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Memorandum

To: Village of Mamaroneck Planning Board
From: Alicia Moore
Date: May 5, 2023
Re: 850 Rushmore Avenue (Floodplain Variance)

AKRF, Inc. has not received any new materials in connection with the above referenced application.

PROJECT DESCRIPTION

The Applicant, Brian Crowley, on behalf of the property owner, Richard Hassler, proposes renovations and additions to the existing 1 ½ story, single-family residence located at 850 Rushmore Ave (SBL: 9-97A-9), a 0.26-acre lot in the R-15 zoning district. The proposed additions would expand the building footprint by 214 sq. ft. on the first floor to create a lounge and extend the garage, and they would also create a second floor with a primary suite. Renovations to the property would include new roofing, siding and windows. The property is in the R-15 zoning district, as well as Flood Zone AE, with a base flood elevation of 12'. Newly proposed square footage is proposed at an elevation of 12.9', just above base flood elevation. A floodplain variance is required because the project is considered a substantial improvement within the floodplain, less than 2' above the base floor elevation, per Village Code § 189-6(B).

COMMENTS

This memorandum has been updated to reflect the information provided by the Applicant at the previous Planning Board meeting held 4/26/2023. Previous comments are shown in *italics*, new and follow-up comments are in **bold**.

1. *This project was previously approved by the BAR in 2021. Subsequently, the property owners retained a new architect (the Applicant), revised the architectural plans, and received BAR approval 10/20/2022. Catizone Engineering provided the civil engineering and site plan development for the previous design and has provided the same services on the current design.*

No further comment.

2. *The BCA Memo notes that the footprint of the current design has been reduced in size from the previous design in the following ways:*

- (1) *The garage is extending towards Rushmore Ave. 7'-0", opposed to the previous design which extended the garage 11'-2" towards Rushmore Ave.*
- (2) *The rear lounge has reduced in size to 15'-6" x 20'x11", opposed to the previous design which was 18'-9" x 22'-4".*

No further comment.

3. *Under Village Code Chapter 186, the proposed project is a "substantial improvement" because the cost "equals or exceeds 50% of the market value of the structure at the time of the improvement." For residential structures, Section 186-5.C requires that "substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood level." Here, a portion of the existing lowest finished floor is 0.8 feet above the BFE, and the existing basement is below the BFE; therefore, a variance is required to exempt these portions of the house from the requirement to be at least two feet above BFE.*

No further comment. The 4/20/23 memorandum from the Village engineering consultant, Kellard Sessions, provides a detailed analysis of the Village's floodplain development requirements as applied to this project.

4. *Under Section 186-6.B.(1), variances may be issued for substantial improvements:*
 - (1) *on a lot of one-half acre or less in size;*
 - (2) *contiguous to and surrounded by lots with existing structures constructed below the base flood level; and*
 - (3) *provided that items in Section 186-6A(4)(a) through (g) have been fully considered.*

No further comment.

5. *In turn, Section 186-6A(4)(a) through (g), provides:*
 - (4) *In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:*
 - (a) *The danger that materials may be swept onto other lands to the injury of others;*
 - (b) *The danger to life and property due to flooding or erosion damage;*
 - (c) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*
 - (d) *The importance of the services provided by the proposed facility to the community;*
 - (e) *The necessity to the facility of a waterfront location, where applicable;*
 - (f) *The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;*
 - (g) *The compatibility of the proposed use with existing and anticipated development;*

No further comment.

6. *The Applicant addresses the floodplain variance requirements in the Variance Considerations Memo. The Planning Board may request that the Applicant clarify the response to § 186-6(a)(4)(a), which provides that the proposed design reduces flood storage volume.*

The Applicant clarified that, when combined with the proposed stormwater and flood control improvements, the net result would be an increase to the flood storage volume.

7. *As shown on the Zoning Schedule and Sheet SD-202, the property is preexisting nonconforming due to reduced lot size (11,520 sf provided; 15,000 sf required), reduced lot depth (94.5' provided; 100' required); and minimum side setback (14'-8" provided; 15' required). (The Planning Board may request that these nonconformities are flagged in the Zoning Schedule.) While the Zoning Schedule and plans show that no changes are planned to the existing setbacks, the Applicant should confirm that the planned construction will not increase the height or mass within the preexisting nonconforming setbacks. An increase in the height or mass within the reduced setbacks may require an area variance.*

The Applicant confirmed that the proposed improvements within the reduced setbacks would not increase the height or mass of the existing structures but only replace them in their existing proportions.

8. *The area of disturbance is approximately 0.17 acres and therefore requires a SWPPP, which the Applicant has provided.*

No further comment.

9. *On Sheet SD-202, the plan notes the removal/relocation of a tree. While a Tree Protection Plan is provided on Sheet SD-205, Village Code Section 318-8D requires a Tree Preservation Plan for any "site plan approval whose plans would require the removal of any trees on the property." Therefore, this plan should be renamed and revised as necessary to comply with Chapter 318.*

A revised tree plan was not submitted. However, since this application is not being reviewed as a Site Plan, strict adherence to Section 318-8D is not required.

10. *This application is considered a Type II Action under SEQRA per § 617.5(c)(11), as follows:*
construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections...

The Planning Board so classified this application on 4/26/2023.

RECOMMENDATION

At the May 10, 2023 Planning Board meeting, AKRF recommends that the Planning Board consider granting the requested floodplain variance pursuant to Village Code § 186-6.