I of the station improvements. The project site is close enough (two blocks) to the railroad station that project residents would likely walk to the station. Station parking currently includes 385 spaces and 217 metered spaces (see http://as0.mta.info/mnr/stations/station_detail.cfm?key=210 for further station information). The station is served by Bee-Line bus Routes 60 and 61 along with Paramount Taxi.

The proposed train station improvements may redirect existing vehicular trips into the station and away from I-95. The improvements include 32 additional parking spaces, station rehabilitation including drainage, lighting, sidewalks, and guardrail.

Existing Traffic

Waverly Avenue traffic counts were taken on Thursday, January 25, 2005, between 6:30 a.m. and 9:00 a.m., and between 4:00 p.m. and 7:00 p.m.. Based upon these original counts, the time periods were shifted slightly and expanded for Center Avenue counts. Center Avenue counts were taken on Thursday January 19, 2006 from 7:00 a.m. to 9:30 a.m. and 3:00 p.m. to 6:30 p.m.. These counts identify weekday morning and afternoon peak hour levels of traffic. It is during these times commuter traffic is heavily using Waverly Avenue, Center Avenue, Fenimore Avenue, and Mamaroneck Avenue. Figures 3.5-4 and 3.6-5 show the existing a.m. and p.m. weekday peak hour traffic volumes at the studied intersections.

For the purposes of the traffic analysis, Waverly Avenue and Center Avenue are defined as east-west and Mamaroneck Avenue, Fenimore Road, Plaza Avenue, and the site accesses are defined as being north-south. Traffic volumes at the new site egress have been balanced with Waverly Avenue approach to Mamaroneck Avenue.

Peak morning traffic volumes occur between 7:30 a.m. and 9:00 a.m. at all the studied intersections. The p.m. peak hour for study intersections occurs between 4:00 p.m. and 5:45 p.m.. The Center Avenue intersections appear to peak slightly earlier than Waverly intersections resulting in a traffic shifting slightly from westbound to eastbound travel. As a result of directional volume shifts and period changes, north-south movements vary in the peak hour. A check of the Center Avenue traffic in a.m. peak hour indicated a volume difference of five vehicles or less than two percent and three vehicles or less than one percent in the p.m. peak.

The left turn volumes on Waverly Avenue turning onto Mamaroneck Avenue and right turns from Plaza Avenue onto Waverly Avenue and from Mamaroneck Avenue southbound

Table 3.5-3 Signalized Intersections Level of Service Criteria	
Level of Service	Average Control Delay (Seconds Per Vehicle)
A	<i>less than or equal to 10</i>
B	<i>greater than 10 and less than or equal to 20</i>
C	<i>greater than 20 and less than or equal to 35</i>
D	<i>greater than 35 and less than or equal to 55</i>
E	<i>greater than 55 and less than or equal to 80</i>
F	<i>greater than 80</i>
SOURCE: <u>Highway Capacity Manual</u> , National Academy of Sciences, Transportation Research Board, National Research Council, Washington, DC, 2000.	

The *Highway Capacity Software* model was used to review peak hour periods only and do not represent every minute of traffic operations. During off peak periods, which is the majority of the time, drivers typically will find operations better than the modeled peak hour results. During peak periods the experience of individual drivers can vary, because the model calculates average vehicle delay.

Peak 15 minute traffic flows typically do not all occur in the same 15 minute period in the peak hour. The traffic model does not always account for the ability of the traffic signal to compensate for shifting traffic volumes and thus may overestimate delay. For unsignalized intersections, the model conservatively assumes peak approach volumes occur simultaneously.

3.5.4 Existing Levels of Service

The results of the existing level of service analyses for the study area intersections are summarized in Table 3.5-4. Capacity analysis calculations are provided in Appendix E. In the capacity analysis, the intersection of Waverly Avenue, Plaza Avenue and the site access is treated as an all-way stop intersection. The stop sign for the Waverly Avenue approach is on the far side of the bridge. The intersection of White Plains Road/Mamaroneck Avenue/Center Avenue is treated as a three way intersection with Mamaroneck Avenue as an north-south major street and Center Avenue and White Plains Road as the eastbound approach.

All of the studied intersections operated at level of service D or better except the a.m. peak hour of the Waverly Avenue approach to Plaza Avenue. Waverly Avenue is a level of service F at Plaza Avenue in the a.m. peak hour. The Waverly Avenue traffic is heaviest in the morning as traffic heads toward I-95.

3.5.5 No Build Condition Traffic Projections

Typically a project's traffic impact is determined by comparing future traffic conditions without the project's traffic (2008 No Build Condition) to traffic conditions with project-generated traffic (2008 Build Condition).

The No Build traffic condition is an interim scenario that establishes a future baseline condition upon which the project generated traffic can be compared. No Build traffic conditions are ascertained based on a number of factors: (1) improvements in the local road network that are planned or underway; (2) traffic from general population growth in the local area; and (3) traffic from identified development projects in the project site vicinity.

The New York State Department of Transportation lists area projects in the draft Statewide Transportation Improvement Program (October 1, 2006 to September 30, 2010). There are several major projects planned by the New York State Department of Transportation in the vicinity of the studied intersections.

The signal retiming projects for throughout Westchester County include intersections in the Town and Village of Mamaroneck but not did not include the studied intersections. No change to study area traffic operations was assumed from these traffic signal timing improvements.

The Fenimore Reconstruction PIN 875495 project (NYS DOT Doug Cotton 431-5884 and Village of Mamaroneck Assistant Village Manager Robert A. Yemuder 777-7736) will be completed in the existing right-of-way improving drainage, and operations. The lane configurations at Fenimore Road/Waverly Avenue are anticipated to be altered as indicated in Figure 3.5-B-1 of Appendix B. The nearly 2.6 million dollar reconstruction is anticipated to begin in 2006 and hence the new lane configuration is used in future conditions (No Build and Build Conditions).

In December of 2004, Buckhurst Fish & Jacquemart Inc. completed the Waverly Avenue Design Study. Although the study area covered the industrial portion of Waverly Avenue west of the Waverly Avenue Bridge, streetscape recommendations (Page 11) could affect the portion of Waverly Avenue containing the project site. These recommendations included:

- Signage to discourage use of Waverly Avenue as a through street.
- Signage directing use of Hoyt Avenue.
- More prominent no trucks signs east of Fenimore Road and at the Waverly Bridge over the Sheldrake River.

No reduction in traffic was assumed based on these recommended Waverly Avenue improvements, since there is no funding and timeline for the improvements.

The Town of Mamaroneck has several proposed bridge improvement projects and has included money to rehabilitate the Waverly Avenue Bridge in the 2006 budget.

Two development projects, Van Ranst and Maplewood were added to the No Build Condition.

Peak hour traffic volumes for the weekday a.m. and p.m. No Build scenarios are provided in Figures 3.5-6 and 3.5-7. These figures reflect the existing traffic volumes plus a background traffic growth of two percent annually over three years for Waverly Avenue intersections and over two years for Center Avenue intersections, plus traffic from the two additional other area projects.

3.5.6 No Build Level of Service

Table 3.5-7 represents level of service for the studied intersections in the No Build Condition. In the No Build Condition, there are three improvements in level of service from the reconstruction of the Waverly Avenue/Fenimore Road intersection. There were two declines in level of service, however both remain at level of service D or better. Delays at the Waverly Avenue approach to Plaza Avenue increased.

3.5.7 Site Access Future Condition with Project (Build Condition)

The proposed Action would result in the potential construction of 114 townhouses with associated off-street parking. The site will have access to Waverly Avenue. The ingress would be at Plaza Avenue at the location of the existing access to the Blood Brothers site. The egress would be mid block between the Waverly Bridge over the Sheldrake River and Mamaroneck Avenue. An emergency and pedestrian access would be provided to East Plaza, which leads directly to Mamaroneck Avenue near the railroad station.

Parking

The proposed Site Plan provides 181 parking spaces for the 114 residential units, in accordance with the requirements of the Zoning Code. The peak demand periods for on-site parking will generally occur at the same time as the demand for other residential parking. Retail businesses along Mamaroneck Avenue would also require parking, especially on Saturdays when project residents would be home. Parking on Waverly Avenue west of Plaza Avenue and at the railroad station is more available at peak parking demand periods.

The project, as proposed, does not include any designated visitor parking spaces. Visitors to the development will share parking with residents and visitors will park in spaces that residents have vacated during the day or evening. In the event that all on-site parking spaces are taken, visitors would have to find alternative locations to park, either on nearby streets, or in vacant spaces in the Metro North rail station parking lot. As described above, parking spaces are available on Waverly Avenue west of Plaza and at the railroad station during periods of higher residential demand, such as Saturdays or Sundays.

3.5.8 Project Trip Generation and Distribution

Project Traffic

Tables 3.5-8 and 3.5-9 show trip generation rates and total trips generated by the proposed townhouse development using the Institute of Transportation Engineers' Trip Generation. No reduction in trip generation was taken for the proximity to the railroad station. The townhouse trip distribution is shown in Figure 3.5-9. Figure 3.5-10 and 3.5-11, show peak hour trips in the roadway network resulting from the residential development. The trip distribution considers existing traffic flows, and access to the railroad station, the village business district, and interstate system.

Trips from the Blood Brothers Auto Wreckers from the site access at Waverly and Plaza Avenue were removed from the traffic network. Trips from the two existing residences on Waverly which will be removed as part of the site development were not removed in the traffic analysis for the Build Condition.

Transportation

March 13, 2006

Avenue. Removing the site egress from the intersection of Waverly Avenue and Plaza Avenue slightly reduces delays there. Removing the site traffic exiting at that intersection should improve safety by making the intersection less complex.

3.5.11 Pedestrian Activity

Internal pedestrian traffic will focus on trips between parked vehicles and entrances (Stairways and elevators). Thus the spaces in closed proximity to the entrances and under cover will be in the highest demand. Pedestrians will make their way to vehicles through the parking lot.

Three design improvements would encourage pedestrian activity between the site and Mamaroneck Avenue. Mamaroneck Avenue is a likely pedestrian destination from the site since retail uses, the Metro North rail station, and Columbus Park are in close proximity. These improvements would include: 1) a sidewalk along the landscaped buffer of the Sheldrake River 2) to eliminate site traffic use of East Plaza Avenue, and 3) A sidewalk connection along the site egress.

The applicant has discussed with Village officials the concept of a sidewalk located along the landscaped buffer of the Sheldrake River. The provision of a sidewalk along the Sheldrake River would provide an amenity and encourage pedestrian access to both Waverly Avenue and Mamaroneck Avenue. Issues such as off-site public use, maintenance, and safety will require further consideration and discussions with the Village.

Pedestrian access to Mamaroneck Avenue would be encouraged by restricting vehicular use of East Plaza Avenue. East Plaza Avenue is a narrow (approximately 13 feet wide) alley that was formerly used by Blood Brothers Auto Wrecking and is currently used by a limited number of commercial businesses along East Plaza. The proposed site plan would restrict access from East Plaza into the project site to emergency vehicles only, as well as pedestrians. Reducing the vehicular use of East Plaza Avenue is the best method for improving its use for pedestrian activity. Grass pavers and signage are suggested in combination with a sidewalk as a means to encourage pedestrian activity, permit emergency access and discourage non-emergency vehicular use.

A sidewalk at the site egress would allow residents in the main buildings near the Sheldrake River to access the Waverly Avenue sidewalk easier and provide access to Mamaroneck Avenue. The applicant would consider an internal sidewalk, although a design for walkway is not presently shown on the current site plan.

3.5.12 Mitigation Measures

Traffic

All intersection movements are expected to continue to operate at level of service D or better and unchanged under the proposed Build Condition except for the Waverly Avenue approach to Plaza Avenue continues unchanged from the Existing condition's level of service F. Since removing the site egress from that intersection should reduce delay and increase safety, no further traffic mitigation measures are proposed for the development.

The project is itself a transportation mitigation measure. Construction of residential housing within walking distance of the Mamaroneck Railroad Station provides the opportunity to increase use of the railroad without a corresponding increase in demand on railroad parking. The Transportation Plan for the Hudson Valley, the 21st Century Mobility Study (NYS DOT, 1992), encourages the use of public transportation to conserve energy, reduce air pollution

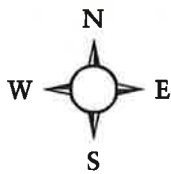
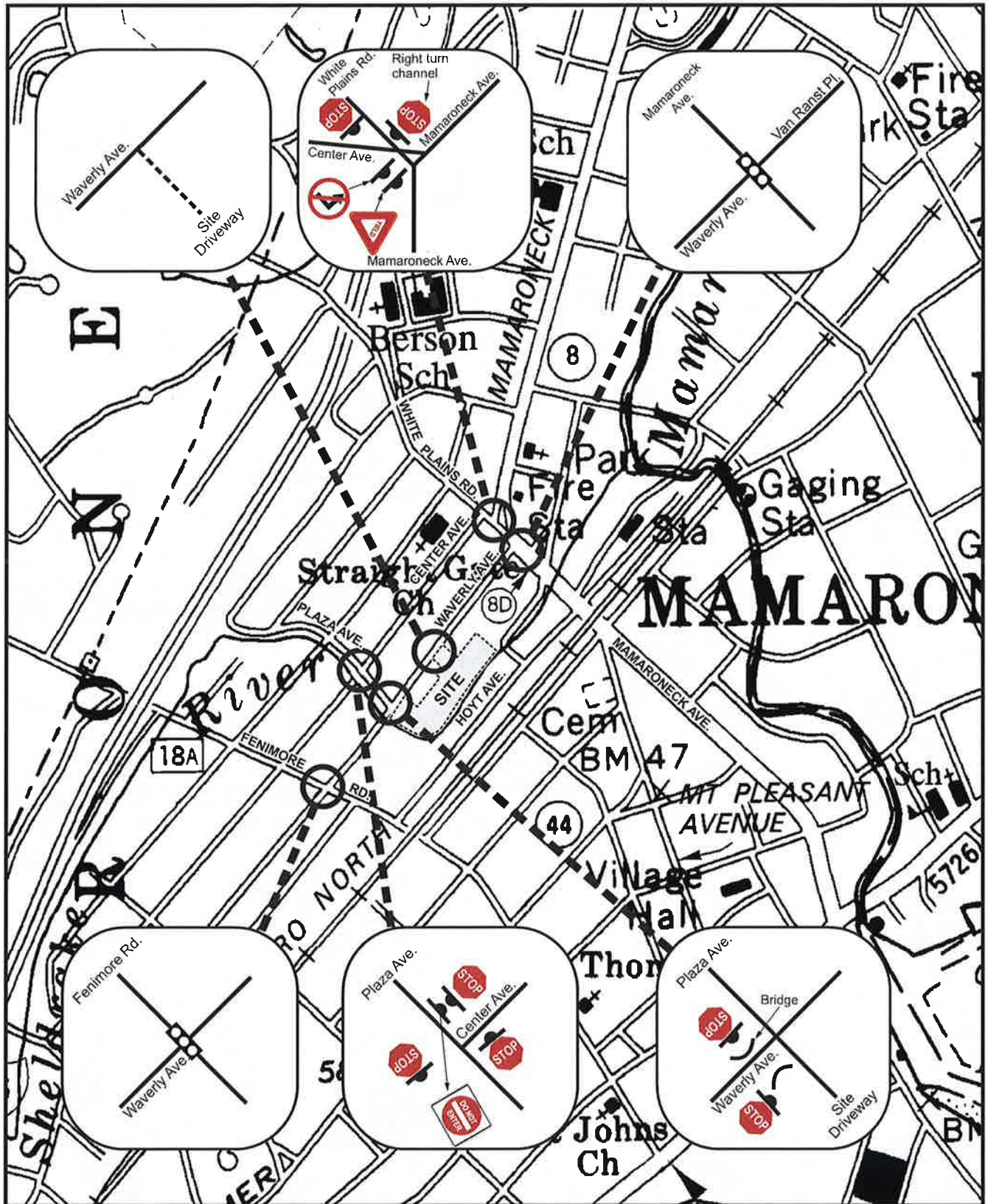


Figure 3.5-2: Regulatory Signage

Sheldrake River Project

Village of Mamaroneck, Westchester County, New York

Base: USDOT 7.5-minute Planimetric Map, Mamaroneck Quad

Approx. Scale: 1 inch = 660 feet

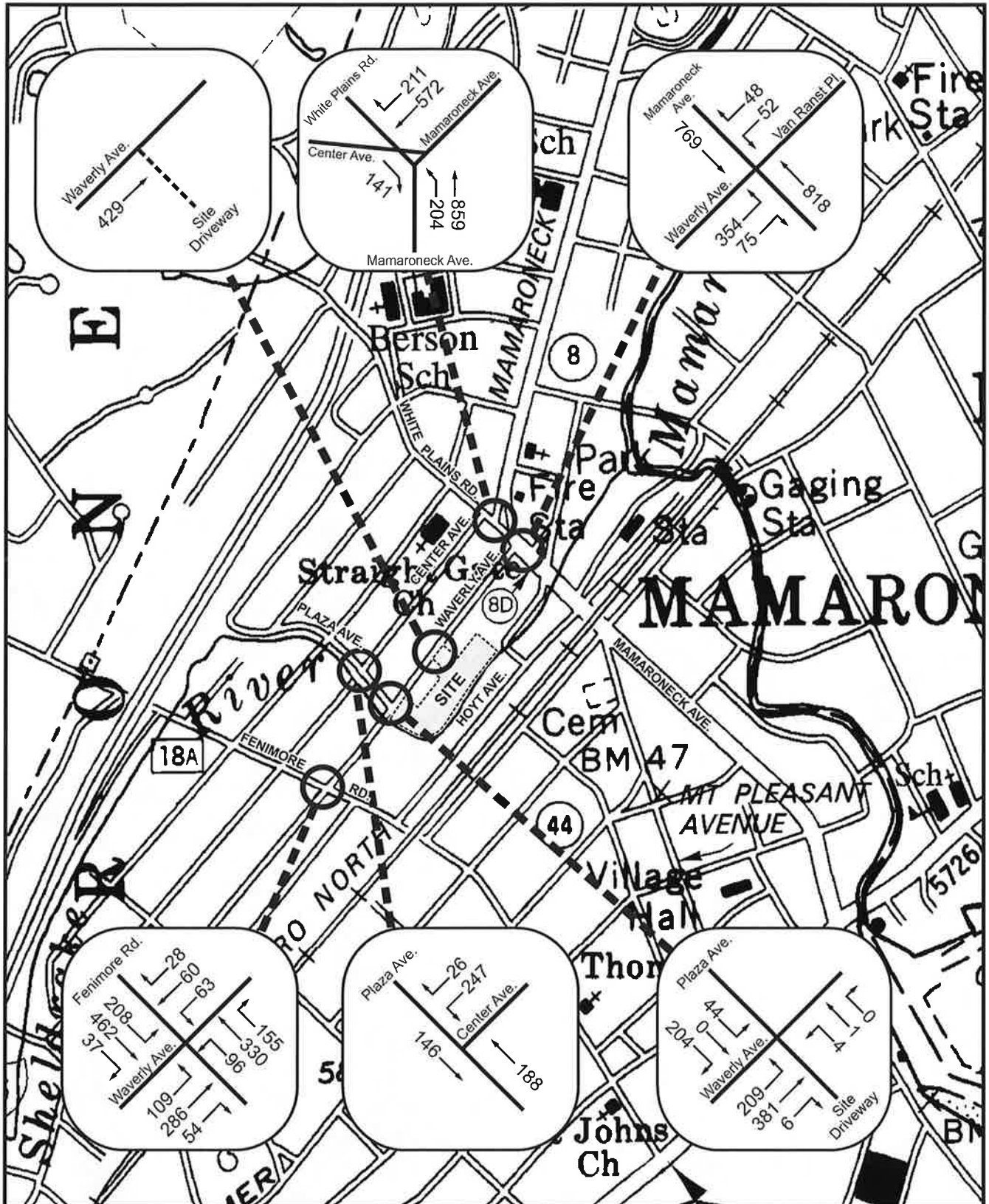


Figure 3.5-4: Existing AM Peak Hour Traffic
 Sheldrake River Project
 Village of Mamaroneck, Westchester County, New York
 Base: USDOT 7.5-minute Planimetric Map, Mamaroneck Quad
 Approx. Scale: 1 inch = 660 feet

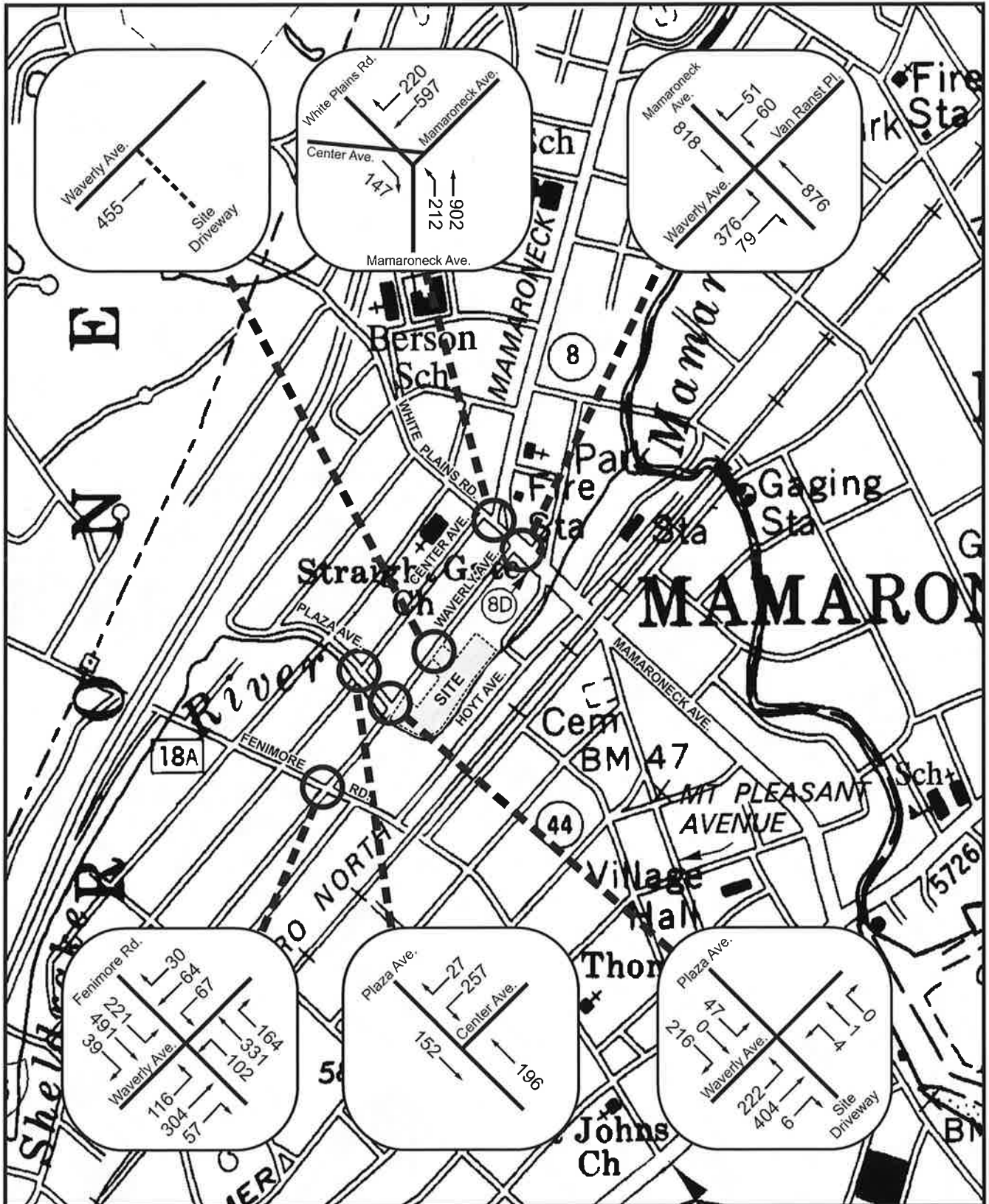
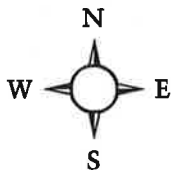


Figure 3.5-6: No Build AM Peak Hour Traffic
 Sheldrake River Project
 Village of Mamaroneck, Westchester County, New York
 Base: USDOT 7.5-minute Planimetric Map, Mamaroneck Quad
 Approx. Scale: 1 inch = 660 feet



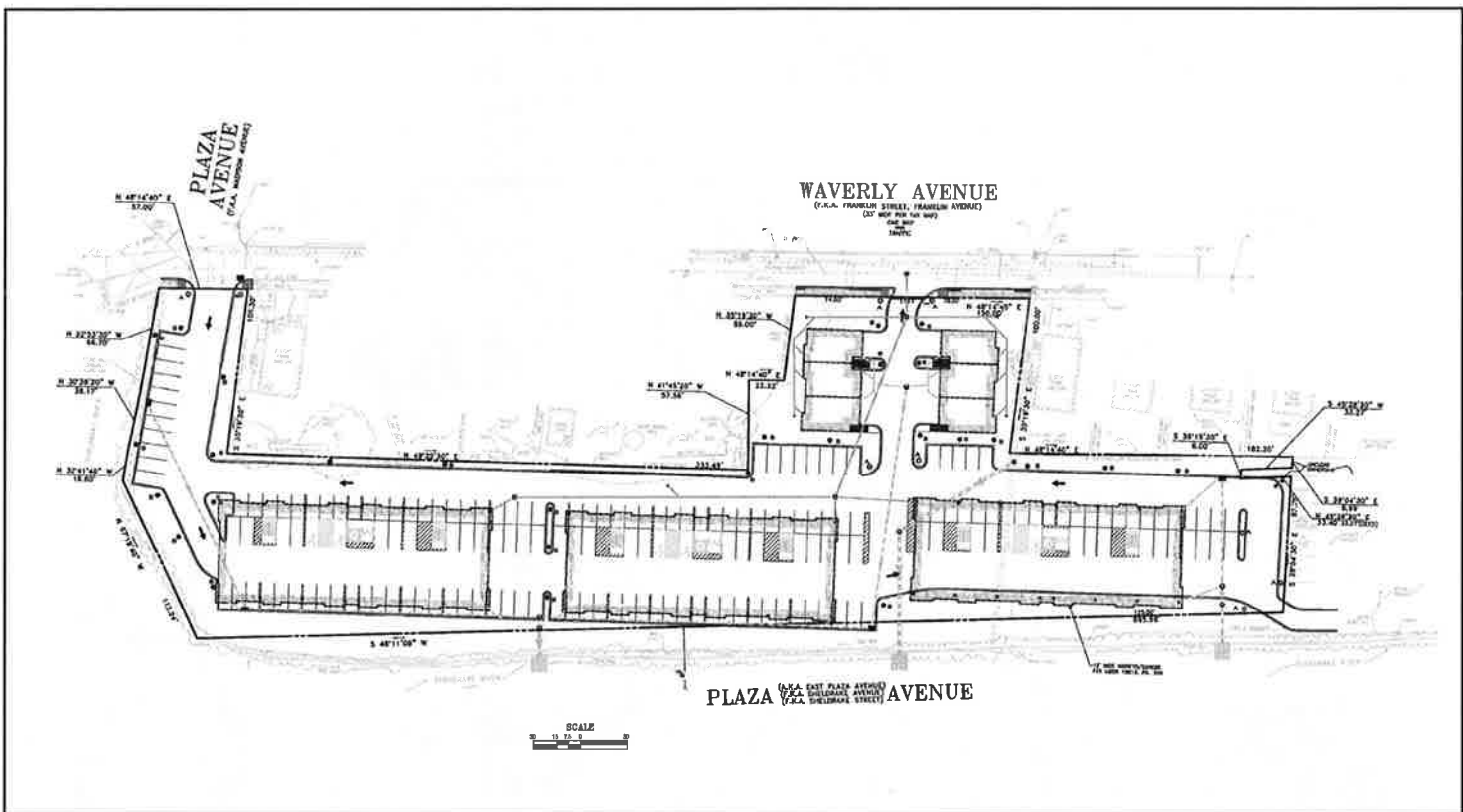


Figure 3.5-8: Proposed Site Plan
Sheldrake River Project
Village of Mamaroneck, Westchester County, New York
Source: Bohler Engineering, P.C., 01/05/06
Scale: Graphic

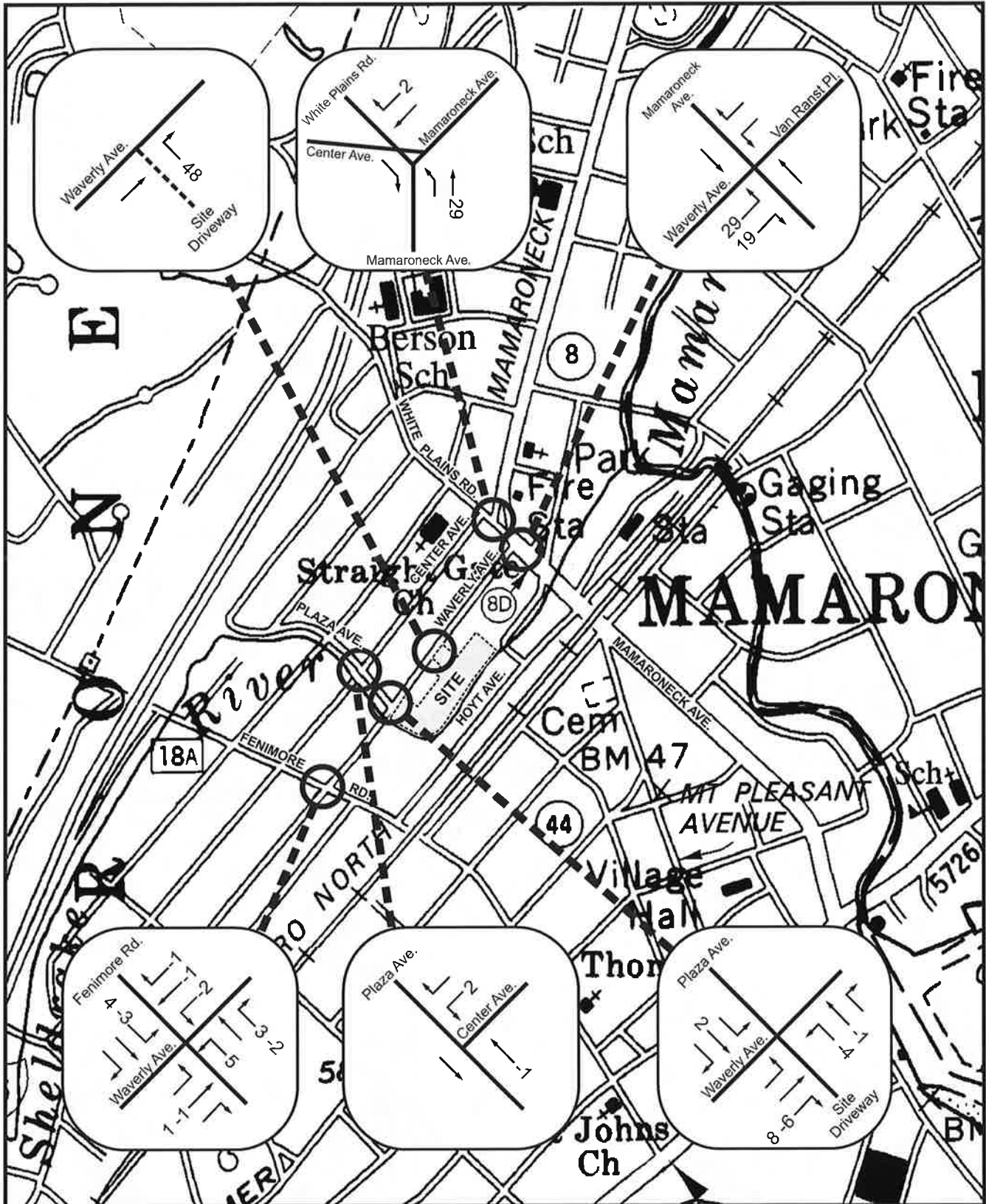
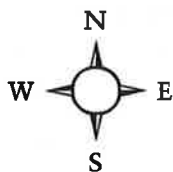


Figure 3.5-10: Site Generated AM Peak Hour Trips
 Sheldrake River Project
 Village of Mamaroneck, Westchester County, New York
 Base: USDOT 7.5-minute Planimetric Map, Mamaroneck Quad
 Approx. Scale: 1 inch = 660 feet



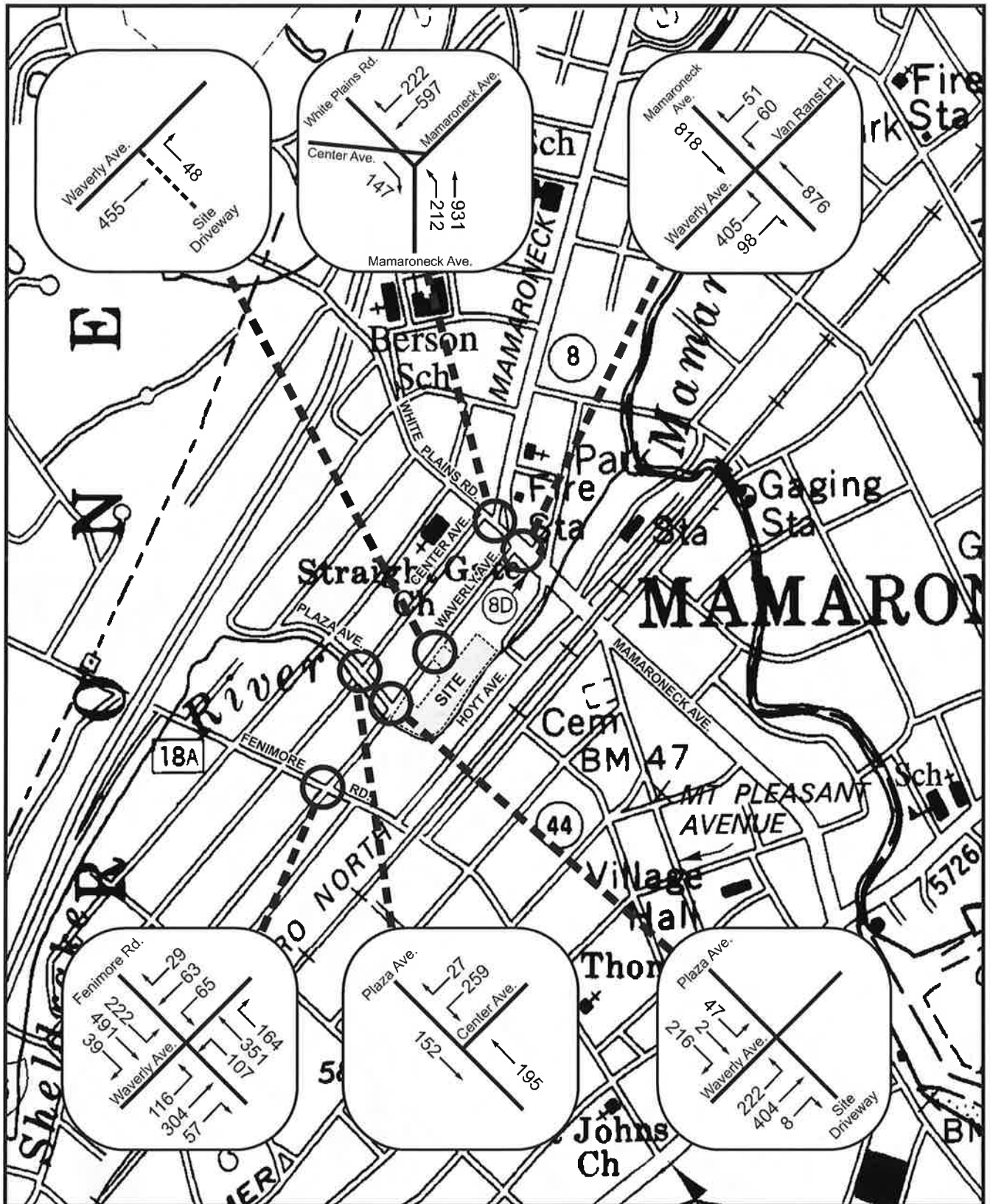
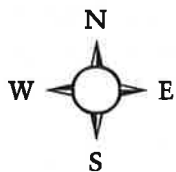


Figure 3.5-12: Build AM Peak Hour Traffic
 Sheldrake River Project
 Village of Mamaroneck, Westchester County, New York
 Base: USDOT 7.5-minute Planimetric Map, Mamaroneck Quad
 Approx. Scale: 1 inch = 660 feet



and maximize highway capacity. Furthermore, the common principals stated therein includes encouraging new development in existing urbanized areas where transportation services are available.

The proposed project is not expected to overburden the surrounding roadway network or result in a decline in traffic operations. The project is expected to generate 58 vehicular trips in the a.m. peak hour and 67 trips in the p.m. peak hour. Accounting for existing site traffic to be eliminated, the site would generate a net increase of 47 a.m. peak hour trips and 60 p.m. peak hour trips as compared to the Existing Conditions (assuming Blood Brothers Auto Wrecking in operation).

Peak hour delays were calculated to establish the quality of operation (level of service) of the intersections studied under the existing condition, future condition without the project and the future condition with the project. No lane group is anticipated to decline in level of service resulting from the proposed project. Delays will be slightly reduced and safety improved at the Waverly Avenue/Plaza Avenue intersection by removing the site's existing egress at this intersection.

Waverly Avenue Bridge

The proposed project has parking near the intersection of Plaza Avenue/Waverly Avenue and no buildings are proposed for this area on-site. Therefore, the project would not impede a future realignment of the Waverly Avenue Bridge. According to the Town of Mamaroneck Department of Public Works representatives, the Waverly Avenue Bridge is proposed for rehabilitation and not replacement at the current time.

The proposed "entrance only" circulation of the proposed site plan does not require any change in the location of the Waverly Bridge. Since vehicles will not be exiting the site at Plaza Avenue/Waverly Avenue, site distance from the project site is not longer an issue and provides a safer condition than currently exists. As described above, the Town of Mamaroneck has budgeted funds for rehabilitating the Waverly Avenue bridge improvements.

urban/suburban development and a major transportation corridor. No natural areas of significant scenic value were identified within the viewshed of the project site that would be sensitive to changes in the visual environment.

3.6.2 Potential Impacts

Construction of the proposed action would replace a visually unattractive commercial property with a residential development of 4.5 story buildings including landscaping, parking areas and driveways. As noted above, the project site includes two (2) 2-story warehouse style buildings and three (3) residential structures on a paved lot adjacent to Waverly Avenue. An elevation showing the proposed residential buildings is provided as Figure 2-5 Proposed Building Elevations.

The introduction of three (3), 4.5 story buildings would alter the views of the residents on the north and south sides of Waverly Avenue. The upper floors of the proposed buildings would be expected to be visible by pedestrians and drivers along Waverly Avenue. The proposed development would also be partially visible by pedestrians and vehicles along Hoyt Avenue. Mamaroneck Avenue includes a mixture of one, two and three-story buildings, which are primarily of retail use. The structures of the proposed action would not likely to be visible from Mamaroneck Avenue due to the above-mentioned existing buildings, which front Mamaroneck Avenue. The distance from the project site to Mamaroneck Avenue is approximately 350 feet.

Photographs of views on the streets surrounding the project site and into the project site are provided as Figures 3.6-1 through 3.6-9. The photographs provide descriptions of the views. Specifically, Figures 3.6-2, 3.6-3, 3.6-6, 3.6-7 and 3.6-9 are views into the project site from surrounding or nearby streets. As shown in the Figures, the proposed residential buildings would be partially visible between existing buildings and above existing buildings from surrounding streets.

Although the proposed residential buildings or building roofs may partially or fully visible from adjoining and nearby streets, the proposed buildings would be in context with the surrounding urban residential setting. The proposed buildings would have classical architecture with roof dormers and cupolas in order to break-up the roof line. The appearance and overall density of the proposed project would be compatible with the other multiple-family residential developments located in the area surrounding the project site. No views of significant visual resources will be blocked as a result of the proposed action.

The proposed landscaping plan provides a six foot screening fence along the property line for the existing residents along Waverly Avenue (see Figure 3.6-10 Landscaping Plan). Options for landscaping along the northwestern edge of the site, adjacent to the residences along Waverly Avenue are limited due to the provision of access driveways and the setback and landscaped buffer required along the Sheldrake River. The southeastern edge or the property, along the Sheldrake River, will be heavily landscaped with a combination of trees and shrubs. The proposed landscaping would buffer and soften views of the proposed development from the existing buildings along Hoyt Avenue.



Figure 3.6-2: View of the Proposed Site Entrance
Sheldrake Estates
Town of Mamaroneck, Westchester County, NY
Source: TMA Photo
Date: 06-06-05



**Figure 3.6-4: Looking Southwest Down Waverly
Sheldrake Estates**
Town of Mamaroneck, Westchester County, NY
Source: TMA Photos
Date: 01-13-05



Figure 3.6-6: Looking Southwest down East Plaza (the Alley)
Sheldrake Estates
Town of Mamaroneck, Westchester County, NY
Source: TMA Photos
Date: 02-22-06



Figure 3.6-8: View looking Southwest down Hoyt Avenue
Sheldrake Estates
Town of Mamaroneck, Westchester County, NY
Source: TMA Photos
Date: 02-13-06

1/2

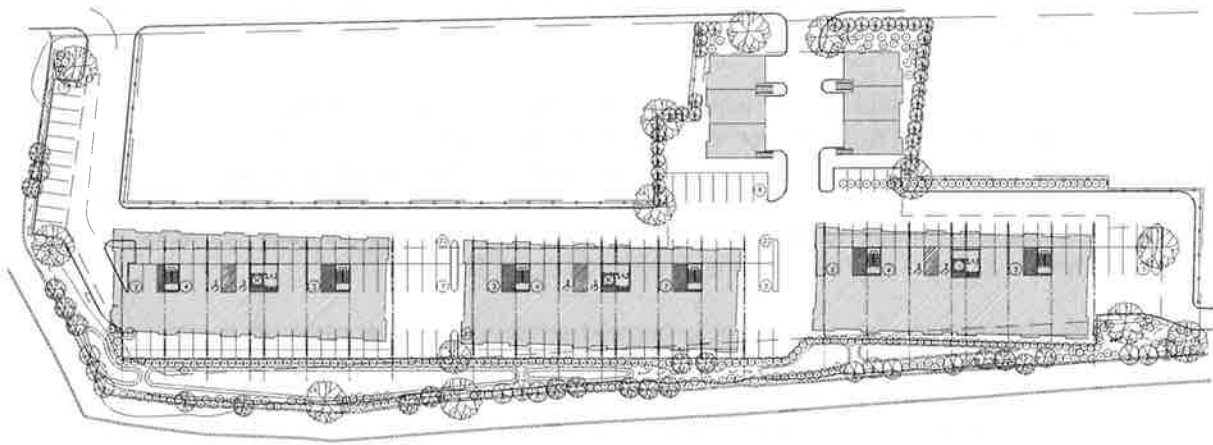


Figure 3.6-10 : Landscaping Plan
Sheldrake River Project
Village of Mamaroneck, Westchester County, New York
Source: Blades & Goven Landscape Architect, 02/27/06
Scale: Graphic

3.7 COMMUNITY FACILITIES

3.7.1 Existing Conditions

The proposed rezoning and residential development of the project site is expected to improve conditions of a parcel located along the edge of an established residential neighborhood in the Washingtonville section of the Village. It is also expected to strengthen the designated village center of Mamaroneck as a residential/commercial community as it is within walking distance of the main street business district, Columbus Park and the train station. Introduction of residential use on the site will be consistent with area land use patterns, which is solidly residential to the north and primarily residential to the south.

The proposed development consists of 114 condominiums designated as 1-, 2- or 3-bedroom units. Table 3.7-1 below summarizes the total floor area by bedroom allocation.

Table 3.7-1 Summary of Floor Areas by Bedroom Allocation		
	Number of Units Proposed	Average Unit Area (SF)
One Bedroom	36	775
One Bedroom	36	900
Two Bedroom	36	1,175
Three Bedroom	6	1,550
Table prepared by Tim Miller Associates, Inc., 2005.		

Parking for residents is provided on grade and underneath the residences. Additional parking is to be provided along the periphery of the project site for both site residents and the public. Once fully occupied, the project is expected to house a population of approximately 165 persons, based on standard demographic multiplier rates for one-, two-, and three-bedroom townhomes in the Northeast region found in the Urban Land Institute's 1994 *Development Impact Assessment Handbook*. The number of residents housed and the number of school children residing at the development is expected to be relatively low, due to the greater number of one-bedroom units proposed. Potential impacts on community service providers are discussed below.

3.7.1.1 Police Protection

The nearest Mamaroneck Police Department station is located at 169 Mt. Pleasant Avenue, approximately 0.7 miles from the project site. The Town of Mamaroneck Police Department has 39 active officers. Estimated response time to the project site is less than 5 minutes.

3.7.1.2 Fire Protection/Ambulance

The Village of Mamaroneck Fire Department provides full fire suppression, rescue services, and fire prevention education to all residents of the Village of Mamaroneck. The Department maintains 5 fire engines, 2 ladder trucks, and a support service utility truck. Five (5) fire department stations are located within the village, with the closest, at 643 Mamaroneck Avenue, located less than 0.25 of a mile from the Sheldrake Condominiums project site.

project site. The EMS station, located at 220 South Barry Avenue, is 1.2 miles from the project site. The nearest hospital is the New Rochelle Hospital and Medical Center, located at a distance of 3.4 miles.

The proposed new structures will be sprinklered and will meet all requirements of state and local building and fire protection codes. Fire hydrants will be provided on the project site. The project has also been designed to provide adequate internal driveway and aisle widths for fire truck access within the site. The proposed layout has been provided to the Village of Mamaroneck Fire Department for their review and comment. The applicant will work with the Fire Department to address any concerns regarding emergency service access and issues.

Based on planning standards contained in the Urban Land Institute's 1994 Development Impact Handbook, it is estimated that 1.65 fire personnel per 1,000 population is required to serve a new population. The anticipated increase in population of 165 persons would generate a demand for 0.27 additional fire personnel. Again, the ULI multipliers assume no existing services, thus the actual demand for personnel is expected to be somewhat lower.

The amount of calls that would be expected on an annual basis from the additional 114 households would not be expected to overwhelm the resources of these emergency service providers, or significantly increase demands for their services. Also given the proximity of the project site to fire and ambulance facilities and the low scale of the proposed buildings, no adverse impacts are anticipated to fire and ambulance services.

Schools

A letter was sent to the Mamaroneck Union Free School District and their response is awaited. Approximately 7 to 8 school age children are expected to reside at the proposed development once it is fully occupied, based on multipliers for school-age children for two- and three-bedroom condominiums in the Northeast Region found in the Urban Land Institute's 1994 *Development Impact Assessment Handbook*. These new children would slightly increase enrollment in the local school district. It is anticipated that some future residents may relocate to the project from homes or apartments in the Village of Mamaroneck where their children already attend local schools. Any new students would be spread out over various grade levels. Therefore, increase in enrollment at each local public school as a result of the proposed project is expected to be somewhat lower than 8 students. Table 3.7-2 shows the schools in the Mamaroneck Union Free School District with the current enrollment.

Children residing at the Sheldrake Condominium development would be expected to attend Mamaroneck Elementary School, which is located on Mamaroneck Avenue, approximately 0.5 mile north of the project site. Recent (2004) enrollment at the Mamaroneck Elementary School totals 577 pupils. Based on the projected increase in School District enrollment of up to 8 students it is expected that there will not be a significant impact on the School District, with the District being able to easily absorb this increase in enrollment. It should also be noted that tax revenues generated by the proposed development will help to offset costs associated with the increase in new students, as half of the proposed construction is for single bedroom units, with no projected school age residents.

Table 3.7-3			
Sheldrake Estates Tax Lot Numbers			
Section	Block	Lot #	Assessed Value
8	23	229	\$47,500
8	23	280	\$5,000
8	23	285.1	\$13,500
8	23	285.2	\$500 *
8	23	389.1	\$13,000
8	23	389.2	\$15,500
Total Assessed Value			\$94,500
Source: Town of Mamaroneck Assessor & Tax Receivers Office			
Table prepared by Tim Miller Associates, Inc., 2006.			
* The tax lot 8-23-285.2 merged with lot 8-23-285.1 in the 1996 tax roll and is therefore excluded in the calculation of assessed value of the property.			

Table 3.7-4 provides a summary of the taxes paid by the subject property in 2005 to the Town and the Village of Mamaroneck. Existing annual property taxes paid to the Town and Village of Mamaroneck are approximately \$98,090 according to 2005 tax bills (for the school district, the bill is for the 2005-2006 school year).

Table 3.7-4							
2005 Property Tax Revenues, Town of Mamaroneck							
Taxing Jurisdiction	Tax Rate (per \$1,000 AV*)	Tax Map# 8-23-229	Tax Map# 8-23-280	Tax Map# 8-23-285.1	Tax Map# 8-23-389.1	Tax Map# 8-23-389.2	Property Tax Revenues
Westchester County	\$150.81	\$7,163.48	\$754.05	\$2,035.94	\$1,960.53	\$2,337.56	\$14,251.56
Town of Mamaroneck	\$12.19	\$579.03	\$60.95	\$164.57	\$158.47	\$188.95	\$1,151.97
County Sewer	\$21.60	\$1,026.00	\$108.00	\$291.60	\$280.80	\$334.80	\$2,041.20
County Refuse	\$18.31	\$869.73	\$91.55	\$247.19	\$238.03	\$283.81	\$1,730.31
Ambulance	\$2.20	\$104.50	\$11.00	\$29.70	\$28.60	\$34.10	\$207.90
Village of Mamaroneck	\$226.60	\$10,763.50	\$1,019.70	\$3,059.10	\$2,945.80	\$3,512.30	\$21,300.40
Library	\$17.75	\$843.12	\$79.88	\$239.63	\$230.75	\$275.13	\$1,668.50
School District	\$589.83	\$28,016.93	\$2,949.15	\$7,962.71	\$7,667.79	\$9,142.37	\$55,738.95
TOTAL		\$49,366.29	\$5,074.28	\$14,030.44	\$13,510.77	\$16,109.02	\$98,090.79
Source: Town of Mamaroneck and Village of Mamaroneck Tax Receiver's Office; Tim Miller Associates, Inc., 2006.							
* The tax lot 8-23-285.2 merged with lot 8-23-285.1 in the 1996 tax roll and is therefore excluded in the calculation of current property tax revenues.							

Westchester County receives approximately \$14,252 annually in property tax revenues generated by the Sheldrake Estates site.

Town and Village of Mamaroneck

The Town of Mamaroneck receives a total of \$1,152 annually in property tax revenues while the Village of Mamaroneck receives \$21,300.40 in property tax revenues from the project site currently.

Community Facilities

March 13, 2006

value and the town's assessed value was used to estimate the assessed value of the proposed condominiums. Therefore based on this approach, a rate of 1.1% (which is 0.87% less than the 1.97% equalization rate of the Town) is used as a multiplier to the market value for estimating the assessed value. Table 3.7-5 summarizes the assessed value of the proposed development.

Table 3.7-5 2005 Assessed Value of Sheldrake Estates			
Development Type	No. Of Units	Projected Market Value	Projected Assessed Value
One Bedroom Condominiums	76	\$21,600,000	\$237,600
Two Bedroom Condominiums	36	\$11,340,000	\$124,740
Three Bedroom Condominiums	6	\$1,980,000	\$21,780
		\$34,920,000	\$384,120

Table prepared by Tim Miller Associates, Inc., 2005.

Table 3.7-6 summarizes the annual property tax revenues that would be generated by the development. The Town of Mamaroneck would receive property tax revenues of \$4,682 annually. The State and Westchester County would receive \$57,929 annually while the Village of Mamaroneck would receive \$87,042 in property tax revenues. The Sewer and the Refuse District are anticipated to receive an estimated \$8,297 and \$7,033 in taxes respectively from the proposed development. Tax revenues to be paid to the Ambulance District total \$845 annually. This tax is used to fund the costs for emergency services to the development.

Table 3.7-6 Projected Tax Revenues - Sheldrake Estates		
	Rate (per \$1,000 AV*)	Property Tax Revenues
Taxing Jurisdiction		
State and County Tax	150.81	\$57,929
Town of Mamaroneck	12.19	\$4,682
Sewer District	21.60	\$8,297
Refuse District	18.31	\$7,033
Ambulance District	2.20	\$845
Village of Mamaroneck Tax	226.60	\$87,042
Library Tax	17.750	\$6,818
School District	589.83	\$226,566
TOTAL		\$399,212

Source: Town of Mamaroneck, Tax Receiver's Office; Tim Miller Associates, Inc.

Westchester County

Westchester County would receive \$57,929 annually in property tax revenues. Additional revenues would accrue to the County sewer district in the Town Mamaroneck.

4.0 ALTERNATIVES

Section 617.9(b)(5) of New York State's Environmental Quality Review Act (SEQRA) requires the Applicant to describe and evaluate the range of reasonable alternatives to the proposed action which are feasible, considering his the objectives and capabilities. The project Scope further specifies that the Applicant will evaluate the No Action Alternative, a Commercial Alternative consistent with the M-1 Manufacturing District in which the bulk of the project site lies, and a Less Dense Residential Alternative at RM-2 Zoning.

The proposed Action is described in detail in the Project Description section of this document and thoroughly assessed in various sections of this report. The following is an assessment of alternatives to the proposed action as required by SEQRA, and specified in the Scope.

4.1 No Action Alternative

In accordance with SEQRA, the adverse, and beneficial changes to the site, and surrounding area, that are likely to occur in the reasonable and foreseeable future in the absence of the proposed action must be evaluated. In this instance, the No Action Alternative represents no development of, or improvements to, the project site. The site would remain in its current unattractive, undeveloped and underutilized state, and there would be no physical improvement on, or disturbance of, the property. The No Action Alternative, however, is not one that is likely to occur given the objectives of the project sponsor. For the No Action Alternative to be implemented, the Village, or a private entity, would need to acquire the site.

A summary of impacts of this alternative, compared to the other alternatives evaluated, follows.

Land Use, Zoning, and Public Policy: With no improvements to the site under the No Action Alternative and no construction, the project site would remain vacant, with no resulting beneficial land use or zoning impacts. A vacant lot adjoining residences and close to the Village business district represents an underutilized property. The two vacant buildings and two residences now on the project site would remain, and the use of the majority of property would continue to be inconsistent with surrounding land uses and the goals set forth in the Village Master Plan. The creation of the proposed housing, in an area where similar residential uses exist, and where there is a strong demand for such housing, would not be realized.

Traffic: The No Action Alternative would not alter the existing traffic patterns in the vicinity of the site. No additional traffic would be generated by the site and no impacts to traffic would result.

Community Resources: With the project site remaining vacant, there would be no impacts to community services, and no significant increases in municipal property tax revenues generated by the project site to fund community services.

Water/Natural Resources/Vegetation & Wildlife: Under the No Action Alternative, the disturbance of the site and the introduction of buildings and associated infrastructure on the site would not occur. Untreated stormwater runoff would continue to be discharged directly from the former junk yard site to the Sheldrake River.

net fiscal benefits from tax revenues generated from the new manufacturing facility, as provided in Table 4-1, below.

Visual Resources: This alternative would introduce a new three-story manufacturing facility to a site currently containing two 2-story manufacturing buildings. Under this alternative, there would be no significant beneficial change to the visual environment as a result of the M-1 Alternative. The manufacturing building would be largely screened from general public views. by the existing surrounding residential and manufacturing development.

Construction: Under this alternative, short term impacts associated with construction, including construction traffic and construction-generated noise, would occur.

4.3 RM-2 Alternative

The RM-2 Alternative would involve a reduced density residential development plan for the site consisting of two, 3.5 story residential buildings (including parking). This alternative would involve a residential development of 62 residential condominium units. This alternative also involves disturbance and development of the majority of the property. The sixty two unit RM-2 Alternative does not represent any significant reduction in the overall area of physical development of the site. This alternative would result in significantly fewer housing units than the proposed project, and given the financial considerations of the alternative, it would not meet the objectives of the applicant.

Land Use, Zoning, and Public Policy. The RM-2 Alternative would result in the positive benefits of rezoning a manufacturing zone to a residential zone, allowing the property to be consistent with predominant local land uses, as described in this document. The alternative would result in the replacement of an underutilized manufacturing use with a residential development compatible with adjoining properties to the north and connecting the property to the Washingtonville residential neighborhood.

Traffic: The RM-2 Alternative would result in an overall increase in the traffic generated from the property, compared to existing conditions. The projected increase in traffic would be less than projected for the proposed project, as shown in Table 4-1, below.

Community Resources: This alternative would result in a modest increase in the demand for community services, such as police and emergency services, given the residential use introduced to the property. A residential development would generate tax revenue for the Village and Village services, substantially beyond the taxes currently generated by the underutilized property.

Water/Natural Resources/Vegetation & Wildlife: The RM-2 Residential Alternative would involve the introduction of buildings and associated infrastructure on a property that is currently entirely developed. No significant impacts to vegetation and/ or wildlife is anticipated under this alternative due to the absence of such natural resources on the site. A new residential development would require the installation and maintenance of current stormwater treatment facilities, thereby improving stormwater quality from the project site.

Demographics/Fiscal Conditions: The RM-2 Alternative would result in an added population to the Village of approximately 90 persons, based upon standard demographic multipliers. Base upon standard multipliers (*ULI Development Impact Assessment Handbook*,

involve the installation of a sewer line either over or under the Sheldrake River and under the Metro North railroad tracks.

The Village Engineer will require more detailed plans and analysis for the proposed connection via Plaza Avenue. This analysis will be provided as part of the site plan review process with the Village.

4.5 Impact Comparison

The table below summarizes the quantitative impacts associated with the proposed Action and the three alternatives examined for the Sheldrake Estates project.

Table 4-1				
Alternatives: Sheldrake Estates				
Area of Concern	<i>No Action</i>	<i>Proposed Action</i>	<i>Alternative M-1</i>	<i>Alternative 2 RM-2</i>
Land Use/Zoning/ Public Policy				
Parcel Area	2.31	2.31	2.31	2.31
Residential Units	0	114	0	62
Zoning	M-1/R-4F	R-3F/R-4F	M-1	RM-2
Site Coverage				
Total Construction Disturbance	0	2.31	2.31	2.31
Total Impervious Surfaces	2.18	1.62	1.61	1.40
Total Landscaped Area	0.13	0.69	0.70	0.91
Community Resources				
Population	0	165	0	90
Water Demand/Sewage Flow (gpd)	0	38,500	7,650	38,500
Revenues to School District	0	\$226,566	\$59,620 *	\$129,730
Revenues to County	0	\$57,929	\$15,152 *	\$33,170
Revenues to Village ¹	0	\$87,042	\$22,767 *	\$49,840
Traffic²				
Traffic Generation (Total PM Peak Hour Trips/ Total Saturday Peak Hour Trips)	0/0	46/46	22/26	58/44
Source: Tim Miller Associates, Inc.				
* The revenues to the various jurisdictions for the M-1 Alternative are based on an assumption of \$10 per square foot for the manufacturing space.				

¹ Information necessary to finalize the analysis of revenues has been requested from the Town and Village of Mamaroneck by TMA and is forthcoming.

² For the Proposed Action, the model unit is assumed to be equivalent of one residential unit.

Unavoidable Adverse Impacts

March 13, 2006

Build Condition except for the Waverly Avenue approach to Plaza Avenue continues unchanged from the Existing condition's level of service F. Since removing the site egress from that intersection should reduce delay and increase safety, no further traffic mitigation measures are proposed for the development.

- ◆ Increase demand for community services - the projected 165 residents would increase the demand for police, school, fire protection and social services, water supply, road maintenance and solid waste disposal. Additional revenue provided via property taxes from the developed project to the Town would offset some or all of the costs of the potential increase in Town services resulting from this project.

7.0 IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

The proposed rezoning and residential development of the project site is expected to improve conditions of the property located on the edge of an established residential neighborhood in the Washingtonville section of the Village. It is also expected to strengthen the designated village center of Mamaroneck as a residential/commercial community as it is within walking distance of the main street business district and Columbus Park. Introduction of residential use on the site will be consistent with area land use patterns, which are solidly residential to the north and primarily residential to the south.

The proposed rezoning and residential development is consistent with the most current Village of Mamaroneck Master Plan, prepared by Buckhurst, Fish, Hutton and Katz, Planning Consultants, that was adopted by the Village in November, 1986. The Master Plan describes neighborhoods in the Village by neighborhood census areas. The project site lies at the border between the Washingtonville residential section of the Village, which is directly north of the site, and the industrial section of the Village, which lies mostly to the west of the site, across from the Sheldrake River (see Figure 2.3 – Zoning Map). A small area of manufacturing zoned land lies between the Sheldrake River and Hoyt Avenue to the south. The Master Plan maps the subject site as part of the Washingtonville residential district, although it is zoned manufacturing. Rezoning the project site would make the site's zoning and uses consistent with adjoining residential properties north of the site.

The proposed development consists of 114 condominiums designated as 1-, 2- or 3-bedroom. Parking for the residents of these units is generally provided on grade and underneath the residences, additional parking is to be provided along the periphery of the project site for both site residents and the public. Once fully occupied, the project is expected to house a population of approximately 165 persons, based on standard demographic multiplier rates for one, two, and three-bedroom townhomes in the Northeast region found in the Urban Land Institute's 1994 *Development Impact Assessment Handbook*. The number of school children residing throughout the development when fully occupied is expected to be only approximately 7 to 8 children, due to the large number of one-bedroom units proposed.

No significant direct or indirect impacts to community facilities are anticipated as a result of the project. The nearest existing school in this section of the Village is the Mamaroneck Avenue School. No indirect impacts to this school are anticipated as a result of traffic generated by the proposed project. Any seniors residing at the Sheldrake condominium project would have easy access to senior services provided along the commercial corridor of Mamaroneck Avenue.

Courtney Wong

From: Stuart Tiekert
Sent: Friday, May 15, 2020 6:17 PM
To: Harbor & Coastal Zone Management; Harbor & Coastal Zone Management
Subject: Fw: Jefferson RR Parking Work

Follow Up Flag: Follow up
Flag Status: Completed

Dear Chairperson Burt and Members of the HCZMC,

I am writing because I see that there is a discussion item on your agenda about "Department of Public Works Sensitive Area Process" but there is nothing attached to discuss.

Below is the email I sent the Commission after your last discussion on this matter. It provided some of the information that I believe the commission was asking about at the last meeting.

Because, this entire discussion is based on communications and photos provided by the public I also believe 103-e of the Open Meetings Law requires those records availability on the website agenda.

I look forward to your discussion.

Sincerely,

Stuart Tiekert

----- Forwarded Message -----

From: stuart tiekert <tiekerts@yahoo.com>
To: hczmc@vomny.org <hczmc@vomny.org>; hczm@vomny.org <hczm@vomny.org>
Cc: Mayor and Board <mayorandboard@vomny.org>; Jerry Barberio <jbarberio@vomny.org>; gcutler@vomny.org <gcutler@vomny.org>; cfte@vomny.org <cfte@vomny.org>
Sent: Friday, May 1, 2020, 07:32:23 AM EDT
Subject: Jefferson RR Parking Work

Dear Chair Burt and HCZMC Commissioners,

I hope this finds everyone as well and happy as possible in these extraordinary times.

I am writing because I heard the Commission's conversation about the work in the Jefferson Avenue RR parking lot adjacent to the Mamaroneck River

Thank you for discussing the topic.

Procedurally, in the future, if you plan on having a discussion based on a communication you have received I believe 103-e of the Open Meetings Law requires that the communication be made available to the public prior to the meeting. In this case, the communication contained a photograph that would have helped folks understand what was being discussed.

I agree with Chairman Burt that the Commission's place in this matter is to insure that Village staff is aware of and follows best management practices (BMP) when doing work.

Village staff is currently required by the Village's State Pollutant Discharge Elimination System (SPDES) permits to follow BMPs regarding stormwater, but seldom do.

After the Jefferson Avenue Bridge debacle, when three million gallons of raw sewage was dumped into the Mamaroneck River the Village was fined \$17,000 by the New York State Department of Environmental Conservation (NYSDEC) and required to create the Stormwater Pollution Prevention Plan (SWPPP) which had previously not been done. Arguably, the area of disturbance in this current work would have required a SWPPP also.

I believe Mr. Cutler was incorrect that what was done this year was the same as in past years. As I reported previously, this year was a major operation. I went by the site twice, here is what I saw there; both of the Village's large bulldozers (one with a bucket on it and the other with the leaf claws), two dump trucks, two pick-up trucks and half dozen men. I believe the work went on for at least two days.

From my observation and how the vegetation is returning, the berm at the top of the embankment, formed by previous silt removal projects, was leveled off with much of it being removed from the site. Commissioner Roney was correct, there were tire tracks all over the area.

This [link](#) will take you to the Village's Stormwater Management page. If you scroll down to the second link from the bottom you will see Stormwater Management Plan, a requirement of our SPDES permit. If you open it and go to PDF page 187 you will find best management practice EC-12 - Stream Bank Stabilization. In fact, the last hundred plus pages are all BMPs.

The Village's Municipal Separate Storm Sewer System (MS-4) program, required under our SPDES permit, tracks the Village's compliance with the Minimal Control Measures required by the Environmental Protection Agency. The Village is required to file an MS-4 Annual Report annually by June 1.

[Here](#) is a link to last year's Annual Report. There are few significant inaccuracies in it but in general the data reporting is correct. The Annual Reports indicate that no training has been done for DPW employees in five years.

After my last email to the Village about the parking area, four hay bales and a strip of silt fence were placed at the head of the eroded trench to the river. [Here](#) is link to the construction detail from the Village's website of how silt fence is to be installed. Please note that the bottom edge is required to be buried in the ground. The silt fence at the site simply lays on top of the exposed rocks at the bottom of trench so consequently most of the water just flows under it. The haybales supply minimal erosion control.

Clearly, a better, long term solution for this problem needs to be arrived at.

I look forward to the Commission further discussions on this matter and would be happy to provide any additional information you need.

Sincerely,

Stuart Tiekert

Chapter 294 references The New York State Standards and Specifications for Erosion and Sediment Control.

One of the items in the Appendix is

I agree with Chairman Burt that the Commission place is this matter is to insure MCM6 - Stormwater Management for Municipal Operations

How many stormwater management trainings have been provided to municipal employees during this reporting period?

Courtney Wong

From: Sullivan, Ethan R (DEC) <Ethan.Sullivan@dec.ny.gov>
Sent: Wednesday, April 01, 2020 3:26 PM
To: Hernane De Almeida
Subject: RE: MS4 ANNUAL REPORTING

Hello Hernane,

Please see the message below from the Director of Water Permits, Carol Lamb-Lafay, regarding the MS4 reporting and implementation requirements.

In light of recent events related to COVID-19, we recognize that issues related to access to program records and need for public participation may result in delays with meeting the June 1, 2020 deadline for submission of the MS4 annual report for the reporting period of March 10, 2019 through March 9, 2020. Given the uncertainty of the situation, MS4 operators should do their best to comply with the June 1st deadline. If circumstances prevent the timely submission of a complete annual report, MS4 operators should submit the complete annual report as soon as reasonably possible and provide the reasons for delay with the annual report submission.

Annual reports may be submitted electronically with a signed Municipal Compliance Certification page to Stormwater_info@dec.ny.gov.

MS4 Operators may consider the limitations and restrictions imposed by the COVID-19 crisis in determining the level of implementation that would be needed to meet the maximum extent practicable (MEP) standard imposed by the MS4 General Permit.

If you have any other questions, please let me know. Otherwise, I wish you and your family health and safety in these challenging times. Best of luck moving forward!

Ethan Sullivan

From: Hernane De Almeida <HDeAlmeida@vomny.org>
Sent: Monday, March 30, 2020 11:25 AM
To: Sullivan, Ethan R (DEC) <Ethan.Sullivan@dec.ny.gov>; Olf, Emanuel (DEC) <Emanuel.Olf@dec.ny.gov>
Subject: RE: MS4 ANNUAL REPORTING

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

I hope you, your co-workers and families are healthy and safe during this unique time.

Thank you for your quick response and the ENB link. We look forward to receiving the policy change whenever its available.

Regards,

Hernane De Almeida, P.E.
Village Engineer

Village of Mamaroneck

123 Mamaroneck Avenue, Mamaroneck, N.Y. 10543
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<http://www.village.mamaroneck.ny.us> | 

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From: Sullivan, Ethan R (DEC) <Ethan.Sullivan@dec.ny.gov>
Sent: Monday, March 30, 2020 11:09 AM
To: Oloff, Emanuel (DEC) <Emanuel.Oloff@dec.ny.gov>
Cc: Hernane De Almeida <HDeAlmeida@vomny.org>
Subject: RE: MS4 ANNUAL REPORTING



Hey Manny and hello caller,

Yes, there has been a change of policy and we will be sending a message to MS4s once we have gained administrative approval on it. I was told we can expect to send that out sometime this week.

In short, the Department will be allowing an extension to the annual report deadline in light of COVID-19 and any issues it is presenting. The Department will also be including a statement regarding other permit requirements, considering the current constraints in staffing and resources.

To stay up to date on this, please check the Environmental News Bulletin (ENB) from time to time this week for the message (<https://www.dec.ny.gov/enb/enb.html>). In the meantime, please continue to implement the permit the best you can and stay healthy. If you would like to discuss it further, please feel free to contact me. I can also forward anything I am told to disseminate along to you regarding this.

Thanks,
Ethan Sullivan

From: Oloff, Emanuel (DEC) <Emanuel.Oloff@dec.ny.gov>
Sent: Monday, March 30, 2020 10:25 AM
To: Sullivan, Ethan R (DEC) <Ethan.Sullivan@dec.ny.gov>
Cc: HDEALMEIDA@VOMNY.ORG
Subject: MS4 ANNUAL REPORTING

Ethan

A caller has some concerns regarding the MS4 annual reporting. Seems he is difficulties pulling records from staff in light of our new reality with the complete stoppage of nonessential work.

“Is there a new policy in place for annual reporting,” caller requests something writing either way.

Caller cc'd on email

Courtney Wong

From: Victor Tafur
Sent: Tuesday, May 19, 2020 2:36 PM
To: Jerry Barberio
Cc: Mayor and Board; Daniel Sarnoff; Agostino Fusco; Sally Roberts; Courtney Wong
Subject: Re: MS4

Hi Jerry:

Thanks for the heads up. A couple comments:

1. Presentation at work session is fine, but opportunity for questions and public comment is required per General Permit (see options below).
2. I suggest to focus more on the actual summary and evaluation of actions taken (and follow-up/future actions) than the tedious reporting elements in the form.

Hope this helps (not trying to add more to your load). Glad DEC is being helpful.

—See below from General Permit.

Victor

1. Below are the requirements for the annual report presentation:

i. prior to submitting the final annual report to the Department, by June 1 of each reporting year (see Part V.C.), present the draft annual report in a format that is open to the public, where the public can ask questions about and make comments on the report. This can be done:

- at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report. This may be a regular meeting of an existing board, such as planning, zoning or the town board. It may also be a separate meeting, specifically for stormwater. If multiple covered entities are working together, they may have a group meeting (refer to Part V.C.2); or

- on the internet by:

- making the annual report available to the public on a website;
- providing the public the opportunity to provide comments on the internet

or otherwise; and

making available the opportunity for the public to request an open meeting to ask questions about and make comments on the report. If a public meeting is requested by 2 or more persons, the covered entity must hold such a meeting. However, the covered entity need only hold a public meeting once to satisfy this requirement.

ii. provide public notice about the presentation, making public the following information when noticing the presentation in accordance with the local public notice requirements:

- the placement of the annual report on the agenda of this meeting or location on the internet;
- the opportunity for public comment. This SPDES general permit does not require a specified time frame for public comments, although it is recommended that covered entities do provide the public an opportunity to comment for a period after the meeting. Comments received after the final annual report is submitted shall be reported with the following year's annual report. Covered entities must take into account those comments in the following year;
- the date and time of the meeting or the date the annual report becomes available on the internet; and

- the availability of the draft report for prior review prior to the public meeting or duration of availability of annual report on the internet;

iii. the Department recommends that announcements be sent directly to individuals (public and private) known to have a specific interest in the covered entity's SWMP;

iv. include a summary of comments and (intended) responses with the final annual report. Changes made to the SWMP in response to comments should be described in the annual report; and

v. ensure that a copy of the final report and, beginning in 2009, the SWMP plan are available for public inspection;

2. Annual Report Content

The annual report shall summarize the activities performed throughout the reporting period (March 10 to March 9) and must include at a minimum:

a. The status of compliance with permit conditions, including Watershed Improvement Strategy conditions;

b. An assessment/evaluation of:

i. the appropriateness of the identified BMPs;

ii. progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP; and

iii. the identified measurable goals for each of the MCMs.

c. Results of information collected and analyzed, monitoring data, and an assessment of the small MS4's SWMP progress toward the statutory goal of reducing the discharge of pollutants to the MEP during the reporting period. This could include results from required SWMP reporting, estimates of pollutant loading (from parameters such as identified illicit discharges, physically interconnected small MS4s that may contribute substantially to pollutant loadings from the small MS4) and pollutant load reductions (such as illicit discharges removed). This assessment may be submitted as an attachment;

d. When required to be completed, results of assessments of effectiveness in meeting no net increase requirements or TMDL loadings as required by III. B.1 and 2. These results must be submitted in evaluation forms and as an attachment;

e. A summary of the stormwater activities planned to be undertaken during the next reporting cycle (including an implementation schedule);

f. Any change in identified BMPs or measurable goals and justification for those changes;

g. Notice that a small MS4 is relying on another entity to satisfy some or all of its permit obligations (if applicable);

h. A summary of the public comments received on this annual report at the public presentation required in Part VII.A.2. or VIII.A.2. And, as appropriate, how the small MS4 will respond to comments and modify the program in response to the comments;

i. A statement that the final report and, beginning in 2009, the SWMP plan are available for public review and the location where they are available; and

j. The information specified under the reporting requirements for each MCM

SPDES General Permit for Stormwater Discharge from MS4s, GP-0-15-003

On May 19, 2020, at 1:37 PM, Jerry Barberio <jbarberio@vomny.org> wrote:

I'm working on the MS4 report today and tomorrow.

I will have a basic PowerPoint slide presentation and the report with all of the back up collected from Department Heads and others added to the work session by end of week.

I will not do a presentation at the meeting, but it will be an item on the WS if the BOT has questions.

We also have an email from Ethan Sullivan at DEC dated 4/1/2020 telling us that we should try to submit by June 1 as usual but if that is not possible due to the pandemic, they will accept it after the deadline "and provide the reasons for delay with the annual report submission."

So we are good.

Jerry Barberio
Village Manager



Village of Mamaroneck
123 Mamaroneck Avenue
Mamaroneck, NY 10543

Phone 914-777-7706
Fax 914-777-7760
E-mail jbarberio@vomny.org

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