



445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914 761 1300  
F 914 761 5372  
cuddyfeder.com

Anthony B. Gioffre III  
[agioffre@cuddyfeder.com](mailto:agioffre@cuddyfeder.com)

February 13, 2019

**BY HAND DELIVERY**

Chair Robin Kramer  
and Members of the Zoning Board of Appeals  
Village of Mamaroneck  
169 Mt. Pleasant Avenue  
Mamaroneck, NY 10543

Re: East Coast North Properties, LLC  
Application for Area Variances  
Premises: 416 Waverly Avenue, Mamaroneck, New York

Dear Chair Kramer and Members of the Zoning Board of Appeals:

On behalf of East Coast North Properties, LLC (the "Applicant"), we respectfully submit this letter and enclosed materials in furtherance of the requested area variances for expansion of the existing self-storage facility located at the above captioned Premises (the "Project" or "Proposed Action"). The property is classified in the M1-Manufacturing Zoning District and is situated on the northeast corner of Fenimore Road and Waverly Avenue in the industrial section of the Village. Section 342-32(A)(1)(b) of the Village of Mamaroneck Zoning Code ("Zoning Code") provides that storage uses are principally permitted within the M-1 Zoning District.

This letter responds to the comments made by Board members at the July 12, 2018, September 6, 2018 and November 1, 2018 Zoning Board of Appeals ("ZBA") meetings pertaining to the New York State Environmental Quality Review Act ("SEQRA").<sup>1</sup> As requested by the ZBA, submitted with this letter is a comprehensive package of documents that respond to the Board's and Village Consultants' comments.

Accordingly, this letter is limited to the factors a Lead Agency must consider in making a SEQRA Determination of Significance, i.e. those relating to "relevant issues of environmental concern" that must be considered in determining whether to require the preparation of an Environmental Impact Statement (EIS). We reserve our right to respond to the non-SEQR comments, such as those related to the specific area variances, at the appropriate time in the project review.

**Proposed Project**

As the ZBA is aware, the Applicant proposes to expand its existing self-storage facility from 40,492 square feet by constructing a new 56,328 square foot addition (the "Proposed Action"). The

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<sup>1</sup> The Applicant appeared before the Zoning Board of Appeals on July 12, 2018; September 6, 2018; and November 1, 2018. The SEQRA Public Hearing has been continued until the March 7, 2019 Zoning Board of Appeals meeting.

addition will include 321 additional storage units required to meet local customer demand and incorporate 700 square feet of storage- associated retail space<sup>2</sup> along the Waverly Avenue frontage in the existing self-storage building.

There are currently 5 buildings located on the Premises. The 3-story Barn (referred to as “Building A” on Sheet SY-101 of Site Plans prepared by KTM Architect, dated December 6, 2017 and last revised January 14, 2019) and a 2 -story building over covered parking (“Building D”) are located near the rear of the property line, along with an open storage area. At the corner of Fenimore Road and Waverly Avenue there is a 2-story stucco building (“Building B”). The existing self-storage building is located along Waverly Avenue (“Building G”) and there is a 2-story concrete block structure used as the Murphy Brothers Construction (“MBC”) office that is located in the center of the site (“Building C”).

The Proposed Action involves the construction of a new self-storage building (“Building H”) and the demolition of all structures along the rear property line as well as the 2-story concrete block structure in the middle of the lot. The existing self-storage building (“Building G”) will remain and the 2-story stucco building at the corner of Fenimore Road and Waverly Avenue (“Building B”) will be utilized exclusively by MBC as their office operations. After construction, only the self-storage and MBC uses will remain active at the Premises.

#### SEQRA Action

The Proposed Action is a “Type 1” Action pursuant to SEQRA because it involves the expansion of an existing nonresidential facility by more than 50,000 square feet of gross floor area. 6 NYCRR 617.4(b)(6)(iv). Accordingly, the Applicant and its consultants have met with the Village’s Planning consultant and officials, and prepared numerous studies and reports to assist the Board in preparing a record that shows that a “hard look”<sup>3</sup> has been taken to substantiate a determination supported by the facts of this case,<sup>4</sup> that the Proposed Action will not have a “significant” adverse impact on the environment.<sup>5</sup>

<sup>2</sup> The proposed retail store will sell packing and moving materials for the self-storage customers.

<sup>3</sup> The “hard look” doctrine requires that, in reviewing an agency’s determination of environmental significance (or the adequacy of a subsequently prepared EIS), a court, once satisfied that the agency has complied with SEQRA’s procedural requirements, will limit its substantive review of the agency’s SEQRA determination to consideration of whether “the agency identified the relevant areas of environmental concern, took a ‘hard look’ at them, and made a ‘reasoned elaboration’ of the basis for its determination.” Gerrard, Ruzow, Weinberg, *Environmental Impact Review In New York* [Matthew Bender 1996] § 4:17, *quoting Jackson v. N.Y.S. Urban Dev. Corp.*, 503 N.Y.S.2d 298 (Ct. of App. 1986).

<sup>4</sup> “The degree of detail with which each factor must be discussed’ varies ‘with the circumstances and nature of the proposal.’ Courts defer to an agency’s ‘hard look’ at environmental impacts unless the agency’s finding is ‘arbitrary, capricious or unsupported by substantial evidence.’” Gerrard, Ruzow, Weinberg, *Environmental Impact Review In New York* [Matthew Bender 1996] § 4:17, *quoting Jackson v. N.Y.S. Urban Dev. Corp. and Argyle Conservation League Inc. v. Town of Argyle*, 636 N.Y.S.2d 150, 152 (3d Dep’t 1996).

<sup>5</sup> [W]here an agency addresses “each relevant area of environmental concern in the document accompanying any negative declaration,” and for each of these issues references “the factual information (presented in the EAF, comments of involved agencies, or elsewhere) on which the agency’s conclusion has been based,” then the “hard look” doctrine “should afford considerable protection against subsequent



It is important to note that even if a Type I action could *potentially* have significant adverse environmental impacts, if the proposal is subsequently modified to incorporate, as integral elements of the Proposed Action, measures which assure that significant adverse impacts will not occur, a Negative Declaration is authorized for a Type I action.<sup>6</sup> The Applicant submits that a Negative Declaration is justified in this case, based upon these principles and the Applicant's proposed solutions to mitigate any environmental impacts.

We respectfully request that the ZBA make a Determination of Significance that the Proposed Action will not have significant adverse environmental impacts, as demonstrated by the record and summarized in this letter, and that the ZBA commence with review of the application for area variances.

**An EIS is *not* required unless there are potential *significant* adverse environmental impacts:**

Type I actions do not automatically require the preparation of an EIS.<sup>7</sup> An EIS is only required for a project that will generate at least one potentially "significant" impact. See New York Environmental Conservation Law ("ECL") Section 8-0109.<sup>8</sup>

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litigation challenging the agency's substantive evaluation of potential environmental impact." Gerrard, Ruzow, Weinberg, Environmental Impact Review In New York [Matthew Bender 1996] § 4:17.

<sup>6</sup> See Merson v. McNally, 90 N.Y.2d 742 (Ct. of App. 1997). The Court of Appeals has recognized an analysis which "allows for the consideration of the legitimate maturation of a development project in accordance with the goals of environmental regulation." *Id.* at 750.

<sup>7</sup> See N.Y. Dept. of Env'tl. Conserv., SEQR Handbook 86 (2019, 4<sup>th</sup> Ed.) [hereinafter "SEQR Handbook"] ("Type I actions do not automatically require an EIS.... The lead agency must determine the environmental significance of Type I...actions on a case-by-case basis.").

<sup>8</sup> See Chinese Staff v. Burden, 950 N.Y.S.2d 503, 505 (Ct. of App. 2012) ("Although the threshold triggering an EIS is relatively low, a negative declaration is properly issued when the agency has made a thorough investigation of the problems involved and reasonably exercised its discretion."), citing Spitzer v. Farrell, 761 N.Y.S.2d 137, 140 (Ct. of App. 2003); see also Matter of Merson v. McNally, 665 N.Y.S.2d 605, 610-11 (Ct. of App. 1997); see also Village of Chestnut Ridge v. Town of Ramapo, 953 N.Y.S.2d 75, 82 (2d Dept. 2012) ("[W]here the lead agency, after taking a 'hard look' at relevant environmental concerns, determines that the project will have no significant adverse environmental impacts, and issues a negative declaration to that effect, the EIS may be dispensed with as unnecessary, even for a Type I action."), citing Incorporated Village of Poquott v. Cahill, 782 N.Y.S.2d 823, 828 (2d Dept. 2004). See also Citizens for Responsible Zoning v. Common Council of City of Albany, 868 N.Y.S.2d 800, 802 (3d Dept. 2008) (Common Council followed same procedure for a rezoning (an unlisted action) as a Type I action, filing a full EAF, and issued a negative declaration; Third Dept. held that preparation of an EIS is not automatically required for a Type I action and that Common Council "fulfilled its obligations under SEQRA by issuing a written decision which revealed that it evaluated the necessary criteria, took the required hard look at areas of environmental concern and explained the basis for its determination to issue a negative declaration."), citing Matter of Cathedral of St. John the Divine v. Dormitory Auth. of State of N.Y., 645 N.Y.S.2d 637, 640 (3d Dept. 1996) ("...[A]lthough an EIS is presumptively required for type I actions...it is not a *per se* requirement.") and Matter of Jaffee v. RCI Corp., 500 N.Y.S.2d 427, 429 (3d Dept. 1986) ("Where, as here, the agency follows the appropriate procedural requirements, the issue distills to whether its conclusion that the proposed

The ECL<sup>9</sup> and the SEQRA Regulations, 6 N.Y.C.R.R. § 617.7(C), do not define the term “significant”, but contain a non-exhaustive illustrative list of indicators of a significant environmental impact,<sup>10</sup> and set forth the factors that must be considered in connection with determining whether an action will have a significant impact.<sup>11</sup>

The SEQR Handbook and the SEQR Workbook for the Final Environmental Assessment Form, Part 3 were created to give further guidance and definition to the above-mentioned factors that must be considered by the lead agency when determining whether an impact is significant.<sup>12</sup> The

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project would have no significant impact on the environment is a rational one which is supported by the record... A review of the record establishes that the Board's determination was based upon the proper criteria (*see*, 6 NYCRR 617.11); the Board took the requisite “hard look” at the relevant areas of environmental concern and made a ‘reasoned elaboration’ of its determination.”)

<sup>9</sup> N.Y.E.C.L. § 8-0109 (McKinney’s 2016).

<sup>10</sup> 6 N.Y.C.R.R. § 617.7(C)(1) (West 2016) (“To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment: (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources; (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part; (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted; (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; (vi) a major change in the use of either the quantity or type of energy; (vii) the creation of a hazard to human health; (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses; (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action; (x) the creation of a material demand for other actions that would result in one of the above consequences; (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision”).

<sup>11</sup> 6 N.Y.C.R.R. § 617.7(C)(2). These include assessing the “reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are: (i) included in any long-range plan of which the action under consideration is a part; (ii) likely to be undertaken as a result thereof, or (iii) dependent thereon.”

<sup>12</sup> Note that “nothing in the SEQRA Workbook, particularly the guidance offered in Part 2 and 3 is found in regulation. While the EAF’s need to be completed according to the Part 617 regulations, interpretation on the size or significance of an impact is at the discretion of the reviewing agency.” N.Y. Dept. of Env’tl. Conserv., SEQR Workbook, Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and



SEQR Workbook stresses that “significance” is a subjective determination due to the unique variables of each project site,<sup>13</sup> and that there is no “formula” for determining whether an impact is significant.<sup>14</sup> Significance is not judged in a vacuum, or based on generalizations, but must be based on an assessment of the context and setting of the Proposed Action. A Lead Agency makes its Determination of Significance after fully evaluating the Proposed Action, the information provided from the Environmental Assessment Form (“EAF”); any other information provided by the Applicant, including the underlying application; the criteria for determining significance found in 617.7(c); and any input from involved and interested agencies, interested organizations or other groups of people and the general public.”<sup>15</sup> The “significance of a likely consequence (i.e.,

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Determination of Significance (FEAF) [hereinafter “SEQR Workbook”], <http://www.dec.ny.gov/permits/91818.html>. But note: “If a project sponsor or agency has consulted the workbooks and used them to help in the completion of an EAF and in the conduct of an environmental assessment, they should have a **solid record in support of their actions**. SEQR Handbook, at 83 (emphasis added).

<sup>13</sup> SEQR Workbook, Evaluating Significance – Full EAF (Part 3), <http://www.dec.ny.gov/permits/91829.html> (“The term ‘significance’ is somewhat subjective. That is because the significance of an impact is dependent on the magnitude, duration, and likelihood of that impact occurring. It is also dependent on the scale and context of the project. Context refers to the unique characteristics of the natural and man-made environment in any given location. Significance is very much tied to the context of the site and the community. Similar projects may receive different decisions on significance because of differences in the context. Each impact therefore, must be judged and weighed by these different characteristics.”).

<sup>14</sup> SEQR Workbook, Evaluating Significance – Full EAF (Part 3), <http://www.dec.ny.gov/permits/91829.html> (“For each potential impact, there are many combinations of magnitude, duration, and likelihood that can occur. There is **no universally accepted measure of significance**. None of the criteria (magnitude, duration, likelihood, scale, and context) should be considered more important than any other. Instead, they should be examined in an **equal manner** to help frame the rationale for making a determination of significance and for communicating why you made that determination. Whether a potentially adverse impact is significant or not is ultimately determined or tempered by the specifics related to the scale of the proposed project and context within your community. Remember that the determination of significance needs to be based as well on the magnitude, duration, and likelihood of an impact occurring. **These criteria cannot be inserted into a formula that will automatically produce a finding of significance or insignificance**. These criteria simply aid the reviewing agency in making a judgment on a case-by-case basis.”). (Emphasis added).

<sup>15</sup> SEQR Workbook, Determination of Significance – Full EAF (Part 3), <http://www.dec.ny.gov/permits/91836.html>; See also SEQR Handbook, at 80. Notably, the Board has been receiving public comment on the issues relating to its finding of significance for many months. So long as the Lead Agency has taken a “‘hard look’ at relevant environmental concerns, determines that the project will have no significant adverse environmental impacts, and issues a negative declaration to that effect, the EIS may be dispensed with as unnecessary, even for a Type I action.” Village of Chestnut Ridge v. Town of Ramapo, 953 N.Y.S.2d 75, 82 (2d Dept. 2012). See also Chinese Staff v. Burden, 950 N.Y.S.2d 503, 505 (Ct. of App. 2012); Spitzer v. Farrell, 761 N.Y.S.2d 137, 140 (Ct. of App. 2003); Matter of Merson v. McNally, 665 N.Y.S.2d 605, 610-11 (Ct. of App. 1997); Incorporated Village of Poquott v. Cahill, 782 N.Y.S.2d 823, 828 (2d Dept. 2004); Citizens for Responsible Zoning v. Common Council of City of Albany, 868 N.Y.S.2d 800, 802 (3d Dept. 2008); Matter of Cathedral of St. John the Divine v. Dormitory Auth. of State of N.Y., 645 N.Y.S.2d 637, 640 (3d Dept. 1996); Matter of Jaffee v. RCI Corp., 500 N.Y.S.2d

whether it is material, substantial, large or important)” should also be assessed in connection with: “(i) its setting (*e.g.*, urban or rural); (ii) its probability of occurrence; (iii) its duration; (iv) its irreversibility; (v) its geographic scope; (vi) its magnitude; and (vii) the number of people affected.”<sup>16</sup>

**The Record Demonstrates That There Are No Potentially “Significant” Environmental Impacts:**

Where a project will have no “significant” adverse impacts on the environment, the Lead Agency *must* prepare a Negative Declaration.<sup>17</sup> The record demonstrates that the Proposed Action will not result in any potentially significant environmental impacts, and thus clearly supports the adoption of a Negative Declaration.

**Relevant Areas of Environmental Concern in Making a Negative Declaration:**

The ZBA’s “hard look” at the potential environmental impacts of the Proposed Action has been ongoing for several months.<sup>18</sup> Notably, during the ZBA’s review, there have not been an enumerated list of “relevant areas of environmental concern” rather generalized inquiries. Further, the Applicant has received minimal responses from Village consultants regarding the site plans and no response or comments on critical assessments, such as the Traffic Study. Nevertheless, the Applicant has investigated and assessed a variety of environmental impacts and provides the following summary which demonstrates that not only will the Proposed Action not have any significant environmental impacts, but will result in substantial environmental benefits especially when compared with what could be proposed as-of-right.

***The Proposed Action will improve traffic circulation and parking at the Premises and reduce congestion along Waverly Avenue and Fenimore Road and therefore, not cause a significant environmental impact on traffic in the neighborhood:***

The Applicant’s Traffic Consultant, Provident Design Engineering, PLLC, prepared a Traffic and Parking Study (the “Traffic Study”), dated February 8, 2018 and revised January 14, 2019, that reviewed the traffic circulation and parking conditions associated with the Proposed Action. See Exhibit 8. In summary, this Traffic Study concluded that the Proposed Action will have no impact on traffic along Waverly Avenue and Fenimore Road. The Traffic Study also concluded that internal site safety will be improved by the proposed modifications to internal circulation and that the number of parking spaces proposed is more than ample for the uses that will remain onsite.

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427, 429 (3d Dept. 1986); *Save the Pine Push, Inc. v. Town of Guilderland*, 629 N.Y.S.2d 124, 125-26 (3d Dept. 1995); *Forman v. Trustees of State University of New York*, 757 N.Y.S.2d 180, 183 (4th Dept. 2003).

<sup>16</sup> 6 N.Y.C.R.R., § 617.7(C)(3).

<sup>17</sup> See SEQRA Handbook, p. 83-84 (Response to Question 1).

<sup>18</sup> SEQRA provides explicit time periods for certain determinations and encourages all SEQRA compliance to take place at the “earliest possible time. See 6 NYCRR 617.1(C).



### Reduced Traffic from the Premises

The Proposed Action will generate less traffic than the current uses of the site.<sup>19</sup> The proposed expansion of the self-storage facility will generate 3 entering and 3 exiting vehicles in the peak morning hour and approximately 2 entering and 3 exiting vehicles during the peak PM hour.<sup>20</sup> This is similar to the existing self-storage use which generates minimal traffic.<sup>21</sup> Employees of the self-storage facility will arrive outside of the AM and PM peak hours. The Traffic Study found that:

“This is minimal traffic and in general, the same vehicle that enters is also the vehicle that exits within the hour, as well as the occasional employee potentially entering or exiting.”<sup>22</sup>

Overall, Provident Design Engineering concluded that:

“This minimal traffic will have no impact upon traffic operating conditions in the area. It is less traffic than utilized [by] the previous uses of the site.”<sup>23</sup>

During the weekend peak hour, the expansion of the self-storage facility would generate approximately 3 entering and 2 exiting vehicles.

The Applicant has decreased the size of the proposed retail space to 700 square feet which will be limited to the sale of self-storage supplies to generally the self-storage facility patrons. The originally proposed 1,750 square feet of limited retail space along Waverly Avenue in the existing self-storage building was estimated to conservatively generate approximately 4 entering vehicles and 1 exiting vehicle in the peak AM hour and approximately 6 entering and 7 exiting vehicles in the peak PM hour.<sup>24</sup> The reduced 700 square feet of retail space that is currently proposed is conservatively estimated to generate approximately 2 entering vehicles and 0 exiting vehicles during the peak AM hour and approximately 2 entering vehicles and 3 exiting vehicles during the peak PM hour.<sup>25</sup> This retail portion will generate only minimal traffic during the weekend peak hours.<sup>26</sup>

The self-storage facility is projected to operate from 7:00 AM to 7:00 PM on weekdays with an employee(s) being present from 9:00 AM to 6:00 PM. On weekends, the self-storage facility is

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<sup>19</sup> Traffic and Parking Study, p.3, prepared by Provident Design Engineering, PLLC, dated February 8, 2018 and revised January 14, 2019 (Included as Exhibit 8 and hereinafter referred to as “Traffic Study”).

<sup>20</sup> Traffic Study, p.3.

<sup>21</sup> Traffic Study, p.10.

<sup>22</sup> Traffic Study, p. 3.

<sup>23</sup> Traffic Study, p. 3.

<sup>24</sup> Traffic Study, p. 4. Note that these original traffic estimations were made prior to the decision to limit the retail use to storage-related goods only. The limited retail use now proposed will generate significantly less trips than what was estimated in the Traffic Study because operations will be limited to the selling of supplies for self-storage customers.

<sup>25</sup> Traffic Study, p. 4.

<sup>26</sup> Traffic Study, p. 4.

projected to operate from 7:00 AM to 7:00 PM with an employee present from 9:00 AM to 5:00 PM on Saturdays and 11:00 AM to 4:00 PM on Sundays.

#### Improved Traffic Flow & Safety

The site is currently served by various curb cuts and driveways along both Waverly Avenue and Fenimore Road.<sup>27</sup> The Proposed Action streamlines access and reduces the total number of curb cuts from 4 to 2, providing only one curb cut on Waverly Avenue and one curb cut on Fenimore Road.<sup>28</sup> This reduction will improve the traffic flows along both Waverly Avenue and Fenimore Road and will improve circulation around the traffic signal because the curb cut along Waverly Avenue closest to the signal will be removed.<sup>29</sup>

Safety for traffic along Fenimore Road will also be improved by the elimination of the curb cut near the Barn building because vehicles will no longer be backing out from the Barn directly onto Fenimore Road.<sup>30</sup>

In evaluating traffic impacts, the Traffic Study concludes that the Proposed Action:

“will not generate significant traffic and will not have any significant impact upon the traffic operating conditions of this [the Waverly Avenue and Fenimore Road] intersection or on the Site Driveways and adjacent streets.”<sup>31</sup>

#### Improved Parking Conditions on the Premises

The existing parking spaces available for onsite uses are currently divided into several sections, disorganized and frequently occupied by construction equipment and vehicles.<sup>32</sup> The Proposed Action increases parking availability, reconfiguring and repurposes the 25 off-street spaces for the expanded self-storage facility, MBC and the retail space.<sup>33</sup> On street parking is also available, consisting of approximately 6 spaces in front of the self-storage building on the Premises along Waverly Avenue<sup>34</sup> Additionally, 4 loading spaces will be provided at the self-storage facility to be utilized by customers, thus freeing up even more parking spaces for additional patrons.<sup>35</sup>

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<sup>27</sup> Traffic Study, p. 6.

<sup>28</sup> Traffic Study, p. 7.

<sup>29</sup> Traffic Study, p. 9 & 14.

<sup>30</sup> Traffic Study, p. 6 & 14. See Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised January 14, 2019.

<sup>31</sup> Traffic Study, p. 9.

<sup>32</sup> Traffic Study, p. 6-7 & 10.

<sup>33</sup> Traffic Study, p. 10 & 13-14. Note that while the Traffic Study previously indicated that 24 spaces will be provided, the number of spaces has since been increased to 25. See Traffic Study, p. 13.

<sup>34</sup> See Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised January 14, 2019.

<sup>35</sup> Traffic Study, p. 13.



There are currently 19 parking spaces utilized onsite by the occupants of the 7 rentable spaces, including office and storage areas, that will be eliminated.<sup>36</sup> Therefore, these 19 parking spaces will become available for the self-storage, MBC and retail uses. Note that MBC will generally not generate any visits from the general public or contractors.<sup>37</sup>

The Traffic Study concluded that the proposed off-street parking will be sufficient and notes that peak time for all uses (self-storage, the retail space, and MBC), will not occur at the same time.<sup>38</sup> The peak time of the self-storage use occurs during the mid to late morning, while MBC will have peak use during the early morning, and the storage-associated retail space will generate an insignificant parking demand.<sup>39</sup> These uses will practically demand a conservative total of approximately 16 parking spaces and the Proposed Action provides 25 parking spaces, plus the 4 loading spaces for self-storage customers.<sup>40</sup>

Peak parking for the entire self-storage facility<sup>41</sup> ("Buildings G & H") will conservatively generate a demand of 8 parking spaces and the retail space will require approximately 2 parking spaces.<sup>42</sup> MBC will have 4 full time employees and 2 Project Managers on site to use a total of 6 required parking spaces.<sup>43</sup>

Notably, in the Traffic Study's assessment of current conditions, there were never times that ample parking spaces were not available on the property. In fact, during Provident Design Engineering's study period, the maximum number of parking spaces for the existing self-storage facility utilized at any one time throughout was five spaces, which included two parking spaces utilized by employees.<sup>44</sup> In conducting the Traffic Study, other self-storage uses in the area were evaluated. These Westchester County self-storage facilities, with significantly more storage units, provide a similar number of off-street parking spaces (12-24) as the Proposed Project.<sup>45</sup>

#### Improved Internal Traffic Circulation and Safety on the Premises

Internal safety and traffic circulation will also be dramatically improved by modifications to the internal circulation. For example, the elimination of 3 of the existing buildings and one large storage area will improve traffic flow and permit unobstructed circulation throughout the site.<sup>46</sup> The elimination of many contractor and construction uses will free up parking spaces previously occupied by construction equipment and vehicles.<sup>47</sup>

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<sup>36</sup> Traffic Study, p. 9 & 13.

<sup>37</sup> Traffic Study, p. 13.

<sup>38</sup> Traffic Study, p. 13-14.

<sup>39</sup> Traffic Study, p. 14.

<sup>40</sup> Traffic Study, p. 14.

<sup>41</sup> The existing self-storage facility and the expanded self-storage facility will total 590 storage units.

<sup>42</sup> Traffic Study, p. 4-5 & 12-13.

<sup>43</sup> Traffic Study, p. 11.

<sup>44</sup> Traffic Study, p. 10.

<sup>45</sup> Traffic Study, p. 11-12.

<sup>46</sup> Traffic Study, p. 7 & 10.

<sup>47</sup> Traffic Study, p. 10-11.

Traffic flow will also be streamlined by the elimination of 2 curb cuts.<sup>48</sup> Striped island and new signage with clear direction will be provided in the parking area.<sup>49</sup> Also, the elimination of curb cuts will improve traffic and pedestrian the safety along Fenimore Road because vehicles will no longer be backing out of the Barn Building to exit the Premises.<sup>50</sup>

In summary, the Proposed Action will reduce traffic from the Premises, improve traffic flow and safety on the adjacent roadways, and will improve parking conditions, internal traffic circulation and safety on the Premises. Therefore, the Proposed Action will not cause a significant environmental impact on traffic in the surrounding area.

***The Proposed Action will not cause a significant adverse environmental impact to the physical environmental conditions onsite and in the surrounding area:***

The Proposed Action's numerous environmentally-friendly features will further improve environmental conditions on site and result in considerable environmental improvements to the surrounding area.

#### Stormwater Improvements

The amount of impervious surface on the Premises will be reduced from 94.3% to 91.5% by removing some of the existing buildings and enhancing the landscaping onsite. See Stormwater Pollution Prevention Plan & Drainage Analysis, prepared by Hudson Engineering & Consulting, P.C., dated February 8, 2018 and last revised January 14, 2019, included as Exhibit 4. This reduces the amount of stormwater discharge from the Premises, decreasing erosion and enhancing stormwater infiltration and flood control.

As proposed, the Applicant's Stormwater Management design exceeds the requirements of the New York State Environmental Conservation's ("NY DEC") and the Village of Mamaroneck stormwater regulations.<sup>51</sup> Through the combination of the existing stormwater planter, existing Hydrodynamic separator and proposed planter, 100% of the water quality volume generated by the impervious areas onsite is treated thereby exceeding the threshold required for redevelopment.

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<sup>48</sup> Traffic Study, p. 6-7.

<sup>49</sup> Traffic Study, p. 7. See Sheet SY-102, Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised January 14, 2019.

<sup>50</sup> Traffic Study, p. 6 & 14. See Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised January 14, 2019.

<sup>51</sup> See N.Y. DEC, New York State Stormwater Management Design Manual, Chapter 9 "Redevelopment Activity," [https://www.dec.ny.gov/docs/water\\_pdf/swdm2015chptro9.pdf](https://www.dec.ny.gov/docs/water_pdf/swdm2015chptro9.pdf).



Additionally, runoff rates leaving the site are reduced for all storms up to and including the 25-year storm event. See the Flood Storage Volume Analysis prepared by Hudson Engineering & Consulting, P.C., dated January 14, 2019, included as Exhibit 6.

Prior to the start of construction, sediment and erosion control practices will be installed onsite and within the adjacent right-of-way and maintained for the duration of construction to the satisfaction of the Stormwater Management Officer. All temporary sediment and erosion control measures will remain in place until the site is fully stabilized. All sediment and erosion control practices proposed are in conformance with the latest version of the New York State Standards and Specifications for Erosion and Sediment Control.

Furthermore, the redevelopment of the site exceeds the requirements for non-residential development within the 100-year flood plain, as set forth in the Village Flood Damage Prevention Code<sup>52</sup> and the Federal Emergency Management Agency's ("FEMA") regulations<sup>53</sup> for non-residential floodplain development. The Premises is located within Flood Zone AE with a base flood elevation for the property and adjacent area of El. 26. In accordance with FEMA regulations, the First Floor of the building is set at El. 28, 2-feet above the base flood elevation. Pursuant Chapter 186 of the Village Code, any development within the floodplain cannot reduce the volumetric storage below the flood elevation. Over the entire site, there is an increase of 2,422 cubic feet of storage. The increase of storage results from the re-grading of the site and the use of the building's crawl space area to provide additional storage.

Therefore, the Proposed Action will improve stormwater management on the Premises by exceeding State and Village stormwater management design standards, reducing runoff rates and increasing the stormwater storage.

#### Renewable Energy & Energy Efficiency

A new solar energy system installed as part of the New York State Community Solar Initiative will be located on the roof of the proposed self-storage building and the existing self-storage building.<sup>54</sup> The Community Solar Project will provide clean energy to approximately 50 Mamaroneck residents.<sup>55</sup> By generating clean energy for local residents, the Proposed Action will have positive environmental impacts.

While self-storage buildings use very little energy because they are largely unoccupied, the new building will be markedly more energy efficient than a standard storage building. The expanded

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<sup>52</sup> Village Code Chapter 186.

<sup>53</sup> 44 CFR 59, 60, 65 & 70.

<sup>54</sup> See Exhibit 14: GES Community Solar Developers, Mamaroneck Self-Storage Community Solar Project, p. 2.

<sup>55</sup> Electricity produced is sent directly to the ConEd grid and the Applicant offers Mamaroneck residents a subscription to a portion of that electricity, requiring no money down, at a lower rate than their ConEd electric bills. See Exhibit 14: GES Community Solar Developers, Mamaroneck Self-Storage Community Solar Project, p. 5.

facility will be approximately 50% more energy efficient than the requirements of the New York State Building Code by among other methods, incorporating a high efficiency heating and cooling system, high density insulation and motion-controlled LED lighting.<sup>56</sup>

Thus, the Proposed Action will improve environmental sustainability onsite and in the surrounding area by providing renewable energy to local residents and exceeding New York State Building Code requirements for energy efficiency.

#### No Impact to Existing Environmental Conditions

The Proposed Action and associated excavation will not impact existing physical environmental conditions onsite and in the surrounding neighborhood. During prior meetings, the Board requested a Phase I Environmental Assessment ("Phase I") from the Applicant. It is important to note, however, that a Phase I is only used as a tool of investigation, as it involves a thorough records review of the current and past history of the property including prior and current uses. A Phase I does not include onsite sampling or testing of environmental conditions and does not assess potential impacts of proposed activities. As such, a Phase I will not assess the impact proposed construction will have on existing conditions.

Accordingly, the Applicant retained HydroEnvironmental Solutions, Inc. to complete an Excavation Management Plan, included in Exhibit 9, that will be adhered to in the event that petroleum hydrocarbon impacted or other constitutes of concern impacted soil is encountered during foundation excavation activities at the subject site.<sup>57</sup> If impacted soils are not encountered, then the Excavation Work Plan will not be required, and standard construction practices will be followed.<sup>58</sup>

In the event that contaminated soil is encountered, the soil will be screened in accordance with industry accepted practices and the New York One Call procedures will be completed by the excavation contractor prior to excavation startup.<sup>59</sup> As part of these procedures, the Applicant and the construction team will complete and maintain soil excavation logs, disposal records, and end-point sampling data, which must be provided to the New York State Department of Environmental Conservation ("DEC") and the Village.<sup>60</sup> If previously unidentified contamination sources are found during excavation, all excavation activities will be suspended and the DEC will be notified immediately.<sup>61</sup> Sampling will be performed on product, sediment and soils as necessary to determine the nature of the material and proper disposal methods.<sup>62</sup> A Community Air Monitoring Plan, including the deployment of three monitoring stations, will be utilized to

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<sup>56</sup> See Exhibit 17: Self-Storage Feasibility Addition Memorandum, prepared by Chiswell and Associates, LLC, dated December 2017, p.5.

<sup>57</sup> Exhibit 9: Scope of Work for Proposed Foundation Excavation, prepared by HydroEnvironmental Solutions, Inc., dated January 15, 2019, p. 1 (hereinafter referred to as "Excavation Management Plan").

<sup>58</sup> Excavation Management Plan, p.1.

<sup>59</sup> Excavation Management Plan, p.2.

<sup>60</sup> Excavation Management Plan, p. 2.

<sup>61</sup> Excavation Management Plan, p.9.

<sup>62</sup> Excavation Management Plan, p.9.



monitor conditions throughout excavation.<sup>63</sup> All fill and materials proposed for import onto the Premises will be approved by a qualified environmental professional and information on clean fill materials will be submitted NY DEC and the Village, as required.<sup>64</sup>

In summary, these procedures will ensure the Proposed Action will not have any adverse impacts to existing environmental conditions on the Premises.

#### Decreased Water & Sewer Use

The Proposed Action will provide additional environmental benefits resulting from the elimination of the contractor and office uses because there will be less water usage and lower generation of wastewater resulting from fewer people working onsite and visiting the Premises. Specifically, 7 rentable spaces will no longer be occupied at the site on a daily basis and 5 bathrooms, 2 service sinks and 1 kitchen sink will be eliminated.

As demonstrated in the attached existing and proposed water and sewer service load calculations, included in Exhibit 25, the Proposed Action will reduce the Total Daily Hydraulic Loading for the site from 270 gallons per day to 150 gallons per day. Therefore, the Proposed Action will reduce water usage and sewer use at the Premises and will not create a significant adverse environmental impact on the physical environment or the Village's water and sewer resources.

#### ***The Proposed Action is consistent with the Village's 2012 Comprehensive Plan, Is Compatible with Existing Neighborhood Uses and Furthers the Village's Goals for Development of the Industrial Area:***

The Proposed Action is consistent with the goals for the Village's Industrial Area, as enumerated in the 2012 Village of Mamaroneck Comprehensive Plan (the "Comprehensive Plan").<sup>65</sup> Specifically, the Comprehensive Plan includes the following goals for the M-1 zoning district:

- Encourage industrial and office uses within the appropriate established zones and where negative environmental and community design impacts can be minimized; and
- Encourage those commercial and industrial establishments which are compatible with existing Village uses and with Village development goals.

The Comprehensive Plan notes that the industrial area "serves an important function in accommodating local area light manufacturing and commercial uses."<sup>66</sup> The Proposed Action involves the expansion of a low-impact industrial use which has significantly lower impacts than a traditional industrial or commercial use. Notably, the Comprehensive Plan recognizes that the majority of uses in the area are auto service related, manufacturing/warehouse or general

<sup>63</sup> Excavation Management Plan, p. 9-10.

<sup>64</sup> Excavation Management Plan, p. 10.

<sup>65</sup> Comprehensive Plan, p. 39.

<sup>66</sup> Comprehensive Plan, p. 47.

services/ sales, which have far greater neighborhood impacts than a self-storage operation.<sup>67</sup> As demonstrated by the continued operation of the Applicant's existing facility and the enclosed Traffic Study and Water & Sewer Load Calculations for the Proposed Action, a self-storage operation generates minimal traffic, consumes little energy and generates no detectable odors or fumes. Therefore, the low-impact self-storage use is compatible with the existing surrounding uses.

As discussed in the physical environmental impacts section above, the expansion is consistent with the Village's low-environmental impact development goals for the industrial area and pursuant to the Comprehensive Plan, should be encouraged by the Village. A green self-storage building providing solar energy to local residents with reduced impervious surface is indisputably low impact development.

Further, the Comprehensive Plan identifies flood mitigation as a critical role the Industrial Area plays for the Village, since most of this area is within the 100-year floodplain.<sup>68</sup> The reduction in onsite impervious surface, as well as improved stormwater management methods previously identified herein, will improve the flooding conditions and increase the storage of flood water on site.<sup>69</sup> Additionally, and as previously discussed in the physical environmental impacts section above, the proposed expansion will exceed the 100-year floodplain development requirements set forth in the Village Flood Damage Prevention Code<sup>70</sup> and the FEMA regulations<sup>71</sup> for non-residential floodplain development. In accordance with FEMA requirements, the first floor of the building will be at El. 28, 2-feet above the base flood elevation. The Proposed Action will also increase the volumetric storage onsite by 2,422 cubic feet, thereby exceeding the Village floodplain development requirements.

Additionally, the Comprehensive Plan identifies as a Priority Recommendation, streetscape improvements along Fenimore Road that would improve pedestrian safety and streetscape access.<sup>72</sup> In furtherance of this goal, and as specifically enumerated in the recommendation,<sup>73</sup> the Applicant is proposing to eliminate two curb cuts, one along Fenimore Road and one on Waverly Avenue, thereby improving pedestrian safety and traffic circulation.<sup>74</sup>

To further improve the Fenimore Road streetscape, the Applicant is also proposing landscaping enhancements along Fenimore Road and Waverly Avenue. Specifically, the existing beds along Waverly Avenue will be expanded to accommodate additional plantings and 2 new planting beds will be added along Fenimore Road. See Sheet SY-102, Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised June 19, 2018. The landscaping improvements will also include a deep rain garden along the Fenimore Road facade and shallower planting beds

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<sup>67</sup> Comprehensive Plan, p. 41.

<sup>68</sup> Comprehensive Plan, p. 47.

<sup>69</sup> Flood Storage Analysis prepared by Hudson Engineering & Consulting, P.C., dated January 14, 2019.

<sup>70</sup> Village Code Chapter 186.

<sup>71</sup> 44 CFR 59, 60, 65 & 70.

<sup>72</sup> Comprehensive Plan, p. 45; 50.

<sup>73</sup> Comprehensive Plan, p. 51.

<sup>74</sup> Traffic Study, p. 6-7; 9 & 14 (included as Exhibit 8).



and a new street tree along the Waverly Avenue street front adorned with contemporary bench seating. The rain garden and planting beds will include plants to attract pollinators, such as Evergreen Azalea's (Blaauw's Pink), Daylilies, Green Gem Boxwoods and Lily Turf.

The Comprehensive Plan identifies poor building conditions within the Industrial Zone as a concern.<sup>75</sup> The Proposed Action involves demolition of the Barn (Building A) which will remove an aged and unsightly structure from the area. Additionally, two other concrete block buildings onsite ("Buildings C & D"), which have open storage areas for construction vehicles, as well as one large storage area will be demolished. The Applicant is not simply proposing to remove several unsightly buildings, it is proposing to construct a new state-of-the-art green self-storage building to the industrial area while preserving a low-impact industrial use and adding ratables for the Village. To further improve conditions within the area, the Applicant is proposing to install lighting at the rear of the proposed building to illuminate Railroad Way during evening hours.

Further, the Comprehensive Plan lists "improving utilities and power services to the entire Industrial Area"<sup>76</sup> as a recommendation for the industrial zone. As previously discussed, the Applicant will be incorporating a Community Solar Project<sup>77</sup> into the Proposed Action, helping to provide resilient renewable energy to the industrial area.

The facts of this case demonstrate that the Proposed Action furthers numerous goals the Comprehensive Plan identifies for the Industrial Area and is compatible with the existing surrounding uses.

***The Proposed Action will not have significant adverse environmental impacts on the Aesthetic Conditions of the Surrounding Area:***

With respect to the location and visibility of the Proposed Action, the record further demonstrates that it will not result in any potentially significant visual impacts.<sup>78</sup>

In defining aesthetic impacts, the DEC provides the following guidance: "[m]ere visibility, even startling visibility of a project proposal, should not be a threshold for decision making."<sup>79</sup> As demonstrated during the Applicant's appearances and shown on the enclosed Visual Analysis and images of large buildings in the surrounding area, included in Exhibit 2 and on the attached USB Storage Drive, and the aerial images included on Sheet A-203 of the site drawings,<sup>80</sup> the Applicant's proposed expansion is consistent with the existing self-storage building onsite and the

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<sup>75</sup> Comprehensive Plan, p. 47.

<sup>76</sup> Comprehensive Plan, p. 52.

<sup>77</sup> See Exhibit 14.

<sup>78</sup> The Board is required to take an objective approach in determining whether any significant visual impacts will result from the Proposed Action. See, The SEQRA Handbook, 3rd Ed. (2010), p. 84 (Response to Question 25).

<sup>79</sup> DEC Guidance Policy: Assessing and Mitigation Visual Impacts:

[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/visual2000.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/visual2000.pdf)

<sup>80</sup> Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised January 14, 2019.

industrial character of the neighborhood. As demonstrated by the street views and aerial photographs provided in Exhibit 2, several buildings of equal or greater mass and scale are located within the surrounding industrial area.

Further, the aesthetic conditions on the Premises itself will be markedly improved. The proposed expansion will not create aesthetic environmental impacts to the nearby area and in fact, will complement the current self-storage structure in exterior design and material composition.<sup>81</sup> In keeping with the success of the existing architecture, the 4 stories of the addition have been neatly designed within the permitted height and even further reduced in visual-scale with the finish of a mansard-style roof. The facade includes both clear and opaque glazing aligned with the fenestration of the existing structure and consistent with the neighboring commercial properties.

Additionally, the proposed landscaping improvements along Fenimore Road and Waverly Avenue will improve the aesthetic conditions of the industrial area. As previously discussed, the Proposed Action includes the placement of a deep rain garden along the Fenimore Road facade and shallower planting beds along Waverly Avenue which will include a new street tree and plants to attract pollinators. The Waverly Avenue frontage will also be adorned with contemporary bench seating. See Sheet SY-102, Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised January 14, 2019.

Also, the existing contractor storage and office uses will be eliminated and the dilapidated barn will be demolished and onsite storage of construction vehicles, unsightly outdoor storage racks and equipment storage will be eliminated. The expanded facility will create a streamlined appearance and more space will be created onsite.

The Proposed Action will improve aesthetic conditions onsite and in the surrounding area by improving the Fenimore and Waverly Road streetscapes, demolishing unsightly structures, and constructing a new building that compliments the architecture of the existing storage building and the neighboring commercial properties. Thus, the Proposed Action will not have a significant adverse environmental impact on the aesthetic conditions of the surrounding area.

### **The Proposed Action Will Not Result in Significant Environmental Impacts to Cultural, Archeological or Historical Resources:**

The Proposed Action is located on a site that is already disturbed and fully improved and will not adversely affect any cultural, archeological or historical resources. Pursuant to the New York State Environmental Quality Review Regulations, 6 NYCRR § 617.7(C)(1), the impairment of the character or quality of important historical or archaeological resources is indicative of significant adverse impacts on the environment. There are no historical resources in the surrounding area, as confirmed by the New York State Historic Preservation Office ("SHPO") in its October 15, 2018 correspondence, included in Exhibit 11.

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<sup>81</sup> See Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised January 14, 2019. See also Exhibit 2: Visual Analysis & Exhibit 17: Self-Storage Feasibility Addition Memorandum, prepared by Chiswell and Associates, LLC, dated December 2017, p. 16.



The Applicant inquired to SHPO regarding the archeologically sensitive designation for the property listed on the DEC Mapper and was advised by Philip A. Perazio, Historic Preservation Program Analyst- Archeologist at SHPO, by email on September 25, 2018 (attached as Exhibit 11), that there is a recorded Native American archaeological site located 1/3 mile to the southeast of the Premises and several additional sites further away. Mr. Perazio further indicated that: “Based on the amount of development in the immediate vicinity of your property, we probably would have no archeological concerns.” The email is included in Exhibit 11 and was further corroborated by the October 15, 2018 SHPO correspondence noting that the Proposed Action will not have any adverse impacts on any cultural or historical resources. See Exhibit 11. SHPO further clarified that the Proposed Action would not have an impact to any archeological resources in an email from Philip A. Perazio, Historic Preservation Program Analyst- Archeologist, dated February 6, 2019. See Exhibit 11.

**The Proposed Action Will Not Result in Significant Environmental Impacts to Surrounding Property Owners:**

Noise

Pursuant to the New York State Environmental Quality Review Regulations, 6 NYCRR § 617.7(C)(1), a substantial adverse change in noise levels is indicative of significant adverse impacts on the environment. The Proposed Action will not result in an increase in noise levels beyond current site conditions. In fact, the removal of the 7 rentable spaces onsite will result in the elimination of contractor uses and equipment storage, thereby reducing the noise generated daily from the site. As demonstrated in the Traffic Study enclosed in Exhibit 8, the removal of these uses will also reduce traffic and daily trips to and from the site. Therefore, traffic noise associated those rentable spaces will be eliminated. Thus, the Proposed Action will not result in an increase in noise levels from the site.

Rail Safety

Neighboring property owners, Marty and Andy Spatz, raised concerns regarding the location of the proposed expansion as it will be adjacent to train tracks operated by CSX Transportation. The rail tracks are located on property owned by the Spatz family, situated along the Applicant’s easterly property line. The Applicant has been in contact with CSX Transportation regarding its construction requirements and regulations.

Correspondence from CSX Transportation has confirmed that the proposed expansion will be located a sufficient distance from the centerline of the tracks and that CSX Transportation is supportive of the Proposed Action.<sup>82</sup>

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<sup>82</sup> Exhibit 13: July 9, 2018 letter from Robb Fritz, Regional Manager, CSX Transportation & June 29, 2018 email from Robb Fritz, Regional Manager, CSX Transportation.

The Applicant will install lighting at the rear of the proposed building to illuminate Railroad Way during the evening hours. The Applicant will continue to collaborate with the Spatz family to ensure unobstructed access over the rail tracks. Therefore, the Proposed Action will not adversely impact the adjacent CSX Transportation train tracks.

#### Air Quality

Pursuant to the New York State Environmental Quality Review Regulations, 6 NYCRR § 617.7(C)(1), a substantial adverse change in existing air quality is indicative of significant adverse impacts on the environment. The Proposed Action will not adversely impact air quality in the surrounding area. There will not be any fumes associated with the operation of the expanded self-storage facility, retail space or MBC office and the Proposed Action will not use an onsite source of air emissions, fuel combustion, or waste incineration.<sup>83</sup> There will not be any onsite sources of air emissions requiring New York State Air Registration, Air Facility Permit or Federal Clean Air Act Title IV or Title V permits.<sup>84</sup> Thus, the Proposed Action will not result in a significant adverse impact to air quality.

#### Removal of Vegetation or Fauna & Impacts on Wildlife Species and Significant Habitats

Pursuant to the New York State Environmental Quality Review Regulations, 6 NYCRR § 617.7(C)(1), the removal or destruction of large quantities of vegetation or fauna is indicative of significant adverse impacts on the environment. Also indicative is a substantial interference with wildlife species and impacts on a significant habitat area. The site of the Proposed Action is already disturbed and fully improved and there are no trees within the project area.

As indicated in the Full Environmental Assessment, which was completed using data from the New York Department of Environmental Conservation's "EAF Mapper", the project site does not contain a significant natural community, nor does it contain any plant or animal species listed by the federal government or New York State as endangered, threatened or rare.<sup>85</sup> The site does not contain any areas identified as habitat for an endangered or threatened species and is not located within or adjoining a state listed Critical Environmental Area.<sup>86</sup>

In fact, the Applicant is proposing to increase vegetation at the site by providing landscaping improvements along Fenimore Road and Waverly Avenue. The existing planting beds along Waverly Avenue will be expanded to accommodate additional plantings and 2 new planting beds will be added along Fenimore Road. See Sheet SY-102, Site Drawings prepared by KTM Architect, PLLC, dated December 6, 2017 and last revised June 19, 2018. The landscaping improvements will also include a deep rain garden along the Fenimore Road facade and shallower planting beds and a new street tree along the Waverly Avenue street. The rain garden and planting beds will

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<sup>83</sup> Exhibit 3: Full Environmental Assessment Form, p. 6, prepared by Hudson Engineering & Consulting, P.C., dated Jan. 14, 2019 (hereinafter "Full EAF").

<sup>84</sup> Full EAF, p. 6.

<sup>85</sup> Full EAF, p. 12.

<sup>86</sup> Full EAF, p. 12.



include plants to attract pollinators, such as Evergreen Azalea's (Blaauw's Pink), Daylilies, Green Gem Boxwoods and Lily Turf.

Therefore, the Proposed Action will not significantly impact vegetation, fauna, protected wildlife species or significant habitat areas.

#### Impacts During Construction

Construction of the expanded facility is anticipated to last approximately one year and will take place from approximately 8AM to 6 PM Monday through Saturday.<sup>87</sup> All neighborhood building owners or residents will be notified of construction prior to commencement of the project and provided with contact information for the Applicant.<sup>88</sup> Prior to commencement of construction, a kick-off meeting will be held with all neighboring building and business owners to review the established timeline.<sup>89</sup> During construction, construction workers will be parking their vehicles on the 416 Waverly Avenue property.<sup>90</sup>

As the Excavation Management Plan prepared by HydroEnvironmental discusses in detail, in the event petroleum hydrocarbon impacted or other constitutes of concern impacted soil is encountered during foundation excavation activities at the subject site, an odor control plan and community air monitoring will be completed throughout excavation activities.<sup>91</sup> These controls will be utilized to prevent on and off-site nuisance odors and to ensure safe air quality for the community. The Applicant will comply with all Village Code requirements relating to the generation of dust and noise, as well as construction operation and safety.

Thus, construction associated with the Proposed Action will not have a significant environmental impact on the surrounding area.

#### Community Support

To date, the Applicant has received approximately 32 letters in support of the Proposed Action from surrounding property owners, community leaders and local residents.<sup>92</sup> An October 2018 petition showing the support of 23 Village businesses, residents, community leaders and property owners in the M-1 Industrial Zone indicates that the Applicant has reviewed the Proposed Action with the surrounding community and demonstrates the support the neighborhood has for the proposed expansion.<sup>93</sup>

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<sup>87</sup> Exhibit 3: Full EAF, p. 3 & 8.

<sup>88</sup> Exhibit 12: Mamaroneck Self-Storage Proposed Expansion Mitigation of Construction Impacts.

<sup>89</sup> Exhibit 12: Mamaroneck Self-Storage Proposed Expansion Mitigation of Construction Impacts.

<sup>90</sup> Exhibit 12: Mamaroneck Self-Storage Proposed Expansion Mitigation of Construction Impacts.

<sup>91</sup> Excavation Management Plan, p. 9-11.

<sup>92</sup> See Exhibit 15.

<sup>93</sup> See Exhibit 15.

The surrounding community is supportive of the Proposed Action and understands that this proposal represents an effort to revitalize the Industrial Area of the Village.

**The Proposed Action Will Not Result in Significant Impacts to Village Resources Such as Police, Fire, or Schools and will Result in Economic Benefits to the Village and Surrounding Community:**

The Proposed Action will not place a burden on Village resources, as demonstrated by the continued operation of the existing self-storage facility.

Public Safety Resources

The nature of the self-storage business results in a largely unoccupied building, with limited daily customer visits. The expanded self-storage facility will operate seven days a week, from 7:00 AM to 7:00 PM. Inherent in limited customer visits is the limited need to draw upon public resources such as the Police and Fire Departments. Therefore, the Proposed Action will not result in significant impacts to the Fire and Police Departments.

Water & Sewer Resources

Hudson Engineering & Consulting, P.C. and Chiswell and Associates, LLC, studied the impacts of the facility on the environment and the local community and determined that the expansion would not result in a negative impact to the local water or sewer system.<sup>94</sup> In fact, Proposed Action will reduce the Total Daily Hydraulic Loading for the site from 270 gallons per day to 150 gallons per day.<sup>95</sup> The existing water supply and sewer lines onsite can serve the Proposed Action and there is no need for any line extensions.<sup>96</sup> The Proposed Action will not result in significant impacts to the Village water and sewer resources.

Local Schools

The Proposed Action includes no residential uses and therefore there will be no additional school-age children joining the Mamaroneck Union Free School District.

Benefits to the Community

The Proposed Action will result in numerous community benefits. The expansion will support the local economy by providing needed self-storage facilities to local businesses and residents. The current operations have already achieved a unit occupancy rate of 84.48% and the addition of the

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<sup>94</sup> Exhibit 25: Water & Sewer Load Calculations & Exhibit 17: Self-Storage Feasibility Addition Memorandum, prepared by Chiswell and Associates, LLC, dated December 2017, p.5.

<sup>95</sup> See Exhibit 25 for Proposed and Existing Water and Sewer Load calculations. See also Exhibit 18: Sep. 28, 2018 Memorandum from Hudson Engineering & Consulting, P.C. to Alvaro Alfonso-Larrain, P.E., Consulting Village Engineer.

<sup>96</sup> Exhibit 3: Full EAF, p. 6.



proposed units will be quickly utilized.<sup>97</sup> Residents of the nearby co-ops and apartments rely on the storage spaces offered by the Applicant and demand has grown considerably, driving the need for the expansion. Local small businesses in the Village require affordable storage for their retail stock and supplies and require a local storage facility that is nearby with easy access.

The Self-Storage Feasibility Addition Memorandum, prepared by Chiswell and Associates, LLC, dated December 2017 and included as Exhibit 17, studied the economic feasibility and local need for the expansion. This Memorandum found that 76.02% of the Applicant's customers are local (from Mamaroneck, Larchmont, Harrison or Rye) and that there are no existing competitive self-storage facilities in the immediate area.<sup>98</sup> The Study also found that the local market for self-storage facilities will be able to support the proposed expansion.<sup>99</sup>

Additional community benefits from the project will occur during construction, as the Applicant anticipates construction will require the employment of at least 200 area tradespeople. Further, the Applicant plans to hire minority-owned and women-owned businesses for the expansion.

The increased ratables the Village will gain from the expansion of the commercial and industrial uses onsite must also be considered when evaluating the economic impacts of the Proposed Action.

### **Conclusion**

We respectfully request that the ZBA adopt a Negative Declaration so that the Board may continue its review of the requested area variances. For the reasons set forth above, as well as in prior submissions and appearances, the Applicant's comprehensive application package demonstrates the lack of any significant environmental impact. It is respectfully submitted that the benefits to the environment, surrounding neighborhood, and Village community demonstrate that the project will significantly improve the environmental conditions of the area and not result in significant adverse negative environmental impacts.

In further support of this application, enclosed please find fifteen (15) sets of the instant letter with the attached table of contents enumerating all deliverables included.

We look forward to appearing before the ZBA on March 7<sup>th</sup> for continued consideration of the environmental impacts of the project. Additional materials in support of the requested area variances will be provided once the Board issues a determination of significance. Should the Board or Village Staff have any questions or comments in the interim, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

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<sup>97</sup> Exhibit 17: Self-Storage Feasibility Addition Memorandum, prepared by Chiswell and Associates, LLC, dated December 2017, p.5.

<sup>98</sup> Exhibit 17: Self-Storage Feasibility Addition Memorandum, prepared by Chiswell and Associates, LLC, dated December 2017, p. 5-10.

<sup>99</sup> Exhibit 17: Self-Storage Feasibility Addition Memorandum, prepared by Chiswell and Associates, LLC, dated December 2017, p. 5 & 12.



February 13, 2019  
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Very truly yours,

A handwritten signature in blue ink that reads "Anthony B. Gioffre III". To the right of the signature is a small, stylized blue mark that looks like the letters "KM".

Anthony B. Gioffre III

Enclosures

cc: Dan Gray, Village Building Inspector  
Edward Smith, Esq., Zoning Board of Appeals Attorney  
Hudson Engineering & Consulting, P.C.  
KTM Architect  
Provident Design Engineering, PLLC  
HydroEnvironmental Solutions, Inc.  
Client