

Stuart Tiekert

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Mamaroneck, NY 10543

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Dear Chair and Members of the HCZMC,

I am writing with comments on the plans submitted and conversation about stormwater management during the Public Hearing on 1165 Greacen Point. I believe some misinformation was presented to the Commissioners.

As a threshold issue, Chapter 294 of Village Code requires that the Stormwater Pollution Prevention Plan (“SWPPP”) and stormwater management plan need to be prepared by a licensed professional engineer. As I understand it, in the State of New York, to be considered the work of a licensed engineer submittals must be under the signature and seal of the licensed professional. Neither the plans nor the SWPPP have been signed and sealed. I believe the HCZMC should require all submissions by licensed professionals, including the Village Consulting Engineer’s (“VCE”), to be signed and sealed.

Early on in the meeting the applicant’s engineer responded to a question by a commissioner that “With all due respect, the Village Consulting Engineer has reviewed the plan and they’ve determined it is in compliance with the Village’s stormwater management regulations as well as the NYSDEC [Stormwater Design Manual]. (“SWDM”).

I have read the November 16, 2020 memo from the VCE and do not see where he has determined that SWPPP or the plans are in compliance with Village Code or NYSDEC regulations. In fact, there were a number

of items noted in the VCE's memo that had not been addressed by the applicant. Why the VCE sat silently while the applicant's engineer misrepresented his work to the Board is concerning.

Past VCE's, on their final memo, would include language similar to "Based upon my review of the submittals this work meets the standards of Village Code and the SWDM." I believe that was a good practice and should be required of the VCE.

With all due respect to the applicant's engineer, based on my read of his plans, I believe that the plans and SWPPP submitted fall far short of meeting the requirements of Chapter 294 and the SWDM.

Under Chapter 294 this project needs to meet SWDM requirements for both stormwater quantity and quality. While the applicant appears to have met the quantity component there is nothing to indicate they even come close to meeting the water quality requirements.

The SWDM, Chapter 6 Performance Criteria "outlines performance criteria for five groups of structural stormwater management practices (SMPs) to meet water quality treatment goals. These include ponds, wetlands, infiltration practices, filtering systems and open channels." The Chapter goes on to detail the feasibility and performance requirements of each type of SMP.

Clearly, the applicant is not proposing a pond, wetland or a filtering system. Infiltration practices require hydrologic testing which has not been presented. There is nothing on the plans to indicate the grading that would be necessary for an open channel system.

The NYSDEC also allows the use of approved proprietary SMPs from their approved list or the approved lists for three other testing organizations. I have reviewed all four lists and have found no listing of

either the R-Tank or Rain Harvesting system as being approved to perform water quality treatment.

At one point in the meeting, when the VCE was asked whether the Rainwater Harvesting system was an approved practice for water quality he responded “Yes, that is in chapter five of the manual (SWDM) as part of the water quality runoff reduction part, yes.” However, chapter five is not about water quality.

Chapter five is about “green infrastructure practices acceptable for runoff reduction.” It has nothing to do with performing the water quality function. Additionally, “Rainwater Harvesting” is only mentioned once in the entire 578 page SWDM and only to cite The Texas Manual on Rainwater Harvesting 3rd Edition, under “References/Further Resources” at the end of chapter five.

During the meeting both the applicant’s engineer and the VCE seemed unfamiliar with the plans submitted as they did about the requirements of the SWDM. At one point, the applicant’s engineer, “It (the SMP) treats the silt and the sediment that’s going to runoff and any runoff on the driveway.”

First, once the site is stabilized, post construction, there should be no silt or sediment flowing to the SMP. Silt and sediment are controlled during the construction process by erosion and sediment controls and the SWDM strictly prohibits SMPs from being used to silt and sediment during construction. Second, SMPs are designed to treat runoff from **impervious** surfaces not landscape surfaces that would produce silt and sediment. Additionally, the submitted plans shows no practice that will prevent stormwater from running down the driveway and leaving the site untreated.

At another point at the meeting there was talk about “rain gardens” being utilized for water quality. While rain gardens may be an acceptable stormwater quality management practice, there are limitations and restrictions on their use and more importantly there is no indication that they are part of the plans submitted.

Prior to the HCZMC making a consistency determination on this project I hope the commissioners will require that the VCE do a thorough, comprehensive review of any new plans submitted based on the requirements of Village Code and the SWDM to ensure that the environment and water quality is protected.

Sincerely,

Stuart Tiekert