

Barbara Novick  
955 Soundview Drive  
Mamaroneck, NY 10543

March 7, 2023

Mr. Seamus O'Rourke  
Members of the Village of Mamaroneck Planning Board  
Village Hall  
169 Mount Pleasant Avenue  
Mamaroneck, New York 10543

Subject: 921 Soundview Drive, Mamaroneck

Dear Members of the Planning Board,

Thank you for the opportunity to present comments regarding the development of the lot at 921 Soundview Drive. My husband and I have lived at 955 Soundview Drive since 1996, and we have lived in the Shore Acres neighborhood of Mamaroneck since 1988. We are interested in the health of Otter Creek and in 2019 we made a significant donation to Westchester Land Trust (WLT) to preserve land that enabled WLT to expand Otter Creek Preserve under their conservancy.

For many years, 921 Soundview was the side yard of the house built in 1950 at 911 Soundview Drive. While the house was sold in 2009, the side yard remained empty and has not been maintained. About two years ago, a For Sale sign was posted on the lot and several buyers inquired about the buildability of the lot given its proximity to the wetland and its steep slope. At a Planning Board meeting in January 2022, the Applicant suggested they wanted to build a house for personal use, however, the plans presented have been 'concept plans' not 'building plans' and the For Sale sign has remained in place throughout this period suggesting that the Applicant's intention is to sell the lot, representing it as 'a buildable lot with approved plans for building a house with a pool'.

**Otter Creek was designated a 'Critical Environmental Area' by Village of Mamaroneck in 1980.**<sup>1</sup> As noted in the Department of Environmental Conservation's description, the CEA designation indicates '*an inherent ecological, geological, or hydrological sensitivity to change that may be adversely affected by any physical disturbance*'.<sup>2</sup> The Otter Creek wetland ecosystem is very special as it encompasses the confluence of a freshwater marsh and a salt water tidal marsh which is rare. Otter Creek is a habitat for mammals, (including deer, fox, coyote, raccoons, opossums, and more) as well as a rich variety of birds (including bald eagle, osprey, great blue heron, egrets, swans and much more). Otter Creek also provides a critical habitat for migrating birds. The original Otter Creek Preserve documents created in 1980 with The Nature Conservancy are on file at the WLT. The Otter Creek Preserve documents catalogue the flora and fauna flourishing in this unusual ecosystem.

We are concerned about how this lot may be developed. The lot is adjacent to Otter Creek and much of the land is within the buffer zone of the designated wetland. After a rainstorm or a high

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<sup>1</sup> Otter Creek map attached below for ease of reference [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/ottercreek.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/ottercreek.pdf)

<sup>2</sup> Critical Environmental Areas - NYS Dept. of Environmental Conservation <https://www.dec.ny.gov/permits/6184.html>

tide, we have seen the marsh flood onto the property. In addition, the grade of the lot is relatively steep requiring special consideration of erosion and run-off. The plans that have been presented do not adequately address how to mitigate the negative impacts on this Critical Environmental Area.

The plans initially proposed a deck with a pool; the plans have since been changed to an in-ground pool. The proposed placement of the pool is 100% in the buffer of the wetland. **NO OTHER HOMES along Otter Creek — on Soundview Drive or on Taylors Lane — have a pool.** In a variety of situations — from increasingly frequent storms to pool overfilling to seasonal maintenance — the water in the pool is likely to spill into the creek and cause harm to the ecosystem. While a saltwater pool is likely an improvement over a freshwater pool, once the pool is built, there is no guarantee what type of water and chemicals will be used. Serious consideration should be given to not allowing the construction of a pool on this lot given the proximity to the wetland.

The plan for a house requires the removal of a substantial number of mature trees. The Village of Mamaroneck Tree Law adopted in 2021 limits the removal of trees — no more than 2 trees in 24 months in a wetland — and specifically requires the planting of trees that will grow to replace those removed. The Tree Law requirements are more strict in a wetland area due to the ecological importance of these lands. The proposed house is partially in the buffer zone of the wetland and the pool/deck/patio are completely in the buffer zone. The existing trees are critical for preventing erosion on the property. Siting new trees that will effectively replace those removed will be challenging given the slope of the lot and the presence of rock outcroppings. The proposed house should be revised to provide for less disturbance of existing trees.

As the Planning Board saw on the site visit, this lot has a relatively steep grade. Assuming a normal setback from the street, this lot either will require a raised walkway/driveway to access the house/garage or will require substantial fill be added to the property. If the Planning Board allows fill as part of the site plan, the addition of such fill raises additional questions regarding erosion and run-off that need to be addressed.

In a letter dated 2/8/2023, Janelle H. Robbins, LEED AP, Vice President of Conservation at WLT stated: *‘Development within the Otter Creek watershed will have a negative impact on the habitat and water quality of the Creek, the Preserve, the function of the wetlands downstream from the proposed development, and water quality of Long Island Sound’.* Given the slope of this property, run-off will go directly or indirectly into Otter Creek and will negatively impact this fragile ecosystem. As detailed in the WLT letter, a number of run-off issues have not been addressed adequately in the proposed plans.

**The Village of Mamaroneck made the decision to designate Otter Creek as a Critical Environmental Area over 40 years ago. In granting this designation, the Village recognized the importance of this unusual ecosystem to the overall environmental health of Mamaroneck. Please factor the CEA designation and the environmental concerns that have been expressed by me and others into your consideration of the Applicant’s request.**

Sincerely,

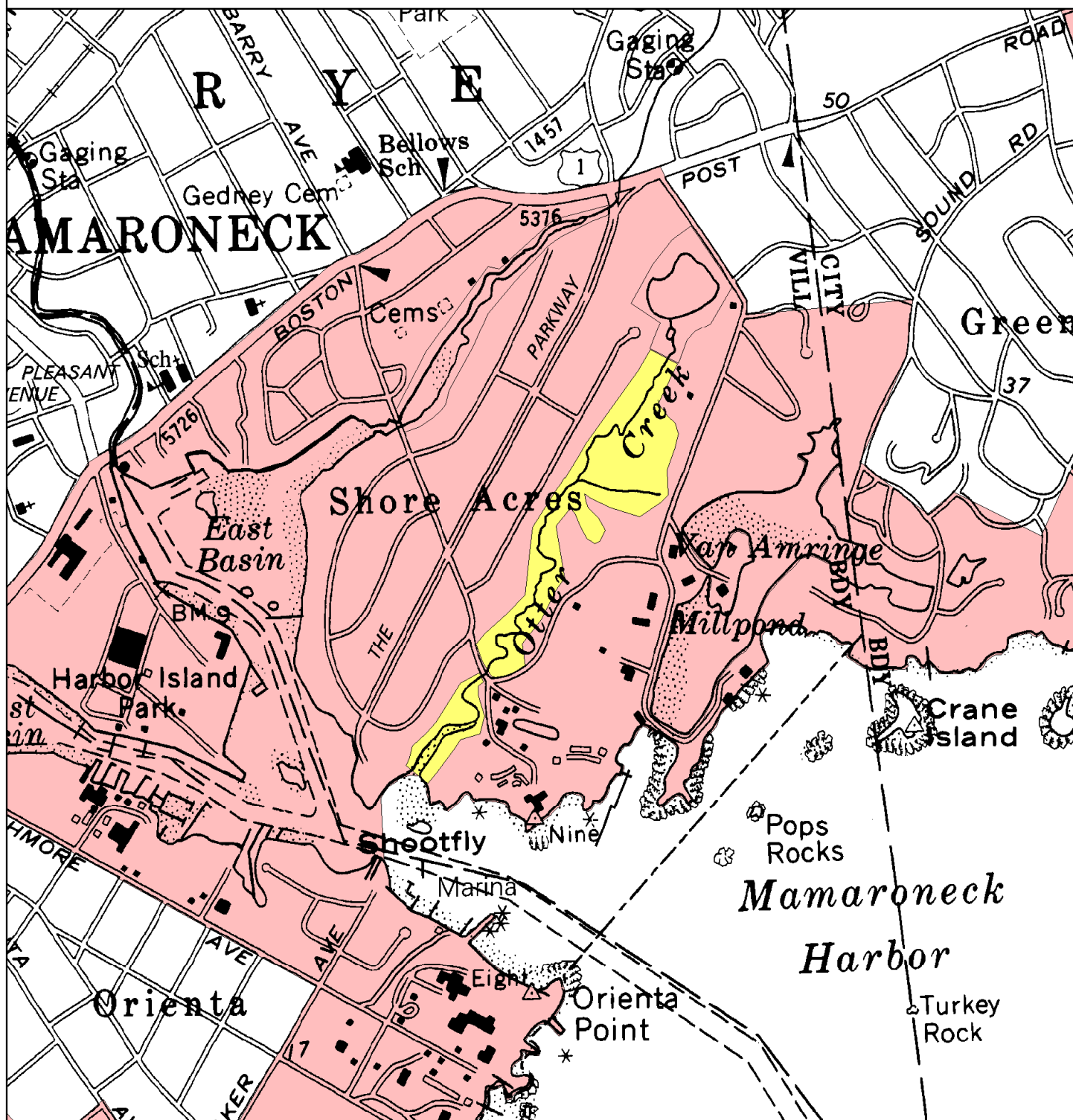
*Barbara Novick*

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# Otter Creek Critical Environmental Area (CEA)

Effective Date of Designation: 12-25-80

Designating Agency: Village of Mamaroneck



## Legend

- Otter Creek CEA
- Adjacent CEA

0 500 1,000 2,000 Feet  
1 inch equals 1,000 feet

For Adjacent CEAs see map:  
Long Island Sound CEA



Base Map: DOT 1:24,000 Planimetric Images

Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data. Please contact the designating authority for additional information regarding legal boundary descriptions.