

Application Review: 1165 Greacen Point Drive

Date: 9-3-2020

AMENDED Commentary by Sven Hoeger, ecologist:

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

Re: Commentary on changed site conditions based on September 3 site visit.

New Materials reviewed:

- Updated Site Plans by JMC, Sheets C-000 – C-903 & L-100, dated “resubmit to Village HCZMC 9-2-2020”
- Wetland Analysis Narrative by Beth Evans, Evans Associates Environmental Consultants, dated August 31, 2020.

In summary: New 9/3/2020

The majority of significant trees shown on the site plan are still standing and will remain after construction of the new house. Some of them, primarily White and Pin Oaks (*Quercus alba*, *Quercus palustris*) should receive a crown pruning to remove dead branches. One significant White Oak along the south of the property is severely diseased and should be taken down to avoid potential damage to the neighboring property. There are other trees overgrown with poison ivy to such an extent that they too could become a future liability. Mr. Fedyna pointed out a few trees in the front (south?) and on the east side of the property that are scheduled to be taken down. Taking all these additional changes into account, there will remain a substantial enough number of mature trees on the property to serve birds associated with the Greacen Point Marsh as perches and resting places.

I timed my site visit to coincide with low tide. To my pleasant surprise I discovered that the information I had received earlier about the intertidal zone was incorrect. I am pleased to report that the entire “water front” of the property is covered primarily by Low Marsh, dominated by *Spartina alterniflora* (Smooth Cordgrass). Landward of the Low Marsh is a narrow strip of the invasive Common Reed (*Phragmites*), which the owner’s landscaping contractor has mostly kept down by mowing. The *Spartina* bed at this property constitutes a large portion of the marsh vegetation at this end of Greacen Point Bay, which is frequented by wading birds like herons and egrets. I was privileged to observe both a Green Heron (*Butorides virescens*) and an American Egret (*Ardea alba*) feeding there during my brief visit. I also pointed out to Mr. Fedyna that his shoreline supports assemblages of Ribbed Mussels (*Geukensia demissa*) and extensive colonies of Fiddler Crabs (*Uca spec.*), both of which are essential components of a healthy ecosystem supporting Long Island Sound. In this context, I would like to mention that Beth Evans’ wetland analysis is emphasizing the same observations that I made, just in much more depth. I encouraged Mr. Fedyna to follow the advice to maintain some of the lower portion of the property as a healthy, thriving, and flourishing salt-tolerant marsh, pointing out to him where existing salt marsh grasses, such as Blackgrass (*Juncus gerardii*) and Saltgrass (*Distichlis spicata*) are already growing.

Sheet C-300 of the site plans, the Erosion and Sediment Control Plan, shows a temporary sediment trap that requires extensive excavation (regrading) in the immediate vicinity of mature oak trees north of the new building. If possible, it would be desirable to find an alternative solution for a temporary sediment trap in that location, as

the currently shown practice will undoubtedly and inadvertently result in serious, and irreversible root damage to the existing, mature oak trees – the same trees I mentioned above that would benefit from crown pruning. These trees are already stressed due to their proximity to lawn that is intermittently flooded by salty LIS water during spring and storm tides. Unless an alternative can be found, some of these trees may not last longer than 5 years before being completely dead and in need of removal. Similarly, the location of a temporary soil stockpile in the southwestern corner of the property appears to be potentially impacting on the roots of smaller trees. Perhaps the stockpile can be relocated, so that it will be at least 10 to 15 feet away from any dripline of trees that are slated to remain.

A minor landscaping commentary regards the planting of a Red Maple (*Acer rubrum*) at the outfall location from the underground stormwater detention facility. This was probably done to hide the pipe opening with a wet-tolerant tree. At elevations 7 and 8 as shown on the site plan, this tree will probably be flooded during storm tides, which means the tree will be exposed to salty water. Red Maples do NOT tolerate salt. For this reason I suggest to consider changing the planting plan by replacing the Red Maple with either of the following: Common Persimmon (*Diospyros virginiana*), Black Walnut (*Juglans nigra*), Southern Magnolia (*Magnolia grandiflora*), or Bald Cypress (*Taxodium distichum*)

1) 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. NEW 9/3/2020: The revised plans show disturbance limits that in general will protect the root zones of trees adequately. The two exceptions are listed above (sediment trap and soil stockpile). The landscaping plan takes the existing character of some of the backyard into account by proposing to

maintain existing salt marsh vegetation and to plant additional species, such as the High Tide Bush. The revised plans are consistent 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: New 9/3/2020

The designers added a concrete washout location to the plans near the road, which will protect fish and wildlife from “the introduction of hazardous wastes”.

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. Perhaps the applicant can give an appropriate assurance that all contractors and subcontractors working at the site will be held to stringent standards, regarding the retention and collection of ALL plastic waste. Should this be the case, then the proposed development project would be consistent with policy 8 of the LWRP.

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: New 9/3/2020

The revised plans show temporary and permanent Best Management Practice in accordance with the LWRP. The temporary sediment control basin has the potential to harm existing mature oak trees. An alternative method or location should be considered. While consistent with Policy 33, the loss of mature trees could eventually trigger an inconsistency with Policies 7 and 7a, as discussed above. Perhaps the designers can develop alternatives to the currently proposed location or method of temporary storm water sediment control. As currently shown, the proposed development has the potential to be inconsistent with Policies 7 and 7a 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.

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: New 9/3/2020

The use of temporary silt fences will limit earthmoving and excavation to approximately two thirds of the property – the landward and higher elevations. The remaining, lower one third will be basically left untouched and is currently “grassed”. In case of a silt fence failure, this one third of the property will serve as a grassland buffer, which will retain most, if not all, sediments, should any get past the sediment fence at all. A third line of sediment control is provided by a roughly 30 feet wide Low Marsh buffer along the mean high tide line along shore. The proposed development is consistent with Policy 37 of the LWRP.

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

Commentary: New 9/3/2020

There is no direct impact from the proposed project on protected wetlands. A healthy stand of Low Marsh along the entire shoreline of the property will be left untouched, “preserved and protected”. Further more, the preservation of much of the existing, mature tree canopy goes a long way to “preserving and protecting” existing habitat that is associated with the Greacen Point Marsh.

As for fertilizer usage, the HCZM committee may want to recommend to the applicant to utilize only natural organic fertilizers for future site maintenance, as recommended in the Village’s “Coastal Planting Guide”. The application appears to be consistent with LWRP policy #44.

End of Commentary