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July 1, 2020

**BY 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  
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:

On behalf of our clients, 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”), we respectfully submit the enclosed supplemental materials in furtherance of the pending Harbor & Coastal Zone Management Commission (“HCZMC”) consistency review application. This submission is made in furtherance of the wetlands permit application<sup>1</sup> for proposed reconstruction of a single-family home and associated residential improvements on the Premises.

The Premises

The Premises is a 47,560-square foot lot that is currently improved with a one-family residence, garage and accessory improvements. The property is classified in the R-20 (One-Family Residence) Zoning District in a neighborhood comprised entirely of one-family residences. Section 342-21(A) of the Village of Mamaroneck Zoning Code provides that one-family dwellings are a principally permitted use in the R-20 zone.

The Proposed Single-Family Home Reconstruction is Consistent with the Local Waterfront Revitalization Policies

The Applicants are proposing to demolish the existing single-family home and associated improvements in order to construct a new residence, garage and driveway. The proposed home will have an approximately 2,655 square foot building footprint and will connect to an approximately 1,000 square foot garage and breezeway. The Applicants are also proposing to

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<sup>1</sup> The wetlands permit application was submitted to the Planning Board on April 3, 2020.



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replace the existing failing septic system and install new stormwater management infrastructure and wetland buffer plantings.

The Premises is located within the AE Flood Zone with a Base Flood Elevation of 13.00. To comply with the Village's Floodplain Development Code and Federal Emergency Management Agency ("FEMA") standards, the finished floor of the proposed home will be at an elevation of 16.00 and the ground directly adjacent to the foundation will be raised to an elevation of 13.00.

As demonstrated in the enclosed responses to the 44 Local Waterfront Revitalization Program ("LWRP") policies (**Exhibit A**) the proposed replacements are consistent with the Village's LWRP. The proposed stormwater and landscape improvements, as well as replacement of the failing septic system, will provide considerable benefits to the tidal wetlands and buffer area.

The majority of the Premises is located within the tidal wetland and the wetland buffer area and the property is currently developed with residential improvements. The home will be set back from the tidal wetland further than the existing building and, as evidenced by the enclosed Site Drawings, prepared by JMC PLLC, last revised July 1, 2020, the location of the proposed residence is constrained by design standards for a fully-compliant septic system.

#### Environmental Review

On May 13, 2020, in consideration of the Applicant's Site Plan and Wetlands Permit applications, the Planning Board classified the proposed construction of a single-family home and accessory residential improvements as Type II and therefore exempt from the New York State Environmental Quality Review Act ("SEQRA"). See 6 NYCRR § 617.5(C)(1); (2); (6); (8); (11); and (12). Notwithstanding, the Applicants are providing an updated Short Environmental Assessment Form ("EAF"), enclosed as **Exhibit C**.

#### Materials Enclosed

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

- Exhibit A: Revised HCZMC Coastal Assessment Narrative Addressing the 44 LWRP criteria;
- Exhibit B: Building Department Zoning Compliance Determination, dated June 15, 2020;
- Exhibit C: Revised Short Environmental Assessment Form, dated April 3, 2020;
- Exhibit D: Wetland Evaluation and Impact Report, prepared by Ecological Solutions, LLC, dated June 23, 2020;
- Exhibit E: DEC Joint Application, dated July 1, 2020;
- Exhibit F: Army Corps of Engineers letter of no jurisdiction, dated June 3, 2020; and
- Exhibit G: Response to Village Engineer's comments, prepared by JMC, PLLC, dated June 12, 2020.

Also enclosed please find copies of the following:



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- Stormwater Pollution Prevention Plan & Drainage Analysis, prepared by JMC PLLC, dated June 8, 2020;
- Topographic survey of the Premises prepared by Spinelli Surveying, last revised July 1, 2020; and
- Engineering drawings, including a landscaping plan (L-100), prepared by JMC, PLLC, dated July 24, 2018 and last revised July 1, 2020.

We look forward to appearing before the HCZMC on July 15<sup>th</sup>. 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*

Kristen Motel  
Enclosures

cc: Frank Tavalacci, Acting Building Inspector  
Betty-Ann Sherer, Land Use Coordinator  
Christy A. Mason, Esq., Planning Board & HCZMC Attorney  
JMC PLLC  
Ecological Solutions, LLC  
Anthony B. Gioffre, Esq.  
Client

# EXHIBIT A

## Coastal Assessment Form – Narrative

**William & Elisabeth Fedyna  
1165 Greacen Point Road  
Village of Mamaroneck**

### Compliance with LWRP Policies

INSTRUCTIONS-Please indicate how your project complies with each LWRP policy. If a policy does not pertain to your project, please indicate “N/A.” A response must be provided for each policy. If additional space for responses is needed, please add an addendum. The Village of Mamaroneck LWRP can be viewed at [www.mamaroneck.ny.us](http://www.mamaroneck.ny.us)

### Development Policies

**Policy 1. Restore, revitalize, and redevelop deteriorated and under-utilized waterfront areas.**

This policy is not applicable. 1165 Greacen Point Road (the “Premises”) is classified in a residential zoning district which is not identified under this policy as a focus for proactive waterfront redevelopment. The Applicant is proposing to demolish the existing single-family home and garage in order to construct a new single-family residence, garage, driveway, septic system and associated residential improvements (the “Project”).

**Policy 2. Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.**

This policy does not apply to this property because the residential use is not water-dependent.

**Policy 3. Not applicable.**

**Policy 4. Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.**

This policy is not applicable. The Premises is occupied as a single-family residence along the shoreline and is classified in a residential zoning district.

**Policy 5. Not applicable.**

**Policy 6. Expedite permit procedures in order to facilitate the siting of development**

**activities at suitable locations.**

A Village of Mamaroneck Wetlands Permit Application was submitted to the Planning Board concurrently with this request for HCZMC Consistency Review. The New York State Department of Environmental Conservation (“NYSDEC”) regulates the tidal wetland on the site and the wetland boundary was confirmed in the field during a joint site walk with DEC on September 27, 2018. Pursuant to conversations with Angela Schimizzi of the NYSDEC, the limit of NYSDEC jurisdiction of the tidal wetland and adjacent area (“buffer”) is the 10-foot contour, as mapped on the existing site survey. Accordingly, a Joint Application was filed with the NYSDEC on July 1, 2020 and a copy of the application is included with this submission.

As demonstrated by the enclosed correspondence from the U.S. Army Corps of Engineers (“ACE”), approval is not required from ACE for the proposed single-family home redevelopment.

Accordingly, all requisite permit applications have been submitted to the involved State and local agencies. As required by the State Environmental Quality Review Act (“SEQRA”)<sup>1</sup>, the Applicant has made an effort to coordinate all approvals from the Village and the DEC for the proposed redevelopment.

**Fish and Wildlife Policies**

**Policy 7. 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.**

The Premises is adjacent to Delancey Cove, a portion of Long Island Sound designated as a significant coastal fish and wildlife habitat in the Village’s Local Waterfront Revitalization Plan. The near-shore areas of Long Island Sound are designated within the Long Island Sound Critical Environmental Areas (CEA), which includes the Premises. The Premises is also located within the Adjacent Area of the designated Hampshire Country Club and Hommock’s Conservation Area CEAs.

No work is proposed within any tidal wetlands, although work is proposed within the locally-regulated 100’ tidal wetland buffer. The existing home, garage and residential improvements are currently located within the tidal wetland buffer. The property is served by public water and a failing septic system, which the Applicant is proposing to replace.

The project will have no negative impact to wetlands on the Premises. The Applicant is proposing to construct stormwater management infrastructure where none currently exists. This infrastructure will provide treatment of the full water quality volume from the site and filter contaminants from the runoff prior to discharge to Delancey Cove. The stormwater runoff from the captured impervious area will be conveyed through a comprehensive drainage system to a 5,700-gallon rainwater harvesting system. The rain water harvesting cisterns will be utilized for irrigation and applied to the minimum Water Quality Volume. The rainwater harvesting cisterns will act as settlement basins and allow any sediment laden water to settle out from the clean stormwater. Treated water will be routed to a “permavoid” stormwater management system that consists of 1,260 units and is designed to detain the “25-year storm,” which

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<sup>1</sup> 6 NYCRR 617.3 & 617.6(b)(3).

provides storage for approximately 1,700 cubic feet. The treated stormwater will flow from this detention system to an outlet control structure with an orifice that will slowly release storm water at a rate of 1.99 cfs, a runoff reduction volume of 5.7% from the existing runoff of 2.11 cfs. The outlet control structure is designed with an overflow that allows larger storms to bypass the filter. Additionally, all piping is sized to convey the 100-year storm event.

During construction, double rows of silt fence will be installed along the water side of the proposed construction as well as construction fence along the edges of the flagged wetland. Inspections shall be performed weekly as outlined in the NYS Blue Book for Erosion and Sediment Control. Sediment and erosion control measures will be implemented in accordance with the Storm Water Pollution Prevention Plan ("SWPPP") and Sediment and Erosion Control Plan.

The Project further improves onsite conditions, and minimizes impacts to adjacent habitat, by upgrading the original failing septic system on the site to current standards.

The wetland area on the Premises is currently a mowed lawn with a fringe of invasive reed grass (*Phragmites* spp.) along the water's edge and Japanese knotweed (*Fallopia japonica*). The invasive species will be removed by hand and native coastline buffer plantings installed to create additional bird and wildlife habitat within the 100' tidal wetland buffer. Native, coastal- appropriate shrubs, grasses, trees and perennials, including: *Acer Rubrum*, *Ilex Vertifallata*, *Lindera Benzoin*, *Asclepias tuberosa*, *Euthamia tenuifolia*, *Andropogon Virginicus*, and *Panicum Virgatum* are proposed within the buffer area. These plantings will transition the lawn edge to a diverse habitat that will provide food and shelter for migrant birds and wildlife and filter runoff to positively impact fish populations in Delancey Cove.

**Policy 7a. 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.**

As previously discussed in Policy #7 above, the Premises is adjacent to Long Island Sound and is located within an area designated as a significant coastal fish and wildlife habitat by the LWRP. The Premises is also located in the adjacent areas for the Hommock's Conservation Area and Hampshire Country Club CEAs.

No work is proposed within the tidal wetlands. The proposed redevelopment is confined to the area within the locally-regulated 100-foot tidal wetland buffer and will be located in areas with existing residential improvements that have been previously disturbed. Native coastline buffer plantings are proposed within the buffer to preserve and restore bird and wildlife habitat.

As detailed in Policy #7, the project minimizes impacts to adjacent tidal wetlands habitat by providing treatment of the full water quality volume from the site and filtering contaminants from the runoff.

**Policy 8. Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which accumulate in the food chain or which cause significant sub-lethal or lethal effect on those resources.**

There is no anticipated generation of hazardous waste or pollutants from the proposed residential improvements. The residence is currently served by a failing septic system that the Applicant is proposing to replace with a new on-site wastewater treatment system with an enhanced treatment unit that will exceed current standards.

Any potential pollutants generated during construction or from residential use will be prevented from entering the waters of Long Island Sound and will be disposed of at a legal offsite facility.

The SWPPP and design drawings provide measures to protect the environment from pollutants. During construction, a sediment and erosion control plan will be implemented, including the installation of inlet protection on all drain inlets, a silt fence down-slope of all disturbed areas, and a construction fence to prevent excess disturbance. The SWPPP provides a maintenance schedule to ensure these measures are functioning properly during construction.

Upon completion of construction, activation of the stormwater management system fully described in Policy #7 above will provide treatment of the full water quality volume from the site. A maintenance schedule is provided to ensure the system is functioning properly.

Native wetland plantings, as previously detailed in Policy #7, will also filter pollutants from storm events prior to discharge into Delancey Cove.

**Policy 9. Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources.**

This policy is not applicable to the existing residential zoning district and proposed residential improvements. The alterations are limited to the areas with existing residential improvements and it is anticipated that the proposed project will not have an adverse impact on the fish and wildlife resources in the area.

**Policy 10. Further develop commercial finfish, shell-fish and crustacean resources in the coastal area.**

This policy is not applicable to the current residential use of the Premises.

#### **Flooding and Erosion Hazards Policies**

**Policy 11. 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.**

The Premises is located within the AE flood zone with Base Flood Elevation (“BFE”) +13’. To reduce the potential for damage to property from coastal storms, the proposed residence will be rebuilt at an

elevation above the 100-year floodplain, in accordance with federal, state and local guidelines.

Within the AE flood zone, reconstruction of the home, garage and driveway are proposed, as well as new wetland buffer plantings and new stormwater management infrastructure.

All new structures have been sited with respect to the designated flood plain and at a proper elevation to minimize the possibility of damage caused by flooding or erosion. Multiple drainage systems are proposed to minimize the damage to property and human lives caused by flooding and erosion. The structures will have a fully connected leader and drain system which will collect all water and distribute it accordingly in a safe manner to a daylight system. Perimeter drainage along the foundation and under-slab drainage will allow for the release of any additional hydrostatic pressure.

Approximately 90% of the proposed impervious areas on site along will collect stormwater to be treated, stored and recycled to irrigate the landscaped areas on the Premises. Stormwater that is collected in excess of the required irrigation will be detained and slowly be released into the environment with a reduced rate from existing conditions in accordance with NYSDEC and Village requirements.

**Policy 12. 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.**

Pursuant to the LWRP, natural protective features include wetlands, trees, beaches and offshore islands. The proposed reconstruction does not include the development on any such natural protective features. There is no seawall present on the Premises and no seawall is proposed.

As previously detailed in responses to Policies #7 and #11, the project minimizes impacts to the wetlands by providing treatment of the full water quality volume from the site and filter contaminants from the runoff. Approximately 90% of the impervious areas will be designed to capture and treat stormwater. Stormwater will be collected, treated and recycled to irrigate the landscaped areas on site. Stormwater that is collected in excess of the required irrigation will be detained and slowly be released into the environment with a reduced rate from existing conditions in accordance with NYSDEC and village requirements. Additional proposed improvements include the addition of native coastline buffer plantings are proposed to create additional bird and wildlife habitat within the 100' tidal wetland buffer.

The redevelopment of the site is proposed to maximize the distance between the development and the edge of the water. The proposed septic system has been sited in generally the same location as existing septic system thereby forcing the location of the proposed home. In order to construct the home to current standards, the home must be set above the 100-year flood plain elevation and the ground around the dwelling at the 100-year flood plain elevation. The proposed grade around the dwelling is show at a 3:1 slope the steepest slope recommended to minimize erosion and minimize the disturbance within the adjacent area.

**Policy 13. The construction and reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years.**

There are no erosion protection structures in place at the Premises and none are proposed.

**Policy 14. Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development.**

Prior to the commencement of construction, Erosion and Sediment control measures as outlined in the New York State Blue Book for Sediment and Erosion Control will be installed. As previously detailed in in Policy #7 above, this includes double rows of silt fence, construction fence to delineate the wetland and prevent unauthorized access during construction and the construction of a sediment trap to catch any sediment laden stormwater. Erosion control measures will not be taken down until the establishment of a stabilized site.

Upon completion of construction, the entire site will be seeded and stabilized to prevent erosion hazards. Activation of the stormwater management system will provide treatment of the full water quality volume from the site. A maintenance schedule is provided to ensure the system is functioning properly.

**Policy 15. Not applicable.**

**Policy 16. Not applicable.**

**Policy 17. Wherever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion.**

There is no existing seawall on the property and no seawall is proposed. A nonstructural measure listed in the LWRP is “(iv) the floodproofing of buildings or their elevation above the base flood level.” The reconstructed home will be built above the floodplain (AE Zone, BFE 13’).

Additionally, new buffer plantings have been proposed within the wetland buffer to help mitigate possible runoff and/or erosion, while providing a level of defense against flooding and storm surge. Native, coastal- appropriate shrubs, grasses, trees and perennials, including: Acer Rubrum, Ilex Vertifallata, Lindera Benzoin, Asclepias tuberosa, Euthamia tenuifolia, Andropogon Virginicus, and Panicum Virgatum are proposed within the buffer area. These plantings will transition the lawn to a multi-diverse planting buffer that will provide food and shelter for migrant birds and wildlife. The salt tolerant plant material selected will create an extensive fibrous root system to assist with filtration and protect against site run-off.

### **General**

**Policy 18. To safeguard the vital economic, social and environmental interests of the State and the Village of Mamaroneck, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State and this Village have established to protect valuable coastal resource areas.**

The reconstruction of this single-family home takes a sensitive approach to the coastline, benefitting the surrounding environment with new plantings and improved stormwater management, without posing negative impacts to the social and environmental interests of the State and the Village of Mamaroneck.

### Public Access Policies

**Policy 19. Protect, maintain and increase the levels and types of access to public water related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas, and waterfront parks.**

The project involves redevelopment of an existing single-family residence. No public water-related recreation resources or facilities are located on the property.

**Policy 20. Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.**

As previously discussed in Policy 19, no publicly-owned foreshore resources exist on the Premises.

### Recreation Policies

**Policy 21. Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water-related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses.**

The Applicants are proposing redevelopment of an existing single-family residence, no new recreation is proposed. The site, as well as the surrounding lots, are residential uses within a residential zoning district. The proposed reconstruction intends to maintain a positive connection for recreational use of Delancey Cove and waterway for the homeowners and their family.

**Policy 22. Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the of the development. In the Village of Mamaroneck, this also applies to redevelopment of waterfront property.**

As previously discussed in Policies #20 and #21, the proposed redevelopment of the existing single-family residence will not impact or disturb recreational use of Delancey Cove. There is no demand for public water-dependent uses on the Applicants' private property, nor would such public uses be appropriate for this location.

**Policy 23. Protect, enhance and restore structures, districts, areas, or sites that are of significance in the history, architecture, or archeology or culture of the Village of Mamaroneck.**

This policy is not applicable. There are 54 sites of historic, architectural or archeological importance listed in the LWRP and the Premises is not included as a site of such significance. Further, the Premises is not listed as a historical, architectural, archeological or culturally significant State or National resource.

#### Scenic Quality Policies

**Policy 24. Not applicable.**

**Policy 25. Prevent impairment of scenic resources of Statewide or local significance. \*Note Harbor Island Park is a scenic resource of local significance.**

This policy is not applicable. The proposed project is not located in or within view of scenic resources of Statewide or local significance, including Harbor Island Park.

**Policy 26. (Agricultural Lands Policy) Not applicable.**

#### Energy and Ice Management Policies

**Policy 27. Not included.**

**Policy 28. Not applicable.**

**Policy 29. Not included.**

#### Water and Air Resources Policies

**Policy 30. Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, and sewage, into coastal waters will conform to State and National water quality standards.**

This policy is not applicable. The Premises is a residential use classified in a residential zoning district. Additionally, no discharge of pollutants into coastal waters will result from the proposed reconstruction or use of the single-family residence.

**Policy 31. State coastal area policies and purposes of approved Local Waterfront Revitalization Programs will be considered while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.**

This policy is not applicable to the proposed project as water quality standards will not be modified. There are currently no measures on site to treat any stormwater, upon the completion of this project all stormwater shall be treated through an onsite stormwater quality system. A full SWPPP was prepared and is being reviewed by the Village's engineering consultants. The SWPPP takes into account both water quantity and quality.

**Policy 32. Not applicable.**

**Policy 33. Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.**

As fully detailed in Policy #7 herein, a stormwater system will be constructed to treat and detain run off where, under current conditions, none exist. During the course of construction, a number of measures will be in place to prevent migration of sediment and pollutants from entering the food chain.

As previously mentioned in Policy #31, a full SWPPP has been developed for the proposed reconstruction to protect water quality in Long Island Sound. The SWPPP takes into account both water quantity and quality in accordance with the New York State Stormwater Manual.

The stormwater management design includes the use of a rainwater harvesting system, to be utilized for irrigation and is applied to the minimum Water Quality Volume. The proposed stormwater infrastructure will be designed to control flows and provide treatment to the runoff protecting the Long Island Sound from additional contamination and excessive flows.

There are no combined sewers proposed for this project. Native wetland plantings will also filter pollutants from storm events prior to discharge into Delancey Cove.

**Policy 34. Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.**

This policy is not applicable to the proposed residential project, there will be no discharge of waste materials from vessels.

**Policy 35. Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.**

This policy is not applicable because there is no dredging proposed.

**Policy 36. Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.**

This policy is not applicable to the residential property activities and proposed reconstruction, as there is no proposed shipping and/or storage of petroleum or other hazardous materials.

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

A stormwater system will be constructed to treat and detain run off where under current conditions none exist. During the course of construction, a number of measures will be in place to prevent migration of sediment and pollutants from entering the food chain. For example, a sediment and erosion control plan will be implemented, including the installation of inlet protection on all drain inlets, a silt fence down-slope of all disturbed areas, and a construction fence to prevent excess disturbance. The SWPPP provides a maintenance schedule to ensure these measures are functioning properly during construction.

Upon completion of construction, activation of the stormwater management system will provide treatment of the full water quality volume from the site. A “permavoid” stormwater management system is utilized to filter contaminants from the runoff. A maintenance schedule is provided to ensure the system is functioning properly.

Additional native and coastal plant materials have been proposed to protect against excess nutrients, organics and eroded soils discharging into the coastal waters.

**Policy 38. 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 proposed stormwater management system is designed in accordance with NYS DEC and Village of Mamaroneck requirements for development that discharges directly into Long Island Sound, a tidal waterway. Water quality standards are met through the use of a “permavoid” stormwater management system is utilized to filter contaminants from the runoff.

As previously discussed in Policy #37, a sediment and erosion control plan, including inlet protection of all drain inlets and the use of inlet and construction fences, will be implemented during construction to prevent excess disturbance. The SWPPP provides a maintenance schedule to ensure these measures are functioning properly during construction.

Native plantings with minimal need for supplemental water sources are proposed to conserve and protect the existing surface and groundwater supplies.

**Policy 39. The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas, will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.**

This policy is not applicable to the proposed project. No hazardous wastes will be generated as part of the repairs and reconstruction. Construction debris will be removed from the site by truck-transport and disposed of in a legal upland facility.

**Policy 40. Not applicable.**

**Policy 41. Not included.**

**Policy 42. Not included.**

**Policy 43. Not included.**

**Policy 44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.**

No work is proposed within the tidal wetlands. The reconstruction of the single-family home, garage and driveway within the buffer area are proposed in locations that are currently disturbed with residential improvements. New stormwater and landscape buffer improvements are proposed where none currently exist to protect the buffer area from erosion and to filter stormwater flowing into Long Island Sound.

As detailed in Policy #7, there will be no negative impact to wetlands on the site. The proposed stormwater management infrastructure will treat the full water quality volume from the site and filter contaminants from the runoff. The wetland area on the site is currently mowed lawn with a fringe of invasive reed grass (*Phragmites* spp.) along the water's edge and Japanese knotweed (*Reynoutria japonica*) also located on the site. The invasive species will be removed by hand and native coastline buffer plantings installed to create additional bird and wildlife habitat within the 100' tidal wetland buffer. Native, coastal- appropriate shrubs, grasses, trees and perennials, including: *Acer Rubrum*, *Ilex Vertifallata*, *Lindera Benzoin*, *Asclepias tuberosa*, *Euthamia tenuifolia*, *Andropogon Virginicus*, and *Panicum Virgatum* are proposed within the buffer area. These plantings will transition the lawn to a multi-diverse planting buffer that will provide food and shelter for migrant birds and wildlife.

# EXHIBIT B

MEMO TO: PLANNING BOARD  
FROM: BUILDING DEPARTMENT  
RE: APPLICATION FOR SITE/SUBDIVISION PLAN APPROVAL

Title of Project: 45DP & 2W 202 - Fedyna 1165 Greacen Point Rd  
Location: 1165 Greacen Point Rd Town: 9 Sec: 9 Blk: 50 Lot: 373  
Owner: William & Elisabeth Fedyna

Application in compliance with Zoning Ordinance as follows:

Subject	Yes	No	Comments/Recommendations
A) Use Permitted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B) Lot Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C) Lot Frontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D) Building Coverage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E) Floor Ratio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F) Height of Building	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G) Building Setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
H) Off Street Parking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
I) Parking Setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
J) Architectural Sketches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
K) Flood Elevations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Comments and Recommendations: BOTH APPROVAL

Dated: 6/15/20

John Sadava

Building Inspector

# EXHIBIT C

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

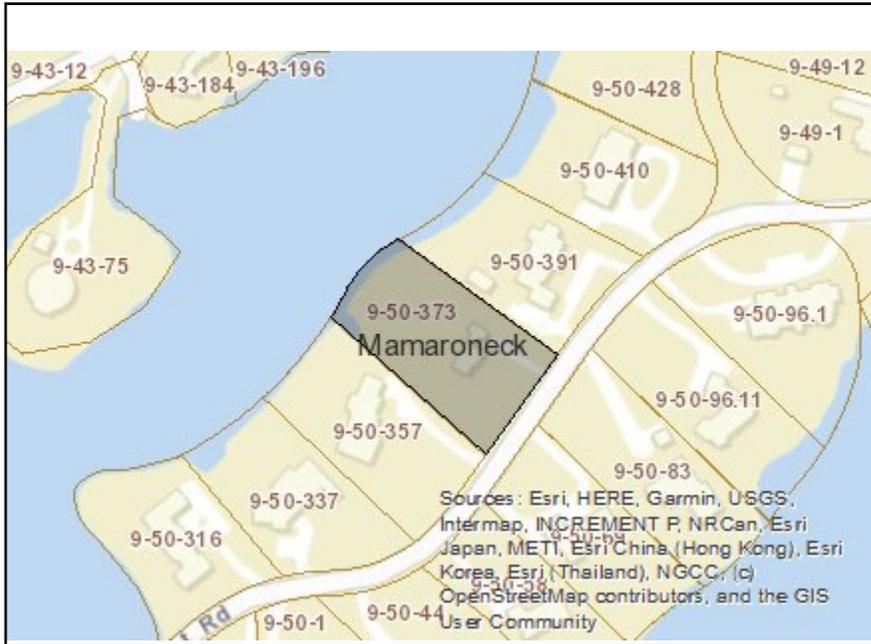
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Flood Plain Variance, Demolition Permit			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5.     Urban           Rural (non-agriculture)           Industrial           Commercial           Residential (suburban)				
<input type="checkbox"/> Forest           Agriculture                           Aquatic           Other(Specify):				
<input type="checkbox"/> Parkland				



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____  Signature: _____ Title: _____		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Hampshire Country Club, Name:Long Island Sound, Reason:Protect water & natural area, Reason:Exceptional or unique character, Agency:Mamaroneck, Village of, Agency:Westchester County, Date:2-2-85, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

# EXHIBIT D

# *Wetland Evaluation and Impact Report*

Fedyna Site  
1165 Greacen Point Road  
Village of Mamaroneck  
Westchester County, New York

June 23, 2020

Prepared by:

Michael Nowicki  
*Ecological Solutions, LLC*  
1248 Southford Road  
Southbury, Connecticut 06488

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## 1.0 EXISTING CONDITIONS/SUMMARY

Regulatory Review - Ecological Solutions, LLC completed a wetland evaluation and wetland/buffer impact assessment for the proposed demolition and reconstruction of a single family house on a lot totaling 1.09 acres, located at 1165 Greacen Point Road in the Village of Mamaroneck in accordance with the plan set entitled, "Site Plan Approval Drawings Residential Development" prepared by JMC and last revised June 8, 2020. The proposed house is sited in the general location of the existing house footprint since there is no other area to place the building other than in the proposed location. The wetland boundary on the site was delineated by Ecological Solutions, LLC on September 18, 2018 in accordance with the Routine Onsite Determination Method prescribed in the 1987 USACE Wetlands Delineation Manual and recent Northcentral/Northeast supplement, New York State Department of Environmental Conservation (NYSDEC) Article 25 Tidal Wetland regulations, and the Village of Mamaroneck Code – Chapter 192 Freshwater Wetlands. Sequentially numbered ribbons were placed in the field along the wetland boundary and survey located. Chapter 192 requires the Applicant to obtain local approval for the proposed activities in the Village-regulated 100 buffer associated with this wetland.

The US Army Corps of Engineers (USACE) regulates the delineated wetland however since there is no discharge of fill material into the wetland no authorization of the project is required from the USACE and correspondence dated June 3, 2020 indicates that there is no permit required (*Attachment 1*).

The NYSDEC regulates the tidal wetland on the site and the boundary was confirmed in the field during a joint site walk on September 27, 2018. According to Angela Schimizzi of the NYSDEC the limit of NYSDEC Tidal wetland and setback area jurisdiction on the site is the current 10 foot contour as mapped by JMC. No variances are required for activities on the site above this contour however there are activities proposed below the 10 foot contour. An Application has been submitted to the NYSDEC to obtain all approvals. A map from the New York State Department of State depicting the originally mapped tidal wetlands in 1974 in relation to the site is attached (*Attachment 2*). The tidal wetland boundary has migrated inland since the original mapping as verified in the field by the NYSDEC.

The New York State Department of State (NYSDOS) requires a Coastal Zone Consistency Certification if the project requires regulatory approval from a federal agency, or involves federal financial assistance. Since there is no federal permit required a consistency review by the NYSDOS is not required.

Existing Wetland/Buffer Conditions – The wetland on the site is a mowed/maintained lawn area at the rear of the site adjacent to Delancey Cove with a wooden walkway to a small dock. The 100 foot Village regulated buffer area is partially developed and contains the existing 1,597 sf house and a section of driveway for a total of 2,455 sf of existing impact in the regulated 100 foot buffer. The existing septic system is outside the regulated area. The remainder of the lot is lightly wooded with large oaks and hickories generally in the 12 to 14 inch range but with other 30+ inch dbh trees.

Project Description/Impacts - The Applicant is seeking to construct a 3,466 sf house and appurtenant features including garage, deck, and section of a walkway as shown on the Site Plans in the same general location of the existing house and previously impacted area. The proposed house will increase the impacts to the 100 foot regulated Village buffer from 2,455 sf (0.05 acres) to 5,355 sf or (0.12 acres). The impact of

the proposed house in the 100 foot buffer ranges from 53-64 feet from the wetland and therefore more than 50 feet from the wetland boundary. The attached garage ranges from 35 to 47 feet from the wetland and the parking area is 22 feet from the wetland boundary. The existing house is 71 feet from the wetland boundary and the garage ranges from 40 to 49 feet from the wetland boundary. The proposed house is therefore positioned about 7 - 21 feet toward the wetland from current conditions. In addition the septic system will be upgraded which is an improvement over current conditions since the existing septic system does not meet current code requirements. There is no wetland impact proposed.

The site is adjacent to Long Island Sound and several Critical Environmental Areas (CEAs) including the Hommocks, Hampshire Country Club, and Long Island Sound. No work is proposed within any tidal wetlands, although work is proposed within the locally regulated 100 foot tidal wetland buffer. The existing house and garage are currently within the Village tidal wetland buffer. The project avoids impacts to tidal wetlands and habitat by providing stormwater treatment of site runoff i.e. filtering contaminants from site runoff prior to discharge to the cove and upgrading the original septic system on the site to current standards which minimizes chances of a failing septic system.

The proposed residential improvements include the hand removal of invasive species including reed grass - *Phragmites* spp. and Japanese knotweed - *Fallopia japonica* and addition of native buffer plantings to create additional bird and wildlife habitat within the 100 foot tidal wetland buffer as shown on the plan entitled, "Landscaping Plan" Sheet L-100 prepared by JMC. These plantings will add to diversify habitat and for birds and wildlife and can have a positive if indirect effect of fish populations in the cove.

## **2.0 PROJECT BENEFITS**

A large benefit which is not only an integral part of the project but is driven by the project is the significant upgrade to the existing septic system with a system that will meet the current health code. In addition, stormwater management which currently does not exist on the site is proposed so that untreated runoff from the site does not enter the wetland and cove. Underground stormwater detention is proposed as part of the project to meet the current stormwater standards.

An extensive landscaping plan will be incorporated into the project design including plantings in the previously impacted buffer area with native tree and shrub species.

As a final result the site will resemble other properties in the neighborhood in house type/construction and site location.

### 3.0 WETLAND FUNCTIONS AND IMPACTS

An assessment of wetland functions and values was conducted on the wetland identified and delineated on the site. Using a widely accepted method for wetland functions and values assessment developed by the New England District, U.S. Army Corps of Engineers, 13 distinct wetland functions and values were assessed for the delineated wetland on the site. This method yielded an objective, descriptive quality index of each wetland rather than a subjective quantified rating of each wetland. This assessment had two major objectives:

1. Objectively identify the functions and values provided by the wetland identified on the site.
2. Provide baseline data with which the Applicant could work in planning land uses, and against which the Applicant could assess potential impacts of proposed development of the site.

The descriptive quality index of each wetland, based on this methodology, is summarized in this report.

Wetlands are legally protected because of the functions they perform and the benefits that society reaps from those functions. Wetland functions are chemical, physical, and biological processes that wetlands naturally perform as a matter of course, such as absorption of nutrients or floodwaters, or provision of habitat for fish and wildlife. Wetland values are the benefits that society derives from wetland functions, such as flood abatement, or water quality maintenance.

The functions and values assessment conducted on the site was based on the method outlined in *The Highway Methodology Workbook Supplement: Wetland Functions and Values, A Descriptive Approach*, by the U.S. Army Corps of Engineers New England District. This method was selected over an arbitrary numeric quantifying assessment scheme because it provides an objective, descriptive approach to functions and values assessment based on professional observation and judgment rather than a simple numeric value rating system. Quantified functions and values assessments do not always provide for descriptive information about wetlands and therefore may overlook important aspects of wetland functions and values.

The Highway Method provides for assessment of each wetland for thirteen defined functions and values. Of these, the first eight are considered wetland functions, and the last five are considered to be wetland values. These are:

1. **Groundwater Recharge/Discharge** – the potential for a wetland to serve as a recharge area for an aquifer or as a surface discharge point for groundwater.
2. **Floodflow Attenuation**– A wetland's ability to store and attenuate floodwaters during prolonged precipitation events, thereby reducing or preventing flood damage.
3. **Fish and Shellfish Habitat** – The ability of permanent or temporary water bodies to provide suitable habitat for fish or shellfish.

4. **Sediment/Toxicant/Pathogen Retention** – The effectiveness of the wetland in trapping sediments, toxicants or pathogens, thereby protecting water quality.
5. **Nutrient Removal/Retention/Transformation** – The effectiveness of the wetland at absorbing, retaining, and transforming or binding excess nutrients, thereby protecting water quality.
6. **Production Export** – The wetland’s ability to produce food or usable products for humans or other living organisms.
7. **Sediment/Shoreline Stabilization** – The wetland’s ability to prevent erosion and sedimentation by stabilizing soils along stream banks or the shorelines of water bodies.
8. **Wildlife Habitat** – The ability of wetlands to provide food, water, cover, or space for wildlife populations typically associated with wetlands or their adjacent areas, both resident and migratory. \*
9. **Recreation** – The value placed on a wetland by society for providing consumptive and non-consumptive as well as active or passive recreational opportunities such as canoeing/boating, fishing, hunting, bird/wildlife watching, hiking, etc.
10. **Education/Scientific Value** – The value placed on a wetland by society for providing subjects for scientific study or research or providing a teaching resource for schools.
11. **Uniqueness/Heritage** – The value placed on a wetland by society for having unique characteristics such as archaeological sites or sites of historical events, unusual aesthetic qualities, or unique plants, animals, or geologic features, etc.
12. **Visual Quality/Aesthetics** – The value placed on a wetland by society for having visual and/or other aesthetic qualities.
13. **Threatened or Endangered Species Habitat** – The value placed on a wetland by society for effectively harboring or providing habitat for threatened or endangered species.

Each function or value in the list has a set list of qualifiers for identifying which functions and values are performed or provided by the wetland. The qualifiers are referenced by number on a standard evaluation form to document the functions and values assessment. In addition to outlining qualifying rationale for each function and value, the data forms also document information on each wetland’s size, distance to nearest road or other development, adjacent land uses, position in the watershed, impacts from human activity, tributaries, cover types, connectivity to other wetlands, and general condition. All of these elements factor into the functions and values assessment. Findings of the assessment are outlined below.

### 3.1 Assessment Results

The wetland is mowed lawn area at the rear of the site adjacent to a tidal area. The wetland is fed by overland flow and probably groundwater. The wetland is contained on the site with neighboring properties having built up rear yards and bulkheads along the water front. Functions and values provided by the wetland on the site include floodflow attenuation, sediment trapping, nutrient removal, and fish/wildlife habitat.

1. **Groundwater Recharge/Discharge** – The groundwater function could be enhanced by the addition of a stormwater detention system that will collect water from impermeable surfaces of the site and treated prior to discharge to the wetland.

2. **Floodflow Attenuation** – The wetland will not decrease in size. The gain of capacity from the stormwater basin will increase the total storage area for floodflow attenuation on the site. Native plantings can also have a positive effect on slowing sheet flow from the site to the cove during heavy rain events.

3. **Fish and Shellfish Habitat** – There is no habitat noted in the wetland which is above mean high water and no wetland impact proposed so no impacts are anticipated. The removal of invasive plant species and planting of native species can provide microhabitat for wildlife species and ultimately fish populations.

4. **Sediment/Toxicant/Pathogen Retention** – As with flood flow attenuation there is a net gain of function with the addition of a stormwater system which will allow the wetland to maintain its capacity to retain sediment, toxicants, and pathogens. Substantial erosion control measures and native plantings will mitigate erosion potential.

5. **Nutrient Removal/Retention/Transformation** – This function will be enhanced because the stormwater system will capture nutrients prior to stormwater being discharged into the wetland.

6. **Production Export** – This function will not be impacted or enhanced by the proposal.

7. **Sediment/Shoreline Stabilization** - This function will not be impacted by the proposal since there is no impact to the shore area however removal of invasive species and planting of native species may enhance this function.

8. **Wildlife Habitat** – This function will not be impacted since wildlife/fish useage of this site occurs mainly along the waterfront where no impacts are proposed. As stated the removal of invasive species and planting of native species can provide diverse habitat.

9. **Recreation** – The wetland is within private property. This function will not be impacted.

10. **Education/Scientific Value** – The wetland is within private property and is not used for education. This function will not be impacted.

11. **Uniqueness/Heritage** – The site is part of a several CEAs. Impacts from the demolition of the existing house and construction of new house includes upgrade to the site septic system and site drainage, removal of invasive species and planting of native species which improves overall environmental conditions at the site so no negative impacts to the CEAs are expected.

12. **Visual Quality/Aesthetics** – The site impacts will be mitigated through with the installation of native plantings that are visually and aesthetically pleasing and environmentally appropriate.

13. **Threatened or Endangered Species Habitat** – Impacts to habitat on the site are minor and are limited to the removal of several trees on the site. Substantial erosion controls will be utilized so that no impacts to the wetland and associated cove occur. The removal of invasive plant species from the site and replanting with native species improves overall conditions for all species.

## 4.0 PROPOSED MITIGATION

To mitigate the impacts associated with the reconstruction of the house and small increase in impervious surface the Applicant is committed to the following mitigation measures and goals:

**1. Restore buffer.** The wetland area is currently mowed lawn to the dock area. As part of the reconstruction, various native floodplain species will be planted around the site to serve to control erosion, moderate flooding, and protect water quality.. Plantings can enhance the habitat quality of the wetland and in some cases its aesthetic value. They also serve as wildlife habitat especially for feeding birds. An extensive landscaping plan will be incorporated into the project design including restoration of a section of previously impacted area with native tree and shrub species.

Invasive species including but not limited to reed grass and Japanese knotweed found on the site along the water edge will be removed as part of the mitigation proposal.

**2. Maximize onsite infiltration of rainwater and snowmelt.** Impervious surfaces such as pavement and roofs alter hydrological patterns by preventing precipitation from infiltrating through the soil to groundwater, instead promoting overland flow to the cove. This effect prevents the recharge of groundwater and the filtration of pollutants by soil and vegetation, while increasing the likelihood of flooding, stream bank erosion, and surface water pollution (including sedimentation).

An extensive stormwater management collection system has been designed for this entire area where none now exists. The project minimizes impacts to adjacent tidal wetlands habitat by providing treatment of the full water quality volume from the site and filtering contaminants from the runoff. The stormwater runoff from the captured impervious area will be conveyed through a comprehensive drainage system first to a 5,700 gallon rainwater harvesting system. The rain water harvesting cistern is to be utilized for irrigation and is applied to the minimum water quality volume. The rainwater harvesting cisterns will act as settlement basins and allow any sediment laden water to settle out from the clean stormwater. Treated water will be routed to a "permavoid" stormwater management system that consists of 1,260 units and is designed to detain the "25 year storm," approximately storage for approximately 1,700 cubic feet. The treated stormwater will flow from this detention system to an outlet control structure with orifice that will slowly release storm water at a rate of 1.99 cfs, a runoff reduction volume of 5.7% from the existing runoff of 2.11 cfs. The outlet control structure is designed with an overflow that allows larger storms to bypass the filter. Additionally, all piping is sized to convey the 100-year storm event. The system will promote the recharge of groundwater, filter pollutants from stormwater, and decrease erosion and sedimentation in the area.

It is expected that the items above will serve to increase protection to the cove and its associated intertidal area so that untreated water will no longer flow into the cove and the addition of native plantings will increase habitat for wildlife.

## 5.0 STANDARDS FOR PERMIT ISSUANCE/FINDINGS

This section is prepared in accordance with Section 192-14 of the Village of Mamaroneck Code.

**(a)** The proposed regulated activity is consistent with the policy of this chapter to preserve, protect and conserve wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of wetlands and to regulate the development of such wetlands in order to secure the natural benefits of wetlands consistent with the general welfare and beneficial economic, social and agricultural development of the Village of Mamaroneck.

*There is no wetland impact proposed and it is expected that the mitigation effort to restore a well functioning buffer will serve to increase protection to cove and its associated intertidal area so that untreated water will no longer flow into the cove and additional habitat for wildlife will be created. The removal of invasive species and planting of native species is an improvement to the site/wetland over current conditions.*

**(b)** The proposed regulated activity is consistent with the land use regulations applicable in the Village of Mamaroneck pursuant to § 24-0903 of Article 24 of the State Environmental Conservation Law.

*There are no NYSDEC Article 24 Freshwater wetlands on the site.*

**(c)** The proposed regulated activity is compatible with the public health and welfare.

*The upgraded septic system and institution of stormwater management on the site will improve conditions associated with the public health and welfare over current conditions.*

**(d)** The proposed regulated activity is reasonable and necessary.

*The proposed house is an upgrade over the existing conditions on the site and is in conformance with other homes in the neighborhood in terms of size, aesthetics, and location on the lot.*

**(e)** There is no reasonable alternative for the proposed regulated activity on a site which is not a wetland or adjacent area.

*The proposed house is generally in the same location as the existing footprint of the current house. The proposed septic system will require that fill material be used to build a septic system to current health department standards. This will require that the new house be located slightly to the rear of the current house footprint to be able to grade this site appropriately.*

## 6.0 PHOTOGRAPHS

Mowed lawn/wetland



### Walkway and dock



Existing house



## Attachment 1- USACE Correspondence

## Attachment 2 – Tidal Wetland Map

# EXHIBIT E



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:
>NYS Department of Environmental Conservation
Check all permits that apply: Stream Disturbance, Dams and Impoundment Structures, Tidal Wetlands, Water Withdrawal, etc.
>US Army Corps of Engineers
Check all permits that apply: Section 404 Clean Water Act, Section 10 Rivers and Harbors Act
>NYS Office of General Services
Check all permits that apply: State Owned Lands Under Water, Utility Easement, Docks, Moorings or Platforms
>NYS Department of State
Check if this applies: Coastal Consistency Concurrence

2. Name of Applicant
Taxpayer ID (if applicant is NOT an individual)
Mailing Address
Post Office / City, State, Zip
Telephone, Email
Applicant Must be (check all that apply): Owner, Operator, Lessee

3. Name of Property Owner (if different than Applicant)
Mailing Address
Post Office / City, State, Zip
Telephone, Email

For Agency Use Only Agency Application Number:

**4. Name of Contact / Agent**

\_\_\_\_\_

Mailing Address \_\_\_\_\_ Post Office / City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**5. Project / Facility Name** \_\_\_\_\_ Property Tax Map Section / Block / Lot Number: \_\_\_\_\_

Project Street Address, if applicable \_\_\_\_\_ Post Office / City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

\_\_\_\_\_ NY \_\_\_\_\_

Provide directions and distances to roads, intersections, bridges and bodies of water

\_\_\_\_\_

Town  Village  City County \_\_\_\_\_ Stream/Waterbody Name \_\_\_\_\_

\_\_\_\_\_

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: \_\_\_\_\_° \_\_\_\_\_' \_\_\_\_\_" Longitude: \_\_\_\_\_° \_\_\_\_\_' \_\_\_\_\_"

**6. Project Description:** Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

\_\_\_\_\_

b. Description of current site conditions:

\_\_\_\_\_

c. Proposed site changes:

\_\_\_\_\_

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

\_\_\_\_\_

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

\_\_\_\_\_

f. Is tree cutting or clearing proposed?  Yes If Yes, explain below.  No

Timing of the proposed cutting or clearing (month/year): \_\_\_\_\_

Number of trees to be cut: \_\_\_\_\_ Acreage of trees to be cleared: \_\_\_\_\_

g. Work methods and type of equipment to be used:

h. Describe the planned sequence of activities:

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

j. Erosion and silt control methods that will be used to prevent water quality impacts:

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

l. Proposed use:  Private  Public  Commercial

m. Proposed Start Date:  Estimated Completion Date:

n. Has work begun on project?  Yes If Yes, explain below.  No

o. Will project occupy Federal, State, or Municipal Land?  Yes If Yes, explain below.  No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below.  No

**7. Signatures.**

Applicant and Owner (If different) must sign the application. If the applicant is the landowner, the **landowner attestation form** can be used as an electronic signature as an alternative to the signature below, if necessary. Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

**Signature of Applicant**

Date

*William E Fedyna*

7/1/2020

Applicant Must be (check all that apply):  Owner  Operator  Lessee

Printed Name

Title

William Fedyna

Owner

**Signature of Owner (if different than Applicant)**

Date

Printed Name

Title

**Signature of Contact / Agent**

Date

Printed Name

Title

**For Agency Use Only**

**DETERMINATION OF NO PERMIT REQUIRED**

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date

# EXHIBIT F



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT**  
**JACOB K. JAVITS FEDERAL BUILDING**  
**26 FEDERAL PLAZA**  
**NEW YORK, NEW YORK 10278-0090**

June 3, 2020

Regulatory Branch

**SUBJECT:** Permit Application Number NAN-2020-00547-WRY  
by William Fedyna

William Fedyna  
1165 Greacen Pointe Road  
Mamaroneck, NY 10543

Dear Mr. Fedyna:

On May 28, 2020, the New York District, U.S. Army Corps of Engineers (Corps), received a request for Department of the Army authorization for the construction of a new single family residence and associated property improvements in the East Creek/Mamaroneck Harbor watershed, in the Town of Mamaroneck, Westchester County, New York.

Our review indicates that since the proposed work does not appear to include dredging or construction activities in or over any navigable waters of the United States, the placement of any dredged or fill material in any waters of the United States (including coastal or inland wetlands) or the accomplishment of any work affecting the course, location, condition or capacity of such areas, a Department of the Army permit, in accordance with 33 CFR 320-330, will not be required provided the proposed work is executed in accordance with the referenced material.

Care should be taken so that any fill or construction materials, including debris, do not enter the waterway to become a drift or pollution hazard. A No Permit Required (NPR) determination by the Corps:

- Does not obviate the requirement to obtain any other Federal, State, or local permits which may be necessary for your project;
- Does not constitute a federal evaluation of possible impacts to species protected under the Endangered Species Act. Projects that have the potential to impact federally listed species should contact the (U.S. Fish and Wildlife Service/NOAA Fisheries Service); and,
- Does not constitute a federal evaluation of possible impacts to historic resources protected under Section 106 of the Natural Historic Preservation Act. Projects that have the potential to impact historic sites should contact the State Historic Preservation Officer in New York.

**This NPR determination neither addresses nor includes any consideration for geographic jurisdiction on aquatic resources and shall not be interpreted as such.**

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

If any questions should arise concerning this matter, please contact Alexandra Ryan, of my staff, at (917) 790-8518.

Sincerely,



Rosita Miranda  
Chief, Western Section

**3 JUN 2020**

Enclosures

cc: NYSDEC - Region 3  
Town of Mamaroneck

# EXHIBIT G



Site Planning	Environmental Studies
Civil Engineering	Entitlements
Landscape Architecture	Construction Services
Land Surveying	3D Visualization
Transportation Engineering	Laser Scanning

June 12, 2020

Brian Hildenbrand, PE  
 Kellard Sessions Consulting, P.C.  
 500 Main St.  
 Armonk, NY 10504

RE: JMC Project 18100  
 Residential Development  
 1165 Greacen Point Road  
 Village of Mamaroneck, NY

Dear Brian,

Attached find our electronic Site Plan Application Submission to address the comments as outlined in your memorandum to the Village of Mamaroneck Planning Board and the Village of Mamaroneck Harbor Coastal Zone Management Commission last dated May 18, 2020 which includes the following:

I. JMC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev. #/Date</u>	
C-000	“Cover Sheet”	3	06/08/2020
C-010	“Existing Conditions	3	06/08/2020
C-020	“Demolition & Tree Removal Plan”	3	06/08/2020
C-100	“Erosion & Sediment Control Plan”	3	06/08/2020
C-200	“Layout Plan”	3	06/08/2020
C-300	“Grading & Utilities Plan”	3	06/08/2020
C-900	“Construction Details”	3	06/08/2020
C-901	“Construction Details”	3	06/08/2020

2. Stormwater Pollution Prevention Plan dated June 8, 2020

Your comments are restated below in italics with responses following.

Comment No. 1

*The proposed limits of disturbance exceed 2,000 s.f., but is less than one (1) acre. The Applicant shall provide erosion and sediment controls, stormwater quality controls, and stormwater quantity controls. Stormwater quantity controls include attenuation of the post- development up to the 25-year storm event to predevelopment flow rates.*

Response No. 1

The applicant has prepared a Stormwater Pollution Prevention Plan that illustrates Stormwater Quality controls for a 25 year storm event. An Erosion and Sediment Control Plan has been added to the drawing set.

Comment No. 2

*The Drainage Plan appears to be preliminary; however, the Applicant shall consider installing drainage structures to collect runoff from the driveway as part of the Stormwater Pollution Prevention Plan (SWPPP).*

Response No. 2

The Drainage Plan has been further developed to include additional drainage structures and water quality measured.

Comment No. 3

*Based on the submittal documents, the applicant is proposing the relocation and replacement of the septic system. The applicant shall furnish Westchester County Department of Health (WCHD) approval of the relocated septic system which will serve the single-family dwelling,*

Response No. 3

The applicant will provide the WCDOH approval for the On Site Waste Water Treatment System (OWTS) when it becomes available.

Comment No. 4

*The applicant shall quantify in a table on the plans the proposed cut/fill volumes (quantified in cubic yards) for the proposed improvements. Note that cut/fill estimates shall be balanced, or an excess cut shall be proposed because the project site is located within the 100-year Floodplain and net filling is not allowed.*

Response No. 4

A cut/fill chart has been provided on the grading plan. The applicant is requesting relief from the village code where no net fill is allowed since the site is undevelopable without fill, and to excavate for compensatory storage within the wetland buffer/wetland proper would do much more environmental harm than good.

Comment No. 5

*Considering the proximity of the disturbance to the wetland, more robust erosion and sediment controls should be implemented. At a minimum, a double row of silt fence should be installed across the entire rear property line. The applicant should also implement a temporary sediment trap to better protect the wetland.*

Response No. 5

A double row of silt fence has been proposed as well as a temporary sediment trap to protect the wetland.

Comment No. 6

*There appears to be a small area of disturbance proposed in the wetland proper. The Applicant should consider regrading the area to avoid this disturbance.*

Response No. 6

The grading has been revised to remove the proposed disturbance within the wetland proper.

Comment No. 7

*The existing water service shall be shown and noted to be abandoned per Westchester County Joint Water Works regulations. The reference to Suez Water shall be removed.*

Response No. 7

So noted.

Comment No. 8

*Any utility work within the right-of-way will require a Street Opening Permit from the Village.*

Response No. 9

So noted.

Comment No. 9

A detail for the proposed retaining wall shall be provided. Top and Bottom wall elevations of the wall shall be shown on the site plan. Further, the Applicant shall consider impacts to the existing tree line on the neighboring property from the construction of the retaining wall.

Response No. 9

Tops and bottoms of the wall have been provided. The actual design of the final retaining wall will be by others. The existing trees along the neighboring property line are smaller arborvitae, there is minimal impact anticipated from the construction of a fill wall approximately 2' off the property line.

Comment No. 10

*It should be clarified if a new gas service is proposed for the project. Given the current moratorium on new gas connections enforced by Con Edison, an alternative source of power shall be shown for the residence.*

Response No. 10

The existing home has a gas service at this time that is of sufficient size to accommodate the new home, this gas service simply needs to be relocated from within the septic area.

Comment No. 11

Prior to the issuance of the Certificate of Occupancy, the Applicant shall submit a Stormwater As-Built Survey that includes topography and the location, description, rim elevations and invert elevations of all installed stormwater facilities for review by the Village Engineer.

Response No. 11

So noted.

Comment No. 12

*Prior to the issuance of the Certificate of Occupancy, the Applicant shall submit a Stormwater Maintenance Agreement for review and acceptance by the Village.*

Response No. 12

*So noted.*

We trust your comments to date have been satisfied and look forward to

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC

Richard Cordone  
Design Manager

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