



Environmental, Planning, and Engineering Consultants

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Memorandum

To: Village of Mamaroneck Planning Board
From: Alicia Moore
Date: May 19, 2023
Re: 921 Soundview Drive

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

- Memorandum from Nexus Creative to Chair O'Rourke and Members of the Board responding to open items from TBLD and to Planning Board Requested Items, dated 5/10/23
- Letter from Berkshire Hathaway Home Services regarding a comparison of selling price of homes with and without private pools, dated 4/26/23, with attachments:
 - Listings without a pool
 - Listings with a pool
- Compiled Village of Mamaroneck Assessment Reports in support of the neighborhood comparison chart
- Letter from Group Works Water Concepts to Nexus Creative Design regarding the chemical makeup of the proposed pool, dated 5/9/23
- Letter from HTW, LLP to Hon. Seamus O'Rourke, Chair, and Members of the Planning Board regarding the establishment of precedent
- Architectural drawings (17 sheets) prepared by Nexus Creative 9/26/22, and last revised 4/12/23
- Lighting Plan (1 sheet), dated 1/25/23

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 in response to comments from the Planning Board, HCZMC, and Village consultants. Previously unaddressed comments are presented in *italics*; new and follow-up comments are in **bold**.

1. *This application first appeared before the Planning Board 1/26/2022, at which time the Planning Board classified it as a Type II Action under SEQRA and referred to HCZMC. The HCZMC continued its review of the application over four meetings (2/16/22, 10/19/22, 11/16/22, 12/21/22); the application was modified in response to HCZMC's comments, and a Consistency Determination was*

approved. The application returned to the Planning Board on 1/11/2023 and 2/8/2023; the Planning Board opened the public hearing 3/22/2023. The public hearing was continued to 4/12/2023, at which date, there was no discussion of the application, and it was continued to 4/26/2023.

At the previous Planning Board meeting (4/26/23), there was extension public comment. The Board discussed remaining issues and continued to the public hearing.

2. *NYSDEC Jurisdictional Determination. The previously submitted Wetland Delineation Report by Evans Associates concluded that the 10-foot contour line, mapped on the Engineering Plans, is the applicable boundary for the NYSDEC wetland adjacent area. (AKRF previously reviewed the Wetland Delineation Report and concurred with the conclusions therein.) The Applicant's most recent submission includes a general Jurisdictional Guidance Letter from NYSDEC Division of Environmental Permits, apparently in response to a request for a jurisdictional determination. The Guidance Letter, which is not specific to this project, provides general suggestions for an applicant to make the determination. The Planning Board may render its decision on the local wetland permit within its jurisdiction.*

No further comment.

3. *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.

No further comment.

4. **The architectural drawings and lighting plan have been revised to include revision bubbles and dates, as requested by the Planning Board.**

- 5. The submitted Lighting Plan shows that the lighting at the rear of the proposed home, including the area surrounding the pool, will be downward facing and shielded. This arrangement complies with the best practices for lighting in wildlife-sensitive areas. The Applicant should confirm whether the lights will be on a timer, as also recommended.**

RECOMMENDED ACTIONS

At the May 24, 2023 meeting, AKRF recommends that the Planning Board close the public hearing and consider granting site plan approval and the wetlands permit based on the standards provided in Village Code Sections 192-14D and E.