

**Application Review: 1165 Greacen Point Drive**

Date: 7-14-2020

AMENDED 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 Applicant's Consultant Team**

**RECEIVED** REVISED COMMENTARY  
By Planning, Zoning, HCZMC at 11:58 am, Jul 14, 2020

**1) Materials reviewed:**

- Updated Site Plans, dated "resubmit to Village -7-1-2020"

**In summary (revised):**

The revised site plans show a larger number of trees than on the plans I previously reviewed. They also clearly show the stormwater detention facility and outflow. In a conference call I had this morning with members of the design team, Richard Cordone (Design Mgr, JMC Site Development Consultants), Michael Nowicki, and Ross Albano-Richardson, we discussed the saved trees: a) since the majority of the trees is being saved, a bird survey will not be necessary (the trees will remain to be habitat! Especially those trees between the house and Long Island Sound), b) in order for trees to survive in the long-term, the tree wells need to be widened to extend approximately 10 feet beyond the dripline of the trees (at a minimum). The designers will review the plans and will make changes to the grading plan and tree wells to accommodate this consideration.

As for the outfall from the storm water detention facility, I was assured that there will be a rip-rap apron detail in the plans (its not on the plans I have reviewed) to reduce the chances of erosion of sediments into Greacen Point Bay.

During our conference call we did NOT discuss the submittal of additional information regarding the use of concrete and plastic waste management. Such assurances should be given for the application to be inconsistent with policy #8.

**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/ Bittenweiser Is./Pops Rocks
- f. Magid Pond
- g. Otter Creek Salt Marsh
- h. Van Amringe Mill Pond.

**Revised** 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:** The revised plans intend to preserve the majority of the trees on the property, and most importantly those that are bordering the wetland, and in doing so, preserving valuable habitat for resident, transitory and migratory birds, that utilize the Greacen Point Marsh as a resource. The revised, proposed plans are consistent with LWRP policies 7 and 7a, provided the discussed modifications of grades and tree wells are going to be made as discussed with the design team.

**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.***

**Revised** Commentary:

Aside from erosion and sediment controls, the application materials show a storm water collection and overland flow of excess volume into LIS. The revised site plans show these features but do not provide a construction detail for a the rip-rap apron at the outfall location. This should be added to assure erosion protection for Greacen Point Bay. Until the revised site plans show a construction detail of the rip-rap apron, 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.*

**Revised** 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 policies #7 and 7A above. The preservation of much of the existing tree canopy goes a long way to “preserving and protecting” existing habitat that is associated with the Greacen Point Marsh. Meanwhile I also received assurances from the designers that the replacement of the faulty septic system will contribute to water quality improvement. As for filtering potential fertilizer runoff from the property, I was told that the mapped tidal wetland consists primarily of Phragmites, which is a very good sponge for nutrients, and is actually used in sewage treatment plants in the US and Europe as a secondary polishing agent before discharges get released into rivers. Since the intertidal marsh is going to be untouched by this project, the existing stand of Phragmites will offer the necessary safeguards to filter accidental pollutants from site runoff. 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**