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Memorandum

To: Village of Mamaroneck Planning Board
From: Alicia Moore
Date: May 19, 2023
Re: 129-133 Prospect Ave.

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

- Letter from Cuddy + Feder, LLP (Kristen Motel) to Chair Seamus O'Rourke and Members of the Planning Board dated May 10, 2023
- Memorandum from Hudson Engineering & Consulting, P.C. in response to the Kellard Sessions memoranda of 12/8/22 and 1/13/23, dated April 26, 2023
- Engineering Plan (5 Sheets), prepared by Hudson Engineering, last revised 4/26/23
- Phasing Plan (2 Sheets), prepared by Hudson Engineering, last revised 4/26/23
- Traffic/Pedestrian Safety Memorandum from DTS Provident Design Engineering, LLP (Brian Dempsey) to Village of Mamaroneck Planning Board dated December 21, 2022
- Landscape and Tree Protection Plan prepared by Environmental Land Solutions, LLC (1 Sheet), last revised 5/3/23
- Rooftop Solar Plan prepared by Sarrazin Architecture, revised 5/9/23
- SWPPP & Drainage Analysis, prepared by Hudson Engineering & Consulting, P.C. dated 6/15/2022 and revised April 26, 2023
- Confirmation (email) from the NYS Historic Preservation Office (SHPO) of "Initial Submission Received," dated April 13, 2023
- Letter from NYS Parks, Recreation and Historic Preservation, SHPO, to Pierre Sarrazin regarding potential environmental impacts under SEQRA, dated May 11, 2023
- Photos (3) and digital rendering (1) of proposed project and location

PROJECT DESCRIPTION

The Applicant proposes to construct a new 13-unit, 4-story residential building on a site comprising two adjacent lots at 129 Prospect Avenue (SBL: 9-7-316) and 131-133 Prospect Avenue (SBL: 9-7-311), totaling is 0.24 acres (10,324 sf) and located in the C-2 zoning district. The site is currently improved with a single-family residence, a two-family residence, and accessory structures, which would be demolished prior to construction. The gross floor area of the proposed apartment building is 20,630 square feet, and it

would include 13 residential units (8 one-bedroom units and 5 two-bedroom units) and 16 parking spaces. The project requires Site Plan approval (per §§ 342-75A, B, and C) and a Special Permit (per §§ 342-50A.4 and 342-50B.6) from the Planning Board and LWRP Consistency Review from the Harbor & Coastal Zone Management Commission (HCZMC).

COMMENTS

In response to comments from the Planning Board and its consultants, the Applicant has updated the application. Previous comments are shown in *italics*, new and follow-up comments are in **bold**.

1. *The name of the owner and applicant, Prabjeet K. Green / Williams Green Residential, as provided on application documents (e.g., Building Permit Application, Planning Board Application), does not match the owner/grantee name provided on the submitted deeds for the subject parcels. As provided in the deeds, the grantee for the property at 129 Prospect Ave. is 129 Prospect Avenue Owners, LLC; and for the property at 131-133 Prospect Ave, the grantee is listed as 131-133 Prospect Avenue Owners, LLC. The Applicant should provide documentation of current ownership of the subject parcels. Also, assuming that the owner is Williams Green Residential, the Applicant should provide additional documentation showing the authority of Prabjeet K. Green to act as the owner's agent and to file on the owner's behalf.*

12/9/22: Comment sufficiently addressed. The documentation provided shows that Prabjeet K. Green is a member of the LLCs that are shown on the deeds as the owners of the subject property. It is still unclear why the application forms list Williams Green Residential LLC as the owner and applicant. However, the Building Permit application includes the Applicant's notarized signature as the property owner and with authority to file the application.

5/19/23: The Cuddy + Feder letter (5/10/23) provides that Williams Green Residential LLC is an affiliate of the property owner.

2. *As a residential use in the C-2 district, this application requires a Special Permit from the Planning Board, in accordance with the approval procedures provided in Article X, Special Permit Procedures (Village Code § 342-50A.4).*

12/9/22: A public hearing will be required to review the Special Permit request (Village Code § 342-71).

5/19/23: The Planning Board may set the public hearing if prepared to do so.

3. *The applicable Special Permit standards, as provided in § 342-50B, are as follows:*
 - a. *Green design. Section 342-50B.4 requires that the proposed development incorporate green building elements and/or green infrastructure to the satisfaction of the Planning Board. Green building elements and green infrastructure are defined in § 342-3 as follows:*

"GREEN BUILDING ELEMENTS

Measures incorporated into building design and construction that are intended to minimize impacts to the environment through conservation of natural resources, increased energy and efficiency and improved indoor air quality.

GREEN INFRASTRUCTURE

Measures that utilize best management practices for stormwater management that infiltrate or otherwise reuse stormwater. Such techniques may include green roofs, landscaping, rain gardens, bioretention areas, vegetated swales, pocket wetlands,

infiltration planters and vegetated median strips. Individual green infrastructure practices shall be defined according to the current New York State Stormwater Management Design Manual.”

The proposed project appears to include some green design features. However, these features should be clearly listed to facilitate Planning Board review.

5/19/23: The letter from Cuddy + Feder (5/10/23) states that the proposed building will be built to the LEED Silver Standard and will incorporate a green roof, energy efficient windows, sustainable finishes and building materials, high efficiency heating and cooling, and LED lighting.

As provided by the US Green Building Council, “To achieve LEED certification, a project earns points by adhering to prerequisites and credits that address carbon, energy, water, waste, transportation, materials, health and indoor environmental quality. Projects go through a verification and review process by GBCI and are awarded points that correspond to a level of LEED certification: Certified (40-49 points), Silver (50-59 points), Gold (60-79 points) and Platinum (80+ points).”

The Applicant should confirm whether certification will be sought.

- b. *Affordable housing. Section 342-50B.6 requires that the development include Fair and Affordable Housing Units (FAHU) in accordance with Article XV. The minimum number of affordable housing units for buildings with 11 to 20 units in the C-2 District is 2 FAHU.*

The Architectural Plans provide that the proposed building will have 13 residential units, two of which will be affordable (Sheet A220), thus satisfying this requirement.

5/19/23: No further comment.

4. *Affordable housing units must meet the following development standards:*

- a. *Design. Section 342-104A states that:*

“Fair and affordable residences must be physically integrated into the design of the development in a manner satisfactory to the Planning Board and must be distributed among efficiency, one, two- and three-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board because it is better related to the housing needs, current or projected, of the Village of Mamaroneck. The fair and affordable residences must not be distinguishable from market rate units from the outside of the unit or the building exterior.”

The proposed project includes 13 units – eight one-bedroom units and five 2-bedroom units. The floor plans and locations of the units are shown on the Architectural Plans; however, the proposed affordable units are not labeled.

To determine compliance with the design requirements, including the distribution of affordable units among the market-rate units, the site plan should be amended to show which of the units are proposed as affordable.

12/9/22: Comment addressed. The revised site plan labels two 1-bedroom units as affordable units.

b. Minimum floor area. Section 342-104B states that:

“The minimum gross floor area per dwelling unit for fair and affordable residences must not be less than the comparable market rate housing unit in the development, or the following minimums, whichever is less:

(1) Efficiency: 450 square feet.

(2) One bedroom: 650 square feet.

(3) Two bedrooms: 850 square feet.

(4) Three bedrooms: 1,100 square feet, including at least 1 1/2 baths.”

The proposed project includes only one- and two-bedroom units. The smallest one-bedroom unit is 710 square feet, and the smallest two-bedroom unit is 1,347 square feet. Therefore, compliance can be presumed even though the affordable units have not yet been identified.

12/9/22: No further comment. The revised site plan identifies two 710-square foot one-bedroom units as the affordable units.

5. The project proposes the removal of existing trees. The Applicant should submit a tree preservation plan. (Village Code § 318-8).

12/9/22: Comment addressed. The Applicant has submitted a Landscape and Tree Protection Plan.

6. Due to the presumed common ownership and proposed development that spans both lots, it is recommended that the Applicant merge the two lots into a single lot.

12/9/22: At the last Planning Board meeting of September 28, 2022, the Applicant confirmed that the two lots would be merged.

7. The 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).

12/9/22: This application should be referred to the HCZMC for a Consistency Determination.

5/19/23: The application should be referred back to the HCZMC for a Consistency Determination after SEQRA review is complete. (As an Involved Agency, the HCZMC has reviewed the application under SEQRA 1/18/23 but has not yet addressed consistency with the LWRP.)

8. The application requires review and approval by the Board of Architectural Review. (Village Code § 6-6).

12/9/22: No further comment.

9. This application is considered an Unlisted/Coordinated Action under the State Environmental Quality Review Act (SEQRA).

12/9/22: At the September 28, 2022 meeting, the Planning Board declared its intent to be Lead Agency. Notice should be circulated to Involved agencies, BAR and HCZMC.

5/19/23: The project has been classified as Unlisted, a Short Environmental Assessment Form (EAF) has been provided by the Applicant, and the Planning Board’s notice of intent to be Lead

Agency was circulated to BAR and HCZMC 12/16/22. The Planning Board may declare itself Lead Agency.

The next step for the Planning Board, as Lead Agency, is to review the EAF Parts 2 and 3 to assess whether the available information is sufficient to conclude that the proposed action will not have a significant adverse environmental impact. Given the scope of the project, including that it is zoning compliant, not in a floodplain, and will have insignificant traffic impacts (see Comment 10), no significant adverse impacts have been identified in the EAF. AKRF therefore recommends that the Planning Board adopt a Negative Declaration.

10. AKRF has reviewed the Traffic/Pedestrian Safety Memorandum, the Traffic and Parking Study (prepared by DTS Provident, dated 11/22/22, and previously provided by the Applicant with the 12/14/22 Planning Board submission), and associated site plan drawings and offers the following comments:

- a. AKRF concurs with the trip generation noted in the Traffic and Parking Study. The proposed redevelopment is anticipated to generate an additional three vehicle trips during the weekday AM peak hour and five vehicle trips during the weekday PM peak hour, which would not be anticipated to have impacts to traffic on the adjacent roadway network.
- b. The construction phasing with respect to pedestrian management is acceptable.
- c. The proposed 16 parking spaces including one accessible parking space meets the Village Zoning Code and ADA requirements and would be sufficient for the site.
- d.
- e. The associated site plan shows full replacement of the concrete sidewalk at the site frontage and a single 23'-wide concrete driveway along Prospect Avenue. Because of the width of the driveway, the Applicant should consider the use of pedestrian ramps with tactile strips at the site driveway (provided that this is consistent with Village DPW practice). Tactile strips serve to warn pedestrians, especially those who are sight impaired, to a crossing area where they may conflict with vehicles.



(Example of tactile strip used by NYSDOT. The strip color may be grey, yellow, red, or any other color.)

RECOMMENDED ACTIONS

At the May 24, 2023 meeting, AKRF recommends that the Planning Board 1) declare itself Lead Agency; 2) adopt a Negative Declaration (no significant adverse environmental impact); 3) refer the application to HCZMC for a Consistency Determination; and 4) set the public hearing for the special permit.