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February 24, 2021

BY HAND DELIVERY & 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
Supplemental Materials
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:

This letter and enclosed materials are respectfully submitted on behalf 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”), in furtherance of the proposed reconstruction of a single-family home, garage and driveway (the “Project”).¹

This submission responds to the February 9, 2021 memorandum prepared by Maser Consulting (the “Maser Memorandum”). By a Resolution dated February 2, 2021, the Harbor & Coastal Zone Management Commission (“HCZMC”) retained Maser Consulting to review the Project’s impact on the floodplain, including the impacts of net fill on hydrogeology and environmental conditions and to evaluate the feasibility of providing a private sewer line to the Premises. The Maser Memo significantly deviates from the scope provided in the February 2nd Resolution and lacks a detailed evaluation of the *feasibility* of installing a private sewer line to connect to the Premises.

In lieu of providing a technical evaluation, the Maser Memorandum includes general and conclusory statements about the preference of a sewer line to a septic system without any analysis of the specific practical and physical challenges associated with the installation of a sewer line. The Maser Memorandum fails to address the evidence and documentation in the substantial record evidencing the Applicants’ 1.5 years of exploration of a sewer alternative. Indeed, the Maser Memorandum is tantamount to supporting an outright prohibition of any proposed septic system, or repair of an existing septic system, within the Village of Mamaroneck.

¹ The Applicants submitted an application for Consistency Review related to the pending wetlands permit application on April 3, 2020.

We respectfully submit that the siting, design, and installation of septic systems is within the jurisdictional authority of the Westchester County Department of Health (“DOH”) pursuant to Sections 347 and 308 of the New York State Public Health Law and Section 873.720 of the Westchester County Sanitary Code. Accordingly, the Applicants have applied to the DOH seeking approval of the proposed replacement septic system. At no time during the DOH’s active review of the Project over the last 7 months has it been noted that a septic system would not be permitted at the Premises.

As detailed in the enclosed Response Memorandum prepared by JMC, PLLC, dated February 24, 2021 (**Exhibit A**), the Applicants are proposing a properly engineered and installed septic system that meets all State and County standards and poses minimal risk as to the discharge of sewerage into the environment. “If this were not the case, the Westchester County Health Department would not even entertain an application.” JMC Response Memorandum, page 5.

The Westchester County DOH is responsible for “[e]nsuring that the sewage and other wastewater generated from habitable buildings and properties in Westchester County is processed in the most environmentally appropriate manner possible.” Section 873.720 of the Westchester County Sanitary Code. Septic systems are an approved and widely used method of waste disposal pursuant to DOH regulations, standards and practices. In fact, Section 873.729 of the Westchester County Sanitary Code provides that:

Where a public sanitary sewer is not available and accessible, every habitable building hereafter constructed shall be properly plumbed and the building sewer shall be connected to an onsite wastewater treatment system complying with the provisions of this code, and no other means for the disposal of domestic sewage shall be employed. (emphasis added)

Given that the decision to permit or prohibit a septic system on the Premises is within the expertise of the DOH, it is inappropriate for Maser to comment on the general impracticability of septic systems. Instead of providing the technical review of the specific details required to install a private sewer line that it was retained to complete, Maser has issued an explanation of its general preference for sewer lines over septic systems at the Applicants’ expense.

To the extent that the Maser Memorandum recommends the HCZMC not issue a consistency determination for any application proposing a septic system, we note that the Commission has repeatedly approved numerous residential Projects proposing septic systems, as discussed further in the Applicants’ November 4, 2020 submission. In fact, most recently, the septic system at 1248 Greacen Point Road, located just 5 houses from the Premises, was approved without requiring investigation into the feasibility of connecting to a sewer line. A copy of the HCZMC resolution is included as **Exhibit B**.

The Maser Memorandum is also devoid of any specific facts rebutting the extensive conclusions of both the Village’s and the Applicants’ environmental experts regarding the environmental and hydrological impacts of 420 cubic yards of net fill. Maser conclusively asserts that if a private sewer line is constructed, no fill would be required. Given the detailed findings and reports of Sven Hoeger (Dolph Rotfeld Engineering, P.C.), Beth Evans (Evans



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Associates Environmental Consulting, Inc.), Leonard Jackson (Leonard Jackson Associates PE PLLC) and James A. Ryan and Richard Cordone (JMC, PLLC), we respectfully submit that the proposed net fill on this uniquely situated property for the limited purpose of replacing an existing failing septic system partially within a wetland buffer where no public sewer connection exist is consistent with the LWRP.

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

- Exhibit A: Detailed response to the Maser Memorandum prepared by JMC PLLC, the Project engineers, dated February 24, 2021; and
- Exhibit B: February 28, 2019 HCZMC Consistency Determination Resolution for 1248 Greacen Point Road.

We look forward to appearing before the HCZMC on March 17th. 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,

A handwritten signature in dark ink, appearing to read 'Kristen Motel', is written over a light blue horizontal line.

Kristen Motel
Enclosures

- cc: Amber Nowak, Assistant Village Planner
- Steven Gates, AKRF, Inc., Village Planner
- Charles Gottlieb, Esq., HCZMC Attorney
- Frank Tavalacci, Building Inspector
- JMC, PLLC
- Beth Evans, Evans Associates Environmental Consulting, Inc.
- Anthony B. Gioffre III, Esq.
- Client

EXHIBIT A



Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

February 24, 2021

Chairman Thomas H. Burt and Members of the
Harbor Coastal Zone Management Commission (HCZMC)
Village of Mamaroneck
123 Mamaroneck Avenue
Mamaroneck, NY 10543

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

Dear Chairman Burt and Members of the Commission:

As you may recall, JMC, along with the law firm of Cuddy & Feder, represented William and Elisabeth Fedyna, the owners of and Applicants for the above referenced project site, at your January 20, 2021 meeting, at which we presented the documents submitted on various dates. These documents show the proposed residence and site improvements, including the installation of a stormwater management system and replacement of an existing on-site Sanitary Sewage Disposal Systems (SSDS). At this time, the Applicant, JMC, and Cuddy & Feder are in receipt of a Letter prepared by Maser Consulting, dated February 9, 2021, and offers this Letter in response to the various comments.

It is our understanding that Maser Consulting was engaged by the HCZMC for two specific purposes, as stated your executed Resolution of February 2, 2021. The first purpose is for Maser to “Review of the Project's impact on the floodplain, including the impact that net fill will have on the hydrology of the floodplain and adjacent properties. This should also include the potential environmental impacts associated with net fill within a floodplain.” The second purpose is for Maser to “review the feasibility of providing a private sewer line to the project site”.

The comments of the February 9, 2021 Maser Consulting Memorandum primarily focus on the proposed SSDS. Accordingly, prior to providing formal responses to each comment, we wish to remind the HCZMC of the two year history on this project, during which the following was presented by the Applicants and their team:

- A. There is currently no “public sewer” available to the project site. In these instances, the NYS Public Health Code (in compliance with Westchester County Department of Health regulations) permits on-site Sanitary Sewage Disposal Systems (SSDS).
- B. The use of a SSDS has proven to be an acceptable and approved method of sanitary sewer disposal. SSDSs are prevalent throughout this area of the Village.

- C. Based upon our many discussions with Village staff and Westchester County Officials, there are no relevant environmental concerns related to existing septic systems in the vicinity of the site. Therefore, the same would be anticipated of the proposed SSDS.
- D. The Applicants are currently processing an Application for Westchester County Department of Health approval of the proposed on-site SSDS. This approval is anticipated shortly and will be provided to the Village upon receipt.
- E. Although there are several “private” sewer force mains in the vicinity of the site, running along Greacen Point Road, new construction cannot be forced to tie into a “private” sewer system unless there is a provision made under an existing legally compelling document (such as a private sewer district recognized by the Village) to permit it and the owner(s) of the existing private sewer line agreed to the connection. There is no such document to the knowledge of the Applicants and their team.
- F. The construction of a private sewer line within Greacen Point Road for connection to the public main within Orienta Avenue that would be dedicated to the project site, would require approval of all parties having rights to the roadway. The Applicant spent significant time trying to obtain these approvals and was unsuccessful.
- G. In the event the Applicants were able to obtain the agreements noted in F above, the location of the existing private force mains beneath Greacen Point Road are undetectable and there is an inherent risk with rupturing one or more of these lines in the course of excavating alongside of them for the construction of a force main dedicated to the project site.

In accordance with the above, we offer the following, which restate each comment of the Maser Consulting Letter and provides a written response to each:

Comment No. 1

The 1.09-acre property is in the AE-10 Tidal Flood Zone, and the December 14, 2020 letter from Leonard Jackson Associates states that the placement of fill will not affect the inflow/outflow of tidal waters from Long Island Sound. While this is apparently true based on the information submitted, there is no discussion regarding any environmental concerns with the proposed septic system.

Response No. 1

The acknowledgement that Maser Consulting agrees with the conclusion of the December 14, 2020 Leonard Jackson Engineering Letter, stating “the placement of fill will not affect the inflow/outflow of tidal waters from Long Island Sound”, is so noted. As stated above, there are no impacts anticipated from the construction of the proposed SSDS, as there is no evidence of impacts from existing SSDSs in the area.

Comment No. 2

The property is in the AE Flood Zone with a Base Flood Elevation of 13.00-feet. The home has a proposed Finished Floor Elevation (FFE) of 16.0-feet. The septic system leach field seems to have a base elevation of 8.5-feet given the provided grading and trench detail. No profiles or elevations have been provided by the Applicant for the proposed septic system and leach field.

Response No. 2

The site Grading Plan prepared by JMC indicates that the finished grade at the top of the proposed septic system is at elevation 15.50 and the bottom of the proposed absorption fields is at elevation 13.5, which is 6 inches above the 100 year flood elevation in accordance with Westchester County Department of Health requirements. The fields noted in the above comment are for the required 100% expansion area, which would be constructed to replace the proposed fields if necessary, in the future. The documents submitted to the WCDOH show fill within this area, which would allow the system to be constructed at the same design elevation as the currently proposed system. Should the construction of the 100% expansion area be required in the future, the property owner will be required to obtain all necessary approvals from the Village.

Comment No. 3

The Applicant notes on Page 2 of the December 30, 2020 letter from Cuddy + Feder, LLP to the Harbor & Coastal Zone Management Commission that “the proposed 420 cubic yards of fill...is necessary to remove a failing septic system...that can leak raw sewage into the wetlands and coastal waters...” A footnote (4) provided states that “replacement of the failing septic system within the wetlands buffer furthers LWRP Policies 37 and 38...and minimizes the discharge of excess nutrients and organics into coastal waters.” The Applicant only states that the new septic would “minimize” this discharge, not eliminate it completely, as would occur should the Applicant install a new private force main to the Village system on Orienta Avenue. The Applicant makes the above-referenced statement about the failing septic system being replaced with a new septic system, but has failed to provide mounding analysis, specifically detailing the impact of the new system.

Response No. 3

The statements regarding the Cuddy & Feder Letter are so noted. As stated above, the ability to connect to an existing public or private sewer system is not legally available to the site and the proposed SSDS has been designed in accordance with New York State and Westchester County Department of Health regulations, which only require mounding analyses for systems that exceed 5,000 gallons per day of flow. The proposed SSDS has been designed to treat 800 gallons per day.

Comment No. 4

The December 30, 2020 letter also discusses the ability of the Applicant to install a private sanitary line. While the Applicant notes several obstacles/concerns to the construction of a private sanitary sewer line, the Greacen Point Road Corporation apparently has granted approvals for similar lines in the past, and there was no evidence provided by the Applicant to indicate that there have been problems with either the installation or maintenance of these lines or evidence that there have been any leaks or breaks in these private sewer lines. The major issues appear to be “significant road disruption and access issues.” We do not agree with the conclusions provided in the letter that the installation of the private line would contribute to “...environmental and safety issues...” The Applicant is making the conclusion that a private sewer line will create a greater environmental issue than a private septic system. It should be noted that a properly installed sanitary sewer force main would last forever and need little or no maintenance. A septic system would require monthly and annual maintenance to ensure it functions properly. Also, a septic system relies on the responsibility of the homeowner to limit use of soaps and other environmental contaminants, such as cleaning agents, all of which will contribute to long term failure of the septic system and contamination to groundwater and surface water in the area.

Response No. 4

Since the several force mains within Greacen Point Road are private, and the Applicants have no control over them, the access to the records associated with their maintenance and/or repair cannot be obtained. The statement that “the major issues appear to be “significant road disruption and access issues” is so noted. The Applicants and their team stand by the statement that a private sewer line can create environmental issues and acknowledges the fact that there can be similar issues with the construction of a SSDS. However, in the specific instance of the project site and the proposed plan, items A through G above support the fact that a SSDS is a more viable option. The statements regarding maintenance of a SSDS are also noted and the Applicants are aware of this responsibility.

Comment No. 5

The November 4, 2020 letter from Cuddy + Feder, LLP to the Harbor & Coastal Zone Management Commission states that the amended project is consistent with certain LWRP policies. Specifically given LWRP Policies 37 and 38, although not a sole-source aquifer, we believe that the installation of the proposed septic system will have a negative impact on the surface water and groundwater through the discharge of excess nutrients and organics to the underlying groundwater (which would be tidally affected). While this may not occur at the onset of the usage of a septic system, any new septic system will, by design, eventually discharge nutrients into the ground and require regular maintenance and replacement.

Response No. 5

As stated above, the requirement for maintenance of the SSDS is so noted and the Applicants are aware of the responsibility.

Comment No. 6

The Applicant noted in their September 2, 2020 submission that the project would be consistent with Policies 11 and 12, noting that it would prevent the discharge of sewage into wetlands and coastal waters. However, and as noted above, by the very design of a septic system, the leach field will in fact permit these discharges.

Response No. 6

A properly engineered and installed septic system poses minimal risk as to the discharge of sewerage into the environment. If this were not the case, the Westchester County Health Department would not even entertain an application. The very design of a septic system is to have the sewage treated and released over time into a leach field. Such leach field is not located in the wetlands, wetlands buffer, or coastal waterway, and by design of the impervious clay border of the septic, it will not discharge any effluent outside of its specifically designed discharge area. Hence the Applicants affirm its response to Policies 11 and 12. Again, as stated above, the requirement for maintenance of the SSDS is so noted and the Applicants are aware of the responsibility.

Comment No. 7

The Applicant is proposing a mounded septic system with a final (surface) grade elevation of between 11-feet and 15.5-feet. There are no profiles provided by the Applicant. They are proposing a 1,250-gallon septic tank (detail says 1,500-gallon); a leach field with 336-LF of piping in a sand & gravel bed installed above an

impermeable clay-filled layer (no information provided regarding capacity of the leach field). The leach field then flows to a 336-LF absorption trench all located in the front yard which would allow septic to eventually leach into the underlying soils. The Applicant notes a Base Flood Elevation of 13.00-feet, and as noted above the base of the septic “expansion area” may be as low as 8.5-feet.

Response No. 7

The Applicants are actively working with the Health Department, which has full jurisdiction over the design details for the SSDS, and is in the final phase of review of the submitted documents. It is noted that the plans under review by the Health Department include a 1,250 gallon septic tank.

Comment No. 8

The Applicant is proposing an underground stormwater detention system in close proximity to a septic system. The underground stormwater detention system is an infiltration system with an overflow directed toward Delancey Cove. The top of the proposed stormwater system is elevation 11 and the top of the proposed septic system is elevation 15. It should also be noted that the proposed stormwater detention system does not have any test holes or permeability tests that would determine depth to seasonal high groundwater and infiltration rate of the existing soils on site. The location of the system with respect to the septic and the lack of Geotechnical data for the stormwater detention system are both concerns of this office.

Response No. 8

The proposed stormwater system does not have any test holes or permeability tests to determine depth to groundwater and infiltration rate of the existing soils because it is designed for detention only and is not an infiltration practice. The system is sealed with an impervious liner and has been designed in accordance with the NYSDEC requirements and the Town Code. It is also noted that the overall design complies with the Health Department requirements for separation between a storm system and a SSDS.

Comment No. 9

We have reviewed several letters provided by the Applicant’s Engineers regarding issues related to the installation of the private sanitary sewer, and have the following comments:

Response No. 9

As a global response to the following six points (a-f below) raised on the JMC memo, it is worth pointing out the following: while the Applicants and JMC summarized concerns/issues regarding a private sewer line, the basis for all these concerns was from those expressed by the former Village Engineer in 2019. Each one of the points was a consideration directed to the former Village Engineer as to why the VOM should be very careful about creating any new private lines, and subsequently why the Applicants were denied a request to potentially seek approval from the Village to do so.

Regarding “the Applicant also notes that a survey of the existing sewer lines is available”, as part of the Applicants’ multi-year process to explore getting public sewer line access, the Applicants paid significant funds to have a comprehensive Right of Way survey for the length of Greacen Point Road

west of Orienta Avenue. This survey, previously provided to the Village, is evidence of the exact consideration expressed here. It should be noted that on the ROW survey that, while all utilities, water, etc. were marked out by the controlling entities, when it comes to private lines, aside from surface shows, the survey has no specific record. There is no public record or entity that has evidence of the exact locations of the current private lines within the road.

JMC Memorandum to the Commission dated December 29, 2021

Comment No. 9a

Infrastructure Crowding and Future Planning – the Applicant argues that the installation of this private line will affect future installations of unplanned private sewers and unplanned drainage infrastructure improvements. However, the Applicant also notes that a survey of the existing sewer lines is available providing the information needed for this and future private sewer line installations. We are not aware that either the Village or the Greacen Point Road Corporation has any plans on the installation of drainage improvements, so this argument is moot;

Response No. 9a

The infrastructure crowding noted above includes an existing watermain within Greacen Point Road. Discussions with Westchester Joint Waterworks (WJWW) and the former Village engineer revealed that portions of the existing watermain is transite (asbestos concrete) pipe. It was indicated that this pipe is brittle and near the end of its life and would likely need to be replaced in the near future. Unnecessarily expanding the infrastructure crowding with the construction of another force main under the road could complicate the replacement of the watermain.

Comment No. 9b

Operation, Maintenance and Infiltration & Inflow Monitoring Responsibility – the Applicant refers to various instances for the need to shut off the sewer lines and “...periodically checking for leaks...” but there is no record of any issues with the existing installations that this has ever been required. Further, any maintenance issues related to shutting off the existing Greacen Point Road contributing flow into the Village receiving manhole is no different than anywhere else in the Village;

Response No. 9b

The statement that there is no record of any issues with the existing force mains is so noted. As stated above, the Applicants have no control over these lines and no knowledge of their maintenance and/or repair. The JMC Memorandum was intending to indicate that there is no controlling entity, such as the Village, to ensure proper maintenance and repair of the several existing private force mains and that there is no ability for the Village to control flows from these mains, should repairs or maintenance be required at the Village manhole. The addition of another force main would exacerbate this issue. The construction of the proposed SSDS would eliminate the exacerbation.

Comment No. 9c

Emergency Responsibility – again there is no record of any issues with any of the existing private sanitary sewer lines serving the homes on Greacen Point Road. The responsibility for any repair would fall on the private

homeowner, much the same as if there were a leak in a private septic system, required pumping of the septic system and/or issues related to seepage from the leach field. These are maintenance issues;

Response No. 9c

The comment that these are maintenance issues is so noted. However, it is noted that if the proposed septic system were to fail, it is easily identifiable as to who bears responsibility to repair or replace it. If one of the many force main services beneath the private road were to leak, the only way to identify who is responsible to fix it would be to excavate the area and trace the line. It is at this point one could determine who has responsibility to correct the issue. It is anticipated that responsibility for this initial work and the potential repairs could fall on the Village as the MS4.

Comment No. 9d

NYSDEC Penalties for Environmental Impacts – the Applicant argues that should there be a leak of the private sewer line(s) running into Long Island Sound, that there would be fines imposed. Again, there is no record of any instances where there has been a leak in any of the existing private sewer lines. The installation of a septic system, by its very nature, would leach into the ground beneath the leach field which is affected by the tidal actions in the surrounding waters;

Response No. 9d

As stated above, the Applicants are aware of their responsibility to maintain the SSDS. The statement that there is no evidence of any leaks, etc. is no reason not to point out and/or understand the implications should it occur. As further stated above, it is anticipated that the responsibility for the potential repair of the existing private force mains could fall on the Village as the MS4.

Comment No. 9e

Public Sewer Line Feasibility – there are no plans by the Village to install a public sewer line, so this argument is a non-issue

Response No. 9e

This comment is so noted.

Comment No. 9f

Low pressure Sewer Line versus Gravity Septic – we maintain that although the Applicant argues about the lifespan of the septic system, that shortly after the system becomes operational, that septic waters by design will be leaching into the underlying soils and eventually into the surrounding waters. The Applicant ignores the fact that septic systems also require regular maintenance by the homeowner and have noted that the existing system was failing and required replacing.

Response No. 9f

As stated above, the Applicants are aware of their responsibility to maintain the SSDS.

LJA Associates - Letter dated December 14, 2020

Comment No. 9g

The Applicant discusses the placement of fill on-site, and concludes that the fill "...will not affect the inflow or outflow of tidal waters of Long Island Sound, will not affect the flood elevations..." However, we understand that the placement of this fill is required primarily due to the installation of the septic system. The fill would include the proposed clay impermeable layer beneath the primary leach field, then a gravel layer and cover soils (common and topsoil). The expansion leach field area would also require the installation of gravel and cover soils (but without the underlying impermeable clay layer). All of this additional fill and site disturbance would not be required if the Applicant were to install a private sewer line. The impacts for this line would be limited and confined to the normal activities associated with the excavation of a trench, pipe installation and backfill within the Greacen Road right-of-way. Further, the requirement for fill for the septic is also caused by the type of house being proposed for the site. The Applicant could mitigate or have a net zero fill, if the Applicant were to redesign the house and site plan for the property. The reason for the additional fill in the flood plain is caused by the type of development proposed for the site.

Response No. 9g

The acknowledgement that the proposed fill will not affect the inflow or outflow of tidal waters is again noted. The support for the construction of the SSDS, as opposed to a private force main for this development, has been substantially supported above and in prior submissions, as well as during presentations to your Commission. It is important to note that the Applicants have redesigned the site and made numerous significant concessions to specifically limit the amount of fill to 420 cubic yards. If nothing were done to the house and a new septic system installed, this would entail bringing in 680 cubic yards of fill for the septic system only. The placement of the garage (to allow for greater cut), the retaining walls and even the house location, were all optimized to minimize this net fill to 420 cubic yards.

Comment No. 10

The Applicant has submitted the Coastal Assessment Form which includes 44 LWRP Policies. Based on our review, we take no exception to their responses with the following comments:

Comment No. 10a

Policy 12 – "Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources..." The Applicant has responded that "grading on the site will be limited to the maximum extent possible to allow for the moderate development of the site." However, the proposed septic system installation will disturb an additional 5,200-square foot of the front yard with the proposed clay-lined leach field, and the proposed 100-percent expansion area in addition to the proposed fill materials.

Response No. 10a

This comment is so noted. However, it should also be noted that the trenching of 1,500 linear feet of force main and the installation of cleanouts, air release manholes, and a pump station provide a similar disturbance area (3.5' trench x 1,500 LF = 5,250 SF of disturbance).

Comment No. 10b

Policy 17 – “minimize damage...from flooding and erosion.” While the Applicant notes that they are maintaining setbacks and complying with the applicable building codes, this does not address the erosion issues associated with the proposed leach fields which, although temporary, would be avoided if a private sewer line were to be installed.

Response No. 10b

We offer the same response as above. The disturbance for a pump station, 1,500 linear feet of force main with cleanout and air release manholes is similar to the disturbance associated with a septic system. The prospect for sediment entering the environment would be anticipated to be higher for the force main installation, as it is always more difficult to provide sediment control within paved roadways having trenches in a linear fashion.

Comment No. 10c

Policy 18 – “safeguard vital...environmental interests...” While the Applicant indicates that this Policy is not applicable, our review of the provided documentation would seem to favor the installation of a private sewer system versus a septic system to fully comply with this policy.

Response No. 10c

It is noted that the submitted Application did not state that Policy 18 in “not applicable”. Although the response does not mention the SSDS, it is further noted that, as stated above, when access to a public sewer is not an option, the installation of an onsite wastewater treatment system is a perfectly viable consideration that has been approved in thousands of similar instances, and over a dozen instances on the very same road where the Applicants are proposing to construct a home.

The Applicants reaffirm the statements in Policy 18, not least because everything being done is done in compliance with all codes, but also because the Applicants are using a septic system, which is an approved method of waste disposal by the Westchester County Department of Health. The SSDS is subject to the review, approval, and construction compliance by the WCDOH, which satisfies this policy.

Comment No. 10d

Policy 37 – “Best Management Practices will be utilized to minimize...excess nutrients, organics...into coastal waters.” While the Applicant also responds that this is not applicable, the installation of a septic system will eventually discharge excess nutrients and organics into the coastal waters.

Response No. 10d

It is noted that the submitted Application did not state that Policy 37 in “not applicable”. As stated above, the Applicants are aware of their responsibility to maintain the SSDS.

Comment No. 10e

Policy 38 – “quality and quantity of surface and groundwater supplies will be preserved and protected...” While the Applicant again responds that this is not applicable, the installation of a septic system will eventually discharge excess nutrients and organics into the groundwater (although not a groundwater “supply”).

Response No. 10e

It is noted that the submitted Application did not state that Policy 38 in "not applicable". As stated above, the Applicants are aware of their responsibility to maintain the SSDS.

Comment Conclusion

Based on all of the above, the request for additional fill in the flood plain is caused by the Applicant's proposed Dwelling & Site Plan and their desire to maximize the use of the site for the proposed development. It is the opinion of this office that the Applicant can redesign this site to have a net zero fill and limit any impacts to groundwater and surface water in the area.

It should also be noted that the conclusion the Applicant makes, that "A septic system is safer or limits environmental contamination to surface and groundwater better than a sanitary sewer force main", is false. The proper construction on a sanitary sewer force main will have no impact to groundwater or surface water unless disturbed by an outside source, such as a utility company. A sanitary sewer also requires little or no maintenance, if installed properly. To the contrary, a septic system requires monthly and annual maintenance to make sure it is functioning properly and relies on the responsibility of the homeowner to limit the use of soaps and cleaning agents to limit contamination to groundwater and/or surface water.

Response Conclusion

As stated above, Maser Consulting has already acknowledged that the placement of fill will not impact the coastal area. As further stated above, the fill is required for the construction of the SSDS and the Applicants, along with their team, have evaluated many design options to minimize the impacts. Again, the Applicants and their team stand by the statement that a private sewer line can create environmental issues and acknowledges the fact that there can be similar issues with the construction of a SSDS. However, in the specific instance of the project site and the proposed plan, items A through G above support the fact that a SSDS is a more viable option. The statements regarding maintenance of a SSDS are also noted and the Applicants are aware of this responsibility.

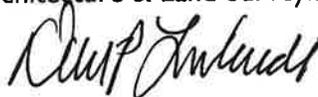
We trust that the above provides adequate responses to the Maser Consulting comments and look forward to seeing the Commission at your next available meeting. In the interim, should you have questions or require additional information, please do not hesitate to contact us at 914-273-5225.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC



James A. Ryan, RLA
Principal



David P. Lombardi, PE
Senior Project Manager

Cc: Mr. William Fedyna

EXHIBIT B

**HARBOR & COASTAL ZONE MANAGEMENT COMMISSION
CONSISTENCY (WETLANDS PERMIT)**

1248 GREACEN POINT

RECEIVED
CLERK'S OFFICE

2019 MAR 14 A. 4: 23

VILLAGE OF MAMARONECK
NEW YORK

WHEREAS, Gerard Koeppel and Diane Koeppel ("the applicants") have applied to the Planning Board for wetlands permit approval for renovations to their residence ("the project") at 1248 Greacen Point in the Village of Mamaroneck ("the premises"); and

WHEREAS, on June 18, 2018, the applicants' architect, Agawa Depardon Architects, 77 Chambers Street, New York, New York 10007, submitted the following documents in support of the application to the Planning Board:

- Wetland Permit application form;
- Project description prepared by Gilles Depardon, R.A.;
- Coastal assessment form and narrative;
- Short environmental assessment form;
- Deed for 1248 Greacen Point Road;
- List of owners within 100 feet of the premises;
- Building permit application;
- Application for NY DEC Tidal Wetlands Permit;
- Application for US Army Corps of Engineers Permit determination;
- Application for NY Department of State Consistency determination;
- Topographic survey of the premises prepared by TC Merritts Land Surveyors, dated February 22, 2018; and
- Architectural drawings prepared by Ogawa Depardon Architects, dated March 23, 2018; and

WHEREAS, the applicants have since submitted to the Planning Board a site layout plan, site grading and utilities plan, erosion and sediment control plan, stormwater pollution prevention plan/stormwater management report and existing and future conditions drainage maps prepared by ALP Engineering and Landscape Architecture, PLLC, dated September 17, 2018; and

WHEREAS, on September 26, 2018, after having classified the project as a Type II action requiring no further action under the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board referred the application to the Commission to review consistency with the Village of Mamaroneck's Local Waterfront Revitalization Program ("LWRP"), pursuant to Village Code §240-29; and

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WHEREAS, by letter dated October 1, 2018, Agawa Depardon Architects submitted an application to the Harbor & Coastal Zone Management Commission ("the Commission") for a consistency determination with respect to the project; and

WHEREAS, by memorandum dated October 18, 2018, Woodard & Curran, the Village's consulting engineers, submitted to the Commission its comments after reviewing the proposed site plan; and

WHEREAS, by memorandum dated October 15, 2018, Creative Habitat Corp., the Village's environmental consultant, submitted to the Commission its comments after reviewing the application; and

WHEREAS, on October 17, 2018 the applicants appeared before the Commission for a preliminary consistency review; and

WHEREAS, by memorandum dated October 19, 2018, the chairperson of the Commission provided comments with respect to the project to the Planning Board on behalf of the Commission; and

WHEREAS, by letter dated October 30, 2018, ALP Engineering and Landscape Architecture, PLLC, submitted, on behalf of the applicants, a revised layout plan, grading and utilities plan, erosion and sediment control plan, with a memorandum explaining the revisions; and

WHEREAS, ALP Engineering and Landscape Architecture, PLLC, has submitted a stormwater pollution prevention plan/stormwater management report dated October 30, 2018; and

WHEREAS, Agawa Depardon Architects submitted a short environmental assessment form dated October 30, 2018; and

WHEREAS, applicant Diane Koeppel has submitted a document entitled "Spill Incidents Database Search Details," dated October 30, 2018; and

WHEREAS, by memorandum dated October 30, 2018, Woodard & Curran submitted additional comments to the Commission with respect to the project; and

WHEREAS, on November 14, 2018 the applicants appeared before the Commission for a consistency review; and

WHEREAS, on November 14, 2018, the Commission requested that the applicant submit the results of a deep hole and percolation test, documentation attesting to the removal of the underground oil tank previously located at the Property, an updated plan for the proposed pool and a copy of a maintenance plan or contract for the green roof; and

WHEREAS, by letter dated December 5, 2018, ALP Engineering and Landscape Architecture, PLLC, submitted, on behalf of the applicants, an updated grading and utilities plan, dated December 5, 2018, the results of a deep hole and percolation test and a "Supply Agreement" between the applicant and Prides Corner Farms, Inc. for green roof planting and maintenance; and

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WHEREAS, on December 19, 2018, the Commission requested that the applicant submit a complete Storm Water Pollution Prevention Plan ("SWPPP) with a package detailing the financial responsibilities of the SWPPP; a copy of the final Maintenance Agreement for the live roof system; revised site plans for the Project; and information on the Applicants' sewer application or septic system located on the Property;

Whereas, by letter dated February 13, 2019, Gilles Depardon of Ogawa Depardon Architects, submitted the following on behalf of the applicants: a revised SWPPP prepared by Alan Pilch of ALP Engineering & Landscape Architecture, PLLC, showing the location of the proposed rain garden and the existing septic system, dated 02/11/2019; site drawings prepared by Alan Pilch dated 02/11/2019; a letter to the Commission prepared by Alan Pilch informing the Commission that the applicants have elected to utilize the existing septic system located on the premises while they continue discussions regarding the possible installation of a sanitary force main sewer; and a revised two-year maintenance contract for the proposed green roof garden; and

Whereas, by letter dated February 28, 2019, Alan Pilch of ALP Engineering & Landscape Architecture, PLLC, submitted the following on behalf of the applicants: a revised SWPPP prepared by Alan Pilch of ALP Engineering & Landscape Architecture, PLLC, dated 02/28/2019; and revision of site drawing, showing additional silt fence on sheet C-103 by Alan Pilch last revised 2/28/2019; and

WHEREAS, by memorandum dated February 25, 2019, Woodard & Curran submitted additional comments to the Commission with respect to the project; and

WHEREAS, the Commission has reviewed and considered the coastal assessment form, the application materials and the correspondence and memoranda as set forth in this resolution; and

WHEREAS, the applicants and the public have had a sufficient opportunity to be heard with respect to the application at the October 17, 2018 meeting, November 14, 2018 and December 19, 2018 and February 28, 2019 meetings of the Commission;

NOW, THEREFORE, on motion of Ms. Bienstock Cohen, seconded by Mr. Gelber, it is:

RESOLVED that the Commission, based upon review of the application, including the environmental assessment form and all other relevant materials, classifies this project as a Type II action requiring no further action under SEQRA; and it is further

RESOLVED that, after completing its review and evaluation of the application, including the coastal assessment form and all of the other documents submitted, and after conferring with its consultants, this Commission determines that the project is consistent, to the maximum extent practicable, with policies set forth in the LWRP and will not substantially hinder the achievement of any of those policies, subject to adherence to the following conditions:

2. If Westchester County Department of Health does not approve the septic system the Applicant must return to the HCZMC for further Consistency proceedings.

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Vote Record Resolution No. 122 Gilboa Avenue February 28, 2019				
	Yes/Aye	No/Nay	Abstain	Absent
Chairperson Gelber	✓			
Vice Chairperson Cohen	✓			
Ms. Michels				✓
Ms. Roney			✓	
Ms. Leicht	✓			
Mr. Burt	✓			
Ms. Chumley				✓



 Anthony Gelber
 Chairperson

to Village of Mamaroneck

Dated: February 28, 2019