



Environmental, Planning, and Engineering Consultants

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

Memorandum

To: Village of Mamaroneck Planning Board
From: AKRF, Inc. (A. Ley, A. Moore)
Date: February 3, 2023
Re: 921 Soundview Drive

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

- Public Comment Letter to Seamus O'Rourke, Chair, VOM Planning Board, on behalf of the Shore Acres Property Owners Association (SAPOA), dated 1/20/2023
- Memorandum from ALP Engineering & Landscape Architecture, PLLC, responding to the Kellard Sessions Memo of 1/6/23 and comments from the Planning Board, dated 1/17/2023
- Architectural Plans (19 Sheets) prepared by Nexus Architecture Planning Design, dated 9/26/2022 and last revised 1/24/2023
- Civil Engineering Plans (6 Sheets) prepared by ALP Engineering, dated 10/18/2021 and last revised 1/17/2023
- Letter from Nexus Creative to Chair O'Rourke and Planning Board Members, dated 1/25/2023
- Letter Group Works Water Concepts to Nexus Creative Design, regarding risk mitigation for the proposed pool, dated 6/17/2022
- Wetland Delineation Report by Evans Associates Environmental Consulting, Inc., dated 1/23/2010 and revised 1/25/2023
- Stormwater Maintenance Agreement, draft

PROJECT DESCRIPTION

The applicant proposes a new single-family residence and pool on an approximately 0.52-acre lot located in the R-10 Zoning District at 921 Soundview Drive, Mamaroneck, NY. The project requires site plan and wetland permit approval from the Planning Board and HCZMC LWRP Consistency Review.

COMMENTS

The Applicant has revised the submission package in response to comments from the Planning Board and its consultants. Previous are presented below in *italics*, new and follow-up comments are presented in **bold**.

1. *The acreage listed on the Planning Board Application is provided as 22,999 square feet, 0.0528 acres. This should have stated 0.528 acres. The Short EAF lists the acreage as 0.554 +/- acres. The acreages should be corrected for consistency and should also be included on the survey.*

1/6/23: *Comment addressed. The lot size of 22,998.8 square feet is consistent across the site plan drawings and SWPPP.*

2/3/23: **No further comment.**

2. *The NYSDEC freshwater wetland line should be included on the drawings. If the prior wetland delineation was verified by NYSDEC, that should be indicated. If not, the site will likely require a jurisdictional determination.*

1/6/23: *Per the Engineering Plans, the wetlands delineation was performed by Evans Associates 12/20/10. Although the NYSDEC jurisdictional determination is still required, the Planning Board can proceed with the wetland boundary for the purposes of Village permits. Approvals should be contingent on the Applicant obtaining NYSDEC wetland permits prior to construction.*

2/3/23: **Per the Nexus memo, the Applicant team is currently in communication with the DEC to obtain the jurisdictional determination. The Applicant has submitted a Wetland Delineation Report by Evans Associates Environmental Consulting, Inc., last revised 1/25/2023. AKRF has reviewed the Wetland Delineation Report and concurs with the conclusions therein, including that the 10-foot contour line is the applicable boundary for the NYSDEC wetland adjacent area. The Applicant should map the 10-foot contour line on the Civil Engineering Plans and note it as the presumed NYSDEC wetland adjacent area boundary. The Planning Board may set the public hearing and render its decision on the local wetland permit within its jurisdiction while the NYSDEC jurisdictional determination is pending. If NYSDEC concurs with the mapped wetland adjacent area, the project would not require a NYSDEC wetland permit.**

3. *To minimize wetland buffer disturbance and shading, the Applicant should consider rotating the pool 90 degrees, eliminating the open space within the decking, and reducing the overall size of the deck.*

1/6/23: *The revised site plan shows that the pool has been rotated 90 degrees and that the pool size has been reduced from 392 sf (14 x 28 ft) to 351 sf (13 x 27 ft). The deck has also been rotated. It appears that the deck may have been reduced in size; however, given its irregular shape, it is difficult to compare the square footage of the original and revised decks.*

2/3/23: **Per the Nexus memo, the deck has been reduced in size from 1,233 to 869 square feet (including the 117sf of stepping stones), which is a decrease of 364 square feet. The square footage of the proposed deck and stepping stones are shown on the Architectural Plans, Sheets A-2 and A-1, respectively.**

4. *A public hearing is required for wetland permits. AKRF recommends that this be set when Applicant returns from the HCZMC.*

1/6/23: *At the HCZMC meeting of 12/21/2022, the proposed project was determined to be consistent with the LWRP. The Planning Board should consider setting the public hearing for the wetland permit.*

2/3/23: **No further comment. The Planning Board may set the public hearing.**

5. *AKRF, Inc. has reviewed the application materials in relation to the requirements of Chapter 300 of the Village Code. The following table summarizes the status of each requirement and identifies where additional information is necessary for site plan review.*

Code Reference	Code Requirement	Status
§ 300-2	Enclosure; fence.	
	Every outdoor private swimming pool which is built in ground or, if above ground, has a permanent, nonremovable, attached ladder shall be completely enclosed by a fence of durable construction or other	<i>Provided. See sheets A-4 and A-7 of architectural drawings and sheet C-101 in the Engineering Drawings.</i>

	suitably effective enclosure not less than four (4) feet in height. A dwelling house or accessory building may be used as a part of such enclosure. Any opening or mesh in the fence as finally constructed shall be no greater than sixteen (16) square inches in area, except that, in case of a picket fence, space between pickets shall not exceed four (4) inches. Every gate of such fence shall be self-closing and shall be kept securely locked at all times.	1/6/23: <i>No further comment.</i> 2/3/23: No further comment.
§ 300-3	Prohibitions and standards.	
A.	No pool shall be erected or constructed in the front yard of any premises.	<i>Compliant. Pool is proposed in the backyard.</i> 1/6/23: <i>No further comment.</i> 2/3/23: No further comment.
B.	No pool or its appurtenances, including but not limited to its filter and heater, shall be erected or constructed on any lot closer than six (6) feet to the rear property line, with side yard setbacks as prescribed by the Schedule of Minimum Requirements for Residential Districts, Chapter 342, Zoning, or, in the case of a corner lot, no closer than ten (10) feet to any property line along an abutting street.	<i>Compliant. See sheets A-0.1 and A-0.2 of architectural drawings and sheet C-101 in the Engineering Drawings.</i> 1/6/23: <i>No further comment.</i> 2/3/23: No further comment.
C.	No pool shall occupy more than forty percent (40%) of the area of the rear yard, exclusive of all garages or other accessory structures located in such area.	<i>Not provided. This calculation should be added to sheet C-101.</i> 1/6/23: <i>Comment not addressed. Based on the illustrations, it appears that the proposed pool will not occupy more than 40% of the rear yard. However, the calculations should be included on the site plan.</i> 2/3/23: Comment addressed. The Zoning Table on Sheet C-101 of the Engineering Plans has been updated and now shows that the rear yard coverage would be 2.5%.
D.	All electrical and plumbing work shall be done by persons licensed by the Village of Mamaroneck. Where applicable, approval of the New York State Board of Fire Underwriters shall be obtained and filed.	<i>This is a building permit requirement and not applicable to site plan review.</i> 1/6/23: <i>No further comment.</i> 2/3/23: No further comment.
E.	The location of the pool shall be such that it will not adversely affect any neighboring premises, property or structures.	<i>The proposed pool would be located in the rear yard and within the required setbacks.</i>

		<p>1/6/23: <i>No further comment.</i></p> <p>2/3/23: No further comment.</p>
F.	The lighting provided shall be installed in such a way that it will not create a nuisance or annoyance to adjoining property owners.	<p><i>Lighting plan not provided. A lighting plan including fixture details and photometrics should be provided.</i></p> <p>1/6/23: <i>Applicant's submission includes a new Sheet A-11 which shows proposed lights interior to the pool; exterior lighting is not shown. The Applicant should confirm whether exterior lighting is proposed – if so, a lighting plan should be provided.</i></p> <p>2/3/23: Comment addressed. The lighting plan is included on Sheet E1 of the Architectural Plans.</p>
G.	Suitable screening and/or landscaping, at a minimum height of four (4) feet, shall be provided between the instant premises and all adjacent properties or streets.	<p><i>No screening or landscaping is indicated on the drawings. If any is proposed, it should be added to a drawing. Given the elevated nature of the pool, screening on the ground may be insufficient.</i></p> <p>1/6/23: <i>Comment not addressed.</i></p> <p>2/3/23: Comment addressed. Landscaping and perimeter screening are shown on Sheet L1 of the Architectural Plans.</p>
H.	All equipment shall be so constructed that it may be used without causing any discomfort or disturbance to persons residing adjacent to or near the pool.	<p><i>The proposed location of equipment and associated screening should be added to sheet A-0.2 of the architectural drawings and sheet C-101 of the engineering drawings.</i></p> <p>1/6/23: <i>The proposed pool equipment pad has been added to Sheets A-0.2 and C-101. Screening has not been added. Sheet A-0.2 continues to note that landscaping beyond the wetlands buffer will be presented to HCZMC;</i></p>

		<p><i>however, it appears that this was not done.</i></p> <p>2/3/23: Comment addressed. Landscaping and screening are shown on Sheet L-1 of the Architectural Plans. Sheet A-0.2 has been updated to remove the note mentioned in the previous comment.</p>
I.	In all other respects, the pool shall be free from any objection on the grounds of safety or health and welfare of the community and the surrounding neighborhood in particular, and it shall comply with the provisions of the Sanitary Code of the County of Westchester and the Sanitary Code established by the Public Health Council of the State of New York so far as any of the provisions of such code may be applicable.	<p><i>This is a building permit requirement.</i></p> <p>1/6/23: No further comment.</p> <p>2/3/23: No further comment.</p>
J.	The Building Inspector may impose such reasonable conditions as he deems proper to assure neighboring properties and owners that their health and safety and peace and comfort will be protected.	<p><i>This is a building permit requirement.</i></p> <p>1/6/23: No further comment.</p> <p>2/3/23: No further comment.</p>
§ 300-4.	Application for permit; required data.	
A.	A profile showing levels and depths of water at all points.	<p><i>This information should be added to sheet A-4 of the architectural drawings (or added to another suitable drawing).</i></p> <p>1/6/23: No further comment.</p> <p>2/3/23: Comment addressed. Sheet A-12 of the Architectural Plans shows the max depth of the water as 42 inches. The pool is a continuous level with the exception of the steps.</p>
B.	Cross sections showing scum gutters and skimmers with all structural details.	<p><i>Not provided.</i></p> <p>1/6/23: No further comment.</p> <p>2/3/23: Comment sufficiently addressed. The skimmer diagram is shown on Sheet A-13 of the Architectural Drawings. Per the Nexus memo, further detail will be provided with the building permit application.</p>

C.	A pipe diagram showing size and location of all inlets, outlets, waterlines, waste and discharge lines, circulation and other piping.	<i>This is a building permit requirement.</i> 1/6/23: No further comment. 2/3/23: No further comment.
D.	Pool equipment showing detail and location of filters, pumps, chlorinators, strainers and hair and lint interceptors.	<i>This is a building permit requirement.</i> 1/6/23: No further comment. 2/3/23: No further comment.
E.	Drains and drainage from the pool structure to a sanitary sewer.	<i>This is a building permit requirement.</i> 1/6/23: No further comment. 2/3/23: No further comment.
F.	Pool to be filled with an over-the-lip spout above the overflow level of the pool so that there is no chance of water from the pool siphoning back into the fill line.	<i>This is a building permit requirement.</i> 1/6/23: No further comment. 2/3/23: No further comment.
G.	A site plan showing the proposed location of the pool, all accessory equipment, fences, screening and landscaping, accessory buildings and any other items deemed to be pertinent by the Building Inspector.	<i>Some information not provided. Accessory equipment, fences, screening, and landscaping should be indicated on Sheet C-101 of the engineering drawings.</i> 1/6/23: The location of the proposed equipment pad and fencing have been added, but not screening and landscaping. The Applicant should confirm whether the fence is intended as screening on the northern side, and if so, provide additional details. Screening on the southern side should be addressed. 2/3/23: Comment addressed. Sufficient landscaping and screening are shown on Sheet L-1.

6. The Zoning Table on Sheet C-101 of the Engineering Plans shows the proposed height as < 25 feet. This figure should be updated to accurately reflect the proposed height, which appears to exceed 25 feet. The Zoning Table on Sheet A-0.2 of the Architectural Plans shows the proposed height as 35 +/- feet. As the maximum allowable height is 35 feet, the Applicant should provide an accurate proposed height that demonstrates compliance with the maximum. In both Zoning Tables, the proposed height should be the same.

7. The Planning Board's consideration of the wetland permit should focus on the merits of the application in the context of Chapter 192 of the Village Code. The Planning Board may request that the Applicant present their request in terms of the specific standards provided in Section 192-14D and E, as follows:
- D. In granting, denying or conditioning any permit, the Agency shall consider the effect of the proposed activity with reference to the public health and welfare, fishing, flood, hurricane and storm dangers and protection or enhancement of the several functions of the wetlands and the benefits derived therefrom which are set forth in § 24-0105 of the State Environmental Conservation Law.
 - E. Specific standards of consideration.
 - (1) No permit shall be issued by the Agency pursuant to this chapter unless the Agency shall find that:
 - (a) The proposed regulated activity is consistent with the policy of this chapter to preserve, protect and conserve wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of wetlands and to regulate the development of such wetlands in order to secure the natural benefits of wetlands consistent with the general welfare and beneficial economic, social and agricultural development of the Village of Mamaroneck.
 - (b) The proposed regulated activity is consistent with the land use regulations applicable in the Village of Mamaroneck pursuant to § 24-0903 of Article 24 of the State Environmental Conservation Law.
 - (c) The proposed regulated activity is compatible with the public health and welfare.
 - (d) The proposed regulated activity is reasonable and necessary.
 - (e) There is no reasonable alternative for the proposed regulated activity on a site which is not a wetland or adjacent area.
 - (2) The applicant shall have the burden of demonstrating that the proposed regulated activity will be in accord with the standards set forth in this section.

RECOMMENDED ACTIONS

At the February 8, 2023 meeting, AKRF recommends that the Planning Board consider setting the public hearing for the wetland permit.