

Stuart Tiekert

130 Beach Avenue

Mamaroneck, NY 10543

February 3, 2021

Dear Chair and Members of the HCZMC,

I am again writing because the SWPPP and stormwater management plans submitted for 1165 Grecen Point meets neither the requirements of Chapter 294 Stormwater Management nor the standards set by the New York State Department of Conservation Stormwater Management Design Manual ("SWDM").

I am appending this to my letter from November 23, 2020 about the glaring deficiencies in the plan at that time in case members missed it or were not able read for other reasons. None of the defieiciencies have been addressed in the revised plans and SWPPP.

At your last meeting, I was amazed to hear the new Village Consulting Engineer ("VCE"), when responding to a question from a commission member about whether he had reviewed the new SWPPP and stormwater plan before you, say that "Brian [the previous VCE] I **think** clarified that all stormwater comments have been satisfied."

If the VCE had reviewed the the plans he would have seen that all comments had not been satisfied. Comment 23, "The Rainwater Harvesting Tank detail should illustrate provisions for an irrigation pumping system.", was marked "Not Addressed".

It should be noted that the SWPPP before you has been revised twice since last reviewed by a Village VCE.

I am appalled if this the level of work the Commission expects and accepts from its consultants. Although the VCE is paid through the applicant's escrow fee he is there to represent the interests of the commission, environment, and residents. Is it too much to expect that they might actually look at the submissions and not just say "I think the last guy said it was ok."

I have quickly reviewed the revised plans and although I am not an engineer it is indisputable that at minimum; the elevations of inverts for the OUTLET CONTROL CENTER, the PROPOSED SUBSURFACE DETENTION SYSTEM WITH IMPERVIOUS LINER, and the OUTLET CONTROL STRUCTURE have all been either changed or eliminated since the plans were last reviewed.

Additionally, the revised SWPPP and submitted plans are far from being ok.

The SWPPP and plans submitted still don't meet the standards set by Chapter 294 or SWDM. I believe that if the new VCE reviews the plans he would be in a better position to advise the commission on the compliance with Chapter 294 and the SWDM.

I took some time to review the SWPPP and latest plans and find the following deficiencies:

- Neither are signed and sealed by a licensed professional. Article 145 Section 7209 NYS Education Law requires that " All plans, specifications, plats and reports relating to the construction or alteration of buildings or structures, or geologic drawings and reports prepared by such professional engineer, all plans, specifications, plats and reports prepared by such land surveyor and all geologic drawings and reports prepared by such professional geologist or by a full-time or part-time subordinate

under his or her supervision, shall be stamped with such seal and shall also be signed, on the original with the personal signature of such professional engineer, land surveyor or professional geologist when filed **with public officials**. No official of this state, or of any city, county, town or village therein, charged with the enforcement of laws, ordinances or regulations shall accept or approve any plans, specifications, or geologic drawings or reports that are not stamped:"

- Neither the SWPPP or submitted plans refer to any structural stormwater management practice ("SMP") for storm water quality accepted by the SWDM.
- Near the house there is a proposed elevation contour line on the grading plan marked 10 feet on one side it and directly across from the 10, marked 11 feet.
- The Details 9 and 13 show two DIFFERENT septic tanks despite #13 being labeled "Rainwater Harvesting Tank"
- There is no detail shown for the PROPOSED SUBSURFACE DETENTION SYSTEM WITH IMPERVIOUS LINER
- The driveway slopes to the street and there is no trench drain to pick up the runoff from the property as required.
- There is a detail for rain garden but the UTILITY Plan does not show a raingarden, There is no plant list for a rain garden.

This is a sloppy, incomplete SWPPP and stormwater management plan, the fact that the current VCE has not reviewed it doesn't change that.

Stunningly, the author makes this statement in the conclusion of the SWPPP - "The proposed permanent improvements and the interim improvements to be utilized during construction have been designed in accordance with the requirements of the: • Chapter 294 "Stormwater Management and Erosion and Sediment Control" of the Village of

Mamaroneck Zoning Code The project employs a variety of practices to enhance stormwater quality and reduce peak rates of runoff associated with the proposed improvements. These measures include two rainwater cisterns and a proposed subsurface detention system. 29 Based on the foregoing, it is our professional opinion that the proposed improvements will provide water quantity and quality enhancements which exceed the above-mentioned requirements and are not anticipated to have any adverse impacts to the site or any surrounding areas."

The author is either ignorant or not be honest with to you. Cisterns, according to Chapter 294 and the SWDM, do not perform a stormwater quality function. There are NO structural stormwater management practices accepted under Chapter 294 for stormwater quality in the submitted SWPPP.

I strongly doubt that, if the author of the SWPPP is a licensed professional engineer, that he will make the above statement under his signature and seal.

I urge the HCZMC to reject the submitted SWPPP and associated stormwater management plans until the applicant submits work signed and sealed by a licensed professional engineer. The VCE should then be required to thoroughly review the submissions and present his memo under signature and seal with his stated professional opinion that it meets the requirement of Chapter 294.

Going forward, I hope the HCZMC will stop reviewing engineering work that is unsigned and sealed and encourage staff to reject submissions until they meet the professional standards for submission.

Sincerely,

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