

**Application Review: 1165 Greacen Point Drive**

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Commentary by Sven Hoeger, ecologist:

To the members of the Village of Mamaroneck Harbor and Coastal Zone Commission

**Re: Commentary on application materials received from Planning Department**

**1) Materials reviewed:**

- Electronic files of application materials, incl. correspondence, in zipped format, labeled: "1165Greacen-20200710T194745Z-001"

**In summary:**

The application materials focus understandably on-site development, structural and setback issues. The team of consultants appears to have lacked an ecologist when developing the plans. Generally, and strictly focusing only on wetland vegetation and setbacks, the application looks like it might be consistent with the policies of the LWRP. However, an ecologist might have pointed out to the engineers and architects that the existing tree canopy is an environmental asset that cannot be ignored. Not only are we currently in a creeping, extremely severe crisis situation of decreasing insect populations (insects feed on tree leaves), but birds too could derive benefits from these trees. The application lacks a convincing and thorough report on bird usage of the site (year-round observations, covering resident and transient populations) and a tree inventory, complete with species identification. Additionally, the project narrative mentions an overflow storm water feature, which I cannot find on the site plans. This application should be considered incomplete until such reports can be reviewed to determine if the proposed action is either consistent or inconsistent with policies 7, 7A, and 44, and until an erosion prone overflow from the stormwater detention facility is shown on the plans to be consistent with policy #33. The application may also be inconsistent with policy #8, pending the submittal of additional information regarding the use of concrete and plastic waste management.

**2) Discussion of the environmental LWRP policies reviewed by me:**

*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.*

*Policy #7a. Significant coastal fish and wildlife habitats, as identified in the LWRP, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.*

*The following areas are identified in this program as significant fish and wildlife habitats; and they will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.*

- a. Delancey Cove*
- b. Greacen Point Marsh*
- c. Ginsberg Hill (Fusco property)*
- d. Guion Creek Salt Marsh*

e. *Kirstein Cove/ Buttenweiser Is./Pops Rocks*

f. *Magid Pond*

g. *Otter Creek Salt Marsh*

h. *Van Amringe Mill Pond.*

Commentary:

The proposed development is located near the Greacen Point Marsh. While the proposed activity does not impact the marsh directly, it does significantly alter the character of the property, which is currently dominated by tree canopy. The tree canopy is located in and near the “wetland adjacent area”, which is a buffer zone between the wetlands and the unregulated areas. Wetland buffers, while defined broadly only by a uniformly measured 100 foot setback, actually differ in functional width considerably. The tree canopy on this property has the potential to serve in its entirety (even beyond the 100 administrative setback) as a valuable habitat for song and wading birds as potential resting and perhaps nesting site. Since I do not know this property personally, it would be good to get input from an independent “birder”, who can list the species that currently use the property on a regular basis. Since the proposed activity will eliminate most of the trees on the property, it is likely that an important, and increasingly rare habitat near Greacen Point Marsh is going to be lost. I caution the HCZM Commission to regard this proposed property development application as incomplete until a verifiable report of actual bird usage of the site will be submitted. The report should also specify if the observed species use the site on a transient, occasional or permanent basis, and how the individual species might be connected to the Greacen Point Marsh. Without such a report, it seems that the proposed plans are inconsistent with LWRP policies 7 and 7a.

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

Commentary:

The proposed plans show standard erosion and sediment controls. However, I do NOT see any plans for a concrete washout, which might be needed if a slab is poured or concrete will otherwise be used in the construction of the house. Concrete washout, including the accidental overflow from the washout facility, can be detrimental to wildlife insofar as it changes the water chemistry.

At this point, I would like to repeat my concerns, voice in prior commentary, with the appropriate management of plastic packaging materials during construction. This close to Long Island Sound, plastic trash from a construction site MUST be properly managed, i.e. handled carefully, deliberately discarded into covered trash containers (not open-top containers), and carefully retained, so that it does NOT end up in the stomachs of turtles, whales, dolphins and large fish, where it leads these animals to come to painful and unnecessary deaths. Furthermore, wayward plastics eventually deteriorate into microscopically small particles that float in our rivers and oceans. These so-called micro-plastics tend to end up in various food webs and have even been documented in our own food supply – with risks unknown! I can only urge the commission to please require STRINGENT measures to prevent plastics from entering the river.

There are no other potential pollutants evident that could cause significant harm to the fish and wildlife resources of the Village and Long Island Sound. At this point in time though, I advise the commission that there is enough reason for concern to consider the proposed redevelopment project as not (yet) consistent with policy 8 of the LWRP.

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***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.***

Commentary:

The proposed project is consistent with LWRP #11.

***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.***

Commentary:

The proposed project is consistent with LWRP #12.

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

***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 or at other locations.***

Commentary:

There appear to be no existing seawalls or other “erosion protection structures” currently on the site, and there appear to be no plans to construct any such features. The proposed project is therefore consistent with LWRP #13 & #14.

***Policy # 15. Not applicable.***

***Policy # 16. Not applicable.***

***Policy #17. Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the floodproofing of buildings or their elevation above the base flood level.***

Commentary:

The proposed project is consistent with LWRP #17.

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

Commentary:

Aside from erosion and sediment controls, the application materials mention storm water collection and overland flow of excess volume into LIS. I don't see these features on the site plans. It would be desirable to show locations and how overland flow will be stabilized. Unless these storm water features are entered onto the site plans, the application should be considered inconsistent with policy 33 of the LWRP.

***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.***

Commentary:

This policy does not apply.

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***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 .***

Commentary:

This policy does not apply.

***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.***

Commentary:

This policy does not apply.

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

Commentary:

Please refer to the commentary made under policy #33. The overflow of excess storm water from the holding facility should not result in uncontrolled discharge. It should be treated like a “point discharge”.

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

Commentary:

There is no direct impact from the proposed project on protected wetlands. However, the birds using the Greacen Point Marsh may utilize the tree canopy of the property for shelter, resting and nesting. Please see my commentary about LWRP polices #7 and 7A above. Strictly speaking, legalese(!) would find no inconsistency with LWRP#44, but indirectly there could be interference with this policy, should for example songbirds or egrets utilize the tree canopy on a frequent basis. In such a case the diminishing resource of tall tree canopy in and around the area could be a factor to be considered as “inconsistent” with the protection of tidal and freshwater wetlands.

It also appears that the regrading and landscaping of the site will create a sloping lawn toward Long Island Sound, it should be noted that frequent oxygen deficiencies in the waters of Long Island Sound are triggered by fertilizer runoff from agricultural and residential lands. Fertilizer runoff from this new lawn could have a distinctly negative effect on Greacen Point Bay and its marsh. Unfortunately, the landscaping plans were not included in my review package, so that I cannot judge if the planners considered a sufficient landscape buffer of native plants that has the ability to absorb fertilizer runoff from the lawn. A lack of such a buffer would also mean that the “protection” of tidal wetlands was not taken into consideration and would then render the application inconsistent with policy #44.

**Conclusions of my commentary:**

While generally this application is in-character with the appearance of the surrounding properties, the applicant’s consultants neglected to document and perhaps consider the impact of a dramatically reduced tree canopy on the general welfare of wildlife – especially birds – in Long Island Sound. Your landscape consultant, Terra Bella, in her commentary pointed already out that there appears to be a net reduction of 39 trees of varying calipers and unidentified species. Given the dramatic decline in our insect populations, such a reduction in tree canopy – aside from the already mentioned effects it could have on birds – has the potential to further aggravate the decline of insect populations. As already mentioned, it would be advisable to request a complete bird survey along with a

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complete tree inventory of the project site, to more appropriately estimate the effects the proposed changes will have on the natural resources of the Village of Mamaroneck and on Long Island Sound.

**End of Commentary**