

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, NY 12561-1620

P: (845) 256-3054 | F: (845) 255-4659

www.dec.ny.gov

October 5, 2020

Rich Cordone
JMC PLLC
120 Bedford Road
Armonk, NY 10504

RE: DEC Application No. 3-5532-00431/00001
Fedyna Property – 1165 Greacen Point Road
Proposed Residence, Garage, Driveway Within Larchmont Harbor (WIN# LIS,
Class SB)
Village of Mamaroneck, Westchester County

NOTICE OF INCOMPLETE APPLICATION

Dear Mr. Cordone:

The New York State Department of Environmental Conservation (DEC) received the above application July 1, 2020 for issuance of a permit pursuant to Article 25, Tidal Wetlands. The project involves removal of an existing residence located outside the regulated tidal wetland and adjacent area and construction of a new residence, garage, and driveway, portions of which are within the tidal wetland adjacent area of Larchmont Harbor (Waters Index Number LIS, Class SB). Plantings within the tidal wetland are also proposed. The project is located at 1165 Greacen Point Road, in the Village of Mamaroneck, Westchester County. The application is incomplete.

Tidal Wetlands

Please submit the following information and address the following comments so that application processing may proceed:

- 1) To be permitted, all actions must meet tidal wetland permit issuance standards:
 - compatible with the preservation of tidal wetlands;
 - compatible with the public health and welfare;
 - reasonable and necessary; and
 - complies with the use guidelines.

The submitted Narrative and the Wetland Evaluation does not address Article 25 Tidal Wetlands permit issuance standards; only Article 24 Freshwater Wetlands are mentioned in the Evaluation. The applicant must address tidal wetland permit issuance standards as per 6 NYCRR Part 661.9.

- 2) Provide a description of how the proposal is consistent with neighboring properties. Include square footages and other comparables to demonstrate that this proposal is consistent with the size and location of neighboring properties.



Department of
Environmental
Conservation

- 3) Discuss in further detail as to why the encroachment closer to the wetland is required. The application states that “due to additional site constraints the structure cannot be positioned any further away.” Provide a list of these constraints.
- 4) Confirm that no more than 20% of the regulated adjacent area (Existing Conditions sheet C-010) is proposed as impervious surface. A variance from development restriction will be required if the impervious coverage is over 20%
- 5) According to the Wetland Evaluation, there will be plantings in the tidal wetland area, not just the adjacent area. Planting in the tidal wetland is a regulated activity. If there are plantings in the tidal wetland, please include a planting plan and a list of species planted in the tidal wetland.
- 6) The proposed deck and retaining wall will be within regulated adjacent area and should be addressed in the narrative and site plans.
- 7) Provide cross-sections of existing and proposed work within the adjacent area, depicting the following:
 - a) Typical cross-section for grading/filling;
 - b) Proposed deck;
 - c) Proposed detention system/driveway with grading; and
 - d) Proposed retaining wall.
- 8) Confirm if heavy machinery will be used in the adjacent area. If heavy machinery is needed in the adjacent area to complete the proposed work, confirm that restoration will occur.

Coastal Zone Management

The proposed project is located within the adopted Local Waterfront Revitalization Plan (LWRP) area of the Village of Mamaroneck. As per 6 NYCRR §617 and 6 NYCRR §621, the DEC is required to coordinate with the local government responsible for the LWRP in order to confirm consistency with the LWRP. By copy of this letter, staff request the Village confirm, in writing, whether the proposed project is consistent with the adopted LWRP.

Uniform Procedures Act

Tidal Wetland permit applications require an application fee. As this project appears to qualify as a minor project, the application fee is \$200. Please submit a check or money order in this amount payable to "NYSDEC", referencing the application ID 3-5532-00431/00001. The application fee is not required for a complete application but is required prior to a final decision.

Your application will remain incomplete until all information requested is received. Due to the current situation in which most staff are working remotely, submission of an electronic application is encouraged and will speed processing. At least one paper copy is needed and, if a digital copy is not provided, three paper copies must be sent. Additional information is available at the DEC website at: <http://www.dec.ny.gov/permits/6042.html>.

If you have any questions on these comments or DEC jurisdiction, please contact me at victoria.lawrence@dec.ny.gov. Thank you.

Very truly yours,

Victoria Lawrence

Victoria Lawrence
Environmental Analyst
Region 3

Ecc: William Fedyna
Angela Schimizzi, NYSDEC
NYSDOS Coastal Consistency Unit
Mayor and Village Board, Village of Mamaroneck
Planning Board, Village of Mamaroneck
Harbor and Coastal Zone Management Commission, Village of Mamaroneck



Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

October 13, 2020

Victoria Lawrence
NYSDEC
Region 3
21 South Putt Corners Road,
New Paltz NY 12561

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

Dear Ms. Lawrence:

Attached find our electronic Site Plan Application Submission to address the comments as outlined in your memorandum to our office dated October 5, 2020 which include the following:

I. JMC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev. #/Date</u>	
C-000	"Cover Sheet"	8	10/13/2020
C-010	"Existing Conditions"	8	10/13/2020
C-020	"Demolition & Tree Removal Plan"	8	10/13/2020
C-100	"Layout Plan"	8	10/13/2020
C-200	"Grading Plan"		10/13/2020
C-300	"Utilities Plan"		10/13/2020
C-400	"Erosion & Sediment Control Plan"	8	10/13/2020
C-900	"Construction Details"	8	10/13/2020
C-901	"Construction Details"	8	10/13/2020
C-902	"Construction Details"	3	10/13/2020
C-903	"Construction Details"	3	10/13/2020
L-100	"Landscaping & Wetland Mitigation Plan"	4	10/13/2020
DEC-1	"DEC Cross Sections"		10/13/2020

2. "Neighborhood Character Exhibit" dated 10/13/2020

3. NYSDEC Tidal Wetland Permit Narrative Revised 10/13/2020

4. Wetland Analysis Narrative Prepared by Evans Associates Environmental Consulting dated 08/31/2020

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC | JMC Site Development Consultants, LLC

Your comments are restated below in italics with responses following.

Comment No. 1

To be permitted, all actions must meet tidal wetland permit issuance standards:

o compatible with the preservation of tidal wetlands;

- o compatible with the public health and welfare;*
- o reasonable and necessary; and*
- o complies with the use guidelines.*

The submitted Narrative and the Wetland Evaluation does not address Article 25 Tidal Wetlands permit issuance standards; only Article 24 Freshwater Wetlands are mentioned in the Evaluation. The applicant must address tidal wetland permit issuance standards as per 6 NYCRR Part 661.9.

Response No. 1

JMC has revised the narrative to address the concerns of the NYSDEC where we have discussed the above noted DEC concerns

Comment No. 2

Provide a description of how the proposal is consistent with neighboring properties. Include square footages and other comparables to demonstrate that this proposal is consistent with the size and location of neighboring properties.

Response No. 2

Attached find Exhibit, "Neighborhood Character Exhibit" that depicts the neighboring properties and the square footage of the buildings as well as illustrates additional improvements on the sites. This is also discussed in the above noted narrative.

Comment No. 3

Discuss in further detail as to why the encroachment closer to the wetland is required. The application states that "due to additional site constraints the structure cannot be positioned any further away." Provide a list of these constraints.

Response No. 3

This is discussed in depth in the attached narrative. The site constraint that is forcing the encroachment is the proposed septic system. To comply with the Health Department and NYSDEC regulations this system must be where it is located, close to the road. To comply with the setbacks as regulated by the NYSDOH and WCDOH, the house must be sited a minimum of 20 feet from the absorption trenches. Accordingly, we are proposing an encroachment to the wetland of 49 feet where 75 feet is required, this is an improvement from the existing encroachment of 40 feet.

Comment No. 4

Confirm that no more than 20% of the regulated adjacent area (Existing Conditions sheet C-010) is proposed as impervious surface. A variance from development restriction will be required if the impervious coverage is over 20%

Response No. 4

The approximate impervious coverage of the regulated area is 3.7%, there is only 565 square feet of impervious proposed within the adjacent area. This is discussed in the above noted narrative.

Comment No. 5

According to the Wetland Evaluation, there will be plantings in the tidal wetland area, not just the adjacent area. Planting in the tidal wetland is a regulated activity. If there are plantings in the tidal wetland, please include a planting plan and a list of species planted in the tidal wetland.

Response No. 5

Attached find drawing L-100 "Landscaping Plan," that depicted the proposed wetland mitigation plantings.

Comment No. 6

The proposed deck and retaining wall will be within regulated adjacent area and should be addressed in the narrative and site plans.

Response No. 6

The retaining wall within the adjacent area is no longer proposed. The deck that is proposed is an elevated deck placed on footings. The construction of the deck will be a wood composite placed with minimum 1/4" between the decking allowing for the infiltration of rainfall. The deck is considered pervious. It shall be constructed with a pressure treated lumber frame in accordance with New York State Building Code on concrete footings.

Comment No. 7

Provide cross-sections of existing and proposed work within the adjacent area, depicting the following:

- a) Typical cross-section for grading/filling;*
- b) Proposed deck;*
- c) Proposed detention system/driveway with grading; and*
- d) Proposed retaining wall.*

Response No. 7

See cross sections attached as drawing DEC-1, "DEC Cross Sections" that depict cross sections bisecting the site to illustrate the proposed location of the home and its relation to existing features as well as typical filling for the septic system, the location of the drainage system and the home in relation to the wetland. Since the site has changed considerably since the previous review a

substantial portion of the previously proposed work within the adjacent area as been removed such as the construction of the driveway and the retaining wall, accordingly a cross section of these elements is not provided.

Comment No. 8

Confirm if heavy machinery will be used in the adjacent area. If heavy machinery is needed in the adjacent area to complete the proposed work, confirm that restoration will occur.

Response No. 8

Heavy equipment is proposed to be used within the adjacent area, the wetland area will be fenced off and heavy equipment use in this area will be prohibited. Upon completion of work the area will be restored. Any plantings proposed within the wetland area will be done by hand.

Comment No. 9

Coastal Zone Management

The proposed project is located within the adopted Local Waterfront Revitalization Plan (LWRP) area of the Village of Mamaroneck. As per 6 NYCRR §617 and 6 NYCRR §621, the DEC is required to coordinate with the local government responsible for the LWRP in order to confirm consistency with the LWRP. By copy of this letter, staff request the Village confirm, in writing, whether the proposed project is consistent with the adopted LWRP.

Response No. 9

The applicant is working with the Village of Mamaroneck to achieve consistency with the LWRP. Once this is available, we will forward under separate cover.

Comment No. 10

Uniform Procedures Act

Tidal Wetland permit applications require an application fee. As this project appears to qualify as a minor project, the application fee is \$200. Please submit a check or money order in this amount payable to "NYSDEC", referencing the application ID 3-5532-00431/00001. The application fee is not required for a complete application but is required prior to a final decision.

Response No. 10

So noted, a check will be submitted under separate cover.

Comment No. 11

Your application will remain incomplete until all information requested is received. Due to the current situation in which most staff are working remotely, submission of an electronic application is encouraged and will speed processing. At least one paper copy is needed and, if a digital copy is not provided, three paper copies must be sent. Additional information is available at the DEC website at: <http://www.dec.ny.gov/permits/6042.html>.

Response No. 11

So noted, a hard copy will be mailed to your office with the requested check.

We trust your comments to date have been satisfied and look forward to a letter of complete application.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC

Richard Cordone
Design Manager

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