



Evans Associates
Environmental Consulting, Incorporated

August 23, 2022

NYS DEC Region 3
Regional Permit Administrator
21 South Putt Corners Road
New Paltz, NY 12561-1620

**RE: Joint Permit Application for CEHA Activity
Bleustein Property – 1310 Flagler Drive
Village of Mamaroneck, Westchester County, New York**

Dear Regulatory Personnel:

On behalf of the Applicants/Owners, David and Bonni Bleustein, this letter and the following documentation are provided in support of a Joint Permit Application for Coastal Erosion Management (activity within CEHA) for the redevelopment of the above-referenced residential property:

- Joint Application Form,
- Site Location Map,
- Site Survey, prepared by Richard A. Spinelli, Licensed Land Surveyor, updated July 25, 2022,
- Wetland Report (including photos), prepared by Evans Associates Environmental Consulting, Inc.,
- Site Plan, Coverage Overlay, and Planting Plan / Tree Preservation Plan prepared by Louis Fusco Landscape Architects, dated July 15, 2022 and last revised August 22, 2022,
- Drawings prepared by Hudson Engineering & Consulting, P.C., dated July 15, 2022: C-1, Existing Conditions/Demolition Plan, C-2, Sediment & Erosion Control Plan, C-3, Stormwater Management Plan, and C-4, C-5, & C-6, Details, and
- Office of Parks, Recreation and Historic Preservation (OPRHP) letter report finding no impact, dated June 16, 2022.



162 Falls Road
Bethany, CT 06524
Tel: 203.393.0690

Site Description and Project Summary

The subject property is an approximately 0.8-acre residential parcel that is located immediately adjacent to Long Island Sound. The level parcel is currently developed with a house, driveway, deck, patio, and a concrete basketball court, along with areas of gravel, lawn, and landscaping. A seawall is located along the eastern property boundary. Please refer to the Site Survey, Site Location Map, and Wetland Report.

No wetlands are located on or adjacent to the property; the tidal waters are located on the opposite side of the seawall from the developed uplands. Jurisdiction by the New York State Department of Environmental Conservation (DEC) for tidal waters ends at the seawall;¹ however the Coastal Erosion Hazard Area (CEHA) extends onto the eastern side of the subject property. In addition, more than half of the parcel is located within the Village-regulated 100' wetland adjacent area. The entire parcel is located within the FEMA floodplain (Zone VE14' and VE17').

The proposed project would demolish the existing 1-story home (constructed in approximately 1961) and construct a new 2-story single family residence in approximately the same location. Residential improvements would include modification of the pool outside of the CEHA, and removal/replacement of the patio and driveway in approximately the same locations; addition of stormwater management infrastructure, a rain garden and an ACO Stormbrixx infiltration system (in the back and front yards, respectively); installation of plantings (5,098 sq. ft. of trees, shrubs, and herbaceous perennial species, along with 1,580 Sq. ft. of lawn) to replace removed impervious surfaces; removal of an existing concrete basketball court; and replacement of existing concrete patio with a smaller patio. Because portions of the concrete basketball court and patio are located within the CEHA, the proposed improvements would result in the *reduction* of impervious surfaces within the CEHA by 90% (from 5,132 sq. ft. to 521 sq. ft.). Please refer to the Site Plan, Planting Plan, and Coverage Overlay, and Drawing C-1, Existing Conditions/Demolition Plan and C-3, Stormwater Management Plan.

No modifications are proposed to the existing seawall. The proposed stormwater management infrastructure and plantings would provide considerable benefits to the tidal wetlands and on-site habitat. Currently, there is no stormwater treatment on site and the majority of the area nearest the seawall is impervious.

Local Wetland and Coastal Zone Permitting Requirements

The majority of the subject parcel is located within the Village-regulated 100' wetland adjacent area. Several local permit approvals are required from the Village of Mamaroneck for the proposed activity. The Harbor and Coastal Zone Management

¹ As confirmed by Angela Schimizzi, Marine Biologist - Region 3, Division of Marine Resources, New York State DEC, on June 29, 2022 via email.

Commission and the Planning Board will be reviewing the project for land use concerns including proposed impacts within the 100' Village-regulated adjacent area, compliance with LWRP policies, and floodplain development. Required Village permits and/or approvals include Wetland, Site Plan, Floodplain Development, and Building approvals and permits, Harbor & Coastal Zone Management Commission (HCZMC) approval, and architectural review.

State Environmental Quality Review Act (SEQRA)

The proposed improvements constitute Type II Actions which are exempt from SEQRA.²

State Historic Preservation Office (SHPO)

An online submission was sent to the State Historic Preservation Office (SHPO) Cultural Resource Information System (CRIS). A response letter, dated June 16, 2022, from the Office of Parks, Recreation and Historic Preservation (OPRHP) states "Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project." A copy of the response letter is attached.

Potential Impacts of Proposed Activity

No impacts are proposed to tidal waters, beaches, tidal wetlands, or within the DEC-regulated tidal wetland buffer. Temporary impacts leading to permanent improvements are proposed within the CEHA. Temporary impacts within the CEHA would be in association with the demolition and replacement of the residential development. Specifically, impacts that would occur partially or wholly within the CEHA would include the removal of an existing concrete basketball court, modification (in place) of an existing pool, removal and partial replacement of a patio, and installation of a rain garden for treatment of stormwater runoff.

Erosion and sedimentation due to uncontrolled stormwater runoff could occur during and after site construction. Potential exists for eroded sediment to leave the work area if not properly controlled. After construction, stormwater runoff from the impervious surfaces on site could negatively impact off-site areas if not contained and treated.

Avoidance of Impacts

The existing seawall would provide a physical barrier between the work area and the tidal waters. Additionally, an erosion and sediment control plan has been prepared to prevent the movement of eroded sediment, should it occur, from the work area. Sediment and erosion protection measures include silt fencing, construction fencing to demarcate the

2 See 6 NYCRR § 617.5(C)(1), (2), (6), (8), (11), and (12).

limit of disturbance, stabilized construction entrance, concrete washout, equipment and material storage area, inlet protection, and stockpiled topsoil area. Off-site disposal will be provided for demolition materials. Please refer to Drawing C-2, Sediment and Erosion Control Plan, and Drawings C-4 & C-5, Details.

Stormwater management facilities are proposed for the site. Currently, there are none. A proposed rain garden in the back yard (east side) of the site would collect and treat/infiltrate runoff from a portion of the roof of the house and the patio adjacent to the pool. Additional runoff from the site would be directed to an ACO Stormbrixx infiltration system in the front (west side) of the site. Please refer to Drawing C-3, Stormwater Management Plan, and Drawings C-4 & C-6, Details.

Although the site is located within the FEMA floodplain (VE14' and VE17'), changes/impacts to flood storage are not expected, as the net impervious coverage of the entire site is proposed to be reduced by approximately 37% (from 19,734 sq. ft. to 12,536 sq. ft.). In addition, the first floor elevation would be at 19', thereby raising the living areas above the flood elevations.

Mitigation for Unavoidable Impacts

A reduction in impervious surfaces would occur from the proposed project. Overall lot surface coverage would be reduced by 37%, with a 90% reduction within the CEHA. Exposed areas of soil will be re-vegetated with 5,089 sq. ft. of wetland mitigation plantings and 1,580 sq. ft. of lawn. A variety of tree, shrub, perennial herbaceous, and grass species are proposed.

Please let me know if you have any questions or require additional information regarding this submission. I can be reached at 203-393-0690 x112. Thank you.

Sincerely,

Evans Associates Environmental Consulting, Inc.



Beth Evans, PWS
Principal



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:

>NYS Department of Environmental Conservation



Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:

☐ Stream Disturbance

☐ Dams and Impoundment Structures

☐ Tidal Wetlands

☐ Water Withdrawal

☐ Excavation and Fill in Navigable Waters

☐ 401 Water Quality Certification*

☐ Wild, Scenic and Recreational Rivers

☐ Long Island Well

☐ Docks, Moorings or Platforms

☐ Freshwater Wetlands

☒ Coastal Erosion Management

☐ Incidental Take of Endangered / Threatened Species

* See Instructions (page 3)

>US Army Corps of Engineers



Check here to confirm you sent this form to USACE.

Check all permits that apply:

☐ Section 404 Clean Water Act

☐ Section 10 Rivers and Harbors Act

Is the project Federally funded?

Yes

No

If yes, name of Federal Agency:

General Permit Type(s), if known:

Preconstruction Notification:

Yes

No

>NYS Office of General Services



Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:

☐ State Owned Lands Under Water

☐ Utility Easement (pipelines, conduits, cables, etc.)

☐ Docks, Moorings or Platforms

>NYS Department of State



Check here to confirm you sent this form to NYSDOS.

Check if this applies:

☐ Coastal Consistency Concurrence

2. Name of Applicant

David and Bonni Bleustein

Taxpayer ID (if applicant is NOT an individual)

Mailing Address

17 Cooper Road

Post Office / City

Scarsdale

State Zip

NY

10583

Telephone 914-336-0403

Email davidbonni@aol.com

Applicant Must be (check all that apply):

☒ Owner

☐ Operator

☐ Lessee

3. Name of Property Owner (if different than Applicant)

Mailing Address

Post Office / City

State Zip

Telephone

Email

For Agency Use Only

Agency Application Number:

4. Name of Contact / Agent

Beth Evans

Mailing Address

Evans Associates
162 Falls Road

Post Office / City

Bethany

State Zip

CT

06524

Telephone 203 393 0690 x112

Email beth@eaec-inc.com

5. Project / Facility Name

Property Tax Map Section / Block / Lot Number:

9.60-118

Project Street Address, if applicable

1310 Flagler Drive

Post Office / City

Mamaroneck

State Zip

NY

NY

Provide directions and distances to roads, intersections, bridges and bodies of water

Town ☒ Village City County Stream/Waterbody Name

Mamaroneck

Westchester

Long Island Sound

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: Longitude:

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

To make improvements to an existing residential development, including demolition/removal and replacement of existing house, driveway, and patio/decks, along with modification of existing pool and removal of concrete basketball court from area adjacent to the existing seawall (portions within CEHA). No changes are proposed to the seawall. Please refer to Site Plan prepared by Louis Fusco Landscape Architects.

b. Description of current site conditions:

The site is currently a fully-developed residential property. The site contains a house, driveway, patio, decks, pool, concrete basketball court, and gravel areas, along with lawn and landscaped areas. DEC jurisdiction of the tidal waters ends at the seawall (as confirmed by A. Schimizzi of the DEC); the CEHA line passes through the eastern side of the parcel. Please refer to C-1, Existing/Demolition Plan, prepared by Hudson Engineering and Consulting, P.C.

c. Proposed site changes:

Demolition/removal and replacement of existing house, driveway, and patio/decks; addition of stormwater management facilities. Modification of the existing pool (in place), removal of existing patio and replacement with smaller patio, installation of a rain garden, and removal of concrete basketball court would occur wholly or partially within CEHA. Improvements would occur within approximately the same location as the currently-developed areas. A 90% *decrease* in impervious surfaces within the CEHA is proposed (from 5,132 sq. ft. to 521 sq. ft.).

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

No work is proposed within DEC-regulated tidal waters or within the DEC-regulated tidal wetland buffer. Only activity within the CEHA is proposed, resulting in a permanent reduction of impervious coverage and an increase in vegetative habitat. Please refer to Planting Plan and Coverage Overlay prepared by Louis Fusco Landscape Architects

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

No dredging is proposed.

f. Is tree cutting or clearing proposed? ☒ Yes If Yes, explain below. ☐ No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut: 6 (3-8" 3-12")

Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

Work methods would be typical of those used at a residential parcel for the demolition and rebuilding of a site. All work would occur on the landward side of the existing seawall.

h. Describe the planned sequence of activities:

Please refer to Drawing C-2, Sediment and Erosion Control Plan, prepared by Hudson Engineering, for a detailed construction sequence. Briefly: installation of erosion and sediment controls (E&SC), including tree protection; removal of 6 trees (three 8" and three 12"); grubbing; temporary stockpiling of topsoil; excavation, then installation of stormwater management; demolition and grading; installation of catch basins and piping; excavation, then installation of house, pool, patio, curbing, and bituminous pavement; revegetation; removal of E&SC measures.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

All work would occur on the landward side of the seawall; no environmental impacts would occur to the tidal waters. Tree protection would be provided to prevent impacts to the trees to remain. Revegetation of disturbed and previously impervious surfaces is proposed, including extensive plantings. Please refer to Landscape Architect drawings for detailed planting information. Stormwater facilities (rain garden and infiltration system) are also proposed. Please see Drawing C-3, Stormwater Management Plan, and Drawings C-4 & C-6, Details.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

Erosion and sediment controls include silt fencing, construction fencing to demarcate the limit of disturbance, stabilized construction entrance, concrete washout, equipment and material storage area, inlet protection, and stockpiled topsoil area. Please refer to Drawing C-2, Sediment and Erosion Control Plan, and Drawings C-4 & C-5, Details, prepared by Hudson Engineering.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

Permanent impacts within the regulated areas would be reduced by the proposed activity, including a 90% reduction in impervious surfaces within CEHA. The residence and amenities are being rebuilt in approximately the same location, with impervious coverage nearest the seawall being removed/reduced. Impacts would be minimized through the use of an erosion and sediment control plan. In addition, all work would occur on the landward side of the seawall.

l. Proposed use: ☒ Private ☐ Public ☐ Commercial

m. Proposed Start Date: Estimated Completion Date:

n. Has work begun on project? Yes If Yes, explain below. ☒ No

o. Will project occupy Federal, State, or Municipal Land? ☐ Yes If Yes, explain below. ☒ No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

☒ Yes If Yes, list below. ☐ No

Village of Mamaroneck permits/approvals will be attained prior to the start of work. Village permits/approvals include: Planning Board (Wetland Permit and Site Plan approvals), HCZMC, and Architectural Review.

7. Signatures.

Applicant and Owner (If different) must sign the application. If the applicant is the landowner, the **landowner attestation form** can be used as an electronic signature as an alternative to the signature below, if necessary. Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant

Date

Bonni Z Bleustein

9-23-22

Applicant Must be (check all that apply): ☒ Owner ☐ Operator ☐ Lessee

Printed Name

Title

Bonni Z Bleustein

Signature of Owner (if different than Applicant)

Date

Printed Name

Title

Signature of Contact / Agent

Date

Printed Name

Title

Beth Evans

Principal, Evans Associates

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed

Name

Title

Signature

Date