

increase the profit of the owner without giving back to the community. It's not as though we're building a theater that we don't, okay so it's a little larger, and there's some new spirit, it's a new kind of industry that we're looking for, and it's something that we're going to interact with, and a lot of people are going to get jobs with. We're giving -- we would be giving variances to build a massive structure to hold things and that's going to stay quiet, going to stay dark, and not employ a lot of people.

(Board Member Yergin, Public Hearing, May 6, 2021)

A-21 Response:

The FEIS Plan reflects a complete redesign of the building, as well as its use. The new building extension would consist of 43,940 square feet of gross floor area, or a net increase of 25,361 square feet once the floor areas of the existing industrial buildings are deducted. Where the building addition presented in DEIS Plan was somewhat monolithic, the building proposed in the FEIS Plan has been completely redesigned and is now broken into 5 separate segments, each of which are distinctly articulated and clad in differing façade materials to resemble independent buildings. This treatment significantly reduces the mass of the building, while restoring a human scale to the Site. This approach would reduce the building footprint by 2,071 square feet and the gross floor area by 14,254 square feet. The F.A.R would be reduced from 2.43 to 2.11.

The height of portions of the building addition have also been reduced. The southernmost section of the building addition will be integrated with the existing self-storage building, and as such will correspond to the height of the existing building. However, moving north, the building will step down to three stories and then two stories where a terrace, broad landscaped rain garden and lawn gradually integrates the Site into the Fenimore Road streetscape. The streetscape is proposed to be further enhanced by replacing the Murphy Brothers office building located at the Waverly Avenue/Fenimore Road intersection, with a publicly accessible vest-pocket park containing decorative seasonal landscaping and benches arrayed around a circular walkway.

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A-22 Comment:

I would not be inclined to give such large variances for -- with so little in return for the village. And, yes, I do think that we'd be setting a precedence and I could blocks and blocks of self-storage areas in the area and that would just be a sad thing for our village.

(Board Member Yergin, Public Hearing, May 6, 2021)

A-22 Response:

See response to Comment A-12. The FEIS Plan reflects a complete redesign of the building, as well as its use. The new building extension would consist of 43,940 square feet of gross floor area, or a net increase of 25,361 square feet once the floor areas of the existing industrial buildings are deducted. The building includes 33,896 square feet of self-storage space consisting of 160 storage units, the Murphy Brothers Contracting offices comprising 2,157 square feet, a woodworking shop for Murphy Brothers Contracting that would occupy 5,879 square feet and 2,008 square feet of incubator office space.

Where the building addition presented in DEIS Plan was somewhat monolithic, the building proposed in the FEIS Plan has been completely redesigned and is now broken into 5 separate segments, each of which are distinctly articulated and clad in differing façade materials to resemble independent buildings. This treatment significantly reduces the mass of the building, while restoring a human scale to the Site.

The height of portions of the building addition has also been reduced. The southernmost section of the building addition will be integrated with the existing self-storage building, and as such will correspond to the height of the existing building. However, moving north, the building will step down to three stories and then two stories where a terrace, broad landscaped rain garden and lawn gradually integrates the Site into the Fenimore Road streetscape. The streetscape is proposed to be further enhanced by replacing the Murphy Brothers office building located at the Waverly Avenue/Fenimore Road intersection, with a publicly accessible vest-pocket park containing decorative seasonal landscaping and benches arrayed around a circular walkway.

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A-23 Comment:

You know, I agree with just about everybody single comment that was made tonight. I share all those concerns. I see it as concerns localized to this specific project but then also the concerns as mentioned by probably all of you of just the domino effect that this project goes through and then what's next. It creates a precedent that would be difficult to control. There's the unknown about this project but there's also the unknown of the consequences of other projects down the road because we have approved a project of this enormous.
(Board Member Heaney, Public Hearing, May 6, 2021)

A-23 Response:

“Precedent” is not an environmental factor to be considered when making a determination of significance. Speculation of unrelated projects that may be proposed at a future date is not a relevant consideration in the review of this FEIS.

Further, zoning boards may consider new applications and new information when reviewing applications before them, and so long as the board provides a rational explanation for reaching a different result, the Court will not overturn the decision. Hurley v. Zoning Bd. of Appeals of Village of Amityville, 69 A.D.3d 940, 893 N.Y.S.2d 277 (2d Dep't 2010).

Please see response to comment A-1 above. As noted previously herein, the Project currently before the ZBA is markedly different than the 2009 and 2012 proposals, both in scale and use.

[See also response A-12.](#)

A-24 Comment:

I have one final comment that I forgot to make which is the segmentation but since it's been mentioned. To me, there's no question that this was segmentation and be given that they originally came to the board with the full project, which was this entire project, then they withdrew that full project, and came back with essentially half the project, and now are coming because we want the -- the

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board voted to do what required an environmental impact statement and the applicant at that point withdrew the full variance and came back with half the variance and now it's coming back for the half that it didn't get the first time. So, I do think that was segmentation that – I do think it was segmentation. (Chairwomen Kramer, Public Hearing, May 6, 2021)

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A-24 Response:

See response to comment A-1 above. As noted previously herein, the proposal currently before the ZBA is markedly different than the 2009 and 2012 proposals, both in scale and use.

A-25 Comment:

5. The DEIS states that the proposed project is seeking the following area variances:

- 1. Building Coverage: 25,834 square feet is proposed where a maximum of 22,078 is permitted (3,756 SF variance)*
- 2. FAR: 2.43 is proposed where a maximum of 1 is permitted (1.43 FAR variance)*
- 3. Gross floor area: 107,087 square feet is proposed where a maximum of 44,146 square feet is permitted (62,932 square foot variance)*
- 4. Building height: 4 stories is proposed where a maximum of 3 stories is permitted (1 story variance)*
- 5. Front yard (Fenimore): 30 inches are provided where 10 feet is required (7-foot 8-inch variance)*
- 6. Off-street parking: 25 spaces are provided where 137 spaces are required (112 space variance)*
- 7. Off-street loading: 4 spaces provided where 8 spaces are required (4 space variance).*

(AKRF Memorandum, April 30, 2021)

A-25 Response:

Table III.A-1 presents the variances required for the FEIS Plan.

Table III.A-1 FEIS Plan Zoning Compliance				
Zoning Criteria	Required/ Permitted	Existing	Proposed	Variance Required
Minimum Lot Area (SqFt)	10,000	44,156	44,156	--
Minimum Lot Width	50	134	134	--
Building Coverage				
Area (SqFt)	22,078	20,081	23,096	1,018
Percentage	50%	45%	52%	2%
Floor Area Ratio (FAR)	1.0	1.34	2.11	1.11
Maximum Gross Floor Area	44,156	59,081	84,432	40,276
Impervious Surface Coverage				
Area (SqFt)	N/A	41,653	40,383	--
Percentage	N/A	94.3%	91.5	--
Maximum Building Height				
Stories	3	4	4	1 story
Feet	45'	45'	45'	
Minimum Yard Requirements				
Front (Waverly)	Note 1	0'	0'	--
Front (Fenimore)	10'	0.4'	10'	--
Rear (Southeast)	None	2'	2'	--
Rear (Southwest)	None	3'	3'	--
Off-Street Parking	137	52	26	111
Off-Street Loading	8	0	3	5

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A-26 Comment:

*The ZBA is considering the site as a whole, and it is not clear from the chapter what aspects of the proposed variances are associated with the existing self-storage facility, existing buildings on the corner, and the proposed self-storage facility. A zoning analysis that breaks-out each of the three parts as well as the whole should be provided in the FEIS.
(AKRF Memorandum, April 30, 2021)*

A-26 Response:

The FEIS Plan no longer involves the preservation of the existing older, non-conforming buildings. See response to Comment A-25 and A-30.

A-27 Comment:

It is unclear from the DEIS whether the requested front yard variance is for the existing building at the corner of the proposed self-storage facility. The proposed self-storage facility is shown as being 7 feet 8 inches from the lot line,

but this is the variance requested in the Tables II-1 and IV.A-4. However, if 7-feet 8-inches is proposed, and 10 feet is required, then the requested variance should be for 2-feet 4-inches.

(AKRF Memorandum, April 30, 2021)

A-27 Response:

The FEIS Plan no longer preserves the existing building referenced in this comment. The building will be demolished, so the variance is no longer required.

A-28 Comment:

The FEIS should address the proposed setbacks from Fenimore Road in relation to the requested area variance. As noted above, clarity on the extent of the variance sought should be provided.

(AKRF Memorandum, April 30, 2021)

A-28 Response:

See response to Comment A-27.

A-29 Comment:

The DEIS states the building will be a “net-zero” building in order to address Section D-3g of the Scoping Document. Supporting information should be provided to demonstrate what the Net-Zero building will include, and how these features will avoid or reduce the impacts of climate change and rising sea levels.

(Kellard Sessions Memorandum, February 4, 2021).

A-29 Response:

The Applicant has demonstrated a long-standing commitment to Green Building. The existing Mamaroneck Self Storage facility was built as the first state-of-the-art, first-of-its-kind “green” self-storage facility in Westchester County. Energy efficiency was a priority. The Applicant enrolled the project in NYSERDA’s New Construction Program (NCP), which required compliance with rigorous energy-efficiency and sustainability standards set by the program. The Applicant partnered with high performance building consultants Steven Winter Associates to develop the project to incorporate sustainable features and realize energy

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cost savings from their investment. Notable energy conservation measures incorporated into the existing building include:

- High-efficiency HVAC equipment including Variable Frequency Flow (VRF) heat pumps for heating and cooling, a 65% Efficient Energy Recovery Ventilation system (ERV) for mechanical ventilation;
- High-efficiency interior and exterior LED lighting on motion sensors;
- All water-saving devices;
- 8.5Kw solar shingle array on the SE & SW sides of the building;
- The building envelope is comprised of 4" rigid insulation, 4" close cell spray foam with 8" close-cell spray foam in the ceiling.

Energy savings were 52% over the baseline standard building code with over \$30,000 annual electric-cost savings. The existing Mamaroneck Self Storage energy bills currently run from \$1,400 - \$1,800 monthly (similar to the cost of the average 6,000 square foot residential home).

The Mamaroneck Self Storage project was the recipient of three prestigious awards for its energy-efficient construction:

- HBRA-CT HOBI Award: Best Green Commercial Project;
- Best of BOMA Westchester County Signature Award;
- Westchester County Earth Day Award.

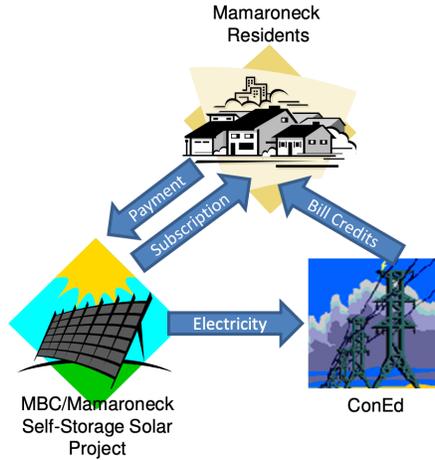
As construction was completed on the existing facility, the Applicant was awarded a NYSERDA Community Microgrid Project grant to investigate how a Community Microgrid system could be incorporated into future expansion plans in order to provide necessary affordable energy to the surrounding neighborhood in the event of natural or man-made disaster.

The FEIS Plan will incorporate the same energy-efficient measures as the existing building. It is the goal of the Applicant to operate a net-zero facility. A net zero building is one that has zero net energy consumption, producing as much energy as it uses in a year. In some months it may generate excess electricity through

distributed renewables; at other times it may require electricity from the grid. On balance, it is self-supporting. As an all-electric “net-zero” building, the building itself will effectively have no carbon footprint. This is perhaps the most definitive measure the Applicant can take to minimize the overall impact on climate change, including sea level rise and flooding.

Additionally, the Applicant is proposing a Community Solar System, pursuant to NYSERDA’s Community Solar Program, consisting of the installation of roof-mounted photovoltaic solar arrays. The Applicant will partner with a NYSERDA approved Community Solar Developer to oversee the engineering, permitting, installation and operation of the Community Solar System. The Community Solar System program is designed to provide clean energy to local residents. The Applicant will install roof mounted photovoltaic solar arrays on the new building addition.

These solar arrays are connected to the existing ConEd electrical grid via a separate service connection on the Site adjacent to the existing electric meter. Electricity produced from the solar panels is sent directly into the ConEd grid. The Applicant then offers subscriptions to Mamaroneck residents for a portion of that electricity, resulting in reductions in their ConEd bills. This system democratizes solar, and affords everyone access to clean energy, even those who cannot install a solar system on their own property.



Mamaroneck Self Storage is currently enrolled in the Green Building Partnership’s Green Building Certification Program, which measures the sustainability of a business’s daily operation. Mamaroneck Self Storage strives to be a model of sustainability for Westchester County, in both the construction of the building as well as the operation of the business.

A-30 Comment:

*What are the variances that have been previously granted?
 (Chairman Neufeld, November 16, 2021 Work Session)*

A-30 Response:

1. Building Coverage:

- 52% proposed where 50% maximum is permitted (2% in excess)
- 23,171sf proposed where 22,078sf maximum is permitted (1,093sf in excess)

2. GFA/FAR:

- GFA: 84,812sf proposed where 44,156sf maximum is permitted (25,731sf in excess)
- FAR: 1.92 proposed where 1.92 maximum is permitted (0.92 in excess)

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3. Stories:

- 4 stories proposed where 3 stories maximum are permitted (1 story in excess)

4. Off-Street Parking:

- 26 spaces proposed where 137 spaces minimum are required (111 spaces deficient)

5. Off-Street Loading:

- 3 spaces proposed where 8 spaces minimum are required (5 spaces deficient)

A-31 Comment:

*Segmentation is clear.
(Chairman Neufeld, November 16, 2021 Work Session)*

A-31 Response:

Please see Response A-1. As noted by the ZBA's Attorney during the November 16th work session, any issues related to segmentation are cured by the EIS process⁶.

A-32 Comment:

*The growth-inducing aspects of this raises concerns over what precedent we are setting and what impact it will have on the neighborhood.
(Chairman Neufeld, November 16, 2021 Work Session)*

A-32 Response:

Please see Response A-12. "Precedent" is not an environmental factor to be considered when making a determination of significance. Speculation of unrelated projects that may be proposed at a future date is not a relevant consideration in the review of this FEIS.

A-33 Comment:

⁶ Village ZBA Attorney Charles Gottlieb, comments during November 16, 2021 work session, see LMCTV recording starting at 36:03.

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Have the new proposed uses to the Project (woodworking shop, incubator use) been reviewed to ensure they are permitted uses in this zoning district? What are the parking requirements for the woodworking shop and incubator use? (Board Member Yergin, November 16, 2021 Work Session)

A-33 Response:

The woodworking shop will be operated by Murphy Brothers Contracting commercially and will not offer classes. Woodworking is a permitted use within the M-1 Manufacturing Zoning District, pursuant to Zoning Code Section 342-32(A)(1)(a), which permits “manufacturing, assembling, converting, altering, finishing, cleaning or other process... of products and materials.”

The proposed community office “incubator” space is also a permitted use in the M-1 Zoning District, which principally permits business and professional offices. Zoning Code Section 342-32(A)(1)(e).

While the Applicant would like to incorporate a teaching aspect into the woodworking shop to offer classes in the skilled trade industry, a “school” is not currently a permitted accessory or special permit use in the M-1 Zoning District. In the event that the MAKER Zone is adopted, and the Zoning Code is amended to accommodate such uses in the M-1 Zoning District, the Applicant would consider modifying the woodworking use to accommodate trade classes. Any future modification to the project or proposed uses on site would be subject to the requisite Village review and approval.

Pursuant to Zoning Code Section 342-56, manufacturing uses requires 1 parking space for every 750 square feet of gross floor area, but not less than 1 space for every 2 employees. The 5,879 square foot woodworking shop would therefore require the provision of 8 parking spaces. Office uses require 1 parking space for every 250 square feet of gross floor area. The 2,157 square foot Murphy Brothers office and the 2,008 square foot incubator office (4,165 square feet of total office space) would require the provision of 17 parking spaces. Refer to updated Traffic and Parking study, included in Appendix C.

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A-34 Comment:

*Table I-3 - FAR is not consistent throughout the document.
(Board Member Yergin, November 16, 2021 Work Session)*

A-34 Response:

The existing FAR is 1.34 and the proposed FAR is 2.11.

A-35 Comment:

*What will prevent the Applicant from changing the uses in the spaces once they get approvals?
(Board Member Yergin, November 16, 2021 Work Session)*

A-35 Response:

Similar to any other project or application and changes of use for existing structures anywhere in the Village, other than one and two-family dwellings, the Applicant would be required to obtain amended site plan (or other additional) approval for any change of use or intensity of any existing uses. Zoning Code Section 342-75 requires site development plan approval by the Planning Board in all districts for “any change of use or intensity in use other than ... one- or two-family dwelling[s] that will affect the characteristics of the site or increase the requirements under this [Zoning] Code in terms of parking, loading, circulation, drainage, utilities, landscaping, or outdoor lighting.”

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Additionally, building permits are required for any construction, alteration, demolition or improvement work of any building or structure. Village of Mamaroneck Building Code Section 126-4(A). When any such work is proposed, the Building Inspector will evaluate the work proposed in the application for compliance with applicable codes and standards, including the Zoning Code, and will evaluate the proposed use of the space with the occupancy classification of the building.

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A-36 Comment:

Concerns about proposed mass of the building and doubling the FAR from what's allowed. What are the benefits of this? To avoid the segmentation issue, we need to look at this from scratch.

(Board Member Yergin, November 16, 2021 Work Session)

A-36 Response:

The expansion of the self-storage facility would replace the existing older deteriorating non-conforming structures currently located on the Site with a new use that supports the Village's revitalization efforts by providing storage space for the new transit-oriented uses being developed in the area, such as The Mason. The building addition, presented as the FEIS Plan has been completely redesigned and is now broken into 5 separate segments, each of which are distinctly articulated and clad in differing facade materials to resemble independent buildings. This treatment significantly reduces the mass of the building, while restoring a human scale to the Site. This approach would reduce the building footprint by 2,071 square feet and the gross floor area by 14,254 square feet. The F.A.R would be reduced from 2.43 to 2.11.

The height of portions of the building addition has also been reduced. The southernmost section of the building addition will be integrated with the existing self-storage building, and as such will correspond to the height of the existing building. However, moving north, the building will step down to three stories and then two stories where a terrace, broad landscaped rain garden and lawn gradually integrates the Site into the Fenimore Road streetscape. The streetscape is proposed to be further enhanced by replacing the Murphy Brothers office building located at the Waverly Avenue/Fenimore Road intersection, with a publicly accessible vest-pocket park containing decorative seasonal landscaping and benches arrayed around a circular walkway. It is the Applicant's opinion that this redesign should alleviate concerns about the mass of the building and increased FAR.

Aside from providing a much-needed expanded self-storage facility designed to meet market demand, the Proposed Action will improve the appearance of the

Site and provide a stable tax rateable, that will require virtually no municipal services.

Refer to Response A-1 regarding segmentation.

A-37 Comment:

Clarify that the Applicant is adding to the building, but the ZBA is reviewing the impacts of the existing building and proposed addition to cure segmentation. (Board Member Kramer, November 16, 2021 Work Session)

A-37 Response:

The EIS addresses the potential impacts of the “whole action” as defined in §617.3 (g) of the SEQRA regulations.

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III. B - NATURAL RESOURCES

B-1 Comment:

The DEIS refers to NYSDEC General Permit GP-0-15-002. However, this general permit has expired and the FEIS should cite the current version, GP-0-20-001. (AKRF Memorandum, April 30, 2021)

B-1 Response:

Comment noted. The current NYSDEC General Permit, GP-0-20-001 is applicable.

III. C - HAZARDOUS MATERIALS & PUBLIC HEALTH

C-1 Comment:

Then I also had some questions about the borings. Now when we get to the borings, the soil borings that were taken, and I realize I understand that there was a total of nine borings that were done, and yet we only have information about six of them. I don't know what happened to boring No. 2, No. 4 and No. 8 (Board Member Yergin, Public Hearing, April 1, 2021)

C-1 Response:

Soil samples were collected in accordance with the Phase II ESA Work Plan. No soil samples were collected from Borings 2, 4 and 9 based on field screening, visual observations by the on-site geologist. The samples analyzed were biased to areas of concern or based on field screening and observations. It is typical to install more borings than samples analyzed. The samples collected provide a detailed and proper cross-section of the site conditions with respect to potential contaminants.

C-2 Comment:

So those of you how are reading the document, you can see there's quite a lot of talk about there's tables with what was found in the other borings holes in the soil, and you can see that there were nine and we never hear about three of them. So I wonder why we're not hearing what were the results or were those – were the results of those borings analyzed? (Board Member Yergin, Public Hearing, April 1, 2021)

C-2 Response:

No soil samples were sent to the laboratory for analysis from these three locations. See response C-1.

C-3 Comment:

I do know that there were two tanks that broke with hazardous materials in the past. I wondered where they were located on the lot and if that was anywhere

close to where these boring samples that we don't know anything about were located.

(Board Member Yergin, Public Hearing, April 1, 2021)

C-3 Response:

The former tank locations and the close out paperwork related thereto were included in the Phase I ESA conducted at the Site. The test borings were biased to the two former tank locations and appropriate soil samples were collected and analyzed for VOCs and SVOCs related to former petroleum bulk storage at the Site. If an underground storage tank is encountered during construction, it will be addressed in accordance with all applicable NYSDEC and WCDOH regulations, and will be closed-out properly.

C-4 Comment:

Another concern I've had, I've always had and brought up earlier on this when I was on the board when this was part of tech [sic] the second time as well as the first is the concern about testing. Testing meaning for contaminants in the water, et cetera, which flow. Concerned because, A, I know that the DEC had assigned an engineer to be in charge of the area because there was several sites, and I had the names at the time of the individuals because this was in an area where the applicant acknowledges that there has been some concerns with funded – sites that were funded for correction and removal of contamination. But I was concerned with the fact that the applicant never had a test made, according to what they had said, although when they built the building, there were never any soil tests. And to be very frank with everybody, that sort of concerns me as a blind eye approach because you're gonna put that money into a building, as they have done, it's there, it's – I heard it is full and operational, you think they would have done those tests, and I'm concerned as to why they weren't.

(Board Member Neufeld, Public Hearing, April 1, 2021)

C-4 Response:

The intent of this comment is unclear. It is assumed that it is a reference to a Brownfield(s) site in the area. The Project Site is not in the NYSDEC BCP. Samples

of soil and groundwater were collected and analyzed for constituents of concern based on the historic use of the Site and the findings of the Phase I ESA.

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C-5 Comment:

So I posed the question when this was once heard by us recently – I guess not that recently but a couple of years ago, how do you go about finding out where to test? Because that's the key. You have to know where to test, and I think locating the areas of testing is very important. I would like to know how they found those areas.

(Board Member Neufeld, Public Hearing, April 1, 2021)

C-5 Response:

The testing was biased to "recognized environmental conditions" (RECs) based on the findings of the Phase I ESA. Example: A test boring and groundwater sample were collected from the former UST area. This is standard practice when conducting a Phase II ESA.

C-6 Comment:

I know I once proposed that an engineer had to be designated to explain why they picked it. And then who selected and what were the actual findings? Because when I read phrases, and I haven't seen the test data, but I saw something about well, you know, some areas are within reach, some are not, there are some things that are mostly it's okay, there are hydrocarbons, the question is you need more than that.

(Board Member Neufeld, Public Hearing, April 1, 2021)

C-6 Response:

Licensed environmental professionals conducted the investigation in accordance with all applicable NYSDEC guidelines and requirements.

C-7 Comment:

I think it really comes down to I'm interested in the tests and the results. Because – particularly because of the water in the area because it's not a matter of the contaminants to remaining stable, for example in dredging situations often when you dredge, you take materials, hazardous waste that is has been

embedded, and you actually can create more of a problem by circulating it than creating it to being infused with other materials in the water. So I'm very concerned about that. I don't know if there was any coordination done with the DEC, that's it.

(Board Member Neufeld, Public Hearing, April 1, 2021)

C-7 Response:

There is no dredging proposed for the Proposed Action, it is not in a waterway of the State of New York. Any soil that will be excavated will be handled in accordance with Part 375 and DER-10 Regulations. If soil needs to be disposed of, it will be pre-characterized and taken to the proper licensed facility, or it will be re-used on-site in accordance with all NYSDEC Regulations. At present, the data from soil and groundwater analysis does not indicate that a SSDS or SVE will be necessary. However, the building foundation will be designed to accommodate all required soil vapor intrusion, if deemed necessary.

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C-8 Comment:

There's a reference in here that hazardous materials that they say that the findings of the contamination is above the DEC standards, and that's fine. I think Ms. McCrory said something earlier. That's like the minimum, that's like the requirement. I'd like to know that sense, it's there we have had alarm bell ring and it says it's above that, what are they going to do about it, what's the real assessment, not tat whether it will be okay it's not that bad, no, it is that bad if it's past the standard. It should be below the standard significantly that's the goal.

(Board Member Neufeld, Public Hearing, May 6, 2021)

C-8 Response:

Some soils exceeded for Unrestricted Use Soil Cleanup Objectives, the most restrictive guideline. However, there were no exceedances of guidelines applicable for the proposed future site use. Nonetheless, the construction will be guided by an Excavation Work Plan (EWP), and any soil that is excavated and is impacted will be addressed accordingly under NYSDEC Regulations. There were several exceedances for SVOCs in groundwater. However, groundwater is not used for potable purposes, and if any dewatering is required, the pumped

groundwater will be treated prior to being discharged, or collected and properly disposed of. It is standard practice when developing an urban site that soil and groundwater are handled properly.

C-9 Comment:

*The soil vapor sampling is important as I understand it. And is it necessary to have a vapor barrier. I know that there were soil tests apparently in phase one. Were there soil tests subsequent to that. That should be addressed. And what test could not be performed because the first building was in place. So, this concerns me not just from this property but from others because of any contaminations and you have water flow underneath it.
(Board Member Neufeld, Public Hearing, May 6, 2021)*

C-9 Response:

The building will be designed with an SSDS in place as a precaution. It is common practice in an urban setting to construct a building in this manner. If an SSDS is proposed, a vapor barrier would be required. A vapor barrier is typically installed under the concrete slab of the building. Groundwater results from the multiple prior subsurface investigations do not warrant further discussion related to vapor intrusion. There were no significant findings related to historic site use or the potential for vapor intrusion. However, as the construction of the building progresses, should that change and field observations indicate that an impacted area is observed within the building footprint, provisions will be made to mitigate any observed impacts, which may include SSDS or SVE. However, given the available data for the Site to date, this scenario seems unlikely.

C-10 Comment:

*I'm going to reiterate and flesh out what I said last time was that I was reviewing how there were nine soil borings taken but we only got the results from six of the soil borings. I wondered what happened to the other three.
(Board Member Yergin, Public Hearing, May 6, 2021)*

C-10 Response:

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There were three borings that did not have soil samples sent for lab analysis. That is not uncommon. The work plan was followed and the soil samples sent for analysis encompass the Site and were biased to RECs and/or field screening results. See response to comment C-1.

C-11 Comment:

*I'm also interested I know that they reported there were two tanks that had to be removed and there was a spill that had been administratively closed out, but I would be interested to know where those tanks were on the lot and how they relate to the borings and the testings that was done.
(Board Member Yergin, Public Hearing, May 6, 2021)*

C-11 Response:

The former tanks were a REC **identified** in the Phase I ESA and the subsequent borings, and at least two of the borings were biased to those former UST locations where soil and groundwater samples were collected.

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C-12 Comment:

*This is some of what they've been saying. I did understand that they found SVOCs above the normal limit and the response was it likely represents background concentrations for these constituents because it's in a commercial corridor area. I was not satisfied with that it's likely something because it happens to be in the area. I thought that was really avoiding taking responsibility for doing further testing and understanding what the ramifications were of the results of those tests.
(Board Member Yergin, Public Hearing, May 6, 2021)*

C-12 Response:

The SVOC hits exceeded Unrestricted use SCOs, the most stringent soil guideline. The proposed commercial development of the Site is allowable with the SVOC hits that were observed. Any soil removed will be dealt with in accordance with NYSDEC Regulations. No significant SVOC exceedances were detected that would restrict the development of the Site as proposed. if a SSDS or SVE is deemed necessary based on field conditions at the time of construction.

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they will be designed and implemeted. However, the data to date from multiple subsurface investigations does not indicate that either will be required.

C-13 Comment:

Were the findings here. Were they supposed to be reported to the DEC, I'm not sure. I haven't asked that of the consultant but I'm not sure they were supposed to because sometimes you have to report.
(Board Member Neufeld, Public Hearing, May 6, 2021)

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C-13 Response:

Reporting to the NYSDEC will occur as required. Refer to Responses C-7, C-8, C-12, C-15 and C-16.

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C-14 Comment:

The laboratory results for chlorinated VOCs in groundwater indicated that 1,1,2-trichloroethane (TCA) and 1,2-dichloroethane (DCA) were present in groundwater at concentrations that exceeded the NYSDEC Ambient Water Quality Standards. The DEIS states "in professional judgement of Hydro Environmental Solutions, Inc., the levels are far below any threshold value that would represent a threat to the public health, or trigger further environmental investigation related to chlorinated VOCs at the site." Although the levels are low, they are above NYSDEC standards, and soil vapor sampling and/or vapor mitigation as part of the building design (i.e. vapor barrier and/or SSDS) should be further investigated in the FEIS.
(AKRF Memorandum, April 30, 2021)

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C-14 Response:

A SSDS will be designed as part of the building and is common practice as a precaution. However, it is the professional opinion of HES that the levels observed are not a health threat. The soil and groundwater data from the Phase II ESA and subsurface investigations is stand alone. They are compliant with NYSDEC CSCOs. When the buildings are demolished, pre-demolition surveys should be conducted as per code. This is standard practice.

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C-15 Comment:

Hazardous materials was not adequate. What tests are necessary to look at now? Concern over PCB's. Thought we would have an engineers report. Demo may result in abatement. Mitigation should be addressed. Are VOC's reported? (Chairman Neufeld, November 16, 2021 Work Session)

C-15 Response:

All excavated materials at the site as part of the Proposed Action will be handled in accordance with NYSDEC Regulations. The subsurface investigations conducted to date, which are extensive, have not rendered any of the on-site soils as hazardous materials. When the excavation commences for the foundation, the Excavation Work Plan (EWP) that was compiled will be followed and will include handling all excavated soils in accordance with the NYSDEC DER-10 Regulations. A Community Air Monitoring Plan (CAMP) will be implemented, and a geotechnical engineer will confirm that all surrounding existing structures will not be affected by the proposed excavation. All of this is standard operating procedure for construction at an urban site. If dewatering to any significant degree is required, then the surrounding buildings and structures will need to be monitored so that settling does not occur. However, the multiple investigations conducted to date indicate that extensive dewatering will not be required. The existing soil beneath the site is typical urban/suburban fill, there is no remediation required other than what would be in the Excavation Work Plan and handling any off-site disposal of soil properly, in accordance with all applicable NYSDEC Regulations.

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C-16 Comment:

Excavation / Final scoping outline acknowledges high water table and contaminated soil is present:

- *Says we have to move 1000 cubic yards of soil (DESI 550 cy) -what are the short term effects on the environment in excavating this much soil?*
- *How the removing the soil impact the water table?*
- *How will the soil be handled and will it be moved around on the site (potentially aerosolizing).*

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- *What fail-safes will be put in place to ensure that the proposed soil handling will not impact air and water quality and structural integrity of all surrounding buildings, including the roads and Railroad Way?*
- *How will excavation on property line impact Railroad Way?*
- *Is there any way to remediate the existing soil?*
(Board Member Glattstein, November 16, 2021 Work Session)

C-16 Response:

Soil removal will be monitored appropriately by a qualified environmental professional and will not have any short-term effects on the environment. The EWP and CAMP are in place to assure that no adverse effects occur during the excavation activities. Example: If odors or dust exceed threshold values in accordance with those outlined in the CAMP, a plan of action is implemented immediately to correct the problem (i.e.: dust suppression using water or odor suppression using foam). The water table may be impacted in the short-term if foundation structures need to be installed at a lower elevation than the observed water table. That is, localized dewatering may be necessary. Otherwise, there will be no long-term effects as the water table will return to natural conditions very quickly after the excavation and concrete structures are installed.

The soil will be handled in accordance with the EWP. Some excavated material may need to be disposed of off-site at a NYSDEC licensed disposal facility, and some may be reused on-site in accordance with NYSDEC Regulations for soil reuse. The CAMP will determine if soil off-gassing will occur and what measures will need to be implemented should that occur. Example: Water may be used to suppress dust or odors, or foam, to suppress odors. Given the results of the multiple subsurface investigations and soil sampling conducted to-date, it is unlikely that aerosolizing will occur as the soil beneath the Site does not contain extensive nor elevated concentrations of VOCs.

C-17 Comment:

No structural foundation plan.
(Chairman Neufeld, November 16, 2021 Work Session)

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C-17 Response:

A structural foundation plan would not be designed until the building permit phase of the development. The design of the foundation will be based upon the Geotechnical report.

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III. D - FLOODING & FLOOD ZONE IMPACTS

D-1 Comment:

*And then I have some questions about the flooding, and what I don't understand -- I understand that the building is going to be built on slabs, so it's merely being built just on top of the ground and on slabs. I suppose then that -- I couldn't see and I didn't understand is there any gates for flooding? Is the water just displaced? Is it going to be a stone slab and then the building put on top?
(Board Member Yergin, Public Hearing, April 1, 2021)*

D-1 Response:

The proposed building design will fully comply with all applicable Federal Emergency Management Agency ("FEMA") and Village of Mamaroneck Floodplain Development Standards. Based on the latest flood volumes outlined in Chapter IV.D of the DEIS, storage of flood waters is not required within the building. The displacement of flood waters caused by the proposed building foundation is offset by the proposed re-grading of the Site. The complete development of the FEIS Plan results in an increase of 113 cubic feet of storage within the floodplain. As adequate storage within the floodplain could be provided without utilizing any space within the building, flood gates/vents are not proposed/ necessary.

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D-2 Comment:

*Because in my mind, it's really quite expansive this building. It takes up the entire width, if you want to call it, of the lot, pretty much when it's added to the other building. I think that would basically prove to just displace the water. In my mind, it's like putting something in the bathtub and all the water would spill out, so I understand that they are going to put pervious surface there so eventually things will drip down. Things evaporate, but during an actual flooding event, I don't think you can rely on it will all go down into the ground, and I do feel that the slab structure without any other way of allowing the water to move across the lot will just displace it, and I think it's a little bit of a rise in the area and it will probably push the water down into neighboring lots.
(Board Member Yergin, Public Hearing, April 1, 2021)*

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D-2 Response:

In both the existing and proposed conditions, the footprints of the buildings are not included as storage because they are not wet flood-proofed buildings; i.e. they are not designed to flood. The flood storage provided on the lot consists of the parking and landscape areas. The flood waters stored in these areas will, overtime, enter the municipal drainage system as they do in the existing conditions. The FEIS Plan results in a increase of flood storage of 113 cubic feet, a theoretical reduction of the 100-year flood elevation and thus reduces the impact of the flood event on surrounding properties.

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D-3 Comment:

I'm not sure if this committee or I should say this board was actually in receipt of the standards but in any event it was made reference to by the reports by Cuddy and Feder that would be most impacted by runoff, flooding, change of grade, it would be me and/or my buildings located that abuts this. The applicant represents that there is a reduction in the total impervious surfaces at the premises. And we're going to rely on the guidance provided by the consultants that they have utilized as well as the village's consultants with regards to the efficiency of the storm water retention and storage of storm water that's installed at the property. And equally as important will be the determination that the existing municipal infrastructure would be able to accommodate the runoff water per the rates that were reflected in the reports provided by the applicant and their consultants. And, obviously chair and members of the zoning board will defer and rely on the consultants' guidance that the project with respect to the regrading proposed will not result in a net increase of runoff from the property that could contribute additional ponding and standing water not only on Finamore Road but also on Railroad Way. I do know that I saw in the reports that that was addressed.

(Andrew Spatz, Public Hearing, May 6, 2021)

Deleted: In both the existing conditions and proposed conditions, the footprints of the buildings are not included as storage because they are not wet flood-proofed buildings, i.e. they are not designed to flood. The flood storage provided on the lot consists of the parking and landscaped areas. As demonstrated in Chapter IV.D of the DEIS, there is in fact an increase in the total flood storage provided on the Site. The proposed increase in flood storage volume on the Site results in a theoretical reduction of the 100-year flood plain and thus reduces the impact of a flood event on surrounding properties.¶

D-3 Response:

The project will not negatively impact the Village's stormwater system. The FEIS Plan results in a reduction of impervious coverage over the existing condition. Due to the decrease of impervious area on the Site, the FEIS Plan reduces the total

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volume and rate of runoff from the site tributary to the Village's system. The Stormwater Design was reviewed by the Village's consultants for conformance with the Village code and a memorandum dated October 1, 2021 from Mr. John Kellard to the Zoning Board of Appeals notes that all outstanding engineering issues were addressed. See also response to comment D-2

D-4 Comment:

*My name is Sue McCrory. I'm not within the notice area for this property but am concerned about flood zone compliance and what's going to be done. It's a very, very large building in an area that floods historically.
(Sue McCrory, Public Hearing, May 6, 2021)*

D-4 Response:

The "mitigation measures" section of Chapter IV.D of the DEIS outlines the steps taken to alleviate the impact of the development on flooding and the flood zone. The mitigation measures included in the FEIS Plan include a reduction of impervious cover, an increase in 113 cubic feet of storage within the floodplain and construction measures to protect the building from flood damage such as elevating the lowest floor elevation 2 feet above the flood elevation. While some of these items are required based on the Village's or FEMA's regulations, they remain mitigation measures to reduce the development's impact. Compliance with the Village's or FEMA's regulations does not exclude the practice from being considered a mitigation measure.

D-5 Comment:

*The misinformation involves the DEIS calling minimum flood zone rules mitigation. Minimum flood zone rules have to met, they're not mitigation efforts so I felt that that was misrepresentative.
(Sue McCrory, Public Hearing, May 6, 2021)*

D-5 Response:

See Response to Comment D-4.

D-6 Comment:

Deleted: The project will not negatively impact the Village's stormwater system. Due to the decrease in the impervious area of the site, the project reduces the total volume & rates of runoff from the site tributary to the Village's system. The stormwater design was reviewed by the Village's consultants for conformance with the Village code and no deficiencies were noted. As noted above, the proposed increase in flood storage volume on the site would result in a theoretical reduction of the 100-year flood plain and thus reduce the impact of a flood event on surrounding properties.

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Deleted: The "mitigation measures" section of Chapter IV.D of the DEIS outlines the steps taken to alleviate the impact of the development on flooding & the flood zone. While some of these items are required based on the Village and/or FEMA's requirements, they remain mitigation measures to reduce the development's impact. Compliance with the Village's or FEMA's regulation does not exclude the practice from being considered a mitigation measure.

*There something in the EIS that said the owners needed flood insurance. My understanding is there's not a requirement for people to purchase flood insurance. There is, however, in the Village of Mamaroneck an absolute requirement that we meet flood construction standards. With respect to that latter point, I can't tell -- the EIS kind of says we'll do that and it repeats the standards but it doesn't explain how the project will meet the standards.
(Sue McCrory, Public Hearing, May 6, 2021)*

D-6 Response:

In accordance with the applicable FEMA regulations, the property requires flood insurance. The Proposed Action will comply with the building standards under Chapter 186 Flood Damage Protection of the Village of Mamaroneck Code and will be enforced through inspections associated with the Floodplain Development Permit.

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D-7 Comment:

*In particular, I was looking for a foundation plan which is absolutely critical for evaluating flood zone compliance in a rivering flood area. I couldn't find a foundation plan. I couldn't find confirmation whether the project was going to be wet or dry flood proofed, and I couldn't find confirmation as to whether or not the existing building has been certified as an engineer or by an engineer of being flood zone compliant. Those are missing attributes, I think. So, before we double the size or more than double the size of this storage facility, I think we need to make sure that the existing one is flood zone compliant.
(Sue McCrory, Public Hearing, May 6, 2021)*

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D-7 Response:

The existing buildings on the Site that are proposed to be demolished are not designed to flood. These buildings contain no floodproof features. The existing self-storage building is designed in accordance with Chapter 186 Flood Damage Prevention with the lowest floor elevation 2 feet above the Base Flood Elevation. An Elevation Certificate is on file with the Building Department and a copy is included in the Appendix. As proposed, The FEIS Plan has the lowest floor elevation set 2 feet above the flood elevation.

Deleted: While there is not currently a structural foundation plan, which will be provided during the Building Permit review process, the information provided at this stage of the project review demonstrates compliance with Village and FEMA regulations. Since the required flood storage volume can be provided without utilizing storage within/underneath the building, dry flood-proofing can be utilized. Additionally, all enclosed spaces are 2 feet above the base flood elevation.

D-8 Comment:

*And I'm very worried that these large buildings are just going to push flood waters elsewhere in an area that's not well equipped to deal with them.
(Sue McCrory, Public Hearing, May 6, 2021)*

D-8 Response:

As demonstrated in Chapter IV.D of the DEIS, there will be an increase of 113 cubic feet in the total flood storage provided on the Site. The increase in flood storage volume on the Site would result in a theoretical reduction of the 100-year flood plain and thus reduce the impact of a flood event on surrounding properties. See response to comment D-2.

D-9 Comment:

*I understand flooding was being addressed by the village engineer. I don't know if we have heard anything from the village engineer on that yet. I was told that it was being reviewed. I'd like to know what that – occurred, what the results of that were.
(Board Member Neufeld, Public Hearing, May 6, 2021)*

D-9 Response:

A revised flood storage analysis, which is included in full in the Appendix, was reviewed by the consulting engineer. Per Mr. Kellard's October 1, 2021 memorandum to the Zoning Board of Appeals, all outstanding engineering comments have been addressed to their satisfaction.

D-10 Comment:

The FEIS should clarify the amount of flood volume storage. On page IV.D-3 under Section IV.D.3, there is a typo in the discussion of the increase in flood volume storage. The text states "56,6549" but should be updated to "54,649" as provided in Table IV.D-1. In addition, page IV.D-2 under Section IV.D.1.b, refers to the flood volume storage analysis by Hudson Engineering & Consulting as Appendix C; however, this is actually Appendix D. In addition, the letter report included as Appendix D references an "attached volumetric analysis (Sheet C-

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Deleted: Flood storage documents have been revised in accordance with the consultant's memorandum and have been provided to the consulting engineer for review.¶