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Memorandum

To: Village of Mamaroneck ZBA
From: AKRF, Inc.
Date: June 9, 2022
Re: 416 Waverly Avenue Revised FEIS – AKRF Completeness Comments
cc: Charles Gottlieb

AKRF, Inc. has initiated its review of the revised Final Environmental Impact Statement (FEIS), received March 11, 2022 and on March 22, 2022, for the Mamaroneck Self-Storage Building Addition located at 416 Waverly Avenue in the Village of Mamaroneck, NY (Tax Map #8-111-29-42).

It is important to note that the FEIS is the Lead Agency's document, which in this case is the Village of Mamaroneck Zoning Board of Appeals (ZBA). As such, the document should be written in the voice of the ZBA and should reflect the majority's opinion.

It is standard practice for the preliminary draft of an FEIS to be prepared by the Applicant, and then reviewed by the Lead Agency and its consultants. The purpose of this review is to determine whether the FEIS provides substantial responses to the public's comments, and whether all relevant information is presented and analyzed in a complete and understandable format. The comments that the Lead Agency concurs with should be integrated into the FEIS. Where issues have been left out or have not been addressed thoroughly, in the opinion of the ZBA, the Applicant should be requested to revise the FEIS and resubmit the document to the ZBA for further review.

AKRF's October 6, 2021 comments are recited below in *italics*. New and follow up comments are in **bold**.

COVER SHEET AND GENERAL INFORMATION

No comments on this section.

CHAPTER I INTRODUCTION & DESCRIPTION OF THE PROPOSED ACTION

- 1. Page I-3 states the Floor Area Ratio (FAR) will be reduced from 2.43 to 2.11. However, Table I-3 states the proposed FEIS FAR is 1.91 and that a variance of 0.91 would be required. Table I-4 also states the proposed FEIS FAR is 1.91. Page I-9 states the FAR would be reduced from 2.43 to 2.11. The proposed FEIS FAR needs to be clarified and corrected where necessary.*

Comment addressed.

2. *On Page I-3 in the second paragraph, the first line should be revised to clarify that the height of portions of the building addition have been reduced.*

Comment addressed.

3. *Table I-2 lists the gross floor area of the FEIS plan as 84,812 square feet. This number is incorrect and should be corrected to state 84,432 square feet, as is correctly noted in Table I-3.*

Comment addressed.

4. *Table I-2 lists the DEIS Plan impervious area as 40,675 square feet and the FEIS Plan impervious area as 39,235 square feet. Table I-3 lists the FEIS Plan impervious area as 40,383 square feet, which is the impervious area listed in Tables I-2, I-3, and II-1 of the DEIS. Page I-7 of the FEIS states "The overall amount of impervious area will actually be slightly decreased from 40,675 square feet under the DEIS Plan, to 40,383 square feet under the FEIS Plan." The DEIS and FEIS impervious areas should be corrected as necessary in FEIS Tables I-2 and I-3 and on FEIS page I-7.*

Comment not addressed. Table I-2 still lists the FEIS Plan impervious area as 39,235 square feet, which is inconsistent with the other mentions of FEIS Plan impervious area.

5. *Table I-2 indicates that there would be no change in water usage or wastewater generation between the DEIS and FEIS. The backup calculations should be provided.*

Comment not addressed.

6. *The peak hour traffic row in Table I-2 should be revised to read "8 AM trips," "10 PM trips," etc. for clarity.*

Comment addressed.

7. *The Project Description should include a figure that shows the DEIS layout versus the FEIS layout.*

Comment addressed.

8. *The Project Description on page I-4 should state the number of office spaces to be provided within the 2,008-square foot incubator office space.*

Comment addressed.

9. *The following updates/corrections should be made on Figure I-1:*

- a. *Figure I-1 states the gross floor area of the proposed addition is 44,320 square feet. However, Table I-1 indicates the proposed addition would be 43,940 square feet. These areas should be corrected as necessary.*

Comment not addressed.

- b. *Street names should be added.*

Comment not addressed.

- c. *The proposed setback from Fenimore Road should be labeled.*

Comment addressed.

10. *Figure I-2, First Floor Plan, shows a different parking and loading layout along the front of the building and should be corrected to be consistent with what is shown on Figure I-1.*

Comment not addressed.

11. *Figure I-3, Second Floor Plan, should list the square footage of the Murphy Brothers Contracting Offices for consistency with the other drawings.*

Comment not addressed.

12. *On Figure I-4, the square footage of the co-working offices is given as 2,157 square feet. Per Table I-1, this should be corrected to state 2,008 square feet.*

Comment addressed.

13. *On Figure I-5, Fourth Floor Plan, the drawing and labeling of proposed storage units should be corrected. It appears that 34 or 35 units are drawn on the fourth floor and the labels of the number of units are not correct. Based on Figures I-2 through I-4, there are a total of 127 storage units on the first three floors. Given that 160 new units are proposed, this implies that 33 units should be shown on Figure I-5 on the fourth floor.*

Comment not addressed.

14. *Figures I-6 and I-7 do not show the additional two loading areas parallel to the front of the building that are depicted on Figure I-1 and should be corrected for consistency.*

Comment not addressed.

15. *The number of required parking spaces for the FEIS plan is inconsistent between Table I-3 and Table I-4. Table I-4 should be corrected to state 137 parking spaces are required.*

Comment addressed.

16. *The text on page I-7 states “As noted, the building coverage, FAR and gross floor area variances have been reduced, the height and off-street parking variances remain unchanged and the off-street parking variance is increased by 2 spaces.” This sentence should be corrected to state “As noted, the building coverage, FAR and gross floor area variances have been reduced, the height remains unchanged, the off-street parking variance has been decreased by one space, and the off-street loading variance has been increased by one space.”*

Comment addressed.

17. *Page I-8 states excavation will require “150 cubic yards of cut and 69.9 cubic yards of fill, resulting in a net cut of 81.1 cubic yards.” Table I-2 also indicates a net cut of 81.1 cubic yards. However, subtracting 69.9 cubic yards from 150 cubic yards results in a net cut of 80.1 cubic yards. The volumes should be corrected as necessary.*

Comment addressed.

18. *Page I-8 should clarify that the discussion of chlorinated VOCs is regarding groundwater samples.*

Comment not addressed.

19. *Table I-3 indicates 137 off-street parking spaces are required and the variance being requested is 111 parking spaces. However, Table I-4 states 121 off-street parking spaces are required. Page I-10 also states 121 spaces would be required. Table III.A-1 again states 137 spaces required with a variance of 111 requested. All incorrect mentions of the required number of parking spaces should be corrected.*

Comment not addressed. The text within Section H currently on page I-11 still mentions 121 required parking spaces. The number of required parking spaces broken down by use should be provided.

20. *On page I-9, the discussion of flood storage volume should clarify whether the 34,538 cubic feet mentioned represents the incremental storage, rather than the cumulative storage. The revised flood storage analysis should be included as an appendix to the FEIS.*

Comment addressed. The revised flood storage analysis is included as Figure I-11.

21. *The discussion of parking spaces on page I-10 should be augmented with the information presented in Response H-6 from page III.H.-3 through III.H.-4.*

Comment addressed.

CHAPTER II INDEX OF DEIS COMMENTS

No comments on this section.

CHAPTER III RESPONSES TO DEIS COMMENTS

III.A – ZONING AND LAND USE

22. A footnote to Response A-1 on page III.A.-1 says “See June 20, 2018 submission to the ZBA for a comprehensive procedural history of prior self-storage proposals on the Site.” If this was not included in the DEIS, it should be included as an Appendix to the FEIS.

Comment not addressed.

23. On page III.A.-3, the third paragraph refers to a proposed 56,328-square foot addition of self-storage space. This text is referring to the revised design for the FEIS, which proposes a 33,896-square foot self-storage space addition.

Comment not addressed. This text is now on page III.A-2 and still states 56,328-square feet.

24. Page III.A.-5 again refers to the FEIS design but states 56,328 square feet of additional storage space. This needs to be corrected to state 33,896 square feet.

Comment addressed. This text is now on page III.A-3

25. Page III.A.-8 states “The uses proposed for the MAKER zone are clearly aspirational...” This statement should be revised to state “The uses proposed for the MAKER zone reflect the future land use goals of the Village of Mamaroneck and do not reflect existing land use characteristics of the area. While those uses may in time be drawn to the district, the current pattern of land use will likely remain prevalent for the foreseeable future.”

Comment addressed.

26. On page III.A.-9, the response to Comment A-3 does not discuss the visual impact changes from the revised FEIS design. This should be added to the response, which would more directly address the commenter’s concern regarding the mass, height, and urban nature of the building proposed in the DEIS.

Comment addressed.

27. Response A-7 on page III.A.-12 states 15,604 square feet of existing old, non-conforming buildings will be razed. This square footage is from the DEIS Plan and needs to be updated to the FEIS Plan of 18,589 square feet, consistent with page I-2.

Comment addressed.

28. The following updates should be made to Response A-9 on page III.A.-13

- a. State that the existing FAR was presented in the DEIS in Table I.-2 on page I.-7. FEIS Response A-9.
- b. FEIS Table III.A-1 should be corrected to state the FEIS Plan proposed FAR is 2.11 and the variance required is 1.11.

Comment addressed.

29. Response A-11 on page III.A.-14 should be augmented with the parking information presented in Response H-6 from page III.H.-3 through III.H.-4.

Comment addressed.

30. Response A-16 should provide a response regarding the Commenter's mention of a flooding report. The response should indicate that the Hudson Engineering Flood Storage Analysis was included as Figures IV.D-3 and IV.D-5 and Appendix D to the DEIS. The response should also discuss the updated flood storage volume associated with the FEIS Plan.

Comment not fully addressed.

- a. The wording in the response that states "...in an earlier comment D-9" should be revised to state "...in comment D-9."
- b. The appendix call that was added should include the appendix letter and clarify that it is an appendix to the DEIS. The response should also indicate that the Hudson Engineering Flood Storage Analysis was included as Figures IV.D-3 and IV.D-5 in the DEIS.

31. Response A-18 on page III.A.-19 should be revised to include information on proposed lighting. This is not currently indicated on any drawings included with the FEIS.

Comment not addressed.

32. In the first sentence of the second paragraph of Response A-21 on page III.A.-21, it should be clarified that the height of portions of the building addition have been reduced.

Comment addressed.

33. Response A-22 on page III.A.-21 should be expanded to include a discussion of the revised FEIS Plan in terms of reduced visual impact, additional streetscape improvements, and additional uses currently being proposed.

Comment partially addressed. The response should also discuss the proposed uses.

34. Response A-23 on page III.A.-22 should also include a cross-reference to the response to comment A-12.

Comment addressed.

35. The duplication of Table III.A-1 within Response A-9 needs the following corrections:

- a. "red" should be deleted from the cell providing the existing area.
- b. The proposed FAR should be updated from 1.91 to 2.11.
- c. The FAR variance required should be updated from 0.91 to 1.11.

Comment addressed.

36. Comment A-26 on page III.A.-24 requested that the zoning analysis be broken out to clarify whether the proposed zoning variances were associated with the existing corner building, the proposed addition, or the existing storage building. The response clarifies that the existing corner buildings would be removed, but it does not clarify what variances for the existing self-storage building would remain. This should be updated.

Comment partially addressed. The content that responds to a portion of this comment is now included in response A-30. Therefore, response A-26 should cross-reference response A-30.

37. Response A-29 should be augmented to include text indicating how the Net-Zero building features will avoid or reduce the impacts of climate change and rising sea levels should be added. For example, at a minimum, the following text from the DEIS could be added:

- a. *As an all-electric, “net-zero” building, the building 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.*

Comment addressed.

38. **Response A-33 should state the total number of parking spaces that would be required for the manufacturing (woodworking shop) use and the office uses, before considering shared parking. This response should also refer to the updated Traffic and Parking Study, which should be include as an appendix to the FEIS.**
39. **The numbering on the response to comment A-37 currently states A-36 and should be updated to A-37.**

III.B – NATURAL RESOURCES

No comments on this section.

III.C – HAZARDOUS MATERIALS & PUBLIC HEALTH

40. *Response C-3 should include a discussion of the protocols for encountering an unexpected underground tank or other environmental concern during construction.*

Comment not addressed.

41. *In Comment C-7, it is possible the Commenter was referring to groundwater. Therefore, the response should be augmented to discuss potential groundwater impacts and the proposed vapor barrier/sub-slab depressurization system.*

Comment not addressed.

42. *Response C-9 on page III.C.-5 should be augmented with a discussion of groundwater results.*

Comment not addressed.

43. *Response C-12 should also mention inclusion of the sub-slab depressurization system and vapor barrier.*

Comment not addressed.

44. **Response C-14 should be expanded to address the commenter’s concern regarding PCBs and VOCs, including whether VOCs results were reported to NYSDEC. Cross-references to Responses C-12 and C-13 should be added. The following two statements from the DEIS could be incorporated:**

- a. **The results of soil sampling for VOCs, SVOCs, TAL metals and PCBs indicate that no petroleum hydrocarbon constituents, metals or PCBs were detected above NYSDEC- RUSCOs for Commercial properties at any of the boring locations where these constituents were tested.**
- b. **The findings of the Phase I Environmental Assessment recommends that given the likely presence of asbestos, lead paint and PCBs, proper sampling and abatement should be undertaken prior to any future renovations, repairs or demolition.**

45. **Response C-15 needs to be expanded to address the following components from the comment:**

- a. **What fail-safes will be put in place to ensure structural integrity of all surrounding buildings, including the roads and Railroad Way?**
- b. **How will excavation on property line impact Railroad Way?**
- c. **Is there any way to remediate the existing soil?**

III.D – FLOODING & FLOOD ZONE IMPACTS

46. Responses D-1 and D-2 on pages III.D.-1 and III.D.-2 should both discuss the updated increase in flood storage volume on the site associated with the FEIS Plan.

Comment addressed.

47. Responses D-3 and D-4 should also discuss the further reduction in impervious area and the increase in flood storage volume associated with the FEIS Plan. In addition, the Stormwater Control Facility Maintenance Agreement included as Appendix E to the DEIS could be referenced in these responses.

Comment addressed.

48. Response D-6 should be expanded to state that compliance with the building standards under Chapter 186 Flood Damage Prevention of the Village of Mamaroneck Code will be enforced through inspections associated with the Floodplain Development Permit.

Comment mostly addressed. The wording “Flood Damage Protection Permit” should be changed to “Floodplain Development Permit.”

49. Response to Comment D-7 on page III.D.-4 should address the question of whether or not the existing storage building is flood zone compliant. The DEIS states on page IV.D-3 “The existing building is not floodproofed and therefore does in fact flood during major rainfall events. Additionally, the proposed building is outfitted with flood vents (as required since it is located in the flood zone) and will also flood during major rainfall events.” The responses should clarify the difference between “floodproofed,” “flood zone compliant,” and “wet flood-proofed buildings” (see Response D-2). It is not clear from these responses whether or not ground floor storage units would flood during heavy rainfall events.

Comment addressed. The appendix call should include an appendix letter.

50. Response D-8 on page III.D.-5 should also note the increase in flood storage volume associated with the FEIS Plan.

Comment addressed.

51. Response D-9 on page III.D.-5 should clarify whether this is referring to the Hudson Engineering Flood Storage Analysis (Appendix D from the DEIS). If this appendix was in fact updated, the updated version should be included with the FEIS. The response should indicate the date it was provided to the Village Engineer for review.

Comment addressed. The appendix call should include an appendix letter.

52. Response D-10 indicates the Hudson Engineering Flood Storage Analysis (Appendix D from the DEIS) was revised. The revised appendix should be included with the FEIS and cross-referenced in this response.

Comment addressed. The appendix call should include an appendix letter.

53. Response D-11 on page III.D.-6 refers to text from the DEIS having been corrected: “The text on Page 1-11 defining the 500-year floodplain was revised to “0.2% chance of flooding”. The text that this response refers to does not exist in the FEIS, the response should be reworded to say “The text on Page 11-1 defining the 500-year floodplain should have read “0.2% chance of flooding.””

Comment addressed.

54. Response D-12 should also cross-reference the revised flood storage analysis, which should be included as an appendix to the FEIS.

Comment addressed. The appendix call should include an appendix letter.

- 55. Responses D-3, D-9, and D-15 through D-17 reference the Kellard Sessions October 1, 2021 memorandum. This should be included in an appendix to the FEIS.**
- 56. In Response D-13, footnotes 3 and 4 citing the DEIS and FEIS need to be switched.**
- 57. Response D-18 should include an appendix call for the cited documents.**

III.E – HISTORIC RESOURCES

No comments on this section.

III.F – VISUAL RESOURCES

- 58. Response F-3 on page III.F.-3 should also discuss the changes in design associated with the FEIS Plan.*

Comment not addressed.

- 59. In the first sentence of the third paragraph of Response F-4 on page III.F.-4 and Response F-6 on page III.F.-6, it should be clarified that the height of portions of the building addition have been reduced.*

Comment partially addressed. Response F-4 was revised but Response F-6 has not yet been revised.

- 60. Response F-5 on page III.F.-5 refers the reader to the Site Plan for lighting that will illuminate Railroad Way. However, the Site Plan included as Figure I-1 to the FEIS does not include any lighting information. Proposed lighting should be added to Figure I-1 or a separate lighting figure should be included.*

Comment addressed. The response should be revised to refer the reader to Figures III.F-1 and III.F-3 of the FEIS.

- 61. The response to Comment F-7 on page III.F.-6 should also discuss the revised architecture associated with the FEIS Plan.*

Comment not addressed.

- 62. Response F-8 on pages III.F.-8 through III.F.-9 should be augmented to include a discussion of the visual impacts of the alternatives evaluated and how those alternatives relate to the currently proposed FEIS Plan.*

Comment addressed.

- 63. Response F-9 on page III.F.-9 should discuss the architectural changes associated with the FEIS Plan.*

Comment not addressed.

- 64. Response F-10 on page III.F.-10 should cross-reference another response that discusses the current architectural plan. In addition, this response should discuss (or cross-reference other responses that discuss) the currently proposed mix of uses and increased pedestrian circulation/traffic.*

Comment addressed.

- 65. The response to Comment F-11 refers to additional viewpoints from the train tracks and I-95 and refers the reader to Response F-10 in parentheses. Although it may be appropriate to cross-reference Response F-10 within this response, the parenthetical after the additional viewpoints should refer the reader to Figures III.F-2 through III.F-5 of the FEIS.**

III.G - UTILITIES

66. *Although Response G-1 on page III.G.-1 indicates that the correct references for sewage calculations in DEIS Section IV.G and Appendix N should have been NYSDEC's Design Standards for Intermediate Sized Wastewater Treatment Systems (2014), it is unclear whether the calculations prepared for the DEIS relied upon the NYSDEC 1988 Design Standards for Wastewater Treatment Works. This should be clarified in the response. Also, the Response G-1 mentions DEIS text having been revised, but a revised DEIS has not been provided. A corrected Appendix N should be provided as an appendix to the FEIS and the response revised to note its inclusion.*

Comment not addressed.

III.H – TRAFFIC & TRANSPORTATION

67. *Response to Comment H-4 on page III.H.-3 should be revised to describe how the revised plan would function, including the proposed number of loading spaces (3) and the number near a door (1).*

Comment not addressed.

68. *Response to Comment H-5 on page III.H.-3 should be revised to include the proposed loading space width.*

Comment not addressed.

69. *Response H-7 on page III.H.-4 states that a truck turning path movement analysis is provided and refers to Figure IV-H-1. There does not appear to be a turning path movement figure included anywhere within the FEIS or its appendices. This should be included, and the figure reference in the response should be corrected.*

Comment not addressed.

70. Response H-9 should include an appendix letter with the appendix call.

71. The table in Response H-10 should be revised to also indicate the number of parking spaces that would be required by the Zoning Code for each use, not just the projected number of spaces needed.

72. Responses H-12 and H-13 should include an appendix call.

III.I – ECONOMIC & FISCAL ANALYSIS

73. *Response I-3 on page III.I-4 should cross-reference the segmentation discussion from Response A-1.*

Comment not addressed.

74. *Response I-4 on page III.I-4 through III.I-5 should be augmented to include a discussion of the other uses currently proposed in the FEIS Plan and how those uses would serve the residents/community.*

Comment not addressed.

75. *Response I-5 on page III.I.-5 should also mention the currently proposed vest-pocket park.*

Comment not addressed.

III.J – BUILDING DEMOLITION & CONSTRUCTION

76. *Response J-1 on page III.J.-1 should also note that the FEIS Plan now involves demolition of all existing buildings with the exception of the current self-storage building.*

Comment not addressed.

III.K – MISCELLANEOUS

77. **The cross-reference in Response K-4 should be corrected to reference Response K-3, not Response A-3.**
78. **The comment and response numbering needs to be corrected beyond Comment K-5.**
79. **The response to Comment K-5 should point the reader to where the topographic survey is included in the DEIS and/or FEIS.**
80. **The site plan approval and Certificate of Occupancy for the existing building should be included in an appendix to the FEIS.**

CHAPTER IV APPENDIX

81. *Pages 9 through 10 of the May 6, 2021 public hearing transcript marked a box of text in green and indicated this comment was labeled as Comment K-2. However, this comment was not included anywhere in FEIS Chapter III. This comment should be added to Section III.K.*

Comment not addressed. However, since the text marked on the pages noted did not contain a substantive comment that requested further information, no further action is needed.

82. *Page 19 of the May 6, 2021 public hearing transcript contains an additional comment from Mr. Neufeld that is not included in Chapter III of the FEIS: “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 were they supposed to be because sometimes you have to report.” This comment should be added to Section III.C and a response should be provided.*

Comment not addressed.

83. *The revised flood storage analysis should be included within the appendices to the FEIS.*

Comment not addressed.