

Good afternoon,

Here is the response from the attorney.

Kathleen

<image005.png>

Kathleen Gill

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From: Mary E. Desmond <MDesmond@Abramslaw.com>

Sent: Monday, January 6, 2025 10:57 AM

To: Kathleen Gill <KGill@vomny.org>

Subject: reply to 943 Greacen Point Road re 1011

1. What is being done or has been done to ensure that the property does not cause flooding to surrounding properties or the street?

By way of background, in November 2023, the Village strengthened its stormwater management requirements to address flooding concerns Village-wide. New developments now require stormwater quality and quantity controls to attenuate up to a 100-year storm event, which is a flood that has a 1% chance of being equaled or exceeded in any given year. Prior to this change, the Village required controls to attenuate up to the 25-year storm, which is also the standard in many neighboring municipalities.

In other words, new construction such as 1011 Grecian must be able to retain and treat stormwater in accordance with this new, much higher standard.

The stormwater controls for 1011 Greacen were originally designed for the 25-year storm and included 2 stormwater treatment practices on site. That was inadequate. The applicant team was directed to redesign the stormwater system to address a 100-year storm event. They were also required to perform deep soil and soil infiltration tests and submit calculations showing the system meets the Village requirements. The revised system added a third stormwater practice, and the current Stormwater Pollution Prevention Plan shows compensatory stormwater calculations that now exceed the 100-year storm requirement. This Plan was reviewed and determined to be satisfactory by the Village engineer. Also note that there is a maintenance agreement for the stormwater system, which is a binding contract between the owners and the Village. This requires the owners to perform periodic maintenance of the system to ensure it is operating correctly.

1. Why is it necessary for the property to be elevated with additional fill and did the Village mandate that condition? As you can see, I raised that question in my November 8 and 26 notes and received no response.

While it was not necessary to elevate this project, the Village consulting engineer recommended raising the structure because the owners have proposed building a house directly adjacent to a flood zone. Within a flood zone, the lowest finished floor must be at least 2 feet above base flood elevation. During the 5.8.2024 Planning Board meeting, the applicant's team agreed that elevating the residence 2 feet was not a bad idea and raised no objections. The engineer and architect revised the plans to raise the structure, and those revised plans were first submitted for the 6.18.2024 Harbor & Coastal Zone Management Commission meeting. The Commission agreed that it was a wise decision to raise the lowest finished level.

For additional information, I am attaching the minutes of meetings where 1011 Greacen appeared before the Planning Board and HCZMC. As you and your neighbors were unable to attend the meetings, you may watch the recordings at <https://lmcmedia.org/category/municipal-meetings/>.

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