



Environmental, Planning, and Engineering Consultants

34 South Broadway
Suite 401
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Village of Mamaroneck Planning Board
From: AKRF, Inc.
Date: September 23, 2022
Re: 1310 Flagler Drive

AKRF, Inc. has reviewed the following application materials for the above-referenced project:

- Letter to Chair Kathy Savolt and Members of the Planning Board from Cuddy + Feder, LLP dated 8/24/2022
- Building Permit Application, dated 1/26/2022
- Building Determination Letter, revised 8/15/2022
- Planning Board Application (Site Plan review), signed by Kristen Motel, Esq. of Cuddy + Fedder and dated 7/18/2022
- Flood Plain Development Permit Application, signed by Keller/Eaton Architects and dated 2/9/2022
- Planning Board Wetlands Permit Application, signed by the property owner and dated 8/23/2022
- Site Plan, Zoning Calculations, & General Notes, prepared by Keller Eaton Architects, P.C. and last revised 7/15/2022
- Site Plan, Coverage Overlay, and Tree Preservation Plan, prepared by Louis Fusco Landscape Architects and dated 7/15/2022
- NYDEC Joint Application Form for activity within CEHA, signed by property owner and dated 9/23/2022; and accompanying Letter to NYS DEC Region 3, prepared by Evans Associates and dated 8/23/2022
- Demolition Plan, Sediment & Erosion Control Plan, and Stormwater Management Plan, prepared by Hudson Engineering and dated 8/24/2022
- Flood Storage Analysis Plan, prepared by Hudson Engineering and dated 7/15/2022
- Detailed Plans, prepared by Hudson Engineering and dated 8/24/2022

- Survey, prepared by Richard A. Spinelli and updated 9/10/2021
- Aerial Photographs and Street View Images of subject property, labeled Exhibit E, of subject property, undated
- Deed for subject property, dated 11/3/2021
- Short Environmental Assessment Form (EAF), Part 1, dated 8/24/2022
- Comment Letter from NYS Office of Parks, Recreation, and Historic Preservation to Evans Associates Environmental Consulting, dated 6/16/2022
- Wetlands Report, prepared by Evans Associates Environmental Consulting. and dated 7/7/2022
- Tidal Wetlands Jurisdiction Request (email correspondence between Evans Consulting and NYDEC), dated 6/26/2022
- Stormwater Pollution Prevention Plan & Drainage Analysis (SWPPP Report), prepared by Hudson Engineering & Consulting, P.C. and dated 8/24/2022

PROJECT DESCRIPTION

The Applicant proposes to construct a new two-story single-family residence and accessory improvements at 1310 Flagler Drive (SBL: 9-105-11), a 0.8-acre (34,563.5 sf) lot in the R-20 zoning district. The floor area of the proposed new house is 8,635 square feet. The property, situated adjacent to the Long Island Sound, is located within the VE Flood Zone. The eastern part of the property is within the NYDEC Coastal Erosion Hazard Area (CEHA), and the majority of the property is within the Village's 100-foot wetlands buffer. The site is currently improved with a one-story single-family home, seawall, pool, concrete basketball court, seawall, patio, and other accessory improvements. The proposed project would include the demolition of the existing house, modification of the existing pool, removal and/or replacement of existing accessory structures, and installation of stormwater management infrastructure and rain garden. The project requires Site Plan approval (per §§ 342-75C and E) and a Wetlands Permit (per § 192-4) from the Planning Board and LWRP Consistency Review from the Harbor & Coastal Zone Management Commission (HCZMC).

COMMENTS

1. The property is located within the VE Flood Zone with base flood elevations (BFE) of 14 and 17 feet. The eastern area of the property is within the NYDEC Coastal Erosion Hazard Area (CEHA). There are no tidal wetlands or DEC-regulated tidal wetland buffer areas on the property. However, the property is located within the Village's 100-foot buffer ("adjacent") area. Section 194-4A requires a Wetlands Permit for construction within the buffer area. The Applicant has submitted a wetlands permit application.
2. There are several inconsistencies across the submitted documents. For example, and without limitation, the cover letter from Cuddy + Feder states the existing and proposed impervious cover areas are 19,734 and 12,536 square feet, respectively; however, the Site Plan states that existing and proposed impervious areas 18,095 and 11,991 square feet. The calculations in the SWPPP show the proposed impervious cover as 12,875 square feet. These, and other inconsistent figures, should be reconciled and updated for consistency.

3. Even with the discrepancies in the square footage of the existing and proposed amounts of impervious cover, the proposed construction will result in a substantial reduction of impervious cover of about 35+/- percent.
4. The Village of Mamaroneck SBL for the subject property is 9-105-11 (for the Town of Mamaroneck, it is 9-60-118). On the submitted Building Permit Application, the SBL is listed as 9-61-239, which does not apply to the subject property, but instead, to the property located at 1314 Flagler Drive (per Westchester County GIS Tax Parcel Viewer).
5. The site plan depicts two different sets of minimum setback lines – one showing the “Village” setbacks and another showing the “Flagler” setbacks. For example, the rear of the site shows the “30.0’ Village Rear Setback” and a “40.0’ Flagler Rear Setback;” the sides of the site show the “25.0’ Village Side Setback” and a “10.0’ Flagler Side Setback.” The Applicant should provide the source and significance of the Flagler setbacks.
6. The zoning analysis table (Sheet CS-1.0) may be missing relevant measurements. The zoning table should include the figures for existing conditions, noting any conditions that will remain, and indicate any preexisting or proposed nonconformity. The Applicant should verify the completeness and accuracy of the zoning table.
7. The zoning analysis table provides that the height of the proposed house is 32 feet. Next to this figure, the zoning table includes the notation “FEMA + 2,” indicating that the height of 32 feet was calculated starting from two feet above the base flood elevation. The Zoning Code, in § 342-3, defines height as follows:

HEIGHT, BUILDING

For one- and two-family dwellings, the vertical distance to the highest level of the highest point of the roof if the roof is flat or mansard or to the mean level between the eaves and the highest point of the roof if the roof is of any other type, measured from the average level of the existing grade prior to construction adjacent to the exterior walls of the building. For all other buildings, the vertical distance to the highest level of the highest point of the roof if the roof is flat or mansard or to the mean level between the eaves and the highest point of the roof if the roof is of any other type, measured from the average level of the existing grade at the lot line abutting the lot at the front yard.

The Zoning Code appears not to provide any exceptions to the parameters of height measurement, including for properties within the flood zones. The Applicant should provide height measurements that follow Code requirements.

(It should be noted that the proposed number of stories is not provided in the zoning table.)

8. The minimum rear yard setback for accessory structures is six feet, pursuant to Footnote 11 of 372 Attachment 2. The site plan should be revised to show this line at the rear of the property.
9. The Applicant has submitted a SWPPP, as required by § 294-4 for development activities resulting in a land disturbance of 1,000 square feet or greater. The proposed development would result in a disturbance of 0.69 acres.
10. The NY Office of Parks, Recreation, and Historic Preservation (OPRHP) provided a comment letter, in response to the Applicant’s online submission, that states that, “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."

11. The date written on the NYDEC Joint Application Form, 9/23/2022, is presumably a typo. The date should be read as 8/23/2022, which is the date provided on the accompanying letter to NYS DEC Region 3.
12. The Applicant has submitted a tree preservation plan, as required by § 318-8 for the removal of trees on private property.
13. This application requires review by the HCZMC to determine the proposed project's consistency with the policies of the Village of Mamaroneck LWRP. (Village Code § 240-5).
14. This application requires review and approval by the Board of Architectural Review. (Village Code § 6-6).
15. This application is considered a Type II Action (6 NYCRR 617.5(c)11) under the State Environmental Quality Review Act (SEQRA).

RECOMMENDED ACTIONS

At the September 28, 2022 meeting, AKRF recommends that the Planning Board classify the project as a Type II under SEQRA.