



Village of Mamaroneck Planning Department

Memo

To: Planning Board
From: Greg Cutler, AICP- Director of Planning and Development
Date: 6/9/2023
Re: Review Memo re: 1107 Cove Road

Summary of Application

The application is for a Site Plan and Wetland Permit to remove silt from an irrigation pond located near the sixth hole at Hampshire Country Club. The property is approximately 86 acres and is located in the R-20 Zoning District. According to the applicant the siltation has reached a critical level, and they will be unable to utilize the naturally occurring irrigation source if the work is not completed soon, and thus will have to rely on municipal water service as a primary source. The applicant seeks to remove approximately 800 cubic yards of siltation and use the spoils to regrade the hill adjacent to the irrigation pond. The total area of disturbance for the activities is .74 acres.

Regulations

Chapter	Article	Section	Description	Approval Required
294		7-8	Area of disturbance greater than 1,000sf	Admin – SWPPP Permit
186		4	Development within Floodplain	Admin – Floodplain Development Permit
342	XI	75	Property \geq 0.5 acres	Planning Board – Site Development Plan
192		4	Development within wetlands regulated area	Planning Board—Wetland Permit
240	VIII	29	Project is an “action” as defined in Section 240-5	HCZMC – LWRP Consistency Determination

SEQRA Analysis

It is recommended that the action be typed as an unlisted action pursuant to SEQRA, as it is not listed on the type II action list, nor does it meet the thresholds for a type I action. It is further recommended that a coordinated review be performed and that the Planning Board consider issuing a notice of intent to be lead agency at the June 14, 2023 meeting. All involved agencies will be given an opportunity to be lead agency, and once lead agency status is assumed by a reviewing board, all involved agencies may communicate with each other regarding matters related to SEQRA. Once SEQRA is complete the HCZMC and Planning Board may render their discretionary decisions as they relate to the project.

Consistency Review

The proposed project is not listed as an exempt action under 240-5 of Village Code, and therefore a consistency determination is required. The applicant will need to appear before the Harbor and Coastal Zone Management Commission for a consistency determination with the forty-four policies of the Local Waterfront Revitalization Program.

Westchester County Referral

This application does not require referral to Westchester County, as the proposed land disturbance is more than 500 linear feet from the boundary of a city town or village, the boundary of an existing or proposed state or county park, recreation area or road right-of-way, the boundary of state or county owned land on which a public building or institution is located, or the boundary of a farm located in an agricultural district.

General Planning Comments

1. The wetland report confirms wetland obligate plants are present in the pond, including cattail and pondweed, and therefore the area is subject to the wetland permit regulations. The report further indicates that, in their professional opinion, the wetland vegetation would be at risk should the flow of water provided by the pump system cease. At the same time, the applicant should indicate whether the siltation removal will result in the removal of the wetland obligate plants, and if so, to what extent.

2. Criteria for wetland permit review. The Planning Board is charged with reviewing the application against the standards outlined in [Chapter 192 D & E](#) for wetland permits:

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.

3. As noted in the Kellard Sessions Memorandum, the applicant is required [by Chapter 186-5 A.3.\(c\)](#):

“Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.”

It appears the application is not compliant with this requirement. If the applicant wishes to pursue the application as proposed, a floodplain variance is required, and the applicant must submit an application. The variance procedures and criteria of review are outlined in [Chapter 186-6](#) of Village Code. The criteria for review include:

- (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;*
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;*
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;*
- (j) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;*
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and*
- (l) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.*

Moreover, the Planning Board may place conditions in accordance with the code language below:

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items § 186-6A(4)(a) through (g) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

- (a) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure.*
- (b) The variance is the minimum necessary to preserve the historic character and design of the structure.*

(3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

(a) The criteria of § 186-6B(1), (4), (5) and (6) are met;

(b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. The application is subject to site plan review. The site plan criteria for review are extensive and may be viewed in [Chapter 342-76](#) of the Village Code.

5. Map. Please see the following page for an aerial map of the project area.

Geoportal Map



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Parcels

1:564

0 0.01 0.01 0.02 mi
0 0.01 0.01 0.03 km

Source: Village of Mamaroneck Planning Department, Geoportal 2.0
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