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BY HAND DELIVERY & ELECTRONIC SUBMISSION

Chairman Thomas Burt
and Members of the Harbor & Coastal Zone Management Commission
Village of Mamaroneck
169 Mt. Pleasant Avenue
Mamaroneck, NY 10543

Re: Elisabeth & William Fedyna
Supplemental Materials
Harbor & Coastal Zone Management Commission Application
Consistency Review of Wetlands Permit Application
Premises: 1165 Greacen Point Road, Village of Mamaroneck, New York
(Parcel ID: 9-65 -75)

Dear Chairman Burt and Members of the Harbor & Coastal Zone Management Commission:

This letter and enclosed materials are respectfully submitted on behalf Elisabeth and William Fedyna (the “Applicants”), the owners of residential property located at 1165 Greacen Point Road in the Village of Mamaroneck, New York (the “Premises”), in furtherance of the proposed reconstruction of a single-family home, garage and driveway (the “Project”).¹

This submission responds to comments made by Commissioners at the September 16th Harbor & Coastal Zone Management Commission (“HCZMC”) meeting regarding the Project’s consistency with the Village of Mamaroneck Local Waterfront Revitalization Plan (“LWRP”).

The Amended Project

The Applicants carefully considered concerns regarding impacts to the wetland and wetland buffer area and have reconfigured the proposed layout of the home, garage and driveway. As demonstrated from the enclosed site plans prepared by JMC, PLLC, last revised October 30, 2020, the following amendments have been made to the Project:

- Elimination of the proposed breezeway connecting the home to the garage;
- Reduction in driveway size by over 70% and relocation of driveway entirely out of the wetland buffer area;
- Garage will be detached from the home (previously proposed as an attached garage);
- Reduction in garage size from a 3-car garage to a 2-car garage;
- Reconfiguration of the garage orientation;

¹ The Applicants submitted an application for Consistency Review related to the pending wetlands permit application on April 3, 2020.

- Pervious walkway from the home to the garage; and
- Relocation of the garage closer to the road.

These significant changes result in the following improvements:

- No increase in impervious surface within the wetland or wetland buffer area from existing conditions (see below from Sheet C-100 of the attached Site Plans).

| LOT COVERAGES | | |
|--|------------|------------|
| WETLAND BUFFER | EXISTING | PROPOSED |
| TOTAL WETLAND BUFFER COVERAGE (S.F./PERCENT) | 2,455±/5.2 | 2,455±/5.2 |

- Home and garage set back further from the wetland than the existing house.
- Decrease in net fill from 1,096 cubic yards to 420 cubic yards.
- Decrease in disturbance to the overall site by approximately 25%, from 26,000 square feet to 22,000 square feet.
- Preservation of 2 trees to the right of the proposed garage (previously proposed to be removed).

The proposed new residence is modest in size, with a footprint of approximately 2,637 square feet, which is less than any of the surrounding homes in the neighborhood, as demonstrated by the Neighborhood Aerial included in **Exhibit B**. The home and garage will also be set back a greater distance from the high watermark as compared to the surrounding homes and will have a smaller driveway than other homes in the neighborhood, as demonstrated by the aerial/rendering included in **Exhibit B**.

The Amended Project is Consistent with the 44 LWRP Policies

LWRP Policies 7,² 7a³ and 44⁴

The amended Project will not negatively impact the wetland or wetland buffer area and will actually improve existing conditions. As the Commissioners are aware, the existing deteriorated house and garage on the property are located within the wetland buffer. The reconfigured Project proposes no increase in impervious coverage within the wetland or wetland buffer. Moreover, the amended Project proposes to shift the home and garage toward the road, so they are set back farther from the wetland and wetland buffer than the existing home and garage.

² LWRP Policy 7 provides: “Significant coastal fish and wildlife habitats, as identified on the N.Y. Coastal Area Map (when finalized), shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.”

³ LWRP Policy 7a provides: “Significant coastal fish and wildlife habitats, as identified in this document, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.”

⁴ LWRP Policy 44 provides: “Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.”

As previously discussed in greater detail in the Applicants' September 2nd supplemental materials, the entirety of the wetlands on the site is currently maintained as lawn, providing no benefit to the adjacent wetland and minimal wildlife habitat value. The proposed wetland and wetland buffer plantings detailed in the enclosed Landscaping Plan prepared by JMC, PLLC, will stabilize the shoreline and provide habitat for a variety of crustaceans, shore birds, insects and small mammals. As further discussed in the Wetlands Analysis prepared by Beth Evans, PWS, Evans Associates Environmental Consulting, Inc., revised November 2, 2020 to include an analysis of the amended Project ("Wetland Analysis"), enclosed as **Exhibit A**, the proposal will significantly improve the functional values of the wetlands by restoring portions of the high marsh and salt meadow that are currently maintained as lawn. Additionally, a comprehensive stormwater management system is proposed where no stormwater management infrastructure exists at the property today.

The proposed improvements will provide a considerable benefit over existing conditions. We respectfully submit that the amended Project is consistent with LWRP policies 7, 7a and 44 because it preserves, protects and restores wetlands and significant coastal fish and wildlife habitats. The amendments to the Project result in no increase in impervious coverage within the wetland and wetland buffer area, minimize overall site disturbance, shift improvements further from the wetland and wetland buffer and decrease the proposed fill.

LWRP Policies 11⁵, 12⁶, 37⁷ and 38⁸

The proposed 420 cubic yards of fill represent a significant decrease from the 1,096 cubic yards previously proposed and will be located outside of the wetland buffer area. The proposed fill is necessary to remove a failing septic system located partially within the wetland buffer that can leak raw sewage into the wetlands and coastal waters and install a Westchester County Department of Health code-compliant septic system. Therefore, the amended Project is consistent with LWRP policies 37⁹ and 38¹⁰ because it conserves and protects the quality of surface water and minimizes the discharge of excess nutrients and organics into coastal waters, as discussed more fully in our September 2nd supplemental submission.

⁵ LWRP Policy 11 provides: "Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion."

⁶ LWRP Policy 12 provides: "Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features."

⁷ LWRP Policy 37 provides: "Best Management Practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters."

⁸ LWRP Policy 38 provides: "The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply."

⁹ LWRP Policy 37 provides: "Best Management Practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters."

¹⁰ LWRP Policy 38 provides: "The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply."

The new home will be designed to meet the Village of Mamaroneck Flood Damage Prevention Code (the “Flood Code”) and Federal Emergency Management Agency (“FEMA”) residential construction standards for a residential building within the AE Flood Zone. The existing deteriorated home does not meet Village or FEMA construction standards for structures within a flood zone. Therefore, as discussed in greater detail in our September 2nd supplemental materials, the Project is consistent with Policies 11 and 12 as it will minimize Damage to Property from Flooding and Prevent the Discharge of Sewage into Wetlands and Coastal Waters.

We note that there is no LWRP policy expressly prohibiting net fill within a flood zone. As the Commissioners are aware, in accordance with Section 186-6 of the Flood Code, the Applicants have requested a variance from Section 186-5(3) from the Planning Board. As demonstrated in the variance application submitted to the Planning Board on April 3, 2020, the proposed fill will not result in an increase in base flood elevation or adversely impact flooding conditions on neighboring properties and is therefore consistent with LWRP policies 11 and 12.

Potential for a Sewer Connection

It is our understanding that the Village has requested review of the existing sewer infrastructure and comment on the feasibility of a new sewer line from Westchester County. On September 20th, the Applicants provided the Village’s engineering consultant and the Deputy Village Attorney with copies of the following documents related to the sewer lines on Greacen Point Road to assist in further discussion and analysis:

1. A map of properties in the nearby area of Greacen Point Road identifying which lots are served by a private sewer line and the lots served by septic systems;¹¹
2. Sewer Pipe Maintenance Agreement dated April 20, 2006 (Control No. 470800136);
3. Manhole Agreement dated April 20, 2006 (Control No. 470800155);
4. Sewer Easement Agreement dated March 11, 2011 (Control No. 510633522);
5. Sewer Easement Agreement dated January 27, 1997 (Liber 11693, page 267);
6. Westchester Joint Water Works Easement Agreement dated August 8, 2016 (Control No. 562103776);
7. As built drawings of the sewer lines, prepared by JA Kriby Land Surveying, dated November 23, 2004;
8. Survey of Greacen Point Road, prepared by Spinelli Surveying, dated June 13, 2020;
9. Letter from homeowners on Greacen Point Road to Daniel J. Sarnoff, Acting Village Manager, Tony Iacovelli, General Foreman, Mamaroneck Department of Public Works, and Hernane DeAlmeida, Village Engineer, dated February 11, 2019; and
10. Letter from Hernane DeAlmeida, Village Engineer, dated February 20, 2019 responding to Greacen Point Road homeowners’ letter.

Additionally, enclosed for the Commission’s reference as **Exhibit C** is a map of the properties on Greacen Point Road in the surrounding area that identifies which properties are served by a private sewer line and which properties have septic systems.

¹¹ Enclosed herein as Exhibit C.

Given the considerable changes to the Project and the lack of impacts resulting from no increase in impervious coverage within the wetland buffer, we respectfully submit that further analysis on the feasibility of a sewer connection is no longer necessary. Indeed, the HCZMC has previously granted consistency determinations for proposed single-family home improvements that included septic upgrades or replacements without requiring investigation into the feasibility of connecting to a sewer line.¹²

Materials Enclosed

In support of this application, enclosed please find an electronic copy of the following materials:

- Exhibit A: Updated Wetland Analysis Narrative, prepared by Beth Evans, PWS, Evans Associates Environmental Consulting, Inc., dated November 2, 2020;
- Exhibit B: Neighborhood Ariel Comparison;
- Exhibit C: Greacen Point Road Overview of Sewer/Septic Access;
- Exhibit D: Westchester County Department of Health Bureau of Environmental Quality application;
- Exhibit E: New York State Department of Environmental Conservation Notice of Incomplete Application, dated October 5, 2020 and correspondence prepared by JMC, PLLC to NYSDEC, dated October 13, 2020;
- Exhibit F: Email correspondence from Angela Schimizzi, New York State Department of Environmental Conservation, dated November 2, 2020; and
- Exhibit G: Drain Pipe Investigation Report, prepared by JMC, PLLC, dated November 3, 2020, in response to HCZMC comments during the October 19th work session.

Also enclosed please find copies of the following:

- Stormwater Pollution Prevention Plan & Drainage Analysis, prepared by JMC, PLLC, dated June 8, 2020 and last revised October 1, 2020; and
- Engineering drawings, including a landscaping plan (L-100), prepared by JMC, PLLC, dated July 24, 2018 and last updated October 30, 2020.

We look forward to appearing before the HCZMC on November 18th. Should the HCZMC 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.

Very truly yours,



Kristen Motel
Enclosures

¹² Please see 1248 Greacen Point Road, Consistency Determination issued on February 28, 2019; 1 Shore Road, Consistency granted May 20, 2020; and 8 Oak Lane, Consistency Determination issued April 21, 2017.



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cc: Frank Tavalacci, Building Inspector
William Long, Village Planner
Christy A. Mason, Esq., Planning Board & HCZMC Attorney
JMC, PLLC
Beth Evans, Evans Associates Environmental Consulting, Inc.
Anthony B. Gioffre III, Esq.
Client